

## **Licensing Sub-Committee**

**Monday, 25th January, 2010**

**PRESENT:** Councillor C Townsley in the Chair

Councillors G Hyde and L Rhodes-Clayton

### **1 ELECTION OF THE CHAIR**

Councillor C Townsley was elected as Chair for the duration of the meeting.

**RESOLVED:** Councillor C Townsley in the Chair.

### **2 APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS**

There were no appeals against the refusal of inspection of documents.

### **3 EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC**

Following the withdrawal of Agenda Item 9 – Drinks Plus 20 Station Road, Cross Gates, Leeds, LS15 7JX, there were no reports identified as being exempt.

### **4 LATE ITEMS**

There were no late items to be considered by the Sub-Committee. Members were in receipt of additional information in relation to Agenda Item 7 – 'Waj's Pizza Bar and Balti House' which had been circulated to all parties prior to the hearing.

### **5 DECLARATIONS OF INTEREST**

There were no interests declared.

### **6 "CAFE JAZZ AND RESTAURANT" - APPLICATION FOR THE GRANT OF A PREMISES LICENCE FOR THE PREMISES KNOWN AS "CAFE JAZZ AND RESTAURANT" GROUND AND FIRST FLOOR, 6 HOLLIN HILL PARK PARADE, EASTERLEY ROAD, OAKWOOD, LEEDS, LS8 3AS**

The Sub Committee, having regard to the Licensing Act 2003, the Statement of Licensing Policy and the Statutory Guidance, considered the application and the written submissions before them. Members noted that the application before them had been deferred from a previous meeting to obtain clarification as to what licensable activities the applicant wished to carry out at the premises. The amended hours of operation and licensable activities were contained in the Licensing Officer's report and all those who had made representations in relation to the applications had been advised of the amendments. Two members of the public who had objected to the application had now withdrawn their objections following the amendments. It was

noted that the applicant had reached agreements with both the Environmental Protection Team and West Yorkshire Police in relation to the application. Both agreements included conditions which regulated Live Music which the applicant had withdrawn from their application. Mr. Kenny, Environmental Protection Team, informed Members that he would be happy to withdraw this condition so long as Live Music would not be carried out at the premises.

After considering the representations from all parties present and the written submissions contained in the Licensing Officers report the Sub-Committee resolved to grant the premises licence as per the amended premises licence application and to include the agreements reached with the Environmental Protection Team and West Yorkshire Police with the exception of any conditions which referred to Live Music. In making their decision Members were satisfied that the grant of the premises licence with the conditions proposed would not undermine the licensing objectives and that the conditions imposed were both necessary and proportionate to meet the Licensing Objectives.

**RESOLVED:** That the premises licence be granted in the terms outlined in the amended application subject to the inclusion of the conditions agreed with West Yorkshire Police and the Environmental Protection Team (not to include conditions which refer to Live Music)

#### **7 "WAJ'S PIZZA BAR AND BALTI HOUSE" - APPLICATION FOR THE GRANT OF A PREMISES LICENCE FOR THE PREMISES KNOWN AS "WAJ' PIZZA BAR AND BALTI HOUSE" 94 LEEDS ROAD, ALLERTON BYWATER, LEEDS, WF10 2HE**

The Sub Committee, having regard to the Licensing Act 2003, the Statement of Licensing Policy and the Statutory Guidance, considered the application and the written submissions before them. Members noted that the applicant had submitted further evidence of residents and customers who had supported the application for the extension of hours at the premises. The Sub-Committee were aware that the applicant had reached agreements with the Environmental Protection Team in relation the application however there were still objections from the Development Department and from Members of the Public.

Cllr. J. Lewis was present to represent Members of the public who had made a formal objection to the application and those who had wished to remain anonymous. The Councillor outlined the main issues for local residents which centred around the proximity of the premises to residents, the potential for noise and public nuisance should the premises be allowed to operate until later in the evening, the increasing levels of litter and the potential for youths to congregate in the area until later in the night. The Sub-Committee then heard from Mr. C. Sanderson, Development Department who outlined the planning restrictions which were in place at the premises in order to prevent public nuisance caused by noise. The hours which the applicant applied for exceeded the hours the premises was allowed to be used under the planning permission granted for the premises. The premises was situated in a largely residential area and other similar premises in the area were also restricted in their hours of trading.

The Sub-Committee then went on to consider the representations made by Mr. N. Khan on behalf of the applicant. Mr. Khan addressed the points and issues raised in the objections and informed Members that 85% of his business was from the takeaway/delivery side and only 15% from customers purchasing food at the premises. The business had received one complaint about the noise of the delivery vehicles which had been addressed. Mr. Khan explained that he had not been aware of the planning restrictions on the premises and would now apply to make the necessary changes.

Following careful consideration of all the written and verbal representations the Sub-Committee were satisfied that there was a genuine issue with relation to noise disturbance in the area. The Sub-Committee resolved to grant the premises licence to allow the premises to open and for Late Night Refreshment to be provided to 23:30 hours between Monday and Saturday and to 23:00 hours on Sundays and bank holidays. The conditions which had been agreed with the Environmental Protection Team and the conditions proposed in the proforma risk assessment would also be incorporated into the premises licence. The conditions imposed were considered appropriate and necessary to promote the Licensing Objectives particularly the prevention of public nuisance. The Sub-Committee was satisfied that granting the premises licence in terms outlined would not undermine the licensing objectives.

**RESOLVED:** That the premises licence be granted to allow Late Night Refreshment to be served to 23:30 hours Monday to Saturday and to 23:00 hours on Sundays and Bank Holidays. The grant of the premises licence was subject to the incorporation of conditions agreed with the Environmental Protection Team and those proposed in the proforma risk assessment in to the premises licence.

## **8 "BANFF MOUNTAIN FILM FESTIVAL WORLD TOUR" - APPLICATION FOR THE CERTIFICATION OF FILMS TO BE SHOWN AT THE "BANFF MOUNTAIN FILM FESTIVAL WORLD TOUR" CARRIAGEWORKS THEATRE, GREAT GEORGE STREET, LEEDS**

The Sub-Committee considered an application made by the "Banff Mountain Film Festival Tour" for the certification of films to be shown at the Carriageworks. Members were in receipt of the guidance issued by the BBFC in respect of the certification of films and details of the films and the proposed certification of each film which had been suggested by the applicant. Following the consideration of each film the Sub-Committee was satisfied that the proposed certifications of the films were in line with the BBFC guidance, were an appropriate certification for each film and resolved to certify the films as proposed by the applicant.

**RESOLVED:** That the following certifications be given to the following film certifications:

- Africa Revolutions Tour (PG)
- First Ascent: Alone on the Wall (U)
- Kranked – Revolve (U)
- Mont Blanc Speed Flying (U)
- Solo (PG)

- Project Megawoosh (U)

**9 "DRINKS PLUS" - APPLICATION TO TRANSFER PREMISES LICENCE FOR THE PREMISES KNOWN AS "DRINKS PLUS" 20 STATION ROAD, CROSS GATES, LEEDS, LS15 7JX**

Members were advised that following the circulation of the agenda the applicant had withdrawn the application in respect of the transfer of the premises licence for the premises known as "Drinks Plus" 20 Station Road. Cross Gates, Leeds LS15 7JX. The application was therefore withdrawn for the consideration of the Sub-Committee.

**RESOLVED:** That the application be withdrawn from the consideration of the Sub-Committee.