

Licensing Sub-Committee

Tuesday, 22nd February, 2022

PRESENT: Councillor A Hutchison in the Chair

Councillors J Gibson

Prior to the Licensing Sub-Committee meeting, attempts were made for a third Member to be identified. However, such attempts were unsuccessful. Given this situation, in line with Licensing Procedure Rule 6, all parties present unanimously agreed to a quorum of two Sub-Committee Members, and to proceed with the meeting on this basis.

1 Election of the Chair

RESOLVED – That Councillor Hutchison 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 formal late items. However, supplementary information was distributed to members prior to the meeting (minute no. 6 & 7 refer)

5 Declarations of Disclosable Pecuniary Interests

No interests were raised at the meeting.

6 Application for the grant of a premises licence for Barakah Bros, 162 Chapeltown Road, Chapeltown, Leeds, LS7 4EE

The report of the Chief Officer (Elections and Regulatory) introduced an application for the grant of a premises licence made by Barakah Bros Leeds LTD for Barakah Bros, 162 Chapeltown Road, Chapeltown, Leeds, LS7 4EE.

Supplementary information was distributed to relevant parties prior to the meeting, in the form of a supporting statement provided by the applicant.

There was no representative on behalf of the applicant in attendance. However, the Licensing Authority had received an e-mail on behalf of the applicant company which included a statement that there was no need to adjourn the meeting and a request to continue the meeting as normal.

Vanessa Holroyd, Senior Environmental Health Officer was in attendance.

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

In summary, the application sought:

- Late Night Refreshment – Monday to Sunday 23:00 to 01:00 hours
- Opening Times – Monday to Sunday 11:00 to 01:00 hours
- Non-standard timings – extensions to Bank Holidays until 02:00 hours, Carnival Weekend until 03:00 hours, Christmas, Boxing and New Year's Day until 02:00 hours and during this month of Ramadan until 02:00 hours

Representations have been received from Leeds City Council's Environmental Protection Team in their capacity as a responsible authority, on the grounds of public nuisance.

The application has not attracted further representations.

The Environmental Health Officer addressed the Sub-Committee. Vanessa relayed concerns regarding noise on an evening due to customers picking up food, delivery drivers coming and going and noise coming from the extractor fan. It was acknowledged that the premises is situated in a quiet residential area, with no nearby premises open later than 11pm. Additionally, there is 4 residential flats directly above the premises. It was also noted that there is a fish and chip shop nearby, as well as a Jamaican restaurant. Vanessa was of the opinion that should the application be granted, it will set a precedent for other local businesses to apply to extend their hours.

Vanessa referred to the supplementary information provided by the applicant and raised concerns that the extractor fan being switched off after a certain time will increase smoke and odour from the types of food being cooked. It was emphasised again that the premises is in a quiet residential area, and noise disturbing residents remained a big concern.

In response to questions from Member's, the following was confirmed:

- According to an online website, the premises has been open and trading for a couple of weeks.
- Vanessa was unaware of any consultation undertaken between the applicant and local residents. However, it was noted that the applicant leases the unit next door to the premises which is currently a barber.
- Vanessa believed that the premises trading later than 11pm was unacceptable due to noise disturbance.
- In response to a comment regarding the applicants attempt to mitigate noise nuisance by using their own drivers to deliver food and making sure that car radios are switched off after a certain time, Vanessa explained that noise will still be generated from vehicles pulling up to the premises, and conversations had regarding customers' orders. It was believed that the applicant only using their delivery drivers, and not UberEATS and Deliveroo, wouldn't work as a business model.
- The menu offers varied food options and switching the extractor fan off is not practical without limiting the menu after a certain time.
- No other nearby premises have applied to extend their hours.

Conclusion

Having considered all information before the Licensing Sub Committee, and as part of a private deliberation process, it was

RESOLVED – That the application be refused.

7 Application for the grant of a premises licence for Oulton With Woodlesford Sports & Social Club, The Pavilion, Wakefield Road, Oulton, Leeds, LS26 8EL

The report of the Chief Officer (Elections and Regulatory) introduced an application for the grant of a premises licence for Oulton With Woodlesford Sports & Social Club, The Pavilion, Wakefield Road, Oulton, Leeds, LS26 8EL.

Supplementary information in the form of some background information, was provided to relevant parties prior to the meeting.

The following were in attendance for this item:

- Michael Jagger, Club Secretary
- David Beane, Club Chair

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

The premises currently holds a Club Premises Certificate (details of activities and hours can be seen at point 2.1 of the submitted report) and the application sought a premises licence for the following:

- Sale by retail of alcohol (for consumption both on and off the premises) – Every day 11:00 – 00:00
- Performance of live music and recorded music – Every day 11:00 – 23:00
- Non-standard timings – All activities until 01:00 on New Year's Day

It was noted that the application will provide greater flexibility, particularly for outdoor events.

West Yorkshire Police and Environmental Health, both provided additional measures to the applicant which have been agreed and incorporated into the operating schedule. Following this agreement, both representations have been withdrawn.

The application had attracted 16 representations from members of the public that remained outstanding. The representations were made primarily on the grounds of public nuisance and can be viewed at Appendix E of the submitted report.

The Club Chair addressed the Sub-Committee and acknowledged the support and advice received from responsible authorities. David explained that he has been a member of the club for 8 years, and Michael has been a member for over 20 years. The club has served the LS26 community since 1879, with a vision of providing accessible and affordable sports to everybody in the community. David explained that the running costs of the club has heavily relied on monies generated from the bar, matches and fund-raising events.

There is an annual family friendly event, Oulton Festival, that raises 15% of the funds for running costs for the year, club improvements and maintenance. The event is

managed respectfully and is managed / run by volunteers. It was reiterated that sport is the clubs priority, and it was confirmed that there is no scope to expand on hosting events throughout the year. The Sub-Committee were informed that if the application was refused, the club will have to increase membership fees to £150 per year, and it was deemed that this will be unaffordable to many people in the community.

For a point of clarity, Michael confirmed that revised plan restricted the sale of alcohol to the club house, patio, and marquee area only.

In response to Member's questions, the following was confirmed:

- The primary function of the club is a sporting base and has been since 1879. A single event over a 3-day period has been held in the past using Temporary Event Notices (TENs). The application allows the club to hold the annual event without having to apply for a TEN. There is no prior knowledge of the club holding other events. Any additional events will be held on an ad hoc basis and those in attendance agreed to limit the number of events the club can hold, should the Sub-Committee impose such conditions.
- The club were in breach of the Club Premises Certificate by allowing non-members to drink at the club and this is one of the reasons why the applicant has applied for the licence.
- The objectives of the club as contained within the constitution are 1) the provision of sport at facility, 2) to enhance facilities to improve the quality of facilities and 3) to raise funds to meet objectives 1 & 2.
- In terms of Oulton Festival, the club has tried to negate any possible issues by directing sound and traffic away from the residential area and listening to feedback provided by residents & members. The festival has attracted approximately 2,000 at its peak period and the club works closely with Anchor to allow care home patients to enjoy the festival.
- In terms of local engagement, the club has responded to messages on social media on the clubs operating model intentions and provided contact details to residents, as well as undertaking a face-to-face discussion with a local ward councillor.
- The premises has been running as a sporting club since 1879, and it was of the opinion of the applicant that the premises wouldn't be taken over by somebody else imminently. Members acknowledged that this cannot be guaranteed and raised concerns regarding outside events during summer.
- The premises is leased with Leeds City Council and the club pay rent for the pitch.
- There are a variety of age groups training throughout the week, in groups of approximately 15-25 people and it was noted that matches are held on weekends, with not much scope to hold additional events.
- The 20:20 cricket match had some intro and exit music.

Conclusion

Having considered all information before the Licensing Sub Committee, and as part of a private deliberation process, it was

RESOLVED – That the application be granted as applied for, subject to an additional condition that outdoor events held under the authorisation of the premises licence do not exceed 9 days per year.

