

Licensing Sub-Committee

Tuesday, 13th July, 2021

PRESENT: Councillor L Richards in the Chair
Councillors R Downes and J Gibson

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

There were no exempt items.

4 Late Items

There were no late items.

5 Declarations of Interests

There were no declarations of interests.

6 Application to Vary a Premises Licence held by Diva's, 246 Dewsbury Road, Hunslet, Leeds, LS11 6JQ

The Chief Officer (Elections and Regulatory) submitted a report that introduced an application to vary a premises licence, made by Ismael Tomas, for Diva's, 246 Dewsbury Road, Hunslet, Leeds, LS11 6JQ.

In summary, the application requested to extend the timings for the currently permitted licensable activities, sale by retail of alcohol and late night refreshment.

The application had attracted a representation from Leeds City Council's Environmental Protection Team, suggesting a number of additional measures which include conditions to prevent noise nuisance and to reduce the terminal hour for licensable activities applied for.

The following were in attendance:

- Mr Ismael Tomas, Licence Holder
- Mr Duncan Craig, Licence Holder's Representative
- Ms Vanessa Holroyd, Environmental Protection Team, Leeds City Council

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

Mr Craig addressed the Sub-Committee. Mr Craig advised that the proposed operating schedule set out in the application, seeking a reduction in hours for sale by retail of alcohol between Mondays and Thursdays, had been completed in error. However, Mr Craig recognised that the reduced hours may have influenced local residents' decisions not to object to the application and therefore it would not be reasonable to withdraw this part of the application. Members were advised that Mr Tomas did however wish to amend the application for the sale of alcohol to 01:00 hours on Friday to Sunday, rather than 01:30 and the premises to close at 02:00 rather than 02:30. Mr Craig also confirmed that Mr Tomas was willing to accept the measures suggested by Environmental Protection, with the exception of Item 1, which refers to the hours for licensable activities.

Mr Craig informed Members that Mr Tomas had moved to Leeds from Lisbon in 2007, and that the premises mostly serves the Portuguese community living in Hunslet, many of whom work in the restaurant industry and visit the premises after work to relax and unwind, usually later in the evening.

Mr Craig noted that no objections had been received from West Yorkshire Police or local residents, noting that issues raised in August 2020 in regard to incidents of noise were not raised again in response to the application. There was some discussion about the incidents reported in August 2020, and Mr Tomas explained to Members that an unknown group of customers had arrived at the premises and proceeded to plug their own devices into the speakers and play music. When asked how he would control troublesome customers in the future, Mr Tomas advised Members that he had learned from the experience and now supervises customers entering and leaving the premises himself.

Ms Holroyd addressed the Committee, advising that the premises is located in a mainly residential area, and that even without music beyond 11.00 p.m., she would be concerned about the disruption to local residents if the premises remained open until 2.00 a.m. from Friday to Sunday. Ms Holroyd advised Members that, in her view, the premises operated as a café during the day and a bar in the evenings.

At this stage, the Chair called for a brief comfort break.

In response to questions from the Committee, Ms Holroyd said that officers from the Out of Hours team had visited the premises on three occasions but Mr Tomas was only present on one of those occasions. Members were also advised that Out of Hours officers had witnessed around 20-25 people at the premises during incidents, and a fixed penalty notice requires at least 30 people, which explains why a fixed penalty notice had not been issued. Ms Holroyd also referenced Facebook posts advertising music events held at the premises, however evidence had not been provided to the Sub-Committee prior to the hearing and therefore could not be considered.

The Sub-Committee moved into private session to determine if any further information was required prior to making a decision. After initial deliberations, the

Sub-Committee asked Mr Tomas if he would be happy with the following suggested additional measures:

- An earlier end to licensable activities on Sundays
- Last admission of customers one hour before the sale of alcohol ends

Mr Tomas confirmed that he would be happy with these suggestions.

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.

RESOLVED – That the the application for a variation of the licence be granted, subject to the following additional conditions:

The sale of alcohol to end at 01:00 on Friday and Saturday nights and at 00:00 on Sundays; and

No admissions of customers after 00:00 on Friday and Saturday or after 23:00 on Sunday