

## Licensing Sub-Committee

Tuesday, 26th September, 2023

**PRESENT:** Councillor L Farley in the Chair

Councillors A Hutchison and D Seary

### **1 Election of the Chair**

**RESOLVED** – That Councillor Farley be elected as Chair for the duration of the meeting.

### **2 Appeals Against Refusal of Inspection of Documents**

There were no appeals.

### **3 Exempt Information - Possible Exclusion of the Press and Public**

There were no exempt items.

### **4 Late Items**

There were no formal late items. However, in relation to Agenda Item 6 – Pintxos 44, 12A Austhorpe Road, Cross Gates, Leeds, LS15 8DX, supplementary information was circulated and published online prior to the meeting. Minute No. 6 refers.

### **5 Declaration of Interests**

No interests were raised.

### **6 Application for the Grant of a Premises Licence for Pintxos 44, 12A Austhorpe Road, Cross Gates, Leeds, LS15 8DX**

The report of the Chief Officer (Elections and Regulatory) presented an application for the grant of a premises licence made by Naki Akarsu, for Pintxos 44, 12A Austhorpe Road, Cross Gates, Leeds, LS15 8DX.

In attendance at the meeting were:

- Naki Akarsu – Premises Licence Applicant
- Stephen Thompson – Objector

Supplementary information was circulated in the form of additional information submitted on behalf of the applicant and further supplementary information received from an objector.

In summary, the application is for:

- Sale by retail of alcohol – Every Day 12:00 until 02:00
- Performance of recorded music – Every Day 12:00 until 02:00
- Performance of dance – Every Day 12:00 until 02:00
- Non-standard timings and seasonal variations – all authorised licensable activities to be extended to 04:00 on Christmas Eve, New Year's Eve, New Year's Day, and Bank Holidays

Representations have been received from West Yorkshire Police, a Local Residents' Association, and a local resident. An agreement has been reached with West

Yorkshire Police to amend the operating schedule and incorporate additional measures and therefore the representation from West Yorkshire Police has been withdrawn. The two other representations remain outstanding and oppose the application on the grounds of crime & disorder, public safety, and public nuisance.

The Legal Officer set out the procedure for the hearing and the Licensing Officer presented the application as set out in the submitted report.

The applicant informed the Sub-Committee of the following points:

- The applicant has been a resident in the Crossgates area for 22 years.
- The applicant owns La Cantina 44 and has never experienced any issues associated with it or the need for police interventions.
- The applicant intends on running the premises as a tapas and wine bar.
- The premises will only be open 5 days per week and will be closed on Mondays and Tuesdays.
- Live music will be less frequent, and acts will only last for a couple of hours, which may be once every 6 weeks.
- The applicant does not believe that the premises will cause any issues.

Further to questions from Sub-Committee members, the applicant confirmed the following:

- The operating hours applied for provide flexibility for special occasions and events that may take place.
- It is intended that 10pm will be last orders for drinks.
- In comparing to La Cantina 44, special occasions may be held once a month or once every 6 weeks. The applicant is unsure how many events the premises will cater for.
- The applicant has not needed to apply for a Temporary Event Notice for his other premises La Cantina 44, only for New Year's Eve or other special holidays.

The objector in attendance made the following points:

- The objector was shocked to see the intended operating hours of the premises and did not believe this is in keeping with other nearby premises.
- Although the applicant has agreed to reduce his hours to 01:30 am, in keeping with measures proposed by West Yorkshire Police, the police are not neighbours to the premises.
- There are flats and houses adjacent and nearby to the premises that may be impacted by patrons leaving and contributing to noise disturbance.
- There are no car parking facilities and customers may park in nearby streets.
- It was believed that the premises will set a precedent for other premises in the locality to apply for later operating hours, and this will change the ethos to the local area and will change the character of Crossgates over time.
- There are concerns that the applicant will have the ability to open and operate the premises until 2am every day. It was suggested that earlier operating hours be imposed similar to those of surrounding premises, and the use of Temporary Event Notices (TENs) be used for special occasions.

Further to questions from Sub-Committee members, the following was confirmed:

- The objector in attendance suggested alternative measures for sale by retail of alcohol which were Monday – Thursday until 11pm and Friday, Saturday, and Bank Holidays until 12pm.
- Further to the exploration of the applicant using Temporary Event Notices (TENs), the applicant confirmed this did not give him enough flexibility for special events.

In summarising, the applicant confirmed that Pintxos brings a restaurant / bar to an area that is becoming livelier, and where there are a lot of bars and restaurants. It was confirmed that other restaurants do not have parking, and the applicant believes that his customers will be local and will walk to the premises. There are also 2 local taxi firms nearby. Additionally, the applicant believes that he will not attract customers that will cause issues, and a similar clientele to La Cantina 44.

At this point in the meeting, the Sub-Committee moved into private session to deliberate on the application. In reaching its decision, members considered the report of the Head of Elections, Licensing and Registration, including the written representations opposing the application. The Sub Committee also had regard to the relevant provisions of the Licensing Act 2003, the Guidance issued under Section 182 of the Act and Leeds City Council's Statement of Licensing Policy. The Sub Committee also considered the oral representations, contributions, and explanations from the applicant and objector.

**RESOLVED** – To grant the application as applied for, subject to the inclusion of the amendments and additional measures as suggested by West Yorkshire Police which are as follows:

- The premises shall be and remain predominantly food led.
- Table service shall be in operation at all times.
- A suitable closed-circuit television (CCTV) system shall be in operation whilst members of the public are in attendance. The CCTV system shall record images to cover all areas of the licensed site to which the public have access. The CCTV system shall record images to cover external areas used by customers. At least one member of staff shall be on duty at the premises who can operate the system and download recorded images. These images will be downloaded and provided immediately, or where this is not possible as soon as practicable, on request to an officer of a Responsible Authority. The CCTV system shall be capable of retaining images for a minimum of 31 days, will be of good quality and will contain the correct time and date stamp information. The CCTV system and images will be kept in a secure environment to which members of the public will not be permitted access.
- Amendment of the premises plan to remove the blue areas which will remain as unlicensed (the outside terraced areas).
- Amendment of Section J of the PREM1 to amend the finish time for sale of alcohol to 1:30 hours.

**7 Application to Vary a Premises Licence held by Red's True Barbecue, Unit 1, Cloth Hall Street, Cloth Hall, Leeds, LS1 2HD**

This application was adjourned prior to the meeting and will be presented at a future meeting, all parties were informed of the adjournment.

The meeting ended at 11:20.