

Licensing Sub-Committee

Tuesday, 20th June, 2023

PRESENT: Councillor L Martin in the Chair

Councillors A Ali and E Carlisle

1 Election of the Chair

RESOLVED – To elect Cllr L Martin 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 were no formal late items, however supplementary information was circulated to Members prior to the meeting in relation to item 7- Application for the grant of a premises licence for TK Restaurant 486 Harehills Lane Leeds LS9 6NG. With agreement from the Chair, an additional document was tabled, containing details of a proposed Noise Management Plan and Dispersal Policy for the premises. All parties were allowed sufficient time to digest the contents of the tabled document.

5 Declaration of Interests

Councillor A Ali declared an interest; that he had previously played cricket for the Caribbean Cricket Club, Scott Hall Road, Leeds LS7 2HH but this would bear no influence on his decision making for the application at item 6.

6 Application for the Grant of a Premises Licence for The Caribbean Cricket Club, Scott Hall Road, Leeds LS7 2HH

The Chief Officer Elections and Regulatory submitted a report for Member's consideration on an application for the grant of a premises licence, made by The Caribbean Cricket Club, Scott Hall Road, Leeds LS7 2HH.

Attending the meeting were:

- Reginald Hamilton – Secretary for the Caribbean Cricket Club
- Arshad Mahmood – Member of the Caribbean Cricket Club

The Legal officer explained the procedure for the hearing.

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

- The application had been made by the Caribbean Cricket Club, with the proposed designated premises supervisor (DPS) as Mr Larry Gumbs.
- The application proposed the sale by retail of alcohol for the hours Saturday 12:00 - 00:00 and Sunday to Friday 12:00 - 23:00, late night refreshment for the hours Saturday 23:00 - 00:00, the performance of recorded music for the hours Saturday 12:00 - 00:00 Sunday to Friday 12:00 - 23:00 and

performance of live music and entertainment of a similar description for the hours 12:00 - 23:00 every day. Non-standard timings were the day before and after any official Bank Holiday with an extension of permitted hours until 2:00.

- Responsible authorities and Ward Members had been notified of the application.
- Following receipt of the application agreements had been reached between the applicant, Leeds City Council's Environmental Protection Team (EPT) and West Yorkshire Police (WYP). Measures suggested by those authorities had been accepted by the applicant and, as a result, the representations had been withdrawn.
- Section M of the application form, at page 30 of the report, detailed proposed steps intended to promote the 4 licensing objectives.
- 9 representations had been received from a number of local residents on the grounds of crime & disorder and public nuisance, which remained a matter outstanding for the Licensing Sub Committee's consideration.
- A copy of the licence details for the existing premises licence was available at Appendix A, a redacted version of the application at Appendix B, a map which identified the location of these premises at Appendix C, a copy of the representation and agreement by the EPT at Appendix D, a copy of the representation and agreement by WYP at Appendix E and redacted copies of the public representations at Appendix F.
- No other licensed premises were noted within the immediate locality of the premises.

The cricket club representatives provided the Sub-Committee with the following information:

- The cricket club had been established in 1948 and was one of the oldest West-Indian organisations in the country.
- An event had been planned to commemorate the Windrush Generation to take place before the end of 2023.
- The cricket club was self-funded, relying on membership fees, to pay for the £3500 annual lease fee to the Council and various running costs. The extended licensed hours applied for were to generate further funding to establish a juniors' team, incurring various costs in aid of the welfare for young people.
- The most recent event at the premises was held on the 17th of June 2022 which had received no formal complaints.
- Many of the objections, particularly objection 7 at page 61 of the report, listed historic events of 2019, however WYP had made no contact with the club regarding these complaints at this time.
- People had the right to submit objections but these should be given weight by the Committee based on their proportionality within the context that no events had been held recently and no issues were noted in principle that the cricket club were aware of.
- There was a designated person acting as security for events to resolve any issues and ensure people leave the club in a respectful manner and to manage traffic. Cricket club committee members also attended events to assist with resolving issues.

- The urination on fences, referenced in the public objections, were not within the immediate locality and doubt was cast that this issue stems from the club.
- To limit any noise complaints, work was ongoing to soundproof walls of the club, with no imminent events planned due to the building work to extend the clubhouse.
- The EPT objection had been withdrawn and the cricket club was prepared to adhere to the reasonable measures.
- Letters had been delivered to neighbours informing them of upcoming events and invites to evening tea and meals had been sent to engage with the local community.
- CCTV will also cover neighbouring properties to assist with their safety. The club had previously assisted WYP with CCTV facing Scotthall Road to address speeding car issues.
- The licence granted in 2021 had been used to hold events to raise funds for the construction of an extension to the clubhouse, further funding from the England and Wales Cricket Board had been secured for the extension.
- Temporary Event Notices (TENs) had previously been applied for to extend the licensed hours to hold events and no direct complaints had been received.
- Any complaints received by the club were kept on a register, taken seriously and measures were put in place to address them, when deemed reasonable.
- The majority of club members (estimated at 90%) abstained from the consumption alcohol.

Responding to questions from Members the sub-committee were informed of the following:

- It was confirmed that most of the anti-social behaviour noted at the club occurred out of normal opening hours; the club had been burnt down twice, broken into multiple times and WYP had assisted with an encampment of travellers. Although anti-social behaviour wasn't constant, extended hours would allow more monitoring of the grounds and act as a deterrent.
- As some of the public objections noted events from a number of years ago, it was outlined that there had been no serious incidents since the secretary had been in post since 1987. The Covid-19 lockdown and club refurbishment were not perceived to have significantly contributed to the lack of any recent disturbance to local residents.
- The club representatives recognised the initial WYP and EPT objection and had worked with the responsible authorities to mitigate issues and adhere to the conditions; instructions from authorities will be followed.
- The loud events referenced in objections to be taking place on Sundays were unclear to the club representatives as no big events had taken place on a Sunday other than cup games which were noted to conclude by the late afternoon.
- The club had been run by various committees of volunteers and over recent years had strong policy commitments to adhere to appropriate licensing objectives.
- The nearest residential property was noted to be 40 metres from the clubhouse, across a large open field, the hours of the applied for license had been reduced to limit noise that had been referenced in EPTs initial objection and the proposed soundproofing met building regulations standards.

Members suggested that 40 metres was not a huge distance for noise to be transmitted.

- The suggestions from Members, to engage with local residents regarding any planned events were taken into account and no events were proposed until the soundproofing and CCTV had been installed.
- There were no external sound systems used at the premises and the CCTV was to be panoramic, allowing a full view of the grounds.
- As the applied for licence would allow music until as late as 2am, it was noted that the volume level for any music after 11pm will be lowered. The late-night refreshments would be licensed until 2am, however with the licence to sell alcohol expiring earlier, it was outlined that there would likely be music and dancing with light, non-alcoholic refreshment on occasion past 11pm. Parties would occur to generate funding for the club.

In summing up The Caribbean Cricket Club representatives outlined the following:

- The club's daily operations were not funded by external sources, and the applied for licence would enhance the clubs standing and allow further community engagement and the development of a junior team, a positive for young people in the area.
- The improvements to the club and extended hours would attract other cricket clubs from around the country to play friendly Sunday matches which would lead to increased spending in other businesses in the city, helping Leeds economically and culturally.
- Work with local schools to develop the junior team would be an asset for the community.
- An invitation to the event to celebrate the Windrush generation was extended to Sub-Committee Members.

RESOLVED – To grant the licence, as applied for, subject to the conditions agreed with the Responsible Authorities.

7 Application for the Grant of a Premises Licence for TK Restaurant, 486 Harehills Lane, Leeds, LS9 6NG

The Chief Officer Elections and Regulatory submitted a report for Members' consideration on an application for the grant of a premises licence, made by TK Restaurant, 486 Harehills Lane, Leeds LS9 6NG.

Attending the meeting were:

- Hagos Ghebrehiwet – Part owner of TK Restaurant & Leisure Ltd - On Applicant's behalf.
- Teklit Tesfay - Part owner of TK Restaurant & Leisure Ltd - On Applicant's behalf.
- Duncan Craig – Applicant's Legal Representative
- Max Craig – Legal work experience
- PC Andy Clifford, West Yorkshire Police – Responsible Authority objector
- Carmel Brennand, Licensing Authority – Responsible Authority objector
- Cllr Asghar Khan – Representing Local Business Objector

The Legal Officer explained the procedure for the hearing.

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

- The application had been made by TK Restaurant & Leisure Ltd, with the proposed DPS being Kubrom Gebit.
- The premises intended to operate as a café/restaurant, with a bar.
- In summary, the application is for the Sale of Alcohol (for consumption on the premises only) Monday to Sunday 12:00 – 23:00.
- Responsible authorities and Ward Members had been notified of the application.
- The application had attracted representations from other persons and responsible authorities.
- The iterations of the previous licenses held by the premises were detailed at point 2 on page 64 of the report and the operating schedule at page 69.
- A copy of the redacted version of the application was available at Appendix A, a map which identified the location of these premises at Appendix B, a copy of the representation by WYP at Appendix C, the representation made by the Senior Liaison and Enforcement Officer on behalf of the Licensing Authority at Appendix D, a copy of the EPT representation and agreement available at Appendix E, a redacted copy of the representation made by 'other persons' available at Appendix F and a list of premises in the local area and their licensed hours and activities available at Appendix G.
- The applicant's agent had responded with offered conditions to the WYP and Licensing Authority objections, found in the Supplementary Pack, however both parties still objected on the grounds of the sensitive history of the premises and apparent lack of experience held in running a bar by the applicants.

The applicant's legal representative provided the following information:

- Although the premises clearly had a significant history, this had stemmed from the involvement of Mr Salman Haydaran, referenced in the WYP and Licensing Authority objections and Mr Haydaran's alleged inability to promote the licensing objectives.
- The applicant's legal representative had visited the premises on the morning of the hearing, where a neighbouring shop had invited him in to discuss the application and history of the premises. The history of violence was noted, and the responsible authority objection was understood, however, this was a new business proposal and Members were encouraged to establish trust with the new applicants to follow the licensing objectives.
- The restaurant had 40 covers and conditions were proposed for patrons to only consume alcohol while sitting and with food and were only intending to sell beer and wine, not spirits, which demonstrated a commitment to change the business and separate from its history.
- The last iteration of the licence had been somewhat similar, as a restaurant, however the earlier ones had been as a nightclub, open until 5am. The applied for licence would be entirely limited to operation as a responsible restaurant.
- The refusal records and previous issues had been discussed with the applicants to ensure proper training for staff, public safety and delivery

instructions, with the additional tabled document detailing 3 further offered conditions to distinguish the business from the previous reviewed licences.

- Mr Haydaran and James O'Donnell, referenced in the WYP and Licensing Authority objection will have no involvement in the premises operation, Mr. Haydaran would not be allowed on the premises when any licensed activity was occurring. It was outlined that the premises was sub-leased by Mr. Haydaran, but the relationship with him to the business would be limited to this.
- The applicants did not want Mr. Haydaran involved with their business, and they had been operating as a restaurant, not serving alcohol for 3 months with no issues noted. The deposit of £6,000 paid to sub-lease the property showed their commitment to running a legitimate, safe business for the Eritrean community.
- Both the owners were licensed taxi drivers, with years of entrusted experience driving citizens of Leeds safely to their destinations.
- The applied for licensed hours for serving alcohol until 11pm were considered modest, with no further activities applied for. The White Horse pub within the locality was noted to hold a licence until midnight Monday to Saturday.
- The applicants should be allowed an opportunity to prove themselves as responsible individuals, who can promote the licensing objectives.

Responding to questions from Members the Sub-Committee were informed of the following by the applicants and their representative:

- It was noted the applicants had no prior relationship with Mr. Haydaran, and they had met at a community event and established discussion as to using the premises as a restaurant. They did not know Mr. Haydaran outside of business negotiations and he had only visited the premises on one occasion since it had been sub-leased to them to conduct maintenance work on a leak.
- A deposit on the sub-lease had been made at a value of £6000 and the rent is £3000 per month. Payments were via direct debit.
- Mr. Haydaran had no involvement with the restaurant's operation and was serving the Eritrean community, the previous business models at the premises had not catered for a specific demographic. TK restaurant had been open for 3 months and the majority of its clientele had been family and friends of the owners.
- The restaurant had 10 tables and 40 covers, other restaurants within Leeds were noted to serve the Eritrean community, however none within the locality.
- Originally the applicants had not intended to sell alcohol but during the first 3 months of operation, customers had requested beer and wine with their meals and only minimal consumption to supplement a meal was expected.
- Whilst the owners had not held alcohol licences before, it was noted they both hold taxi licences and were experienced dealing with drunk, anti-social and violent customers and that Mr. Tesfay had experience running a bar in Eritrea.
- Whilst it was outlined that the Madison Bar and Grill licence had been applied for on behalf on Mr. Haydaran, following the previous licence being revoked, the legal representative noted the new applicants to be honest, sincere, and committed to running an entirely different model.
- As Mr. Haydaran and those involved with applications for previous licences were perceived to have misled the Licensing Sub-Committee, it was noted the

applicants were not fully aware of the violent history and thought the premises was suitable to establish a restaurant and had no intention to mislead the Committee or have Mr. Haydaran involved in the business.

- In the event of business failure, it was noted by the Legal Officer and the applicant's legal representative that the licence can be transferred to a different business or person, however, with consent from the existing holder, this would require a Section 42 application to the Licensing Authority and WYP specifically could object to transfer. Ultimately though a licence rests with a premises.
- For a liquidated business, another party or person may apply within 28 days for the licence to be transferred. WYP had systems in place to track notifications of licence transfers, if they object a Licensing Sub-Committee hearing will be held and if the transfer is refused, the licence will lapse.
- As the DPS was not present at the hearing, it was noted that they did not know Mr. Haydaran and had not attended due to being away on holiday in Eritrea.
- The TEN submitted by the applicants for an event on the 24th of July 2023, with hours applied for until 5:00am had been withdrawn due to WYP objection. This event was proposed as a baptism party for a friend of the applicants, with a maximum of 100 guests. The applicants stated they were less aware of the problematic history when the TEN had been submitted and would not apply for these late hours again and would try to keep all events within the licensed hours if submitting a new TEN.

The objecting parties addressed the Sub-Committee providing the Members with the following information:

Cllr Asghar Khan – Representing Local Business Objector

- The premises had a difficult, violent history, which had been noted again by local businesses during the applicant's legal representative's site visit.
- The local business Cllr Khan was representing had fears of reprisal from publicly objecting to the application.
- The local area had issues with high deprivation, poverty and street drinking, with more premises stocking alcohol contributing to further social problems.
- Customers of other local businesses had noted feelings of intimidation stemming from the premises, with extreme cases of noise, anti-social behaviour and violent crime.
- There was suspicion the new applicant had a connection to Mr. Haydaran.
- The sale of alcohol may bring back historically violent customers to the premises.
- The area was predominantly residential and was sensitive to loud noise and or music, litter and parking issues.

PC Andy Clifford, West Yorkshire Police

- Although the owners held taxi licences, taxi drivers do not sell alcohol and running a bar required a completely different level of management.
- The previous revoked licence was for a similar bar/restaurant model, but serious concerns had arisen as its operation had flouted many conditions and worked against licensing objectives.

- The premises had historically been very difficult for WYP to deal with, and staff had been unwilling to assist with investigations and even attempted to clean and cover up crime scenes. The most serious incidents were the 3 stabbings which had occurred over a short 3-month period.
- WYP would always object whilst Mr. Haydaran had any involvement with the premises and it was strongly suspected he was involved in this application, although to what degree wasn't clear. For the Madison Bar and Grill licence he was again noted to only be the landlord, however once granted, he was heavily involved and had the same staff as Shaftesbury Pool Centre.
- Whilst trying to access the premises for a pre-planned meeting at Madison Bar and Grill, a staff member had asked PC Clifford if he was here to see the boss and confirmed this was in reference to Mr. Haydaran, despite the application stating he would not be involved in business operations.
- Whilst passing the venue on one occasion, another WYP Officer was dealing with an incident at the premises, where it was clear Mr. Haydaran was in charge despite claims he was not involved. The licence holder at the time had been aggressive and shouted at Officers.
- Mr. Haydaran's girlfriend had also submitted a licence application for a variation to the hours for the premises and Mr. Haydaran, along with staff, had attended the Licensing Sub-Committee where it was determined as observing members of the public. Mr O'Donnell had been the named to be re-appointed as DPS for that application.
- The offered conditions for alcohol to only be served to seated customers were unlikely to be followed due to snooker and billiards tables remaining at the premises.
- It seemed suspicious and similar to previous applications for two people with no prior bar or licensed activity experience to be taking over the venue and may be a front to get the bar opened again.
- The premises was noted to be one of the worst for WYP to deal with within the area, with CCTV historically operated by Mr. Haydaran, with staff unable to operate it when requested and the drug safe had two keys to access it, one for the premises and one for WYP, both needed for access, however, the WYP lock had been drilled out.
- The aim for WYP was to reduce anti-social behaviour, nuisance and crime for local residents, with a palliative care home also noted to be adjacent to the premises. EPT had withdrawn their objection, but they were perceived not to have had a full scope of understanding of the issues.
- The premises was on the second floor with no smoking area, so customers had historically smoked downstairs outside the premises where staff were unable to manage issues and had led to litter and been a hot spot for violence.

Carmel Brennand, Licensing Authority

- The Officer had 17 years of experience within the Licensing Authority and had covered the enforcement in LS9 for a number of years.
- There had been a significant number of licence applications at the premises, many had been refused and 3 licences at the premises had been reviewed, the most for any individual premises within Leeds.

- Section 19 Closure Orders had been implemented over the premises in 2019 following the knife crime incidents.
- The workload pressure put on responsible authorities were unprecedented, involving, West Yorkshire Fire Service, the Planning Department, the Anti-Social Behaviour Team, the Environmental Protection Team, Food Safety WYP and the Licensing Authority. This was noted to amount to a significant level of officer time.
- The history of events that impacted public safety were staggering with fires occurring in 2006 and 2010. The premises had closed for long periods of time and re-opened on a number of occasions.
- Mr. Haydaran had been the owner and DPS until August 2017 when Mr. O'Donnell had been appointed as DPS.
- In 2018, extended hours had been granted for the sale of alcohol and the first complaint regarding drugs, violence and anti-social behaviour had occurred within a few months.
- There had been 10 occasions where the Licensing Authority arranged meetings with Mr. Haydaran to discuss the multitude of issues and crimes occurring at the premises.
- A drive by investigation of the premises had taken place prior to the serious assaults, with urination and loud music witnessed until 2:30am with up to 30 people outside, completely out of the door staff's control.
- Three serious assaults, involving knives, had occurred in 2019 and WYP had then applied for a review of the licence.
- During the years Mr. Haydaran had been the DPS or licence holder there had been a complete failure to uphold the licensing objectives until the licence was revoked in December 2019.
- In 2020, the application for Madison Bar and Grill was approved to operate as a Caribbean food and drink establishment, and again, the agreed conditions and licensing objectives were not upheld. It had been agreed that Mr. Haydaran would not be involved in the business operations, but the applicants turned out to be a front for him to run the business again.
- One week after opening, a check of the premises was conducted where Parts A and B of the licence were not on display as required, the incorrect date and time were displayed on the CCTV units, there wasn't an operational safe, no food menu was available, and no food was stocked in the fridge or freezer; all against the agreed conditions for the licence.
- The then DPS, Jeffery Wilson, refuted any involvement of Mr. Haydaran and ignored communication from responsible authorities; it was then uncovered that Mr. Haydaran oversaw employment of staff and paying wages.
- TENs had been submitted at the venue during the Madison Bar and Grill period with events going on until as late as 4am.
- A 2-hour meeting was held with Mr. Haydaran on the 4th of November 2022 with EPT, WYP and the Licensing Authority where he denied allegations of late disturbance to residents or that conditions and due processes were being flouted. A second Section 19 Closure Notice was served against the premises.
- Another application was submitted at the venue for the licence to be transferred to EKO Wine Bar & Grills Limited which was determined by the

Licensing Sub Committee who resolved to refuse the transfer and revoke the licence.

- The TK Restaurant application to sell alcohol was similar to previous operations and iterations of the premises licences and although conditions had been offered, they had historically not been complied with. It was perceived that the conditions had only been offered after the WYP and Licensing Authority objections had been received.
- As it was the applicant's first licence being applied for and money had been paid in advance to Mr. Haydaran this raised further concern and suspicion.
- A TEN had already been submitted for an event of the 24th of June 2023 at TK Restaurant which raised concern for the proposal for the premises to operate as a quiet restaurant. The TEN had resulted in an objection from WYP and service of a counter notice to preclude the event.
- Members were requested to refuse the application in consideration of the premises history and inexperience of the new owners in order to protect local residents.

Responding to questions from Members the following information was provided by the objecting responsible authorities:

- Although there had been no recent complaints of loud music or noise from the premises, there had been some within the locality from other premises, showing local residents and businesses to be concerned and sensitive to disturbance.
- News spreading if the alcohol license were granted had the potential to bring back previously problem customers and begin to negatively impact the local community again.
- Although the local area was built up with independent businesses, some residents avoided the area due to feeling unsafe and intimidated, mostly by street drinkers.
- The withdrawal of the EPT objection and agreed conditions showed some positives, however, long term operations and Mr. Haydaran's involvement were unclear.
- Although hard evidence could not be provided for Mr. Haydaran's direct involvement in TK Restaurant, he was still leasing the premises, as had been done for Maddison Bar and Grill where the then applicants had been dishonest to the Licensing Sub-Committee and this application was believed to be history repeating itself.
- It was confirmed that the WYP Officer had not revisited the premises since TK Restaurant had opened so the previous clientele or staff could not be confirmed, however, there were issues previously with staff not following conditions which had been further agitated and created further difficulties controlling patrons when alcohol was involved.
- There had been a swift review of Madison Bar and Grill when conditions had not been complied with, it was noted to be the worst bar the WYP Officer had dealt with, there was no reassurance that the pool and billiards tables had been removed, there was little faith the vertical drinking condition would be applied, and history told that Mr. Haydaran would likely be involved in the operations.

- If the licence were approved and the business was then to fail, the licence would reside with the premises and would be open to transfer. WYP would have the opportunity to object to any transfer applications and the licence would not automatically go back to the premises owner.
- It was noted the palliative care home within the locality had not formally objected to any responsible authority regarding disturbance from the premises under the various names and licenses as they were unaware of the process, however, WYP had spoken to nurses at the care home during the first licence review and been told nurses were in fear traveling to and from work, drunk people often spilled out into the care home carpark, end of life patients had to close windows due to noise and they had been suffering in silence.
- A condition attached to the Madison Bar and Grill licence was for there to be a full food menu available, however, one week after the licence was granted, Licensing Authority Officers had visited the premises and found no menu or food stocked yet were still selling alcohol. Promises had been made to acquire the licence and then conditions were not complied with. As part of Section 136 of the Licensing Act, all conditions must be complied with in order to conduct the licensable activities.
- It was noted the current applicants were believed to have stocked food and CCTV, but this was not enough evidence for compliance to satisfy the objecting responsible authorities.
- Concern was outlined that the rent paid to Mr. Haydaran by the applicants was substantial and it was not known if he would have any control over wages or other finances.
- Suspicion that the applicants may be a front for Mr. Haydaran was outlined as them having no previous history or experience running a restaurant and a large sum of money had been paid to Mr. Haydaran. This case was similar to the previous licence and Members were advised to be very cautious.

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

- The frustration of and the suspensions implemented from the responsible authorities was understood.
- The new owners had worked hard as taxi drivers for years to fund their new business venture.
- The restaurant had been in operation for 3 months with no issues noted.
- The allegation that Mr. Haydaran will exert control of the premises if the licence were granted was not accepted and only rent will be paid to him, he will have no further control over business operations.
- The conditions offered would be respected and followed.
The applicants were trustworthy, this was a new business model and Members were urged not to be drawn to believe history would repeat itself.

Following deliberations, Members brought back all parties for further questions and the following information was noted:

- The applicants stated both themselves and the DPS were able to operate the CCTV systems at the premises. Members discussed whether a condition for someone who is able to operate the CCTV to always be on premises during licensed hours would be appropriate.

Following the hearing, and prior to the Sub Committee making a decision, it came to light that the premises were located within the Cumulative Impact Area for Harehills & Burmantofts, the boundary of which had been extended following a review of the Cumulative Impact Assessment in 2022 and the adoption of the latest Statement of Licensing Policy in January 2023.

The location of TK Restaurant within the Harehills CIA had not been noted in the report before the Sub Committee, therefore the applicant had not addressed the implications of the CIA in their application nor at the hearing and parties to the hearing had not addressed the CIA in their representations.

The applicant and all parties who had submitted a valid representation were notified of this in writing and given five working days in which to put forward any comments or submissions as to the relevance, or otherwise, of the Harehills & Burmantofts Cumulative Impact Policy to this particular application.

Responses were received from the Applicant's Counsel, from West Yorkshire Police and from the Licensing Authority. These were provided to members of the Licensing Sub-Committee for consideration during their decision making.

The Committee concluded that the premises location within an area covered by the Harehills & Burmantofts Cumulative Impact Policy was not a relevant factor, the Policy being primarily concerned with street drinking and the proliferation of off licensed premises. The Committee also noted that the relaxation towards off sales, introduced by the Business and Planning Act 2020, applies to premises licences which were in existence prior to the legislation's introduction. Therefore, any licence proposing the sale by retail of alcohol for consumption on the premises granted after the temporary provision came in to effect in July 2020 would not be automatically entitled to provide off sales.

Furthermore, the Licensing Sub Committee carefully considered the application before them, the representations received from the responsible authorities, other persons and the applicant, both in writing and at the hearing. Members also had regard to the provisions of the Licensing Act 2003, Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy 2023 -2027.

Members were concerned that the long history of the premises being associated with crime and disorder and public nuisance during the periods when it had been licensed for the sale of alcohol, meant that it was more likely than not that the licensing objectives would be undermined if the licence were to be granted. Members noted that although there are apparently no issues associated with the premises at present, this was likely to be due to the fact that the premises were not currently licensed. The Sub Committee noted the suggestion made by WYP that there was a pattern of crime, disorder and nuisance being associated with the premises whenever it was licensed.

The Sub Committee also considered whether the conditions offered by the applicant might address their concerns, in particular regarding Mr Haydaran's influence and the history of problems that the premises seemed to attract when licensed, but on balance felt that the proposal that Mr Haydaran would not be permitted on the

premises at any time when licensable activities were taking place, might be difficult to enforce.

Mr Haydaran was the Applicant's landlord and experience suggested he had little regard for compliance with the licensing regime.

The Sub Committee also considered the history of nuisance caused by customers of previous businesses on the site when outside the building and the likelihood of this being repeated and its impact on local residents and staff of the nearby care home.

RESOLVED – The Licensing Sub Committee, by a majority, resolved to refuse the application. The reasons set out above are those of the majority.