

## **Licensing Sub-Committee**

**Monday, 11th April, 2011**

**PRESENT:** Councillor T Hanley in the Chair  
Councillors Mrs R Feldman and  
C Townsley

**235 Election of the Chair**

Councillor Hanley was elected Chair for the meeting

**236 Late Items**

No formal late items of business were added to the agenda however additional paperwork relating to "Arches" was submitted by West Yorkshire Police on the day of the hearing which had been omitted from the original paperwork in error (minute 239 refers).

**237 Declarations of Interest**

There were no declarations of interest

**238 "The Agora Restaurant" - Application for the Grant of a Premises Licence for The Agora Restaurant, 55a Otley Road, Headingley, Leeds LS6 3AB**

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy considered an application for the grant of a new Premises Licence in respect of the Agora Restaurant at 55a Otley Road, Headingley. Members noted the premises lay within Area 2 of the Cumulative Impact Policy.

Representations containing measures proposed to address the relevant licensing objectives had been received from LCC Environmental Protection Team (LCC EPT); LCC Health and Safety Team (LCC H&S) and West Yorkshire Police (WYP). The applicant had agreed to the proposed measures prior to the hearing and the representations had been withdrawn on the understanding that the measures would be included as conditions on the new Premises Licence, should the application be granted. Representations had also been received from local ward Councillor J Monaghan and Dr S E Griffiths on behalf of Wood Lane Neighbourhood Association who did not attend the hearing. The Sub Committee resolved to take their written representations into account and proceed in their absence

The Sub Committee heard from Mr I Eryatmaz and Mrs N Kaplan who described their proposals for a 26 seat family run restaurant which would serve Greek and Turkish food. They anticipated the restaurant would not attract younger drinkers, rather an older clientele who would not cause disruption to the locality. CCTV would be installed at the premises. Mr Eryatmaz explained their experience within the licensed and restaurant trade and his personal experience within the door security trade. He confirmed the

restaurant would not operate as a take-away and anticipated last orders for food would be around 22:00 hours, with last orders for alcohol at 23:00 hours.

The Sub Committee carefully considered all the written and verbal submissions before them. The Sub Committee was satisfied, given the experience of the applicants in the relevant trades, the installation of CCTV at the premises and the small, family run nature of the premises along with all the measures already agreed, that this applicant had demonstrated that this premises would not add to the cumulative impact of such premises within CIP Area 2.

**RESOLVED** – To grant the application as requested

Sale of alcohol

Monday to Sunday 11:30 until 23:00 hours

Performance of Recorded Music and Hours the premises are open

Monday to Sunday 11:30 until 23:30 hours

Conditions

The Sub Committee imposed the measures previously agreed between the applicant and WYP, LCC H&S and LCC EPT as conditions on the licence as they felt these were appropriate to this premises in this location

- Members reiterated that no food could be served past 23:00 hours under the terms of this Premises Licence.

**239 "Arches" - Application for the Grant of a Premises Licence for Arches, 28 - 34 Assembly Street, Leeds LS2 7DE**

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy considered an application for the grant of a Premises Licence in respect "Arches", 28 – 34 Assembly Street, Leeds LS2. Members noted that the premises lay within Area 1 (city centre) of the Cumulative Impact Policy (CIP) and that this matter had previously been adjourned from a hearing on 21 March 2011.

Representations had been received from LCC Environmental Protection Team (LCC EPT) and LCC Health & Safety Team (LCC H&S) however as the applicant had agreed to the measures proposed to address the relevant licensing objectives, those representations had been withdrawn. A representation had been submitted by West Yorkshire Police (WYP). Prior to the hearing, WYP notified all parties that some pages had been omitted in error from the schedule of incidents associated with another premise managed by the proposed DPS. The Sub Committee agreed to delay the start of the hearing to allow the solicitor for the applicant time to prepare a response to the documentation.

Present at the hearing were:

Mr C Connor - solicitor for the Designated Premises Supervisor

Mr K Magambo – proposed DPS

Mrs R Magambo

Mr G Mackay –representative of Network Rail the owner of the building

PC C Arkle - WYP

The Sub Committee first dealt with an issue relating to the timings requested as the applicant requested the same terminal hour for all proposed licensable activities as the premises closing time. After some discussion, the applicant agreed to reduce the hours requested by 30 minutes but to retain the proposed hours of opening, thus ensuring a “cooling down period/drinking up time”.

The Sub Committee then heard from PC C Arkle who emphasised the size of the proposed premises and its location within Area 1 of the Cumulative Impact Policy and one of the three “hotspots” for crime and disorder in the city centre. PC Arkle stated that WYP liaised closely with licensed premises in this locality and some premises funded additional doorstaff.

PC Arkle referred to the measures proposed to address the relevant licensing objective should the Sub Committee grant the application. She stated the applicant had verbally agreed to the majority of the measures, except that requiring 2 doorstaff to be on duty whilst the premises were open. She noted this was due to their intention to operate units 28-30 as a restaurant during the day when it may not be necessary to employ doorstaff. However PC Arkle reiterated that it would be impossible for a nightclub/restaurant operating at night in this locality not to have an impact on the CIP.

PC Arkle referred to the adjournment of the hearing on 21 March 2011 and the additional documents which she reported had been submitted in response to a direct request for information on the experience of the applicant. The schedule outlined reported incidents at another premises managed by the applicant over 13 months. The applicant had experienced some problems there when he had first become DPS in July 2009, and the number of incidents had resulted in police visits. However the schedule also showed the number of times the applicant had called for assistance from WYP.

The Sub Committee then heard from Mr C Connor. He explained that Mr Magambo had been served with a termination of his lease of the other premises he managed. He intended to open Arches, and encourage patrons to follow him there. Mr Magambo sought to cater for the African Community, and a city centre location would be more easily accessible for patrons from across Leeds and the wider area. Mr Connor described the proposals as an African themed bar/restaurant (units 28-30) and a world music themed lounge bar/dance area (units 32-34) with unit 31 being the service area. He stated the restaurant would open until 23:00 hours and there was no application for late night refreshment. The applicant did not intend to compete with nightclubs in the immediate locality and would not employ “promotions” whereby a visiting DJ night would attract its own clientele.

Mr Connor explained the nature of some of the incidents recorded in the additional schedule of incidents relating to the other premises. He confirmed the applicant was aware that a city centre premises within the CIP area required greater control in partnership with WYP. To that end all WYP measures, save that for doorstaff, were agreeable. Mr Connor stated the applicant, having regard to the daytime restaurant use, would offer the use of

2 doorstaff on Sundays from 21:00 to close, and 2 doorstaff 21:00 until 22:30 followed by 4 doorstaff from 22:30 until close all other days of the week. Mr Connor reiterated there would be no off-sales of alcohol and no drinking allowed outside.

Members carefully considered the location and size of the premises, and during their deliberations sought further information on the management of patrons between the restaurant and club after 23:00 hours. Mr Connor confirmed that there would be no public access to Unit 31 and offered a condition to ensure that. The applicant proposed to issue a pass to patrons of the restaurant who wished to enter the nightclub after 23:00 hours. Entry to the nightclub would be through Unit 33 only. Units 28-30 would operate as a bar after 23:00 hours. Mr Connor noted that venue capacity would be set by the Fire Authority.

The Sub Committee carefully considered all the written and verbal submissions and was satisfied that the CIP did apply in this instance. Members were however satisfied that granting the application with modifications and as amended at the hearing by the applicant, for this style of proposed themed restaurant and club would not undermine the licensing objective designed to prevent crime and disorder and public nuisance.

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

Licensable activities

Monday to Wednesday	10:00 until 01:30 (the following day)
Thursday	10:00 until 02:30 (the following day)
Friday & Saturday	10:00 until 03:30 (the following day)
Sunday	12:00 noon until 23:30 hours

Hours the premises will be open to the public

Monday to Wednesday	10:00 until 02:00 (the following day)
Thursday	10:00 until 03:00 (the following day)
Friday & Saturday	10:00 until 04:00 (the following day)
Sunday	12:00 noon until 00:00 midnight

Conditions

- No public access permitted to Unit 31
- The Premise Licence Holder/Designated Premises Supervisor shall control the management of patrons of Units 28-30 to the remainder of the premises using a pass or stamp system
- The measures proposed by LCC EPT and LCC H&S and agreed prior to the hearing by the applicant shall be included within the Premises Licence as conditions
- The measures proposed by WYP were deemed to be necessary and appropriate to this premises and will be included within the Premises Licence as conditions - with the exception of Condition 6 relating to the provision of door staff – which is amended as offered by the applicant as follows:

Sunday -	21:00 hours until closing – 2 doorstaff
Monday to Saturday -	21:00 hours until 22:30 hours – 2 doorstaff 22:30 hours until closing – 4 door staff