

Licensing Sub-Committee

Tuesday, 24th November, 2015

PRESENT: Councillor R Downes in the Chair

Councillors B Gettings and M Ingham

104 Election of the Chair

RESOLVED – That Councillor Downes be elected as Chair for the duration of the meeting

105 Late Items

There were no formal late items. However, the Panel was in receipt of additional information submitted by the applicant and the objectors in respect of the application relating to White's Deli 9 Otley Road LS6 (minute 108 refers)

106 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

107 Greek Community Hall - The Greek Orthodox Church Harehills Avenue LS8

The Licensing Sub-Committee considered an application made by Mr Antonious Demetriou for the grant of a premises licence for the Greek Community Hall, The Greek Orthodox Church, Harehills Avenue LS8. The application had been adjourned at the hearing on 13th October 2015, for discussions to take place between the applicant and local residents who had made representations to the application. The hearing had been relisted for 24th November 2015, to enable the same Members to consider the application

Attending the meeting were:

Mr Antonious Demetriou – proposed licence holder

Dr Hadjicharitou – Chair of the Greek Orthodox Church Committee

Mr Naslas – Greek Consul

Mr Godon – representing two of the local residents who had submitted objections and who had given their permission for Mr Godon to represent them at the hearing

Members were informed by the Principal Licensing Officer that agreements had been reached with the Council's Environmental Protection Team (EPT), with the hours now being sought in the application for the sale by retail of alcohol and live music 17:00 – 23.00 every day. This reduction in hours for licensable activities meant that the requirement for late night refreshment was removed

If the Sub-Committee granted the application, as amended, the conditions suggested by the EPT would form part of the licence

Members heard from Mr Demetriou who explained that the premises had been operating for over 40 years. For events which required bar facilities, the organisation would apply for a Temporary Event Notice (TEN). As these were costly, the decision had been taken to apply for a premises licence

Meetings would often take place in the premises in the afternoon and a licence would enable people attending to enjoy a drink. Occasionally weddings would take place at the premises where a bar was also required

Members were informed that as the Greek Orthodox Church was the only one in Yorkshire, people travelled there by car; they would behave responsibly and not cause noise and disturbance to residents. In the past there had been requests made to use the premises by other groups and following one letting, an incident did take place where noise nuisance occurred and the police were called

A reduction in the hours being sought for licensable activities, to 23.00 had been agreed with the EPT, which was felt to be better for local residents

West Yorkshire Police had requested that CCTV be installed which would be done and that the organisation would provide greater management of the premises, especially when events were taking place

In response to a question from the Sub-Committee, Members were informed that measures to prevent any entertainment noise breaking out through the ceiling of the function room would be undertaken and that long-term proposals were to create a classroom in this area which would further mitigate any noise

Mr Demetriou confirmed that at the request of the Licensing Sub-Committee at its meeting on 13th September 2015, discussions had taken place with local residents where it was explained that the application was not to enable the premises to be let out, but for it to be used as the applicants wished, for the use of the Greek community and to enable the small number of annual events it held at the premises

The Licensing Sub-Committee then heard from Mr Godon who was representing two of the local residents who had submitted representations to the application

Mr Godon advised that despite the discussions which had taken place between the applicant and local residents and the agreement to restrict events at the premises to 6 per year, concerns remained, particularly relating to assurances around the number of events which would be taking place and the hours of these

Concerns relating to noise and disturbance were also referred to as were highway issues, particularly around inappropriate parking and the lack of a positive response to these concerns from some of those attending the church and the hall. The Chair reminded the applicant that his responsibilities under the licensing objectives extended to patrons leaving the premises

The Licensing Sub-Committee carefully considered the verbal representations from Mr Demetriou and Mr Godon, together with the written representations from local residents and Ward Members and noted that the licensable hours being sought in the application had been amended to be for the sale by retail of alcohol and live music 17:00 – 23.00 every day. Members welcomed the agreements which had been reached with the EPT and noted that this objection had been withdrawn. In view of this Members considered that these measures would overcome the concerns raised by local residents and were hopeful that in the operation of the 6 events per year agreed to by the applicant requiring a TEN, the same conditions would apply as were on the licence

RESOLVED - To grant the application, as amended

108 Whites Deli - 9 Otley Road Headingley LS6

Prior to consideration of this application, representations were made by the applicant's legal representative for the submission of further documentation. Copies

of this had been sent to the Council - albeit after the timescale for the submission of information – and copies had also been provided to the two objectors who were in attendance

Mr Cook, one of the objectors, referred to a document entitled ‘ Headingley Renaissance’, which he would reference in his representations, although this had not been included in the papers before the Sub-Committee

Members considered how to proceed and decided, on this occasion, to accept both sets of documents, with the hearing being adjourned for a short period to enable the Sub-Committee to have sight of this additional information

When reconvened, the Chair asked that due to the late submission of papers, when making their representations to the Sub-Committee, both parties should reference any particular points they felt the Sub-Committee should have specific regard to when considering the application

The Licensing Sub-Committee considered an application to vary a premises licence made by Whites Deli Ltd for Whites Deli, 9 Otley Road Headingley which was situated in an area covered by a cumulative impact policy

Present at the hearing were:

Mr Arnott – applicant’s legal representative

Ms White – applicant

Mr Cook – local resident

Mr Unsworth – local resident

The application had been brought to Members for consideration as the proposals had attracted representations. It was noted that the representation submitted by the EPT had been withdrawn following agreements to measures which had been incorporated into a revised operating schedule

Mr Arnott presented the case on behalf of the applicant and referred to the popularity of the premises within the Headingley community; that the premises was a well-run, food-led café/bar which was seeking a modest extension to its opening hours. Since the premises opened over a year ago there had been no problems or incidents; that the occasions when the premises had opened later with a Temporary Event Notice, no issues had occurred and that this demonstrated the premises could open later without adding to the cumulative impact of the licensed premises in this area

In terms of the complaints received by local residents, none of these referred specifically to Whites Deli

The Licensing Sub-Committee then heard from Mr Cook who outlined the reasons behind the Headingley Renaissance document which provided a vision to guide the future development of Central Headingley and the overwhelming level of support by local residents to resist further licensed premises

Concerns were raised that the premises did not operate as a Deli but as a café to a broad clientele through the day. However, by night the premises operated as a bar with music, with very few people eating. Mr Cook accepted that the premises added to the facilities in the area but was of the view that there was no good reason to allow the application to extend the hours of operation. Further canvassing of local residents about the application indicated whilst there was some support for the application, objections were raised

The Licensing Sub-Committee then heard from Mr Unsworth who commented that many of the letters of support in the additional information submitted by the applicant's legal representative were not from local people and that the premises was encouraging people into the area from further afield

By way of response, the applicant explained that market research had indicated that a deli was required in the area. However, it became clear that there was a greater demand locally for a café/bar use, so the extent of deli goods available was reduced and was now limited to less perishable items

The Licensing Sub-Committee carefully considered the verbal representations from Mr Arnott, Ms White, Mr Cook and Mr Unsworth and the written representations submitted in respect of this application, including the additional information provided by both parties

Members noted that the premises were situated in an area covered by a cumulative impact policy. However, it was considered to be a well-run, food-led operation with 36 covers and that the existing conditions on the licence would prevent it becoming a vertical drinking establishment

RESOLVED - That the application be granted