

## **Licensing Sub-Committee**

**Tuesday, 18th October, 2022**

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

Councillors S Hamilton and I Wilson

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

**RESOLVED:** To elect Councillor Hutchison 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 late items, however the Committee received three supplementary packs relating to Agenda Item 7.

### **5 Declaration of Interests**

There were no declarations of interests.

### **6 Certification of Film – ‘Araya’ by Hyde Park Picture House**

The Committee received an application for the certification of a film, *Araya*, to be screened at City Varieties, Swan Street, Leeds, LS1 6LW on 1<sup>st</sup> November 2022.

Attending the hearing was:

Wendy Cook – applicant

David Spereall – journalist

Ms Cook provided the Committee with further details on the film’s content, which included small amounts of nudity within a domestic context and in keeping with the BBFC classification guidelines for the recommended U rating. The Committee noted these comments.

**RESOLVED:** That the film *Araya* shall be rated U.

### **7 Application for the Grant of a Premises Licence for Shimlas Leeds**

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

In attendance were:

Rashid Moghul: the applicant’s representative

Claire Simms: Environmental Protection Team (EPT)  
Vanessa Holyroyd: EPT  
David Spereall: journalist

Prior to the meeting, the Committee had received three supplementary packs from the applicant.

Further to the application and the subsequent revised operating schedule provided, the activities applied for were as follows:

Late Night Refreshment

Sunday to Thursday 23:00 – 01:00

Friday and Saturday 23:00 – 02:00

Performance of Recorded Music

Monday to Sunday 10:00 – 23:30

Opening times of the premises

Sunday to Thursday 10:00 – 01:00

Friday and Saturday 10:00 – 02:00

Shimlas is a Kashmiri restaurant located on Roundhay Road, predominantly catering towards families during the evenings. Members noted that the Harehills Cumulative Impact Assessment does not apply due to there being no proposed alcohol sales.

Mr Moghul supplied several reasons why the applicant needs later opening times, which included rising produce and energy costs and needing to reduce waste. The customer base they wish to appeal to with these opening times includes taxi drivers.

The Committee heard the representation by Mr Moghul which outlined several reasons why the public representations against the application were flawed which included the possibility of local ward councillors having links with a local takeaway business. No interests were found within the Member Register of Interests, which was checked during the meeting. The Members noted the comments.

Ms Simms, on behalf of the Environmental Protection Team, outlined her objection to the application. This included:

- The area is mixed use, with both residential and commercial premises
- The premises is already able to operate until 11pm
- Insufficient evidence of how the licensing objective of 'prevention of public nuisance' will be met
- As the premises is open seven days a week, music playing until 12am or later could prove a nuisance
- It would be harder to deal with complaints once a licence has been granted
- The only mitigation for sound issues had been a couple of signs placed in the premises
- Delivery hours are restricted to 10pm, however this does not apply to third party delivery apps
- No other restaurants in the area have a similar licence, and therefore there could be issues if a precedent is set

Entertainment Licensing and Legal Services confirmed that the intention of the premises to provide background music is ancillary to the primary reason for

attending the premises. Therefore the performance of record music under this circumstance is not a licenceable activity.

Members questioned EPT on what influences different premises nearby being offered different closing times. Reasons included some premises being awarded their licence under the previous licensing regime, some being on the main road and away from residential properties.

Mr Moghul was asked if the applicant would be willing to accept the following opening times, as suggested by EPT;  
Sunday to Thursday: 10 – 11.30 (music off at 11pm)  
Friday and Saturday: 10 – 1.30 (music off at 12am)

This suggestion was not accepted by Mr Moghul.

There was discussion between Mr Moghul, the Members and EPT on what types of noise would be created by which types of opening times, in reference to the sound report in supplementary pack 1. The acoustic report had been conducted on a Sunday and a Monday, and the hearing explored the ways in which this would have captured certain noises, specifically car doors slamming and the ventilation extractor.

**RESOLVED:** That the application be granted subject to the following revisions:

- To amend late night refreshment,  
Sun to Thurs 23:00 – 00:00 hours,  
Fri and Sat 23:00 – 02:00 hours;
- To remove the provision of recorded music; and
- To amend the opening hours,  
Sun to Thurs 10:00 – 00:00 hours,  
Fri and Sat 10:00 – 02:00 hours.