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LICENSING SUB-COMMITTEE

TUESDAY, 24 OCTOBER 2017

SUPPLEMENTARY INFORMATION

Agenda Item 9 – Application for the grant of a premises licence for Zorba Bar & Grill, Austhorpe Road, Cross Gates, Leeds

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[REDACTED]

Sent: 17 Oct 2017 12:44:49 +0100

To: Amin, Imtishaam

[REDACTED]

Subject: Zorba's Application at 4 Austhorpe Road, LS15

Attachments: Notes of Meeting at Zorbas Restaurant on 11 Oct 17-ver2-14 Oct 17.docx

Dear Shaam,

I am attaching herewith a copy of the notes of my meeting with Gerti Masllavica, proprietor of Zorba's restaurant. I had a useful meeting with him on the morning of 11 October. I might mention that he supplied me with a copy of his application and risk assessment. We have never been able to find these on the portal, and even up to the evening of 10 Oct they were not there, so far as we could see or check. Needless to say, our job in commenting on the application would have been much easier if they had been available earlier.

It was clear from the documents provided, and from our meeting, that Zorbas's is an upmarket venue, and seeks to provide quiet dining facilities with an attractive pre/post meal drinks venue. Recorded music is low level background music, and live music will be infrequent (1-2 times per month, mainly with private functions), with a single vocalist, self accompanied on guitar, or with piano accompaniment. There will be no performance stage for groups.

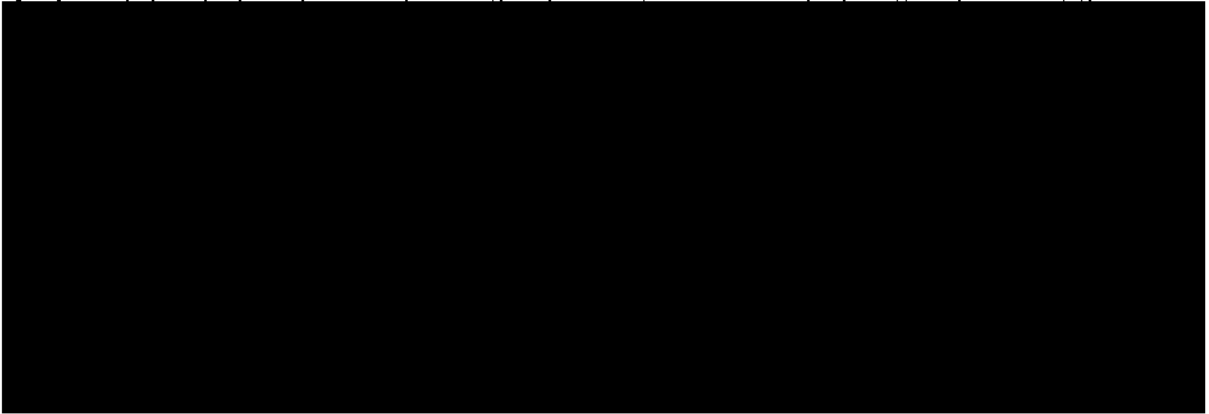
As the attached notes indicate, noise breakout will not be an issue as the volume is anyway low and cannot be heard outside (I tested this), and during hot weather windows will not be opened as the air conditioning system to be installed requires them to be closed. Further detail generally on this and other matters is contained in the attached notes, and will not be repeated here.

I explained to Mr Masllavica that our concern was with the double issue of precedent, and the fact that conditions attaching to the license apply to the premises and not to the owner. We would wish the conditions to be expressed in such a way that they can apply to the premises in an enforceable way so that all subsequent proprietors are bound by them, and so that they can also be applied to other premises further up Austhorpe Road, where the risk of noise impact on residences and other premises would be much greater.

On this aspect, Mr Masllavica indicated that he had no objection at all to a general noise inaudibility condition being applied to any permission granted.

At this point, there is not much more we can say, as it seems to be up to the Licensing Committee, if it agrees with the view expressed here, to decide how

such a condition can be applied according to its usual practices.



Notes of Meeting with Gerti Masllavica, proprietor of Zorbas Restaurant, 4 Austhorpe Rd, Cross Gates, Leeds LS15 11 Oct 17 11am

Present: Gerti Masllavica, [REDACTED]

1. Meeting arranged at invitation of GM to discuss licensing application PREM/04057/001.
2. GM had two documents which are not on the portal: the application form and the risk assessment form. He promised to send these to me. Commenting on the application would have been considerably easier had they been posted to the portal.
3. GM aims to provide an upmarket restaurant/bar appealing to a 30+ age range with a bias towards an upper income professional clientele. Eating in the restaurant accordingly does not come cheap: lowest cost item on menu is £4.50, and drinks are similar.
4. His customers prefer a quiet atmosphere, and do not like the local pubs as venues to have a pre dinner or post dinner drink. The upstairs bar is an attempt to provide such a venue. Cross Gates is becoming a popular area, but there are perhaps too many coffee shops, and it is missing a few evening places for a nice quiet drink in an upmarket bar.
6. Regarding noise from recorded and live music, GM pointed out that he could play recorded music now as background, and this cannot be heard outside. He demonstrated the noise level. While this seemed a little loud to me, and I said so, he said you would notice it much less inside when guests were there. And it is not audible outside. I tested this and could hear nothing on the pavement.
7. Live music would be only once or twice a month in the bar upstairs, mainly at private functions. This would not be groups or actual performances, but mainly a single guitar player singing and moving slowly around from table to table. Occasionally maybe a singer with piano accompaniment. To be honest, he said it was very expensive to hire musicians and more than this could not be afforded.
8. He pointed out that music was going to be after 5pm, and there were no near neighbours to disturb, even if the noise could be heard outside, which it can't. He said the nearest residences were 60 feet away.
9. [REDACTED] pointed out that we were concerned with the noise issue, as what happened at no. 4 would be a precedent for further down the street. Moreover, the permission if granted applies to the premises, not the owner, and owners can change. Hence conditions needed to be enforceable in relation to the premises, and not in relation to the good intentions of the current operator. Hence, we felt the inaudibility requirement should apply to all adjacent premises, not just noise sensitive receptors. GM had no objection to such a condition, namely, having a general inaudibility requirement.

10. Regarding the bar upstairs, GM pointed out that the bar had an area of 80 m², not 35 m², as it stretched from above Zorbas to the phone shop on the corner. The issue of noise breakout in relation to ventilation needs would not occur, as an air conditioning system was being installed, and it would not work properly if the windows were open.

11. GM showed [REDACTED] the upstairs proposed bar space. This would have a separate monitored rear staircase entrance from Bk Austhorpe Road. The space was previously a fish and chip restaurant, so it already has a food licence (but not drink). The floor is being strengthened and doubleglazing will be installed so that soundproofing will be maintained. The seating capacity will be 55/60 (65-75 in the restaurant downstairs after the toilets have been transferred upstairs).

12. GM said he would email the documents we did not have, plus pictures of the proposed bar ([REDACTED] took pictures of existing state). [REDACTED] said he would copy his notes of the meeting to GM to check for inaccuracies and/or omissions before sending to Mr Amin at licensing.

[REDACTED] 12 Oct 2017

Added note:

Current and proposed bar space illustrated below.





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