

## Licensing Sub-Committee

Tuesday, 8th May, 2012

**PRESENT:** Councillor Dunn in the Chair

Councillors G Hussain and G Wilkinson

### 261 Election of the Chair

**RESOLVED** – That Councillor J Dunn be elected as Chair

### 262 Late Items

The following late information was submitted:

- Item 6, East African Centre – Additional documents supplied by the applicant and a revised location map.
- Item 7, OK Karaoke – Additional information supplied by West Yorkshire Police.

### 263 Declarations of Interest

Councillor G Hussain declared a personal interest in Agenda Item 6, East African Centre – Application for the grant of a premises licence for East African Centre, 11A Cherry Row, Burmantofts, Leeds as he was known to the applicant's representative.

### 264 "East African Centre" - Application for the grant of a premises licence for East African Centre, 11A Cherry Row, Burmantofts, Leeds LS9 7LY

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 at East African Centre, 11A Cherry Row, Burmantofts Leeds.

It was reported that the application was for the provision of Recorded Music, Facilities for Making Music, Facilities for Dancing, Sale by Retail of Alcohol and Late Night refreshment.

The hours applied for were as follows:

Recorded Music, Facilities for Making Music, Facilities for Dancing and Sale by Retail of Alcohol:

Sunday to Thursday	10:00 to 23:30
Friday	10:00 to 03:00
Saturday	10:00 to 04:00

Late Night Refreshment:

Sunday to Thursday	23:00 to 23:30
Friday	23:00 to 03:00
Saturday	23:00 to 04:00

It was reported that the application had previously been adjourned following meetings of the Licensing Sub-Committee in order to ascertain the exact location of the premises.

Representations to the application had been made by West Yorkshire Police, Planning, Environmental Health and local residents.

The applicant's representative addressed the Sub-Committee and reported that it was wished to reduce the hours of operation to 01:00 on a Friday and a Saturday and also to only cover the ground floor of the premises. The applicant and his representative also raised the following issues:

- The premises did not offer a nightclub style facility and catered for the Eritrean community in Leeds. There was no other such provision in the City.
- Maximum capacity was 100 customers.
- There would be no outside activities.
- It was only proposed to play recorded music.
- CCTV would be installed in line with the request from West Yorkshire Police should the licence be granted.
- There had not been any noise audible outside the premises when an inspection had been carried out by Environmental Health.
- Customers were reminded to be quiet upon leaving the premises and a neighbouring taxi firm was used.
- Nearest residential properties were 50 to 60 metres away.
- A retrospective application for planning permission would be made.
- Concern that the petition of objection had repeated addresses.

In response to questions the following issues were discussed:

- The premises had been in operation for 2 years and the sale of alcohol had been made under temporary Event Notices.
- The applicant would accept all the conditions, that were still relevant as proposed by West Yorkshire Police.
- The applicant was willing to accept conditions proposed by Environmental Protection with exception to the one relating to hours of operation.

The West Yorkshire Police representative addressed the meeting and highlighted the following:

- The Police had become involved following reports of alcohol being consumed on the premises although it was not proven there had been sale of alcohol.
- The applicant had been encouraged to apply for a premises licence.
- Reference was made to a fight that had happened outside the premises during the Christmas period.

Planning Services addressed the meeting. It was reported that there were concerns regarding the use of the premises and no planning application had yet been approved. There were concerns regarding the proximity of the premises to

residential properties and there had been complaints regarding people congregating outside the premises.

Representations were also made from Environmental Protection. It was felt that there was potential for noise disturbance from the premises and that any License should be granted for no later than 23:00 and also be subject to conditions as outlined in the report.

A representative of local residents addressed the meeting. He raised the following issues:

- Complaints had been made from residents of Marston Mount and Cherry Court regarding late night noise, gathering of crowds and litter.
- Outdoor parties had been held until late evening.
- Support that had been given to residents in producing a petition against the application. This had been done at short notice.
- Cumulative effect of other businesses in the area and problems associated with car parking.
- Difficulty for objectors to attend this re-arranged hearing.

In summary to the application, the applicant's representative highlighted the following:

- West Yorkshire Police were happy with the conditions agreed.
- There was no proof of any incidents attributable to the East African Centre.
- Documentary evidence had now been provided regarding the location of the premises.
- Objections had not been received from residents closer to the premises than those listed on the petition.
- There had been no problems with noise when monitoring had been carried out by Environmental Protection.

## **RESOLVED –**

That a Premises Licence be granted from 10:00 to 23:00 for the supply of alcohol, recorded music and facilities for making music and dancing and that a late night refreshment licence be granted from 23:00 to 23:30. The premises being open to the public from 10:00 to 23:30.

The applicant was reminded that all conditions that remained relevant and as detailed in the report to be adhered to, CCTV to be in place and planning consent to be gained before they could comply with the Licence.

### **265 "OK Karaoke" - Application to vary a premises licence held by OK Karaoke, 9 East Parade, Leeds LS1 2AJ**

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 variation of a premises licence at OK Karaoke, 9 East Parade, Leeds.

The application was for the provision of performance of live music, performance of recorded music, performance of dance, provision of facilities for making music, provision of facilities for dancing and the sale by retail of alcohol for consumption on and off the premises every day from 00:01 to 00:00.

Further to concerns raised by West Yorkshire Police that the application could relate to an alternative business operating within the same premises, the Sub-Committee was asked to consider whether this was the case and whether it should be a full application as opposed to a variation. With respect to this matter, the applicant's representative addressed the matter and made reference to the submitted application that was felt to comply with routine procedures for variation. There had been some confusion regarding the address following an advertisement that had listed an event as Park Cross Street and not East Parade. It was confirmed that the premises did have an exit to Park Cross Street, but the application was in fact within the premises accessed from East Parade and was under the same management and staffing.

Members agreed that this was acceptable as an application for a variation and agreed to proceed with the hearing.

The applicants representative addressed the hearing and raised the following issues:

- The applicant had operated from the premises since 2005.
- The variation would give flexibility to use extra space within the premises giving an increase of about 20 percent.
- Temporary Event Notices had been used for similar operation and these had been successful and without any problems.
- There had been no complaints from residents with the nearest neighbouring residents being a significant distance away.
- The activities at the premises were not predominantly alcohol led and many bookings were of a corporate nature.
- The premises did not usually open until the evening but tended to open earlier during the Christmas period.
- There had been no complaints regarding noise from the premises and there was no plan to change the style of operation at the venue.

The Police representative addressed the meeting. It was reported that they had not raised any objections to the Temporary Event Notices as there had not been any previous problems with crime and disorder at the premises. There was concern with the extension to opening hours due to the premises being in a Cumulative Impact Area.

The Environmental Protection representation representative raised concerns regarding the hours of operation applied for and the potential for noise disturbance to residents on Greek Street.

In response to Members questions, both the Police and Environmental Protection representatives indicated that an application with reduced hours would be more

favourable. The applicants representative indicated that they would be willing to reduce the hours of operation to cease at 0600 on weekdays and 0800 on weekends.

## **RESOLVED –**

That a variation to the Premises Licence be granted as follows:

Provision of performance of live music, performance of recorded music, performance of dance, provision of facilities for making music, provision of facilities for dancing and the sale by retail of alcohol for consumption on and off the premises:

Sunday to Thursday: 12:00 to 05:30, premises to be closed by 06:00  
Friday to Saturday: 12:00 to 07:30, premises to be closed by 08:00

### **266 "Bal Newsagent" - Application to vary a premises licence held at Bal News, 434 Dewsbury Road, Beeston, Leeds LS11 7LJ**

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 variation of a premises licence at Bal News, 434 Dewsbury Road, Beeston, Leeds.

It was reported that the application was to vary the opening hours of the premises for the sale of alcohol for consumption off the premises for 24 hours every day.

A representation had been made by West Yorkshire Police.

The applicant addressed the meeting. He advised the Sub-Committee that he wished to extend his license to serve the local community following requests from customers. The premises had recently started opening for 24 hours following a burglary that had happened through the night. He reported that he had discussed the application with West Yorkshire Police and was happy to take out any necessary measures to meet licensing objectives. He also advised of a nearby premises that had a licence to sell alcohol 24 hours a day.

In response to questions, the following issues were discussed:

- The premises had been opening for 24 hours a day from April and through the night a serving hatch was used.
- It was felt the sale of alcohol for 24 hours would be mainly used on a weekend.
- Alcohol sales counted for about 30 percent of takings.

The Police representative addressed the meeting and raised the following issues:

- The premises were in a residential area which had previously been the subject of a dispersal order due to youths congregating. It was felt that the grant of a licence could resurrect these problems and lead to public nuisance and crime and disorder.

- An offer was made to work with the applicant regarding the incidents of burglary at the premises.
- Reference was made to concerns from a local health group regarding the sale of alcohol and associated health problems in South Leeds.

**RESOLVED** – That the application be refused.

**267 "Temple Newsam Car Park" - Application for the grant of a premises licence for House Car Park, Temple Newsam Park, Templenewsam Road, Halton, Leeds LS15 0AD**

This application was withdrawn from the agenda prior to the meeting as the applicants and all interested parties had reached agreements on measures suggested in order to promote the licensing objectives of the city. The Premise Licence will therefore be issued by the Licensing Officer in accordance with the agreed conditions