

## **Licensing Sub-Committee**

**Tuesday, 20th September, 2022**

**PRESENT:** Councillor A Garthwaite in the Chair

Councillors L Farley and L Richards

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

**RESOLVED** – To elect Councillor A Garthwaite to the Chair for the duration of the meeting.

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

There were no appeals against the 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 formal late items. However, there was supplementary information in relation to Agenda Item 7 - Application to vary a premises licence held by 2 Sardi 12 Harrogate Road, Rawdon, Leeds, LS19 6HJ. This had been circulated to all interested parties prior to the meeting.

### **5 Declaration of Interests**

No declarations of interests were made at the meeting.

### **6 Certification of Films – Yorkshire Integration Festival**

The report of the Chief Officer Elections and Regulatory advised Members of an application for the certification of 11 short films to be shown at Millennium Square, Leeds, LS2 3AD, as part of the Yorkshire Integration Festival 2022.

The report provided Members with the background and procedure of an application made under the Licensing Act 2003 (“the Act”) for the certification of films that do not currently have a BBFC (British Board of Film Classification) certification.

A copy of the current BBFC Classification Guidelines was attached at Appendix A for Member’s consideration.

The application had been received from Migration Yorkshire, Leeds City Council, to have a total of 11 short length films certified as they are absent of a BBFC certification. The films are to be shown in a cinema tent at Millennium Square, Leeds, LS2 3AD, on Saturday 24th September 2022.

A list detailing each film requesting certification was appended to the submitted report at Appendix B, which included the title, a synopsis and the applicant’s recommended classification. The published document includes redactions as the links supplied by the applicant direct the observer toward unclassified content and an

original copy had been provided to Licensing Sub Committee Members in advance of the hearing.

To assist Members of the Licensing Sub Committee, Licensing Officers had viewed each film requesting classification and had provided comments in accordance with the BBFC Classification Guidelines. Such comments were provided as supplementary item to the agenda.

In support of the application and to provide the Licensing Sub Committee with further information on the event, the applicant had provided an event information pack which was attached to the submitted report at Appendix C.

In attendance at the meeting was Vanja Celebivic Arielli, Migration Yorkshire.

Members noted that Migration Yorkshire wished the festival to be a family friendly event. Therefore, the festival was showing a wide variety of films suitable for all age groups.

Members were advised there would be a pause between films to allow younger children to leave the event and there would also be officers and security to assist with this.

**RESOLVED** – To grant the certification of all films as requested and recommended.

1. No Man - PG
2. Irregulars- A refugee story with mannequins - PG
3. Underground – PG
4. The Branches Are Hope; The Roots Are Memory – PG
5. Ruth & Safiya – PG
6. Homeland Trilogy – 15
7. Rice and Bread – PG
8. A Queer Refugee's Suitcase – PG
9. Isle of Us – 15
10. Dear Bradford – 15
11. Windswept – U

## **7 Application to vary a premises licence held by 2 Sardi 12 Harrogate Road, Rawdon, Leeds, LS19 6HJ**

The report of the Chief Officer Elections and Regulatory presented an application to vary a premises licence made by Mr Antonio Pinna, for 2 Sardi, 12 Harrogate Road, Rawdon, Leeds, LS19 6HJ.

In attendance at the hearing were:

- Mr Antonio Pinna – Applicant
- Ms L Rudas – Applicant's Partner
- Ms H Woellner – Resident
- Mr J Chadwick – Resident
- Ms M Thompson – Resident
- Cllr Eleanor Thomson – Ward Councillor

The Legal Officer set out the procedure for the hearing and the Licensing Officer presented the application.

The Licensing Sub Committee was informed of the following points:

- The premises currently have the benefit of a premises licence with the following activity and hours: Sale by retail of alcohol, for consumption on the premises, every day 11:00 until 17:00 hours.
- A copy of the existing premises licence details was attached to the submitted report at Appendix A.
- The applicant is Mr Antonio Pinna.
- The application is to:
  - Extend the terminal time for sale by retail of alcohol, from 17:00 to 22:00 hours each day.
  - The applicant had also included recorded music on the application form from 9:30am until 22:30 am, but this activity is de-regulated between these hours and therefore does not need to be applied for. A copy of the redacted application form was appended to the submitted report at Appendix B.
- Representations had been received from West Yorkshire Police and The Environmental Protection Team, in their capacity as a responsible authority. It was noted that representations may be negotiated prior to the hearing. In this instance the operating schedule had been amended to include the measures agreed with Environmental Health. A copy of the agreement was appended to the report at Appendix D.
- The operating schedule had also been amended to include the measures agreed with West Yorkshire Police. A copy of this agreement was attached to the report at Appendix E.
- The application had attracted representations from 5 other persons which opposed the application on the grounds of public nuisance. These included two representations from the three Local Ward Councillors, one from Rawdon Parish Council and two from local residents. Redacted copies of the representations were attached to the report at Appendix F. It was noted that further information had been provided by one of the objectors and circulated as supplementary information prior to the hearing.
- A list of premises in the local area and their licensed hours and activities was provided at Appendix G of the submitted report.

The Applicant informed the Licensing Sub Committee of the following points:

- The café had opened just prior to the pandemic. The business had struggled during the pandemic but now had regular customers and had become part of the community.
- Some of the regular customers had asked whether family events and parties could be hosted at the café and had requested evenings for these events.
- Mr Pinna said that it was not his intention to open every day and evening only maybe once or twice a week.
- He said he was requesting a variation to the licence rather than asking for Temporary Event Notices (TEN's) to give him the flexibility for his business.

- He informed the Sub Committee that he had previously had a restaurant. However, he had given this up when he had children so that he could have more time with his family.
- Mr Pinna said that alcohol would only be served with food orders.
- He advised the Sub Committee, that other businesses in the local area had late licences.

Responding directly to questions from Members Mr Pinna provided the following information:

- These would be one off events. He did not wish to use TEN's as he wanted the freedom to have the events when required. He said that there would be a limited number of people at the events with a maximum of 40.
- Mr Pinna said that he could not control the issue of parking. He was of the view that most customers would be from the local area.
- He said that the road outside the premises was a busy main road and there was already noise from vehicles.
- Mr Pinna advised the Members that he would use notices to ask his customers to leave the premises quietly and respect the neighbours.
- Members noted that should the application be granted Mr Pinna would be installing CCTV and providing an incident register as per the measures put forward by West Yorkshire Police.
- It was not his intention to sell lots of alcohol, alcohol would only be served with food. He just wanted to run a café / bistro for the community. The extra business would help the business to survive.

Three residents from the local area, along with Cllr Thomson the local ward councillor attended the meeting and provided the Sub Committee with the following information:

- One of the residents lived next door to the café and when they had purchased the house, they had done so in the knowledge that the café closed at 5pm. If they had known that the café would be opening later, they would not have bought it. The road outside is busy and on occasions he had not had access to his driveway due to people parking in front of his property.
- He was of the view that it was not possible to police people who had been drinking.
- He told the Sub Committee that the café was already having an impact on his life, as he can hear noise from the café. The smoking area is close to their property and the volume at which people speak would impact their lives.
- Another resident had concerns about the concentration of businesses which currently have a late licence on the small parade.
- The resident quoted the planning application at the time of the permitted development licence for the café. This said that due to the proximity of the residential properties, the premises should only be open until 5pm. It was noted that other premises in the area had restrictions to the outside area until 8pm. It was acknowledged that 2 Sardi had not applied for a late licence for the outside area of the premises.
- Members were told that some of the properties close by had families with young children.

- There was concern that once a licence is granted it remains with the premises and should the premises be put up for sale the new owners would be able to open more than once or twice a week.
- The residents had concerns that if the licence was granted it would have an effect on the value of their property should they wish to sell in the future. They said it was difficult to police human behaviour and they did not want the parade to become like a 'Magaluf Strip'.

In response to direct questions from the Licensing Sub Committee the Members were provided with the following information:

- There was no application for the outside area, the variation to the licence was only for the inside area. It was acknowledged that it would be difficult to police customer behaviour when outside, but the applicant explained that as part of the conditions he would have signage requesting that customers should be quiet when leaving the premises and to respect the neighbours.
- The applicant was of the view that once a week would not be an issue and he wanted the same opportunity to open as other businesses did in the area.
- It was recognised that the road was busy and there was an issue with parking outside the premises on the parade.
- Other premises in the area did have restrictions on the outside seating area until 8pm.
- It was noted that the premises had been put up for sale last year. The applicant explained this was due to him becoming unwell and his partner had taken over the running of the premises during this time. However, he was now better and as the main cook for the premises he had no intention to sell at present.

The Sub Committee asked the applicant for his views on some restrictions they were considering, the applicant said that he would not be happy to have a restriction placed on the number of events he could hold under a late licence. This he said would not give him an equal opportunity to be like other businesses in the area should the late-night events become popular.

The Licensing Sub Committee considered at length all the information provided to them by both the applicant and the objectors.

**RESOLVED** – To grant the variation to the licence with the following conditions:

1. Late night events restricted to 50 per year
2. Use of the outside area restricted to 8pm on evenings when the premises were open for late night events.

## **8 Application for the Grant of a Premises Licence for Shimlas Leeds Ltd 293 Roundhay Road, Leeds, LS8 4HS**

The report of the Chief Officer Elections and Regulatory presented an application for the grant of a premises licence for Shimlas Leeds Ltd 293 Roundhay Road, Leeds, LS8 4HS.

In attendance at the meeting were:

- Mr Rashid Mogul – Applicant's Representative

- Vanessa Holroyd – Environmental Protection Team
- Claire Simms – Environmental Protection Team
- William Anderson – Environmental Protection Team
- Cllr Zara Hussain – Ward Councillor for Roundhay

The Chair advised the Sub Committee that Mr Mogul had sent further information in relation to acoustics and highways issues. The information had been sent on Sunday afternoon and as the Monday had been a bank holiday due to the passing of Her Majesty Queen Elizabeth II, officers had not had time to circulate the information to all interested parties. The Chair was of the view that the information should be included for consideration. However, the documents were several pages long, therefore, the Chair asked for comments from the Members and the objectors, if 30 minutes was sufficient time to read the information.

The Licensing Sub Committee Members were of the view that the documents were too large to read in a short timescale.

The objectors to the application requested that the hearing be adjourned so that they could have time to read the documents that had been presented.

**RESOLVED** - With the agreement of all parties the meeting was adjourned until 18<sup>th</sup> October 2022 at 10:00am

*The meeting concluded at 12:35pm*