

Licensing Sub-Committee

Tuesday, 15th October, 2019

PRESENT: Councillor A Hutchison in the Chair

Councillors B Flynn and B Garner

1 Election of the Chair

RESOLVED – That Councillor A Hutchison be elected as Chair for the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals.

3 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information.

4 Late Items

There were no late items.

Supplementary information had been published and distributed for Agenda Item 7, Application for the Grant of a Premises Licence at House of Fu, Briggate Leeds.

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

6 Certification of Films – Pulse – Showing at Everyman Cinema & Hyde Park Picture House

The report of the Chief Officer, Election and Regulatory presented an application for the certification of a film called Pulse which was to be shown at Everyman Cinema and Hyde Park Picture House.

The application had been submitted due the film not having certification from the British Board of Film Classification.

Members of the Sub-Committee had watched the film prior to the hearing.

Gage Oxley, filmmaker was in attendance to support the application. He informed the Sub-Committee that the film had been made in 2017 in partnership with US based charities that supported victims of the Orlando Massacre. The film had been independently made in Leeds by young people aged 15 to 25. It was felt that the film would fit within a 12A classification of the BBFC guidelines. There was some mild sexual references in the film and also scenes with guns.

In response to questions from the Sub-Committee, the following was discussed:

- The film was been shown to commemorate the anniversary of the decriminalisation of homosexuality.
- There would be question and answer sessions after the broadcasting of the film and a statement on the films website that gave a full explanation and

explained links to the charities. The film content was more in reference to homophobia than the massacre.

- The film was aimed at Key Stage 5 and 6 students who would all be aged 15 and above.

The Sub-Committee adjourned to consider the application and the information presented. On recommencing, the applicant was advised that the Sub-Committee felt it would be helpful to explain the symbolism of the final scenes of the film.

RESOLVED – That the film be given a 12A classification for the forthcoming viewings at Everyman Cinema and Hyde Park Picture House.

7 Application for the Grant of a Premises Licence for House Of Fu, 163 Briggate, Leeds, LS1 6LY

The report of the Chief Officer, Elections and Regulatory presented an application for the grant of a Premises Licence for House of Fu, 163 Briggate, Leeds.

The following were in attendance for this application:

- Mr C Rees-Gay, Pinsent Masons – representing the applicant
- Mt A Kollakowski – House of Fu
- Mr S Stevens – House of Fu
- PC C Arkle – West Yorkshire Police
- Mr R Stirk – Entertainment Licensing

Prior to the hearing, the applicant's representative informed the Sub-Committee that there was some supplementary information which include layout plans of the premises and a summary of the proposed operating schedule. All other parties were aware of this information.

The application was for a new Premises Licence for a Japanese themed restaurant which covered the ground floor and basement with three karaoke rooms on the first floor. This had been subsequently amended to replace the karaoke rooms with more dining areas.

The hours applied for were as follows:

Sale by retail of alcohol, performance of recorded music, performance of live music:

Sunday to Thursday: 11:00 to 00:00

Friday and Saturday: 11:00 to 01:00

Late night refreshment:

Sunday to Thursday: 13:00 to 00:00

Friday and Saturday: 23:00 to 01:00

It was also applied for a specific start date of 1 December 2020.

The application had received representations from West Yorkshire Police and the Licensing Authority due to the premises location in the red zone of the Cumulative Impact Area.

The premises had previously benefitted from a licence and this had lapsed following the insolvency of the previous operator.

The applicant's representative addressed the Sub-Committee. Issues highlighted included the following:

- The operator successfully managed a number of other premises across the city centre and had a strong working relationship with West Yorkshire police.
- The previous licence had only expired due to an oversight.
- The operator had won national prizes for street food and operated at pop up events. They now wanted a permanent home at these premises in Briggate.
- The basement would be Izakaya style service of food and drink whilst the ground floor would be more of a traditional Japanese bar style. The first floor would be private dining areas.
- The applicant had met with West Yorkshire Police and the Licensing Authority and had invited them to inspect the premises.
- The premises would be food led and the applicant offered a condition that drinks were only sold to accompany food.
- Music played in the premises would be vinyl based through a hi-fidelity system to create the Japanese culture of jazz cafes.
- There would be a door supervisor present from midnight on Friday and Saturday and risk assessments carried out to judge if others would be needed.
- The BACIL radio system would be in operation at the premises.
- There would be conditions for the number of covers available and for the style of operation to be waiter service.
- Reference was made to the plans for the transformation of the city centre. It was felt that this application would have a positive impact on the area.
- The premises had remained unused since January 2018 and should the application be granted there would be 10 full time and 10 part time job opportunities.
- In summary it was reported that the applicant was a responsible operator with a good track record in the city and the only reason for the application was to replace the previous licence that had been lost due to an error. The premises would primarily operate as a restaurant and latest statistics show that midnight was the time that problems tended to occur in the area and that was why the applicant had offered to have door staff present from that time. There had not been any representations made by local residents and other businesses in the area and the Sub-Committee was asked to depart from policy and grant the licence as requested.

The West Yorkshire police Representative addressed the Sub-Committee. The following was highlighted:

- The application had been objected to as it fell within the red zone of the Cumulative Impact Area.
- Peak hours for problems in the area started at 23:00. The applicant had been informed that an objection would be submitted if the application including opening after that time.
- Although there was a condition to limit the number of covers at the premises, it would still attract additional people into the area.
- The applicant's good record elsewhere in the city centre was acknowledged but these fell outside the red zones. This application would have been welcomed had it not extended into the peak hours.

The Licensing Authority representative addressed the Sub-Committee. The following was highlighted:

- There was a need to uphold the restrictions for granting of licenses within the red zone during peak hours to prevent matters becoming worse.
- Granting of the application would bring more people into the area.
- The applicant had been co-operative and conditions offered were welcomed but the licence should be restricted until 23:00.

In response to Members questions, the following was discussed:

- The previous use of the licence was for a late night takeaway with indoor seating and did not include the sale of alcohol.
- The application would attract new customers to the area who would not normally be there.
- The higher floors of the premises had been subject to a planning request to be turned into residential apartments.
- The applicant felt that with their track record and the fact that the premises would attract a different demographic to the area, that this application would make an improvement.

The Sub-Committee adjourned to consider the application and representations made.

All parties were invited back to answer further questions from the Sub-Committee.

Further to a suggestion of whether reduced hours would be considered, the Sub-Committee were informed that when the applicant had agreed the lease of the premises it was understood that there was an existing licence that would enable opening to 01:00. Fewer hours would have an impact on profitability and could have an impact on the lease. Following further questions, it was reported that there would be no seating at the bar and no sale of shot style drinks. There had not been any plans for arrangements for customers to queue outside the premises as it was not considered that this would occur. The applicant was also asked whether they would consider having door staff present at an earlier time.

Following a further adjournment, West Yorkshire Police informed the Sub-Committee that they would not normally request door staff to be present before 23:00. The Licensing Authority requested that if the Sub-Committee was minded to approve the

application then there should be a further condition that the immediate area surrounding the Briggate entrance should not be used as a smoking area. The applicant re-stated that they would prefer for the requested hours to remain and there to be no conditions regarding the engagement of door staff.

The Sub-Committee adjourned to consider the application, report of the Chief Officer Elections and Regulatory along with the representations submitted in writing and made at the hearing along with the Council's Statement of Licensing Policy.

RESOLVED – That licensable hours of 11:00 to 00:00 be granted every day with the condition that a door supervisor be present from 23:00 until 24:00 on Friday and Saturday.