

## Licensing Sub-Committee

Wednesday, 23rd September, 2020

**PRESENT:** Councillor L Richards in the Chair

Councillors P Drinkwater and J Lennox

**1 Election of the Chair**

**RESOLVED** – That Councillor L Richards be elected 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**

The agenda contained no exempt information.

**4 Late Items**

There were no late items of business.

**5 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests.

**6 Application for the Grant of a Premises Licence for Aboo To Go, Unit 7, Clock Buildings, Roundhay Road, Leeds, LS8 2SH**

The Chief Officer (Elections and Regulatory) submitted a report that advised Members of an application made by S & W Properties LTD under Section 17 of the Licensing Act 2003 for a new premises licence for premises known as Aboo to Go, Unit 7, Clock Buildings, Roundhay Road, Leeds, LS8 2SH.

The Legal Adviser to the Sub Committee set out the procedure to be followed and the Senior Licensing Officer outlined the application.

In summary, the application was for:

Late Night Refreshment	-	Every Day 23:00 - 01:00 hours
Performance of Recorded Music	-	Every Day 09:00 - 01:00 hours
Opening Hours	-	Everyday 09:00 – 01:00 hours

The application had received one representation from a member of the public which remained outstanding. No representations to the application had been received from the responsible authorities.

The following were in attendance:

Mrs Uzma Hussain, Business Manager, S & W Properties LTD;

Mr Wajid Hussain, Director, S & W Properties LTD;

An objector who wished to remain anonymous.

Mrs U Hussain addressed the Sub Committee on behalf of the applicant stating that the premises had opened early in 2017 as a desserts restaurant.

The premises had a family atmosphere and was at the centre of the community, hosting small events such as MacMillan Coffee Mornings, a Book Club, local councillor meetings and other events including birthday and festive events. The premises made use of a mezzanine floor

Mrs U Hussain explained the reason for the application was to give the applicant the flexibility to cater for events and attract more custom. Currently, the premises had regular as well as out of town visitors who shopped in the area and then visited the premises. Earlier opening hours would allow the applicant to provide breakfasts, and also cater for events like the MacMillan Coffee Mornings and a Book Club which had opened at 09:00 hours and 10:00 hours respectively. Later opening hours would match the offer of city centre and out of town restaurants and would mean that patrons would be encouraged to stay local. She also suggested that the hours as applied for could lead to additional staff being employed.

The Sub Committee heard that a previous licence for the premises had lapsed due to an administrative error and change in ownership. The operation of that licence had been monitored to inform what did and did not work at the premises, this found that peak demand occurred Thursdays, Fridays and Saturdays when the premises would open until 01:00 hours to meet demand. During the rest of the week, the premises had closed at 12:00 midnight. This applicant now sought to match those operating hours. Mrs U Hussain believed the business would lose approximately 30% of its weekly takings without the grant of the application as the restaurant would be less attractive to visitors. Also, the applicant was seeking to ensure the business survived the current economic insecurity caused by the Coronavirus pandemic.

Turning to the comments made regarding noise, nuisance and the car park in the written representation submitted by a member of the public objecting to the application, Mrs U Hussain stated the operator had now taken precautions to deal with public nuisance. The Clock Buildings where the application premises are located is also host to a number of other businesses and 23 residential flats. CCTV now operated and was monitored, with records held for 31 days, additionally, the gates to the car park could be closed when the premises closed. Non-customers did use the car park to visit other businesses within the Clock Buildings, so customers of Aboo to Go were now asked to register their car details and registration. Staff monitored the car park on an hourly basis.

To conclude, Mr W Hussain addressed the Sub Committee stating he was a local resident and had been running businesses in the local area for 30 years. He indicated his wish to resolve the issues raised by the objector, but had been unable to contact the objector prior to this meeting. Finally, he stated that this business was unique to the area, was at the heart of the local community and brought diversity to the area.

In response to Members questions, the following was confirmed:

- The premises had a capacity of 70 making use of both ground and mezzanine floors.

- Previous functions held there ranged from daytime birthday parties, to evening celebrations of up to 50 people. More formal meetings, such as local ward councillor meetings depended upon availability but could have 5 to 15 attendees.
- The photographs submitted by the objector showed the car park and people using shisha pipes, this activity was not condoned by the applicant. During the pandemic, a number of non-customers in cars had met up but had been asked to move on - this misuse of the car park had decreased since the installation of CCTV, patrons being asked to register their vehicles details and the regular monitoring of the car park by staff.
- The ratio of restaurant to take-away provision was 70%:30% before the pandemic. The restaurant also provided a delivery service through Uber Eats, Just Eat and Deliveroo.
- The applicant did not anticipate that the premises would use the requested hours of 09:00 to 01:00 hours (the following day) every day, rather the premises would respond to demand and use the later hours to cater for events which required it.

The Sub Committee then heard from the objector who highlighted that as well as the residential flats within the Clock Buildings, the premises was surrounded by many houses nearby which were already affected by a number of issues as outlined in the written submission which included anti-social behaviour and anti-social use of cars.

The objector stated that they had never witnessed the gates to the car park being closed. Rubbish also littered the car park. Although the objector did not suggest Aboo to Go supplied take-outs in glass receptacles, there was a lot of glass left behind by people using the car park and litter which the objector did attribute to the premises as it included plastic ice cream and milkshake containers.

Regarding the misuse of the car park, the objector expressed their surprise that the applicant had not been aware of the shisha incidents at the time. It was stated that a large number of people gathered there, who drove their cars fast up and down the immediate streets. The objector also stated that they had visited the premises to talk to the patrons about the problems experienced by residents with the misuse of the car park. The objector additionally explained their family circumstances, where one member of the family employed in healthcare worked shifts, had been upset by the sight of large groups of people congregating in the car park during the pandemic and against the measures brought in to curb the Coronavirus pandemic. On one occasion as shown in the submitted photographs, the gathering in the car park appeared to be well organised, with a marquee erected there and trays of food supplied to the group, who had brought their own shisha pipes.

In response to Members' questions, the objector confirmed that the car park to the rear of the premises serviced other businesses and the residential flats, it was presumed that accumulated rubbish was generated by this premises and the nightclub located within the Clock Buildings.

In summing up, Mr A Hussain explained that he knew that some residents did use the two bins designated for Aboo to Go, which were collected twice a week. He confirmed that staff actively collected discarded rubbish and that cleanliness of the car park had improved now that it was being monitored. Mrs U Hussain reiterated that other businesses within Clock Buildings also used the car park and Aboo to Go's bins; in terms of accumulated rubbish, the applicant was trying to control this although it was difficult to monitor and control the actions of non-customers. She stated that the noise and misuse of the carpark early in the pandemic had decreased now that monitoring and vehicle registration had been implemented. Additionally, the applicant had had early discussions with PC Clifford of West Yorkshire Police, prior to making the application on the prevention of public nuisance; what a late night licence may entail and how to control late night music, and had agreed the suggestions made by PC Clifford.

The Sub-Committee went into private session to make deliberations. Following a short adjournment the applicants were brought back for further questions and the following was confirmed:

- S&W Properties were not the sole owner of the car park and therefore did not have the right to close the car park gates. However the other businesses in the Clock Buildings had been informed and agreed to the new measures the applicant had put in place to monitor the use of the car park. It was also stated that the issues of misuse of the car park area had occurred after midnight – after Aboo to Go currently closed. Additionally, documents associated with booking events at the premises now highlighted the preventative measures introduced and sought the agreement of the event organisers;
- This applicant had no connection to the other premises in the Clock Building where it was believed some of the shisha users were patrons; others being residents of the flats;
- Flexibility in opening hours would allow the premises to cater for celebrations such as Ramadan – previously operating hours adapted to meet demand and approximately 80% of functions/events were held until 00:30 hours.

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 on behalf of the applicant and those from the objector.

**RESOLVED** – To grant a premises licence as applied for.