

## **Licensing Sub-Committee**

**Wednesday, 12th August, 2020**

**PRESENT:** Councillor A Marshall-Katung in the Chair

Councillors N Buckley and P Drinkwater

### **1 Election of the Chair**

**RESOLVED** - That Councillor A Marshall-Katung be elected to the 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 was no exempt information.

### **4 Late Items**

There were no late items. However, some supplementary information in relation to Item 6 was agreed by all parties prior to the meeting (Minute 6 refers).

### **5 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests.

### **6 Application for the grant of a premises licence for Karvanis Italian Unit 1, Church Street, Woodlesford, Leeds, LS26 8RE**

The Chief Officer (Elections and Regulatory) submitted a report that advised Members of an application made under Section 17 of the Licensing Act 2003 ("the Act") for a new premises licence for Karvanis Italian Unit 1, Church Street, Woodlesford, Leeds, LS26 8RE.

The Legal Adviser to the Sub Committee explained the procedures to be followed and the Senior Licensing Officer outlined the application.

In summary, the application was for:

Sale by Retail of Alcohol –

Monday to Thursday 17:00hrs to 23:00hrs

Friday 16.30hrs to 23.30hrs

Saturday 12.00hrs to 23.30hrs

Sunday 14.30hrs to 22.30hrs

Live Music –

Saturday & Sunday 19.00hrs to 21.00hrs

Recorded Music –

Monday to Thursday 16.30hrs to 23.00hrs

Friday 16.30hrs to 23.30hrs

Saturday 12.00hrs to 23.30hrs

Sunday 14.30hrs to 22.45hrs

The application had received a representation from a local resident, who had expressed concerns regarding noise, anti-social behaviour and littering. The objector submitted additional information prior to the meeting relating to his concerns, which was agreed by all parties and circulated prior to the meeting.

The following were in attendance:

- Mr Atabak Karvani, Applicant
- Mr Ed Smith (Levi Solicitors), Applicant's Representative
- Mr Paul Golden – Objector

The applicant's representative, Mr Smith, addressed the Sub Committee, noting that Mr Karvani (a local resident of Woodlesford) had not made any previous applications for a premises licence since the premises was established in 1996. Mr Smith addressed the concerns outlined by the objector, advising the panel that parking and traffic concerns are not relevant to the licensing objectives and therefore should not influence the decision, however that Mr Karvani had suggested that the vehicle in the photograph submitted by the objector may have been attending other takeaway food premises in the local area. In relation to the photograph depicting a group of people gathering outside the premises, Mr Smith advised that the applicant had enforced social distancing within the premises in response to COVID-19 and hence only allowed a limited number of customers into the premises at one time, and asked others to wait outside until their order was complete. In relation to the photograph depicting litter in the local area, Mr Smith noted that it was unclear whether the litter was from the applicant's premises, and that the image showed a Leeds City Council bin close by, which is therefore not the responsibility of the applicant to supervise and maintain. Mr Smith also advised the Sub Committee that the applicant intends to further uphold the licensing objectives by regularly clearing away any litter from the vicinity of the premises.

In response to a query from a Member, a copy of the premises floor plan was circulated (and subsequently published) to illustrate the two separate areas of the premises – the bar area and the takeaway area. Members were also advised at this stage that the applicant had submitted an error within the application form to only allow people over the age of 18 to enter the premises, and that a further application would be submitted in the future to rectify the error.

The objector, Mr Golden, addressed the Sub Committee. Mr Golden expressed concern about the noise pollution from the premises, with particular reference to the

sound of a television with the door to the premises left open, as well as the noise from a new extractor fan that had been recently installed. Mr Golden had spoken to Mr Karvani but did not feel that the issue would be sufficiently addressed by the solution put forward by Mr Karvani. Mr Golden also informed the Sub Committee that other local residents did not appear to be aware of the application.

The Licensing Officer confirmed that playing live and recorded music between 08:00hrs and 23:00hrs is deregulated under the Live Music Act 2012.

The Sub-Committee went into private session to make deliberations. Following a short adjournment the applicant and his representative were brought back for further questions.

Upon their return, Members asked whether the applicant would be willing to accept a condition restricting alcohol consumption to the bar area, to avoid customers drinking alcohol in the takeaway area. Additionally, Members asked whether the applicant would be happy for recorded music to only be played until 23:00hrs on Friday and Saturday evenings. The applicant confirmed that he would accept the proposed condition and amendment to the recorded music schedule.

The Chair concluded the open session of the hearing before the Sub-Committee went in to private session to make their decision. All parties were informed that the decision would be sent within 5 working days.

The Licensing Sub-Committee carefully considered the report of the Chief Officer (Elections and Regulatory), the Statement of Licensing Policy and the representations submitted and made at the hearing.

## **RESOLVED –**

That the premises licence be granted for sale by retail of alcohol, subject to the following condition:

- a) That the licensed premises shall extend only to the area delineated in red on the premises plan submitted with the application; and
- b) That the application for live and recorded music be refused, on the basis that playing live and recorded music between 08:00hrs and 23:00hrs is deregulated under the Live Music Act 2012.