

Licensing Sub-Committee

Wednesday, 23rd August, 2023

PRESENT: Councillor N Buckley in the Chair

Councillors S Hamilton

1 Election of the Chair

RESOLVED – To elect Councillor N Buckley as Chair for the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

3 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

4 Late Items

There was a formal item submitted as item 8 - Temporary Event Notice (TEN) for Sky Emerald, Unit 1, 91 Queen Street, Morley, Leeds, LS27 8DW, however, the TEN was withdrawn by the applicant prior to the hearing and did not require the Licensing Sub-Committee's consideration.

5 Declaration of Interests

No declarations of interest were made.

6 Application to Vary a Premises Licence held by Britannia, 235 Swinnow Road, Swinnow, Leeds, LS28 9AP

The Chief Officer for Elections and Regulatory submitted a report which advised Members of an application to vary a premises licence made by Moonlight Taverns Ltd, for Britannia, 235 Swinnow Road, Swinnow, Leeds, LS28 9AP.

There was no applicant or objecting parties present attending the meeting.

The Legal officer explained the procedure for the hearing. As there were no parties present to submit representations at the hearing, the capacity for the Sub-Committee to determine the application with only two Members present was noted.

The Licensing Officer presented the application informing the Members of the following points:

- The existing license for the premises was for;
 - Sale by retail of alcohol (for consumption both on and off the premises) every day 11:00 - 00:00
 - Provision of late night refreshment every day 23:00 - 00:00
 - Exhibition of a film every day 11:00 - 00:00
 - Indoor sporting events every day 11:00 - 00:00
 - Performance of live music every day 11:00 - 23:00
 - Performance of recorded music every day 11:00 - 00:00

- Indoor sporting events and entertainment of a similar description every day 11:00 - 00:00
- The variation of the license requested by the applicant was for sale by retail of alcohol every day 9:00 – 00:00
- A redacted copy of the application form was available at appendix B.
- Responsible Authorities and Ward Members had been notified of the application.
- The application had originally proposed sale by retail of alcohol every day 8:00 – 00:30, the Environmental Protection Team (EPT) had proposed to amend the hours to 9:00 – 0:00 and their agreement was available at appendix D.
- There was one public objection that remained outstanding. The objector had noted the amended hours of sale but still held their objection on the grounds of public nuisance.

Members discussed the following:

- The Sub-Committee expressed their disappointment that the applicant was not present for the hearing but agreed to continue with the applications determination.

RESOLVED – To grant the application as applied for, with the additional condition that alcohol purchased between the hours of 09:00 to 11:00 will be consumed on the premises and only when purchased alongside food.

7 Application for the Grant of a Premises Licence for TJ's Pizza 341 Kirkstall Road, Burley, Leeds, LS4 2HD

The report of the Chief Officer Elections and Regulatory requested Members consideration for an application for the grant of a premises licence made by Mr Aqib Javed & Mr Adam Javid, for TJ's Pizza, 341 Kirkstall Road, Burley, Leeds, LS4 2HD

Attending the meeting were:

- Mr Aqib Javed – Applicant
- Mr Daoud Javed – Applicant's relative

The Legal Officer explained the procedure for the hearing. As the Sub-Committee was comprised of only two Members, the procedure was outlined to the applicant who agreed to proceed with the hearing.

With agreement from the Chair, an additional document was tabled by the applicant which detailed character references of himself, provided by local businesses and friends.

The Licensing Officer presented the application informing Members of the following points:

- The application was for late night refreshment every day from 23:00 – 01:00 and the premises was an existing hot food takeaway.
- Responsible Authorities and Ward Members had been notified on the application.

- Agreements had been reached between the applicant and West Yorkshire Police (WYP) and EPT which had resulted in a number of suggested measures being incorporated into the proposed operating schedule and the objections had been withdrawn.
- There was one public objection that remained outstanding which was on the grounds of public nuisance. Their details had been redacted and they held concerns for fear of retribution.
- A copy of the application form was available at appendix A, a map of the locality at appendix B, the agreement with EPT at appendix C, an agreement with WYP at appendix D, the public objection comment at appendix E and the applicant's response to the objection comment at appendix F.

The applicant provided the following information:

- Agreements had been reached with WYP to control potential nuisance.
- Contact with EPT to install an additional bin outside the premises was ongoing to mitigate littering. The applicant had also proposed to pay for the bin themselves to speed up the process.
- There was a convenience store and a McDonald's restaurant nearby with customers from there believed to be contributing to the litter issues in the area.
- The objection comment had noted littering of branded food packaging however, the applicant's premises used unbranded packaging for food and outlined that this was not from his business.
- TJ's Pizza held a 5 star hygiene rating and had recently spent £500 on pest control devices. Vermin in the area were likely stemming from multiple premises as there was a multitude of restaurants and takeaways in the locality.
- The quadbike and firework related anti-social behaviour that had been referenced in the objection comment was not relevant to the premises and did not stem from TJ's Pizza.
- The anti-social use of vehicles was largely occurring from people accessing the convenience store next door and efforts to speak to these individuals to use vehicles mindfully and behave appropriately resulted in confrontation.
- Vehicle use was prominent outside the premises as it was the only part of the stretch of Kirkstall Road not covered by double yellow lines. Contact with WYP and the Highways department had been made to discuss whether double yellow lines were appropriate for the frontage to TJ's Pizza and the next door cycle shop, with the applicant also offering to pay for traffic barriers.
- The tabled character reference document outlined the applicant and staff to be good people who were also actively involved in supporting grass roots football teams with charitable donations.
- The premises employed a cleaner who also conducted work outside to the front and rear of the premises so it would always look presentable. The applicant had also paid for bins placed at the front and rear of the premises.
- When the premises was purchased, the previous owner had stated the license for operation was until 01:00. The applicant had acted unknowingly opening until this time and once it was realised that the license was only permitted to 23:00, the premises began shutting at this time.

- WYP would be contacted if any anti-social behaviour was witnessed outside the shop and it was noted this was negative to the business and was not encouraged or stemming from the premises, as had been referenced in the objection comment.

Responding to questions from Members the Sub-Committee were informed of the following by the applicant:

- There was a single yellow line parking restriction outside the premises. Double yellow lines may be inconvenient for customers but may assist with controlling anti-social related vehicle use.
- There was provision for parking on a side street opposite the premises however most trade was occurring via customers arriving on foot or sent out via delivery.
- The hours had been applied for until 01:00 as most deliveries were requested between the hours of 23:00 to 01:00 from previous experience. The business had been opening at 15:00 but had not been as successful in the earlier hours.
- The applicant had been operating hot food takeaways for 7 years, with 3 years owning TJ's Pizza.
- In the 3 years there had been no complaints received regarding disturbance when operating until 01:00. There were other businesses operating late at night in the locality, with McDonald's being open 24 hours daily.
- The premises operating outside its licensed hours had been an honest mistake and had been uncovered by a WYP Officer who was ordering food after 23:00 and had happened to check the licensed hours out of interest. The hours of operation were changed immediately after this was realised.
- No alcohol was served at the premises.

In summing up, the applicant's representative outlined the following:

- Including delivery staff there was up to 20 staff members employed by TJ's Pizza. The business involved the applicant's family members.
- A scheme working with the local job centre was ongoing to get local people into work. There was also shadowing work available for young people to educate them on business and operations.
- The applicant had recently been receiving medical attention and been off work and often the business had been closed however wages were still being provided to staff. Another operation had been scheduled for the applicant so approval of the license would allow business continuity and continue to provide turnover to pay for staff despite difficult times.
- A reply had been submitted to address the concerns raised in the objection comment.
- The business was involved in socially beneficial projects such as providing 99p meals for children from less privileged families and the 'too good to go' app where people can purchase leftover food for 15% of the original cost. The applicant noted they provide food for homeless people.
- Previously food had been taken to Leeds General Infirmary to share with NHS staff and the business also offered a 20% discount for NHS staff.
- TJ's Pizza had a 4.7 star rating on Google and was recognised for its high rating on Just Eat, the food delivery app.

- The reference to anti-social behaviour from staff in the objection comment was disputed.

RESOLVED – To grant the application as applied for.

8 Late Item - Temporary Event Notice for Sky Emerald, Unit 1, 91 Queen Street, Morley, Leeds, LS27 8DW

This matter was withdrawn by the premises user prior to the hearing.