

Licensing Sub-Committee

Tuesday, 11th October, 2022

PRESENT: Councillor A Hutchison in the Chair

Councillors R Downes

1 Election of the Chair

RESOLVED – To elect Councillor Hutchison as 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 was a formal item submitted as Agenda item 10 Temporary Event Notice for Lake Victoria Bar and Restaurant, Unit 8, Crossgates Shopping Centre, Station Road, Cross Gates, Leeds, LS15 8ET.

There was also supplementary information submitted for Agenda Item 9 - Application to vary a premises licence held by Grocery Store, 206 Woodhouse Lane.

5 Declaration of Interests

No declarations of interests were made at the meeting.

6 Certification of a Film – Leeds International Film 2022 Trailers

The report of the Chief Officer Elections and Regulatory advised Members of an application for the certification of 36 film trailers to be shown as part of the advance promotion for Leeds International Film Festival 2022, taking place at Vue Cinema, The Light, on the 12th October 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 film trailers 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.

A list detailing the film trailers that requested certification, including, links to view the films online, a synopsis and the applicant’s recommended rating, was provided in the Agenda pack at Appendix B for members.

The following were in attendance for this item:

- Chris Fell – Director of Leeds International Film Festival

At the hearing, despite best efforts, it was noted that the Sub Committee was made up of two Members, rather than three. All parties to the hearing agreed to proceed with two Members.

The Legal Officer outlined the procedure to be followed.

Members were informed that the Leeds International Film Festival was due to take place between the 13th and 17th of November 2022 and a range of trailers and film highlights will be shown to invited customers prior to this event. The trailers and highlights would run for approximately one hour and the proposed rating for all the trailers was 18.

RESOLVED – To grant the film trailers as applied for.2

7 Application to vary a Premises Licence held by Booze Plus, 33 Tong Road, Leeds, LS12 1HQ

The report of the Chief Officer Elections and Regulatory presented an application to vary a premises licence made by Saqib Ahmed, for Booze Plus, 33 Tong Road, Leeds, LS12 1HQ

RESOLVED – This application was withdrawn and removed from the agenda prior to the Licensing Sub Committee meeting.

8 Application for the grant of a premises licence for Jamrock Leeds Ltd, 30 - 31 Kirkgate, Leeds, LS2 7DR

The report of the Chief Officer Elections and Regulatory presented an application for the grant of a premises licence for Jamrock Leeds Ltd, for Jamrock Leeds, 30 - 31 Kirkgate, Leeds, LS2 7DR.

In attendance at the hearing were:

- Andrea Forrest – Solicitor
- Oral Blackford – Applicant

At the hearing, despite best efforts, it was noted that the Sub Committee was made up of two Members, rather than three. All parties to the hearing agreed to proceed with two Members.

The Legal Officer set out the procedure for the hearing and the Licensing Officer presented the application. The following was outlined to members:

- That the premises will operate as a ground floor restaurant with seating capacity for approximately 50 people and proposes the sale by retail of alcohol and late night refreshment.
- The application was for sale by retail of alcohol (for consumption both on and off the premises) Sunday to Thursday 12:00 – 22:30, Friday and Saturday 12:00 – 01:00, Late Night Refreshment Friday and Saturday 23:00 – 01:30, Non-standard timings On New Year's Eve from 12.00 to 01.00 hours the following day.
- The application was for a new license, the premises had previously been a Domino's Pizza which had surrendered its license in 2020.
- Representations had been received from statutory consultations, West Yorkshire Police and Environmental Protection; the application had been amended after West Yorkshire Police's response and they had no further comments, an agreement had been made with the Environmental Protection Team which is contained in Appendix D of the Agenda pack.

- Three letters of objection had been received from the public which noted concerns of public nuisance.

Andrea Forrest presented the case and the Licensing Sub Committee was informed of the following points:

- The applicant business had previously been joint owned, under the same name at 42 Call Lane, which was predominately a drinking establishment. For the new license at a different premises the intention was to be more food based, as a Caribbean restaurant which would serve cocktails.
- Mr Blackford had previous experience working in a variety of licensed venues and would be the designated premises supervisor (DPS) for Jamrock.
- In response to the three received objections, it was noted, with the business proposed to be food orientated, the noise nuisance would be very limited, the opening hours not extensive and also the referenced courtyard area will not be part of the licensed premises. The Planning Department had supported the approval of the Licensing application and the approved planning application has robust conditions attached which the applicant was content with. A contact phone number had been offered to local residents to voice any concerns they had, and time was given to object with advertisements of the application in the premises window and local newspaper. No objectors were present at the meeting.
- An additional document was circulated at the meeting noting the distances between the premises and location of objectors in order to address the comments received regarding noise and impact on sleep, however some of the information was deemed not accurate due to an error with addresses. The objections were considered general objections to bars and nightlife by the applicant team and noted historically premises in this area have often been open until 5am, many sites local to this premises sell alcohol past 1am and the cumulative impact assessment (CIA) licensing policy had been worked with and considered.
- It was outlined that the consultation process had been sound, the Police and Environmental Health were content with the grant of the license and all pre-safety conditional had been met which will limit the impact on the public.

Responding directly to questions from Members Andrea Forrest and Oral Blackford provided the following information:

- The process for meeting the Environmental Protection conditions relating to design and operations will be soundproofing the building, consulting sound engineers and implementing technology such as having speakers on springs or mats to limit vibrations to neighbours.
- A local resident consultation has been conducted which received no response, which would lead to the assumption that impact on local residents would be limited.
- The courtyard area will be used for bin storage and there are planning conditions which restrict disposing of waste to 8am to 8pm and deliveries and waste collection to 9am to 6pm.

RESOLVED – Grant as applied for with the condition the external courtyard area will not be used for licensable activities

9 Application to vary a premises licence held by Grocery Store, 206 Woodhouse Lane, Woodhouse, Leeds, LS2 9DX

The report of the Chief Officer Elections and Regulatory presented an application to vary a premises licence made by Mr Sarwat Abdulla Omar, for Grocery Store, 206 Woodhouse Lane, Woodhouse, Leeds, LS2 9DX.

In attendance at the hearing were:

- Robert Jordan - Solicitor
- Sarwat Abdulla Omar - Applicant
- Gary Mann – Environmental Protection Team

At the hearing, despite best efforts, it was noted that the Sub Committee was made up of two Members, rather than three. All parties to the hearing agreed to proceed with two Members.

The Legal Officer set out the procedure for the hearing and the Licensing Officer presented the application which provided the Sub Committee with the following information.

- The premises operates every day for the retail of alcohol for consumption off the premises, 09:00am to 22:00pm under its current license. The application proposed to extend these hours to 00:00 to 23:59pm. The application is also sought to include a service hatch as identified on the plans submitted. This will be in use between 00:00 and 06:00am.
- The application had attracted representations from the Environmental Protection Team & West Yorkshire Police. Agreements between the police and an agreement had been reached prior to the hearing, and consequently their representation was withdrawn. Conditions from the police are at Appendix D of the report and the Environmental Health objections at Appendix E. The Environmental Protection Team's objection was on the grounds of insufficient information as to the Licensing objective to prevent public nuisance.
- The current license that was proposed to be varied was submitted as a new application in October 2020 and the premises had received no public objection or complaints from the local community; a copy of the original licence is attached at Appendix A.

The Licensing Sub Committee was informed of the following points by Robert Jordan:

- Some premises within the immediate vicinity of the Grocery Store have a license until 4am, the applicant would be satisfied with also receiving a license from 9am until 4am if deemed appropriate by members of the Sub Committee.
- The current license permitted deliveries between 7am and 7pm which was proposed to stay the time in order to limit any potential disturbance to local residents and any potential noise and nuisance to be expected by the variation could be dealt with via conditions. It was noted there was no evidence of noise transmission to residents living in the flats above the shop and they were separated by concrete floors.
- The mention of potential nuisance via cars parking outside the premises and people buying alcohol and then using seating not located at the premises, for example, outside The Packhorse pub or Mahmood's restaurant, contained

within Environmental Health's objection, was deemed not relevant by the applicant team as there are bollards and a cycle lane immediately outside the shop front and the seating is not on their site or their issue to deal with, and based on speculation.

- To manage the queues that may occur the applicant was happy to increase the size of the lobby and noted stringent measures were already in place to deal with this.

Gary Mann from the Environmental Protection Team attended the meeting and provided the Sub Committee with the following information:

- The potential noise and nuisance were noted to affect the residents of the several flats above the Grocery Store and many flats in the surrounding area. A section 106 agreement in place for the planning approval of the flats is that they are only to be occupied by students; it was noted that this leads to a faster turnover of residents who are less likely to complain despite being affected by nuisance.
- The main themes of the objection were; cars could park in the cycle lane outside the premises, many people walk that way home from town who will then have an incentive to drink more and make more noise, the intensification of use, including the movement of staff would likely disturb residents as there had been no noise assessment report conducted or any mitigation schemes in place and the many tables and chairs of other premises in the area could be used by people to drink on after purchasing alcohol from the shop. Although the current license until 10:00pm has received no complaints, the new proposed hours will likely increase overnight noise which may receive complaints.
- The application was considered to be in a 'grey area' as it is hard to predict noise and enforce measures to limit it; the officer urged members caution to approve noting the potential disturbance to peoples sleep through unnatural noise that was not previously there.

In response to question posed to the applicant team, members were provided with the following information:

- The reference made to other premises being open until 4am within the vicinity of Grocery Store were mainly takeaways, nearby premises with an alcohol license were open until latest 2am. It was confirmed that the applicant would be accepting of opening hours until 2am to become in keeping with other local alcohol licenses.
- There is an alcohol detox centre 200 metres from the shop which, as part of the conditions agreed with the police, staff will be provided with some training in order to deal with difficult situations which may arise from this. There are also restrictions in place regarding sale of cider and lager by volume.
- The applicant will consider sound insulation and acoustic testing, should the Environmental Protection Team provide evidence that noise mitigation is necessary upon approval of a variation of the license.
- The application had been submitted due to other premises fairly nearby having a hatch and later opening hours and also to assist with increase of sales to combat rising energy prices. It was confirmed that the applicant would be accepting of removing the hatch from the proposal in order to reduce the likelihood of queues which could lead to public nuisance. Customers can then

enter the shop where there will always be more than one member of staff; a risk assessment can be implemented as part of the conditions to see if door staff would be appropriate.

- Alcohol makes up around 10% of the shops sales so the intention is not just to be able to sell alcohol during the extended hours but food and household items also.

In response to question posed to the Environmental Protection Officer in attendance, members were provided with the following information:

- Noise conditions relate to licensed activities, for example music, so the noise related to administering the shop, such as stacking the shelves would be unenforceable. Any retrofit of noise insulation was deemed difficult and expensive and may have been appropriate works when originally fitting out the shop.
- There had been no complaints received to Environmental Protection Team related to the neighbouring site, Mahmood's. As this restaurant was open until 4am, members were of the opinion that the seats were likely to be already occupied and the perceived use of them by drunk people was only subjective.

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

RESOLVED – To grant permission modified as, no installation of the service hatch and opening hours limited to 9:00am to 2:00am.

10 Temporary Event Notice for Lake Victoria Bar and Restaurant, Unit 8, Crossgates Shopping Centre, Station Road, Cross Gates, Leeds, LS15 8ET

The report of the Chief Officer Elections and Regulatory presented a report in respect of an event at Lake Victoria Bar and Restaurant, Unit 8, Crossgate Shopping Centre, Station Road, Cross Gates, Leeds, LS15 8ET. The notice has been submitted to authorise licensable activities for a birthday party. The Environmental Protection Team served an objection notice to the Temporary Event Notice (TEN) on the grounds of prevention of public nuisance.

In summary, the application sought licensable activities for the provision of late night refreshment and the provision of regulated entertainment From 19:00 hours on Saturday 15th October until 03:00 hours on Sunday 16th October 2022. It was noted the maximum capacity for the event would be 60 people.

In attendance at the hearing were:

- Jimmy Sydney – Applicant
- Elizabeth Hebbert – Environmental Protection Team

At the hearing, despite best efforts, it was noted that the Sub Committee was made up of two Members, rather than three. All parties to the hearing agreed to proceed with two Members.

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

- The TEN had been submitted for a birthday event which the Environmental Protection Team had submitted a counter notice against.
- The current license for Lake Victoria was available at page 7 of the late item agenda pack.

The Environmental Protection Officer in attendance provided information relating to the submitted counter notice and objection:

- The current use of the premises was as a restaurant and late night parties were not appropriate for this venue; all local takeaways shut at 11pm and the local pub is only licensed until 1am. The Planning department had also advised when approving the use of the premises that it was covered for use as a restaurant and not a pub or night club. The basis of the objection was on the grounds of potential excessive noise, disturbance to local residents with patrons leaving late at night and the venue being deemed inappropriate for this event.
- There are concerns that hosting a party involving music and alcohol will lead to public nuisance for residents in flats adjacent to the premises. A complaint had been received from these flats in response to an event held at this premises in June 2022 under a TEN, stating inappropriate noise could be heard until 4am on this night.
- An opening night event had taken place at the premises on the 6th of August 2022, the Environmental Protection Team hadn't objected to this as it was considered a one off event but concerns had arisen due to the multitude of late night events licensed under TENs that had occurred over the summer.
- Environmental Health had objected to TENs for similar events which were scheduled to take place at the same premises on 9th - 10th July (20:00 - 04:00am) and on 29th - 30th July (20:00 - 03:30am). The July TEN application was withdrawn by the applicant.

The Licensing Sub Committee was informed of the following points by the applicant:

- The management of the premises was different at the start of the year, the past two TENs were under the current applicant but prior to this, the events which had received complaints, were submitted by different people. It was believed that the last event had been well managed in regard to noise and people leaving the premises, no complaints had been received and the overall reviews of the restaurant were much more positive with an improved image within the community.
- The adjacent flats which were noted to be subject to potential disturbance were across two dual carriageways and the venue does not have loud speakers. Mr Sydney had been in contact with local residents and had not received any objections to the event. The opening event in August had 80 people in attendance and no issues were raised by local residents. There had also been an event on the 17th of September which had received no complaints, however it was not clear whether permission had been granted for this event. The applicant believed it had been submitted as a TEN but this application was not located on the Licensing Officers management system.
- The issues raised regarding people leaving the venue late at night will be dealt with via taxis being asked to pick up from the rear carpark which is a significant distance from the adjacent flats to the front of the venue.

- The intention of the premises was to act as a restaurant, which is done daily, and not as a night club or drinking venue; the TEN was submitted for people to stay late at the venue and the license to serve alcohol until midnight was not applied to be extended. This event will be a special birthday occasion and not a regular occurrence; the venue was deemed appropriate for this use and to hold the event at a different place would likely incur high costs. The lease on the restaurant is for 5 years and the need to get on well with the community was understood.
- Although the notice had requested to be open until 3am it was the intention to finish the event at 2am, with the extra time to arrange people to leave the venue and book taxis. The event as scheduled to be late due to the fact people invited had a significant distance to travel to get there and to work around their work commitments; those invited were all friends and family to the applicant.
- The licensing department had not raised any concerns or sent anyone to check the venue after events, arrangements to limit disturbance had been made and if deemed necessary door staff and security will be provided.

In response to questions from Sub-Committee Members, the following was confirmed by the Environmental Protection Officer in attendance:

- The complaint from the 6th of August event had been sent to the Planning department and not the Environmental Protection Team. No further complaints had been received for the premises with 5 TENs being submitted in this time.
- No official objection had been submitted by ward members for any of the TENs but there had been some liaison with ward members and Environmental Health regarding the events on the 25th of June and 1st of July about the amount of TENs submitted by the premises.
- There was nothing in place currently to monitor the events, but the local complainant had said the noise from the 6th of August has been less intrusive and the case had been closed on previous complaints due to not anticipating any further events.

In response to questions from Sub-Committee Members, the following was confirmed by the applicant:

- There are no more events anticipated this year at the premises that may require a TEN and there was no intention to apply for a variation to the full license immediately but the applicant may look to change terms of use in regard to planning and licensing in the long term.
- The applicant, as the DPS, had a current Security Industry Authority (SIA) license. There had been 7 TENs submitted this year, only 3 of them by the applicant which had experienced no incidents or concern.

Members were concerned that the event noted by the applicant which took place on the 17th of September was not permitted by the licensing department and wanted this raised with enforcement. This application was not considered to be against the licensing objectives, but it must be well managed.

RESOLVED – To grant the Temporary Event Notice and not serve a counter notice.

