

Licensing Sub-Committee

Monday, 11th October, 2010

PRESENT: Councillor G Wilkinson in the Chair

Councillors V Morgan and D Wilson

101 Election of the Chair

RESOLVED – Councillor Wilkinson was elected Chair for the duration of the meeting

102 Late Items

No late items of business were added to the agenda.

103 Declarations of Interest

There were no declarations of interest

104 "Nabu" - Application for the Grant of a Premises Licence for Nabu, 20 - 22 Harrogate Road, Rawdon, Leeds LS19 6HJ

The Sub-Committee, having regard to the Licensing Act 2003, the Statement of Licensing Policy and the Statutory Guidance, considered the written submissions before them relating to an application for the grant of a Premises Licence in respect of premises to be known as "Nabu" situated at 20-22 Harrogate Road, Rawdon.

Representations had been submitted by West Yorkshire Police (WYP), LCC Department of Development and by LCC Health & Safety Team (LCC H&S). The applicant had agreed to the measures proposed by those Responsible Authorities to address the licensing objectives prior to the hearing and the representations had subsequently been withdrawn on the understanding that the measures would be included as conditions on the Premises Licence if this application was granted.

LCC Environmental Protection Team (LCC EPT) had also submitted a representation containing a full objection to the application. Local residents Mr I Thompson and Mr P R Thompson, along with local ward Councillor G Latty had also submitted letters of representation but were not in attendance. The Sub Committee resolved to consider their written submissions and proceed in their absence.

The Sub-Committee noted receipt of a signed agreement between the applicant and the Department of Development which restricted the hours of use to 08:00 to 18:00 hours every day and would reduce the hours requested in the licensing application.

The Sub Committee then heard from Mr R Bilsborough on behalf of LCC EPT who stated the objection had been submitted on the grounds of the prevention of public nuisance as it was felt the premises would impact negatively on the residential amenity of local residents through noise generated by patrons

coming and going. Additionally, the application had requested hours which were outside of the existing planning permission. Mr Bilsborough stated that Mr Zengin had indicated at a previous meeting that he was willing to operate 08:00 to 18:00 hours as stipulated on the planning permission for the use of the premises and that the sale of alcohol would be ancillary to food sales. Mr Bilsborough confirmed the department would be willing to withdraw its objection subject to those provisions.

The Sub Committee then heard from Mr B Zengin, the applicant. Mr Zengin confirmed he would operate the premises until 18:00 hours only, and that sale of alcohol would be an ancillary function to the food offer. He outlined the refurbishments undertaken to the premises with the intention of being a coffee shop/restaurant rather than a bar. Mr Zengin then addressed the concerns outlined in the residents letters of representation and stated that he had discussed his application with the other businesses in the same street. He noted that no objections had been submitted by them.

In response to queries from the Sub Committee, Mr Zengin confirmed that the forecourt area to the front of the unit was within his lease and had the capacity for four tables. He reiterated that alcohol would only be complimentary to a table meal and there would be no off-licence or takeaway food facility

The Sub Committee carefully considered the written submissions included within the report and the verbal submissions made at the hearing. The Sub Committee was satisfied that granting the application as amended by the applicant would not undermine the licensing objectives particularly given the agreements reached between the applicant and the Responsible Authorities and the fact that there would be no off-sales permitted in terms of food or alcohol sales

RESOLVED – That the application be granted in the following terms:

Supply of alcohol Monday to Saturday 08.00 am to 18:00 hours
(No application was made for Sundays)

The Sub Committee noted the premises would be open to the public Monday to Saturday 08:00 to 18:00 hours

- Those measures proposed by WYP, LCC Department of Development and LCC H&S and previously agreed by the applicant will be included as conditions within the Premises Licence as these were felt to be necessary for the promotion of the licensing objectives

105 "Re-Set" - Application for the Grant of a Premises Licence for "Re-Set", 90 Kirkgate, Leeds LS2 7DJ

The Sub-Committee, having regard to the Licensing Act 2003, the Statement of Licensing Policy and the Statutory Guidance, considered the written submissions before them relating to an application for the grant of a Premises Licence in respect of premises trading as "Re-Set", 90 Kirkgate, Leeds LS2

Representations had been submitted by West Yorkshire Police (WYP), LCC Department of Development and by LCC Environmental Protection Team (LCC EPT), all of whom were represented at the hearing.

The Sub Committee noted that this premise was located within Area 1 (city centre) of the Cumulative Impact Policy and that the Policy did apply to this premises as the applicant proposed to provide late refreshment for customers to take away. The Sub Committee noted the plan accompanying the application showed very limited seating for patrons within the premises which supported their view that the business would be a take away. Members therefore took the view that it was for the applicant to satisfy them that he was able to operate this premises in that area, without contributing to the already established cumulative impact of other licensed premises.

The Sub Committee first heard submissions from Mr B Patterson and PC C Arkle on behalf of WYP who provided evidence that the current operation of the premises was already undermining the crime prevention objective. They were accompanied by Mr P Geary, a landlord of other premises in the locality, who gave details of incidents he associated with the premises including:

- youths congregating around the premises caused vandalism, disorder and anti-social behaviour.
- the premises were used for drugs
- Cannabis use occurred in the upstairs rooms of the premises and the smell of the cannabis was such that it permeated into the adjoining property, of which Mr Geary was the landlord
- graffiti and damage to the car park to the rear of the premises.
- needles found to the rear of the premises.

The Sub Committee then heard from Mr C Sanderson on behalf of LCC Department of Development who stated the premises were currently operating without the benefit of planning permission. Additionally he identified the premises as undermining the public nuisance objective due to the congregation of youths in and around the premises.

The Sub Committee then heard from Mr R Bilsborough on behalf of LCC EPT who stated his view that the current operation of the premises already undermined the public nuisance objective as customers congregating in and around the premises was a source of disturbance. Noise currently emanating from the premises affected residents nearby and he described the nearest residents as being 10 metres across the road. He also reported receipt of a complaint in August 2010 of noise from rowdy customers and loud music from the premises. Furthermore he was aware of alleged incidents of smoking taking place within the premises contrary to smoking legislation and this matter had been referred to the relevant Health & Safety team. Mr Bilsborough concluded that the grant of the Licence as applied for would exacerbate the problems already identified in the area. He added that if Members were minded to grant, he would urge them to impose a terminal hour of 00:00 midnight.

The Sub Committee then heard from the Mr M Altoni, the applicant who addressed the planning matters in the first instance and stated he was willing to submit a planning application in order to regularise the planning situation.

Mr Altoni then addressed the matters raised in the submissions and began by stating the car park to the rear was not under his management and that the misuse of the alleyway was not solely due to patrons of his business. He also denied the drug related allegations against his premises and stated that no drugs had ever been found at his premises. He highlighted his previous co-operation with WYP when he had provided CCTV recordings to assist with the identification of suspects involved in activity not related to his premises.

Mr Altoni did accept that loud music had been played at the premises, however following receipt of the complaint he had instructed his staff not to play loud music and he had visited neighbours across the road to assure them that there would be no repeat of this incident.

With regards to the rubbish within the alleyway, Mr Altoni explained the premises had been refurbished and he agreed that materials had been left in the shared alleyway his premises shared. He also stated the upstairs of the premises was no longer being used.

To conclude, Mr Altoni offered to amend the hours of operation he had requested in order to address the problems raised in the representations to
Monday & Tuesday to close at 23:00 hours
Wednesday & Thursday to close at 02.00 hours
Friday & Saturday to close at 03:00 hours

The Sub Committee carefully considered the written submissions included within the report and the verbal submissions made at the hearing. The Sub Committee was satisfied that the premises as currently operated already seriously undermined the licensing objectives particularly with regard to public nuisance and the prevention of crime & disorder, and even with the amended hours offered by the applicant, granting the application would continue to undermine the licensing objectives

Members were therefore not persuaded that the applicant could demonstrate a reason to set aside the CIP; given the existing problems linked to the premises and the management style currently in operation.

RESOLVED – That the application be refused