

Licensing Sub-Committee

Tuesday, 30th July, 2024

PRESENT: Councillor S Holroyd-Case in the Chair

Councillors S Hamilton and D Seary

1 Election of the Chair

RESOLVED – To elect Cllr Holroyd-Case 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 in respect of Agenda Item 6 – NYK Leeds, Ground Floor, 106 Burley Road, Burley, Leeds, LS3 1JP. Minute No. 6 refers.

5 Declaration of Interests

No interests were raised.

6 Application for the Grant of a Premises Licence for NYK Leeds, Ground Floor, 106 Burley Road, Burley, Leeds, LS3 1JP

Prior to the hearing, the applicant was not in attendance. Sub-Committee Members felt it necessary the applicant be in attendance should they have any questions for him. The applicant's representative and objector in attendance, agreed to delay the meeting to allow the applicant time to attend the hearing. Sub-Committee Members agreed to delay the meeting for a short period of time.

The report of the Chief Officer (Elections and Regulatory) presented an application for the grant of a premises licence made by NYK Leeds Limited, for NYK Leeds, Ground Floor, 106 Burley Road, Burley, Leeds, LS3 1JP.

Supplementary information was published on the Council's website prior to the meeting, in the form of additional information submitted by responsible authorities, the applicant and an objector.

The following were in attendance for this item:

- Rashid Mogul, 365 Architecture – Applicant's Representative
- Rahat Javid, Sole Director of NYK Leeds Ltd. – Applicant
- Dr. Deryck Piper – Objector

The Legal Officer outlined the procedure for the hearing and the Licensing Officer summarised the application by highlighting:

- Agreements have been reached with West Yorkshire Police (WYP) and Environmental Protection Team (EPT), Leeds City Council (LCC), to adopt

additional measures and to reduce the terminal hour of the Performance of Recorded Music. As such, representations by those authorities have been withdrawn.

- Individual representations from members of the public remain a matter outstanding, on the grounds of public nuisance and public safety.
- The application is for late night refreshment, everyday 23:00 until 02:00 and performance of recorded music, everyday 11:00 until 23:00.

The applicant's representative informed the Sub-Committee of the following:

- Responsible authorities initially raised concerns with the application, however, further to agreements reached with them and an amended operating schedule, they have withdrawn their representations. Considerations include a CCTV system, an incident booklet, no unaccompanied children after 9pm, as well as seating for 20 people to be maintained on the premises.
- The premises does not sell alcohol nor allow patrons to drink alcohol on the premises.
- The Director of NYK, met with Dr. Piper to discuss concerns of residents, and it was agreed that the number of litter picks will be increased. Additional pick-ups will be assessed if needed.
- It was confirmed that a private company purchases the oil from the premises, and oil is not disposed of on the premises. The oil is refined and recycled by a private company.
- It is requested that recorded music is permitted until 11pm.
- It has been agreed to sound insulate the vent system to further reduce noise and address noise concerns. This is expected to be completed by the end of the week. It is expected that the fans will be inaudible from the nearest residential property.
- The applicant is willing to take further measures and suggestions onboard to mitigate outstanding concerns.

The objector in attendance raised the following concerns:

- Dr. Piper is the Chair of the Little London and Woodhouse Community Association. The group values input from local businesses and values residents in the area. The group encourages responsible businesses.
- Residents on West Field Court are mainly affected by the premises, with it being adjacent the rear of the property. Residents are elderly people, families and long-term residents.
- When the premises first opened, there was a van playing music to promote the premises for a couple of days.
- EPT LCC are involved in a number of issues associated with the premises. The premises has previously been fined for operating outside of their permitted hours.
- The improvements that have been done should have been in place when the premises initially opened.
- The immediate character of the area is residential properties, and the hours proposed are not appropriate for the location of the premises. A late-night licence in this area is considered disastrous.
- Issues with ownership of parking behind the premises and vehicles obstructing nearby properties on West Field Court.

- The nearby premises with a late-night licence, is adjacent to a warehouse and not residential properties. It isn't considered comparable.
- Issues with people picking up a takeaway late at night / early in the morning, and parking up to eat their takeaway whilst being on the phone causing noise disturbance and also littering once finished.
- There is also a primary school situated nearby and this has an impact on health.

Following questions from Sub-Committee Members, the applicant and/or his representative confirmed:

- The premises is a takeaway with seating for up to 20 covers. Table service is not provided.
- There was no dialogue with residents when the premises first opened.
- The applicant dealt with a life changing tragedy which resulted in him not working. Issues associated with the enforcement notice and EPT complaints were whilst he was going through a difficult time.
- The applicant explained the lengths gone to, to rectify issues associated with litter. He added that a resident threw litter into his premises, which wasn't his.
- Work to incorporate measures in response to the complaints were done as soon as possible.
- There is 4 parking spaces to the rear of the premises, and only 1 is used.
- The applicant has a private contract with a company to remove litter from the premises. Issues may arise when the company are unable to complete a round if the vehicle has broken down.
- There is no loud music played in the premises and it is intended for patrons who sit inside eating their food.
- It is anticipated that delivery drivers will use electric bikes to pick up food, and it will not add to noise disturbance. It was also noted that the premises is situated on a busy Burley Road.
- It is not expected that patrons will park to the rear of the premises to pick-up their food. There is usually parking to the front of the premises for delivery drivers and patrons to park.
- Staff are collecting litter every 30 minutes with a litter pick and black bags.
- Music is switched off after 11pm.
- There is 2 or 3 apartments above the shop, and students typically reside there. The apartments are owned by the same landlord.
- The hours permitted will allow the applicant to sustain his business. If the applicant is rejected, the applicant may need to lose some of his staff and/or close the business.
- Seating in the premises is typically used at lunch time, up until 9/10pm on an evening. Weekends are slightly busier. It was confirmed that takeaway orders are usually placed after 11pm using online platforms, for people ordering at home.
- Agreed to have better dialogue with the community moving forward.

Following questions from Sub-Committee Members, the objector confirmed:

- Litter is an ancillary issue to noise disturbance caused by patrons and/or delivery drivers causing noise disturbance in the locality when picking up takeaways.

- Complaints stem principally from the block of flats located behind the premises.
- Dr. Piper submitted a complaint to EPT a few months back when the premises were operating outside of their permitted hours. Noise disturbance was created as a result of them operating beyond their licence.
- 2am is not appropriate for the immediate locality.
- Residents are amenable for the premises to stay open until 00:00 through the week and a little bit later during the weekend, albeit their preferred option is 23:00.

In summarising, the applicant's representative explained that the personal tragedy that happened to the applicant was not part of the application and/or statements submitted as he didn't want to use it as emotional value. During the time the applicant went through that, an enforcement notice was served, and the residents' nuisance is not disregarded, and it is acknowledged. Measures have been put in place in respect of the ventilation system. It was also confirmed that the applicant has contact details for Dr. Piper and will liaise with him moving forward on any issues residents may have. It was confirmed there is a demand for the premises to be open until 02:00, and it will not be open any later than the hours permitted. Failure to do so, is an enforcement matter.

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, subject to the following modifications:

To amend the hours for Late Night Refreshment as follows:

- Sunday – Thursday 23:00 until 00:00
- Friday and Saturday 23:00 until 01:00

To amend the hours the premises are open to the public as follows:

- Sunday – Thursday 11:00 until 00:00
- Friday and Saturday 11:00 until 01:00

To remove the Performance of Recorded Music from the scope of the licence.

To attach a condition to the licence requiring the Premises Licence Holder to provide litter patrols at 30-minute intervals.

The meeting concluded at 12:25.