

## **Licensing Sub-Committee**

**Tuesday, 7th February, 2023**

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

Councillors R Downes and A Forsaith

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

**RESOLVED** – That Councillor A Hutchison be elected as Chair throughout 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.

### **5 Declaration of Interests**

No interests were raised by Sub-Committee Members.

### **6 Certification of Films – To Hell with Culture by Hyde Park Picture House**

The report of the Chief Officer (Elections and Regulatory) advised Sub-Committee Members of an application for the certification of a film to be screened at Leeds Central Library, Calverley Street, Leeds, LS1 3AB. The screening is scheduled to take place on the 9th February 2023. The promoter has provided an advance screener for the film and suggests a U rating is awarded.

The Legal Officer set out the procedure to be followed.

Robb Barham, Hyde Park Picture House, Operations & Programmes Manager, attended the Sub-Committee meeting, providing Members with a synopsis of the contents of the film, consisting of the life and work of Sir Herbert Read as a part of the Henry Moore Institute's research season, in collaboration with Leeds University, to increase the public's direct and virtual access to Sir Herbert Read's archive.

**RESOLVED** – To grant the certification of the film entitled 'To Hell with Culture' a U classification, as applied for.

### **7 Certification of Films – Getting it Back: The Story of Cymande and Angry Annie**

The report of the Chief Officer (Elections and Regulatory) advised members of an application for the certification of two films to be shown at Vue Cinema, 22 The Light, The Headrow, Leeds, LS1 8TL. The screenings are scheduled to take place on the 22nd February 2023 and 1st March 2023. The promoter has provided advance screeners for each film and recommends a 15 rating is awarded to both.

The Legal Officer set out the procedure to be followed.

Alex King, Programme Manager, Leeds Film, attended the Sub-Committee meeting, informing Members that the screenings were part of a special, year-round programme for the Leeds Film Festival as previews for upcoming screenings and research purposes after last year's film festival. Both films had been screened in London, receiving a 15-certification rating from the appropriate local authority and thus had been requested for the same certification with the expectation of viewers attending to be over the age of 18.

In response to questions from Sub-Committee members, the following information was confirmed:

- The contents of 'Angry Annie' included detail, at length, regarding illegal abortion which may potentially be disturbing to viewers; the subject matter was perceived to fall within the British Board of Film Classification (BBFC) categorisation of a 15 rating by the applicant.

**RESOLVED** – To grant the certification of the films entitled 'Getting It Back: The Story of Cymande' and 'Angry Annie', a 15 classification, as applied for.

**8 Application for the Grant of a Premises Licence for Capri at Roundhay, 112 Gledhow Valley Road, Gledhow, Leeds, LS17 6LX**

The report of the Chief Officer Elections and Regulatory advised Members of an application for the grant a premises licence, made by Ermal Brakaj, for Capri at Roundhay, 112 Gledhow Valley Road, Gledhow, Leeds, LS17 6LX.

A summary of the application was provided by the Principal Licensing Officer in attendance, outlining the following information:

- The premises propose to primarily operate as a ground floor café/restaurant with ancillary takeaway service.
- The licensable activities proposed were the Sale by Retail of Alcohol for the hours, *Monday to Thursday 08:00 until 22:00 Friday & Saturday 08:00 until 22:30 Sunday 08:00 until 21:00* and Performance of Recorded Music, *Monday to Thursday 08:00 until 22:30 Friday & Saturday 08:00 until 23:00 Sunday 08:00 until 21:30.*
- No representations from Elected Ward Members or Responsible Authorities had been received.
- A redacted version of the application was attached to the submitted report at Appendix A.
- A map identifying the location of the premises was appended to the report at Appendix B.
- 10 letters of objection had been received, with concerns regarding public nuisance, litter, parking, and noise in a predominately residential area. Redacted copies were attached at Appendix C. Two objectors outlined potential retribution if their details were revealed and thus would not attend the hearing.
- A list of issued premises licenses and club certificates within the local area were attached at Appendix D.

- The application was originally due for consideration at the 10<sup>th</sup> of January 2023 where the hearing had been adjourned by the decision of objectors due to there only being two Sub-Committee Members present.

In attendance at the meeting were:

- Paddy Whur, Woods Whur – Applicant's Representative
- Ermal Brakaj - Applicant

The Legal Officer set out the procedure to be followed.

The Applicant's Representative informed the Sub-Committee of the following points:

- The licensable activity of Performance of Recorded Music had been de-regulated as it was no longer needed so the hearing was to determine the Sale by Retail of Alcohol.
- The Applicant's Legal Representative had been instructed after the objections from residents had been received.
- The Applicant was content with the proposed conditions contained at pages 35 and 36 of the report. It was noted the Applicant holds a Personal License.
- The premises would seat 25 customers in a high quality fitted space with contained toilets.
- The objectors who attended the 10<sup>th</sup> of January Sub-Committee were not in attendance for this hearing. The adjournment was noted to have incurred costs to the Applicant.
- The Applicant was unsure for the grounds of the objectors who had stated a fear of retribution.
- The operations would be as a café for the early parts of the day and a Mediterranean style family restaurant in the late afternoon/evening, serving a modest stock of alcohol to accompany meals.
- The Applicant considered their approach to the local community to be wide and open and was disappointed to have received objections.
- Most of the business was expected to be from walk-ins and would not be offering online food ordering and delivery platforms, limiting any potential nuisance from parking and bikes outside the premises.
- The Applicant would be at the premises for the duration of daily opening times to support and manage staff.
- Some of the concerns raised by objectors were planning issues. The premises were noted to be smaller than the majority of the parade of shops and businesses on the street and the Applicant was keen to work with local residents and liaise with anyone maintaining concern.
- The restaurant was considered to be a good addition for the local area.

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

- The Applicant had previously worked at a restaurant in Wakefield under the same name, however this new premises was not opening as a chain, it was supported with their own funding and was using the same name in order to access wholesalers, in agreement with the restaurant owner in Wakefield.

- No objections were noted from the upstairs flat. The Applicant confirmed they did not know who lived there but hoped the removal of music from the license application would further limit any potential disturbance to these residents.
- It was clarified that any takeaway alcohol would only be sold in sealed containers to take home. Any takeaway alcohol would likely be a bottle of wine to accompany a takeaway meal.
- The hours proposed for the sale of alcohol from 8:00am was to allow flexibility for events such as special breakfasts for a birthday, with no aspirations to sell alcohol at this hour day to day.
- The premises had previously been a café and it was perceived some objection was in resistance to change, with the fears not being grounded.
- The Applicant and Legal Representative agreed it would be reasonable to condition not being able to use online delivery services to the license.
- As the primary use would be seated customers the concerns for litter were of limited weight as any takeaways would be in sealed containers, natured for consumption at home, not immediately outside the premises.
- Parking arrangements were considered adequate with public provision to the front of the parade and to the right-hand side of the premises, not in a residential area. The expectation for locals to walk to the premises was also outlined.
- Management control would be taken seriously, with staff ensuring customers leave quietly in the later hours of operation and was not a restaurant where people would be getting drunk.
- In response to potential safeguarding issues with the proposed hours for sale of alcohol and a school being within the vicinity of the area, it was expected that coffee and breakfast will be served in the morning, the bar is at the back of the premises, staff would enforce a challenge 25 policy and alcohol would be fairly expensive compared to local shops.
- Customers would be able to order just drinks but, there is no external bar and they would have to be seated at a table. No terrace area was proposed to the front for eating or drinking.
- No photographs of the internal fit out were contained in the report, there was photos available from the report in January, when the hearing was adjourned. The photographs showed a small restaurant and no external area suitable for dining.
- The fire exit from the premises is to the front and the proposed conditions for bins and waste were deemed acceptable.

The proposed draft conditions to promote the licensing objectives, contained in the application form, beginning on page 35 of the report, contained grammatical errors and Sub-Committee Members deemed it appropriate to amend these into enforceable conditions. In particular, the below two proposals:

- a) The premises will maintain a *MINIMUM* of 25 covers at all times.
- b) Drinks *IN* open bottles and glasses will not be taken *FROM* the premises at any time.

**RESOLVED** – To grant the application as applied for, subject to clarification of the licensing objective conditions by the Entertainment Licensing Department.