

Licensing Sub-Committee

Tuesday, 2nd April, 2024

PRESENT: Councillor L Farley in the Chair

Councillors A Hutchison and D Seary

1 Election of the Chair

RESOLVED – To elect Councillor Farley 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, supplementary information was published on the Council's website and distributed to Sub-Committee Members in relation to Agenda Item 6 – G-Wu 856 Leeds Road, Bramhope, Leeds, LS16 9ED.

5 Declaration of Interests

No interests were raised.

6 Application for the grant of a premises licence for G-Wu 856 Leeds Road, Bramhope, Leeds, LS16 9ED

The report of the Chief Officer (Elections and Regulatory) presented a report for the grant of a premises licence, made by Ms Melanie Nhi Bang, for G-Wu 856 Leeds Road, Bramhope, Leeds, LS16 9ED.

Supplementary information was published on the Council's website prior to the meeting and distributed to Sub-Committee Members. The information related to plans showing the layout of the premises.

The following were in attendance for this item:

- Chris Rees-Gay – Applicant's Representative
- Melanie Nhi Bang – Applicant
- Kin Bang – Applicant's Sister
- Sam Done – Objector
- Councillor B Flynn – Local Ward Councillor / Observing

The Legal Adviser outlined the procedure for the hearing. The objector in attendance requested that a document be tabled at the meeting, in the form of an additional objection letter from a resident. The applicant's representative objected to this due to it being late in the process, and Sub-Committee Members resolved to reject the additional information.

The Licensing Officer provided the following information:

- The application is for sale by retail of alcohol for consumption both on and off the premises every day 12:00pm until 22:00. No non-standard timings for bank holidays or special occasions are proposed.
- The premises has an existing licence for off-sales only. Hours currently permitted are Monday to Saturday 08:00 until 23:00 and Sunday 10:00 until 22:30.
- Representations have not been received from responsible authorities.
- The application has attracted a representation from a member of the public, opposing the application on the grounds of public nuisance.

The applicant's representative provided the following information:

- The applicant is an experienced operator and has run a similar establishment in Moortown, for 11 years. She has also held a personal licence for 13 years with no issues.
- The applicant has invested a lot into the site, and the proposal is for the premises to be a takeaway and restaurant / café.
- Subject to a suitable licence being granted, the applicant is willing to surrender the existing licence associated with the premises. The proposed licence is much less hours than the existing licence permits.
- There will be no table orders, and the delivery model is for quick service where patrons will order at the counter.
- It is proposed that there will be two front of house staff and 5 kitchen staff.
- Representations have not been received from responsible authorities.
- A meeting took place with the applicant and her sister, and the residents who objected to the application. The meeting took place on 16th March 2024 to discuss concerns with the proposals. It was noted that planning issues cannot be determined at the hearing, such as parking and commercial demand.
- Two further conditions have been proposed to alleviate issues associated with litter. Two litter bins will be provided outside of the premises, and the Designated Premises Supervisor (DPS) will be conducting litter patrols.
- No negative evidence associated with the premises has been presented to the Sub-Committee.
- The licensing objectives will be promoted, and a comprehensive operating schedule has been included to alleviate concerns raised.

The objector in attendance presented the following information:

- There has been no wider consultation with residents, and residents were not informed of the proposals by leaflets or letters.
- The applicant does not have planning permission for a café/bar, and it is considered that the application should not be heard before planning consent is given.
- It is considered that there is a direct correlation with crime and alcohol. Undermining the licensing objectives.
- The proposals present an opportunity for patrons to sit down and have a drink without ordering food, for a prolonged period. It is believed that there will be sustained drinking throughout the afternoon.
- External areas allow for outdoor seating to be provided in the summer months.
- Concerns regarding the noise from bottles being deposited on an evening.

- During the meeting with the applicant, they considered 10pm not be late. Residents with young children believe otherwise.
- The premises is situated near an already busy roundabout, and this will create issues with increased traffic.
- Existing noise nuisance is already generated from the nearby Rugby Club.

In responding to questions from Sub-Committee Members, the following was confirmed:

- In terms of the consultation that has taken place, it was confirmed that notices were displayed, and an advertisement was put in the local newspaper. Alternative consultation methods did not take place.
- The hours are less than what is currently permitted with the existing licence for off-sales.
- There will be no waiter / waitress service, and it will be order at the counter only.
- Patrons can purchase alcoholic drinks without buying food. Although it was confirmed the premises is largely food led. 80% food led, and 20% alcohol led with a meal. Further to concerns raised that the premises may be perceived as having a bar element, the applicant agreed to a condition to not sell alcohol without the purchase of food.
- No planning application has been submitted for a café/bar. The current planning permission permits a sui-generis use class.
- The objector confirmed that they are slightly reassured that a condition will be implemented to restrict the sale of alcohol, however, they are still unhappy with the lack of consultation with residents.
- The premises will be situated to the left of the building, and to the right of the building, remains a vacant unit.
- There will be no space for table and chairs outside of the premises, this is purely for parking.

In summarising, the applicant's representative concluded by explaining the applicant is an experienced operator and the objector has their contact details should any issues arise. Conditions have been offered in terms of litter, and an additional condition to ensure the premises is food led, as well as the inclusion of a comprehensive operating schedule. No representations have been received from responsible authorities and it is considered that the licensing objectives will be promoted.

At this point in the meeting, Sub-Committee Members moved into private session to deliberate on the application.

Upon returning, it was

RESOLVED – To grant the licence as applied for, with the addition of the conditions offered by the applicant and to include a condition to ensure that the sale and supply of alcohol is ancillary to food purchases.

The meeting concluded at 11:15.