

Licensing Sub-Committee

Tuesday, 7th March, 2017

PRESENT: Councillors B Flynn, B Selby and
G Wilkinson

7 Election of the Chair

RESOLVED – That Councillor G Hyde be elected as Chair for the meeting.

8 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents.

9 Exempt Information - Possible Exclusion of the Press and Public

The agenda contained no exempt information.

10 Late Items

With the permission of the Chair, the following late information was submitted:

- Copies of no objection letters submitted by the applicant in relation to the application to vary a premises licence held by Biedronka, 225 Roundhay Road, Leeds, LS8 4HS;
- Application for a Temporary Event Notice for Premier Banqueting, Stoney Rock Lane, Burmantofts, Leeds, LS9 7TZ;
- Objection to the Temporary Event Notice submitted by Councillor A Khan (Ward Member) dated 7 March 2017;
- Details of complaints history and recent objections to Temporary Event Notices by Environmental Health.

11 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interest.

12 Application to vary a premises licence held by Biedronka 225 Roundhay Road, Leeds, LS8 4HS

The Sub Committee considered the report of the Head of Elections, Licensing and Registration on an application to vary a premises licence made by Mr Alan Amiri, for Biedronka, 225 Roundhay Road, Leeds, LS8 4HS.

The application sought to vary the sale by retail of alcohol to everyday 24 hours and had attracted representations from LCC Environmental Protection Team and West Yorkshire Police.

Prior to the hearing, the applicant and West Yorkshire Police had reached agreement regarding the removal of several conditions which it was considered did not benefit the applicant.

The following were in attendance:

- Mr Alan Amiri – Proposed licence holder
- Mr Omid Mohamadi – Applicant’s representative
- Mr John Tootle – Senior Environmental Health Officer, Leeds City Council.

The applicant’s representative made the following key points:

- Various food and refreshments were sold at the premises which benefited the local community.
- The applicant did not anticipate any issues regarding noise disturbance.
- Security staff would be employed at the premises.

In response, the Senior Environmental Health Officer made the following key points:

- Concern that the application was for refreshments to be provided through a serving hatch directly onto the street. It was felt that this could result in people congregating in the local area after sales had been made.
- Concern regarding potential noise disturbance.
- The only other nearby premises that operated similar hours, enabled access inside the premises.
- The applicant had not stated how the issue of litter was to be addressed.

In response to a query regarding parking, it was confirmed that car parking was available nearby.

The Sub Committee carefully considered the application and the representations made by the applicant and environmental protection.

The Sub Committee, having regard to the Statement of Licensing Policy and the Section 182 Guidance

RESOLVED – To refuse the application on the following basis:

The Committee drew a distinction between the proposed installation of a hatch opening directly onto the street and an arrangement whereby sales are made within a licensed premises through a hatch.

The Licensing Sub-committee was not satisfied that the conditions offered and the arrangements proposed adequately addressed its concerns as to the promotion of the licensing objectives – in particular the prevention of public nuisance. There appeared to the Committee to be an inherent problem with late night/early morning sales of alcohol being made via a hatch opening directly onto the street, with the likelihood that customers would cause noise nuisance while queuing and/or making purchases outside the shop premises itself.

13 Temporary event notice for Premier Banqueting, Stoney Rock Lane, Burmantofts, Leeds, LS9 7TZ

The Sub Committee considered the report of the Head of Elections, Licensing and Registration on an application for a Temporary Event Notice for Premier Banqueting, Stoney Rock Lane, Burmantofts, Leeds, LS9 7TZ.

The application was for the provision of regulated entertainment on Saturday, 8 April 2017 (18:00 - 02:30am) and had attracted a representation from LCC Environmental Protection Team on the grounds that the temporary event notice would undermine the prevention of public nuisance. The Sub Committee noted that an objection notice had been issued.

The following were in attendance:

- Mrs Deza Hassan – Proposed licence holder
- Mr Amhed Osman – Applicant’s representative
- Mr Gurdip Mudhar – Environmental Health Officer.

Following the submission of representations the Sub-Committee concluded that as no licensable activities were to take place at the premises after 23:00, there was no requirement for a Temporary Event Notice to be issued. In response, Environmental Health advised that it was withdrawing its objection.

RESOLVED – That on the basis that no licensable activities were to take place at the premises after 23:00, there was no requirement for a Temporary Event Notice to be issued.