

Public Document Pack

LATE ITEM

LICENSING SUB COMMITTEE – 11th OCTOBER 2022

AGENDA ITEM 10 - Temporary Event Notice for Lake Victoria Bar and Restaurant, Unit 8, Crossgates Shopping Centre, Station Road, Cross Gates, Leeds, LS15 8ET

This page is intentionally left blank



Report author: Martyn Musson
0113 378 5029

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday, 11th October 2022

Subject: Temporary Event Notice for Lake Victoria Bar and Restaurant, Unit 8, Crossgates Shopping Centre, Station Road, Cross Gates, Leeds, LS15 8ET

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Crossgates & Whinmoor		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of Main Issues

This report advises Members that a temporary event notice has been received by the Licensing Authority in respect of an event at Lake Victoria Bar and Restaurant, Unit 8, Crossgate Shopping Centre, Station Road, Cross Gates, Leeds, LS15 8ET.

This notice has been submitted to authorise licensable activities during a birthday event.

Leeds City Council Environmental Protection Team have served an objection notice on the grounds of public nuisance.

Members of the Licensing Sub Committee are asked to consider both the temporary event notice and the objection notice from the above responsible authority.

1 Purpose of this Report

- 1.1 To advise Members of a temporary event notice served under section 100 of the Licensing Act 2003 ("the Act") in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of an objection notice from the Environmental Protection Team.

2 History of Premises

- 2.1 Lake Victoria Bar and Restaurant currently has the benefit of a premises licence. A copy of the Premises Licence Details, which includes the full operating schedule, is available at **Appendix A**.

3 The Temporary Event Notice

- 3.1 The proposed premises user is Mr Jimmy Sydney.
- 3.2 A copy of the temporary event notice proposing to use the premises for licensable activities is attached at **Appendix B**.
- 3.3 In summary, the temporary event notice is for:

Licensable Activities: *The provision of late night refreshment
The provision of regulated entertainment*

During: *From 19:00 hours on Saturday 15th October until 03:00
hours on Sunday 16th October 2022*

The specified maximum capacity of the event is 60 people.

- 3.4 The location of the premises can be seen on the map at **Appendix C**.

4 Representations

- 4.1 As required by the Licensing Act 2003 both West Yorkshire Police and Leeds City Council's Environmental Protection Team have received a copy of the Temporary Event Notice.
- 4.2 Leeds City Council's Environmental Protection Team consider that allowing the premises to be used in the manner set out in the temporary event notice will undermine the prevention of public nuisance licensing objective and have consequently issued an objection notice.
- 4.3 A copy of objection notice submitted by Leeds City Council's Environmental Protection Team, including the grounds of objection, can be viewed at **Appendix D**.

5 Equality and Diversity Implications

- 5.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub Committee will be in

accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

6 Options Available to Members

6.1 The Licensing Sub Committee must take such of the following steps as it considers appropriate to promote the licensing objectives:

- Issue a counter notice against the event in order to prevent the event from taking place;
- If the premises benefits from a premises licence, attach relevant conditions which are attached to that premises licence;
- Allow the event to take place.

6.2 Members of the Licensing Sub Committee are asked to note that they may only attach conditions that are present on the premises licence and are relevant to the activities stated on the temporary event notice.

7 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy

This page is intentionally left blank

Details of premises licence

For: East India Restaurant



This document provides details of the premises licence issued to the stated premises and is not a licence itself.

Licence number: PREM/00739/003

Premises the licence relates to: Lake Victoria Bar & Restaurant, 8 Arndale Centre, Station Road, Cross Gates, Leeds, LS15 8ET

Date licence first effective: 3rd August 2005

Date current version effective from: 10th June 2022

Licensable activities authorised by the licence:

Sale by retail of alcohol	
Monday to Saturday	11:00 - 00:00
Sunday	12:00 - 23:30
Performance of recorded music	
Every Day	00:00 - 23:59

Opening hours of the premises:

The hours of licensable activities for the premises are as above. There are no regulated opening hours for non-licensable activities.

Premises licence holder(s):

Lake Victoria Bar And Restaurant 1, 75 Roseville Road, Leeds, LS8 5DT

Designated premises supervisor:

Jimmy Sydney

Access to the premises by children

Access to the premises by children is restricted

Annex 1 – Mandatory Conditions

1. Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-
 - a. unauthorised access or occupation (e.g. through door supervision), or
 - b. outbreaks of disorder, or
 - c. damage
2. No supply of alcohol may be made under this licence
 - a. At a time when there is no designated premises supervisor in respect of the premises licence, or
 - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

- a. games or other activities which require or encourage, or are designed to require or encourage individuals to -
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
 - b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorize anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e. dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 6. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- a. a holographic mark, or
- b. an ultraviolet feature.

7. The responsible person must ensure that -

- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml;
- b. these measures are displayed in a menu; price list or other printed material which is available to customers on the premises; and
- c. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

8. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1 of this condition -

- a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b. "permitted price" is the price found by applying the formula $P = D + (D \times V)$ where -
 - i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e. "value added tax" mean value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Embedded Restrictions

9. Alcohol shall not be sold or supplied except during the hours stated on this licence and:
 - a. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
 - b. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
10. Alcohol may be sold or supplied for one hour following the hours set out above and on Christmas Day, between 3 pm and 7 pm to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.
11. The premises must be bona fide used for the purpose of habitually providing for reward board and lodging including breakfast and at least one of the other customary main meals.
12. Suitable non-alcoholic beverage, including drinking water, shall equally be available for consumption with or otherwise as an ancillary to meals served in the licensed premises.
13. The premises must be bona fide used for the purpose of habitually providing the customary main meal at midday or in the evening, or both for the accommodation of persons frequenting the premises.

Annex 2 – Conditions consistent with the operating schedule

Additional details in respect of licensable activities authorised by this licence

Performance of recorded music

Location of activity: Indoors

Conditions consistent with the operating schedule relating to the licensing objectives

None

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Details of premises licence

For: East India Restaurant



This document provides details of the premises licence issued to the stated premises and is not a licence itself.

Licence number: PREM/00739/003

Premises the licence relates to: Lake Victoria Bar & Restaurant, 8 Arndale Centre, Station Road, Cross Gates, Leeds, LS15 8ET

Date licence first effective: 3rd August 2005

Date current version effective from: 10th June 2022

Licensable activities authorised by the licence:

Sale by retail of alcohol	
Monday to Saturday	11:00 - 00:00
Sunday	12:00 - 23:30

Performance of recorded music	
Every Day	00:00 - 23:59

Opening hours of the premises:

The hours of licensable activities for the premises are as above. There are no regulated opening hours for non-licensable activities.

Premises licence holder(s):

Lake Victoria Bar And Restaurant 1, 75 Roseville Road, Leeds, LS8 5DT

Designated premises supervisor:

Jimmy Sydney

Access to the premises by children

Access to the premises by children is restricted

Annex 1 – Mandatory Conditions

1. Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-
 - a. unauthorised access or occupation (e.g. through door supervision), or
 - b. outbreaks of disorder, or
 - c. damage
2. No supply of alcohol may be made under this licence
 - a. At a time when there is no designated premises supervisor in respect of the premises licence, or
 - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

- a. games or other activities which require or encourage, or are designed to require or encourage individuals to -
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
 - b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorize anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e. dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 6. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- a. a holographic mark, or
- b. an ultraviolet feature.

7. The responsible person must ensure that -

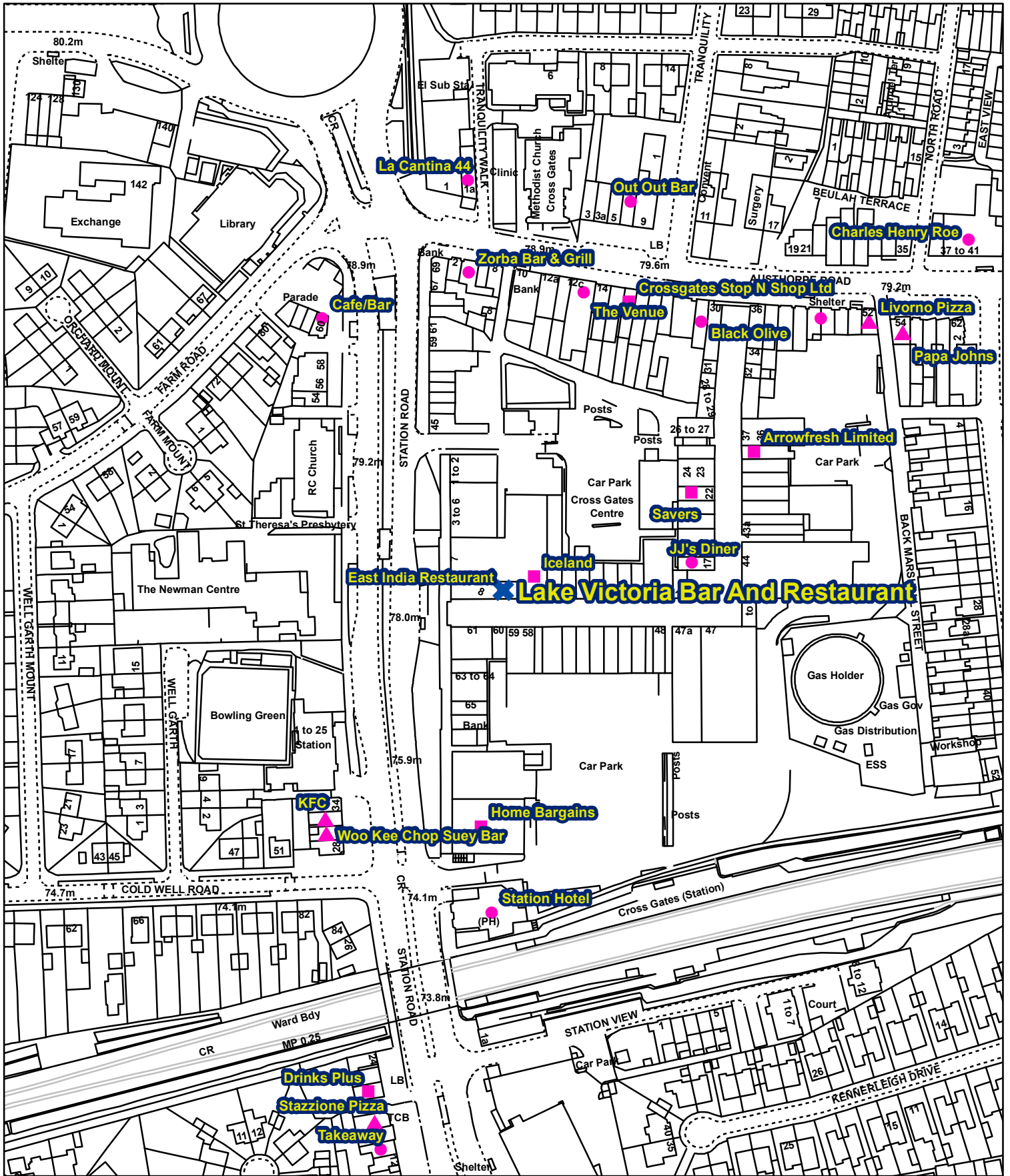
- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml;
- b. these measures are displayed in a menu; price list or other printed material which is available to customers on the premises; and
- c. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

8. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1 of this condition -

- a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b. "permitted price" is the price found by applying the formula $P = D + (D \times V)$ where -
 - i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e. "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.





Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.



This map is based upon the Ordnance Survey's digital data with the permission of the Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office

© Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

Leeds City Council O.S. Licence No 1000019567
 © Crown Copyright all rights reserved

Key	
	On licence
	Off licence
	Late night refreshment
	Other

This page is intentionally left blank



Entertainment Licensing
Leeds City Council
Civic Hall
Leeds
LS1 1UR

Environmental Protection Team
Leeds City Council
Millshaw Park Way
Leeds
LS11 0LS

Contact: Elizabeth Hebbert

Tel: [REDACTED]

Your Ref: TEN/04078/22

Our reference: 22/065717/EPLA01

5th October 2022

Dear Sir/Madam,

Licensing Act 2003 - The Prevention of Public Nuisance

Name and Address of Premises: Lake Victoria Bar and Restaurant, Unit 8 Crossgates Shopping Centre, Station Road, Cross Gates, LS15 8ET

We have received a notification of a temporary event to take place at Lake Victoria Restaurant and Bar from 7 pm on 15th October, until 3 am on 16th October. The event would be attended by up to 60 people, with late night refreshment, and regulated entertainment provided until 3 am.

We received complaints about noise from events held at Lake Victoria Bar and Restaurant which took place under previous TENs on Saturday 25th - Sunday 26th June 2022 (19:00 - 04:30) and Friday 1st July - Saturday 2nd July 2022 (20:00 - 03:00).

Following receipt of these complaints, Environmental Health also objected to TENs for similar events which were scheduled to take place at the same premises on 9th - 10th July (20:00 - 04:00) and on 29th - 30th July (20:00 - 03:30).

Lake Victoria Bar and Restaurant is located in a mixed commercial and residential area, where residents are likely to experience minimal noise from licensed / late-opening premises at night-time.

The nearest residences to the premises are the Station Apartments, located across the road from the shopping centre.

Other nearby late-opening premises include:

The Station Hotel Pub, 1 Station Rd, Cross Gates, Leeds LS15 8BZ

- Open until 23:00 Sundays to Thursdays, and until 00:30 Fridays and Saturdays

Woo Kee Chop Suey Bar, 30 Station Rd, Cross Gates, Leeds LS15 7JY

- Open until 23:00, Monday to Sunday

KFC, 32 Station Rd, Cross Gates, Leeds LS15 7JY

- Open until 23:00, Monday to Sunday

Ice Scoop Gelato, 43-45 Station Rd, Cross Gates, Leeds LS15 5DT

- Open until 23:00, Sunday to Thursday, and until 00:00, Fridays and Saturday

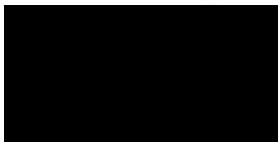
Lake Victoria Bar and Restaurant is currently licensed to play recorded music and sell alcohol until midnight, in keeping with other premises in the area.

Given the nature and the opening hours of other nearby late-opening premises, we believe that hosting a large party at Lake Victoria Bar and Restaurant, into the early hours, would not be in keeping with the character of the area and would likely cause a nuisance to nearby residents. Nuisance issues may arise from:

- Noise from loud music played until late
- Noise from people coming and going from the premises late at night and in the early hours of the morning, potentially intoxicated (Lake Victoria Bar and Restaurant is licensed to sell alcohol until midnight) which may decrease self-control
- Large numbers of vehicles parked in streets in the area
- Noise from movement of vehicles transporting people from the area in the early hours, at the end of the event

Based on the above, this department does not believe that the licensing objective for the prevention of public nuisance will be met should the proposed event take place and consequently, is formally serving notice that we object to this Temporary Event Notice.

Yours faithfully,



Elizabeth Hebbert
Environmental Health Officer