

## **Licensing Sub-Committee**

**Tuesday, 22nd March, 2022**

**PRESENT:** Councillor B Flynn in the Chair

Councillors G Almass

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

**RESOLVED** – That Cllr B Flynn be elected to the Chair for the duration of the meeting.

### **2 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal of inspection of documents.

### **3 Exempt Information - Possible Exclusion of the Press and Public**

There were no exempt items.

### **4 Late Items**

There were no late items.

### **5 Declaration of Interests**

No declarations of interests were made at the meeting.

### **6 Temporary Event Notice for Church Room, Unit 3, 124 Lupton Avenue, Harehills, Leeds, LS9 6ED**

The report of the Chief Officer Elections and Regulatory advised Members that a temporary event notice had been received by the Licensing Authority in respect of an event to be held at Church Room, Unit 3 124 Luton Avenue, Harehills, Leeds LS9 6ED.

Members were also advised that Leeds City Council Environmental Protection Team had served a notice of objection on the grounds of Public Nuisance.

Present at the meeting were:

- Elizabeth Hebbert (EHO/Senior Technical Officer, Environmental Protection Team, Leeds City Council)
- Ladislav Horvatova (Premises User)
- Jimmy Sydney (Premises User's Representative)

At the start of the hearing, it was explained to the parties that the third member of the Sub Committee had had to withdraw due to illness and it had not been possible to find a substitute member. The parties were told that the hearing could proceed if they consented, with the proviso that for a decision to be reached would require the remaining two members to agree on an outcome. The alternative was for the hearing to be adjourned. The parties wished for the hearing to go ahead.

The Legal Officer set out the procedure for the hearing.

The Licensing Officer provided the following information:

- These premises do not have the benefit of a premises licence, however a number of events have been held at the premises this year authorising licensable activities using temporary event notices.
- Past temporary event notices were listed at 2.2 of the submitted report.

- The proposed premises user is Mrs Terezie Horvatova and a copy of the temporary event notice was attached at Appendix A of the submitted report.
- The temporary event notice was for sale by retail of alcohol (for consumption on the premises), regulated entertainment and late night refreshment, from 21:00 hours on Friday 8<sup>th</sup> April until 04:00 hours on Saturday 9<sup>th</sup> April 2022.
- The maximum stated capacity for the event was 250 persons.
- The location of the premises was appended to the report at Appendix B.
- Both West Yorkshire Police and Leeds City Council's Environmental Protection Team had received a copy of the notice. The Environmental Protection Team had issued an objection notice on the grounds of public nuisance.

Ms Hebbert addressed the Sub-Committee explaining that the objection notice had been issued following complaints received about previous events at the premises. She said that 5 events had been held at the premises with the use of temporary event notices with either Jimmy Sydney or Terezie Horvatova as the applicants.

The first complaint had been received in relation to the event held on 4<sup>th</sup> February 2022, when the Out of Hours Service had been contacted regarding loud music coming from the building and people coming and going with disturbance from 10:30pm until 04:00am. It was noted that the Police had been called.

Following the event on the 25<sup>th</sup> February 2022, a further complaint had been received. One of Ms Hebbert's colleagues had spoken to Mr Sydney and Mr Horvatova and had provided advice on how to better control any future events. However, a further complaint from a different person was received regarding the number of cars, noise and alleging drug taking in the vicinity of the premises. Ms Hebbert had spoken to Mr Sydney and had given specific advice as to how to control events. She informed the Members that she had also warned Mr Sydney that if the nuisance issues continued the Environmental Protection Team might object to further events.

The Out of Hours Service were called by a third complainant on 4<sup>th</sup> March. They had noted loud music and large groups of people outside the premises. Members were advised that the premises are located in a residential area and there are no other licensed premises in the area.

Responding to questions from Members, Ms Hebbert said:

- That the Police had been called on two occasions.
- She suggested that residents had been disturbed beyond the terminal hour of the event on 25<sup>th</sup> February.
- Out of Hours Service noted some sort of door security on one occasion but had not approached the attendees.

Mr Sydney addressed the committee explaining that he had helped the Premises Users in dealing with the application process because of his knowledge and experience in licensing, as he used to run a licensed premises. He said that Mr Horvatova is a member of the Roma Gypsy community, and the event was for that community.

Mr Sydney accepted that the Church is in a residential area and was not a suitable venue for this type of event, he was looking for an alternative venue. He explained that the Roma community had carried out repairs to the roof of the building and in return they had been allowed to use the building for the events, using temporary event notices.

Mr Sydney said that he was aware that most of the problems had occurred at the event on the 25<sup>th</sup> February. He had become aware that the DJ booked for this event was very young and popular and there could be lots of attendees. Therefore, he had spoken to the residents to warn them in advance, he said that the residents had appreciated this approach. He said that there had been a lot of cars and the Police had been called. He informed the Sub-Committee that the Police had said that if they got involved directly it might provoke a response that would exacerbate the problems. The Police had therefore stayed in the background, monitoring the situation.

Mr Sydney accepted that there had been issues including littering, parking of cars and smoking outside. It was his view that it was difficult to limit the number of people who went outside to smoke. He agreed that there had been a catalogue of mistakes and there were lessons to be learnt and the organisers were looking for another venue.

Responding to questions from the Members Mr Sydney informed the Sub Committee of the following:

- The venue is in a residential area adjacent to houses. There is nothing that he can do to appease the residents.
- The event on the 25<sup>th</sup> February, could not be cancelled as a large number of tickets had already been sold. He said that he had tried to tell the attendees to turn the music down, but once his back was turned it was turned back up again.
- He had considered using the rear of the premises for people wishing to smoke as the rear backed on to industrial units. However, this would have required permission for a new entrance from the owners of the Church.
- He had spoken to the Out of Hours Officers, who had advised him that the sound levels were okay.

Ms Hebbert in summing up said that if the organisers could not control the behaviour of the attendees, they should not be allowed to hold events. She said this was not a suitable area to hold these types of events. She was of the view that having events which finished much earlier, she suggested 11:00pm, might reduce the issues. However, this was not something that appealed to the organisers.

Member's discussions included:

- The fact that Mr Sydney had accepted he could not implement the advice proved by the Officers of the Environmental Protection Team
- There was no control over the numbers of people attending.
- The venue was not appropriate for these types of events.
- There was no control over the number of people outside smoking and when the doors opened the music could be heard.

**RESOLVED** – To issue a counter notice against the event in order to prevent the event from taking place.

*The meeting concluded at 11:50*