

Licensing Sub-Committee

Wednesday, 7th September, 2022

PRESENT: Councillor N Buckley in the Chair

Councillors S Hamilton

1 Election of the Chair

RESOLVED – Councillor Buckley was elected Chair of the Sub Committee.

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

The agenda contained no exempt information.

4 Late Items

No formal late items of business were added to the agenda, however prior to the hearing the following supplementary information had been provided to Members, interested parties and published on the Council's website:

Agenda Item 6 – Moon Light, Unit 1, 139 Street Lane Roundhay

- Supplement 1 – submission from the applicant showing proposed revised hours of operation and key operating conditions for the premises along with a plan of the locality showing other licensed premises and their opening hours/conditions
- Supplement 2 – submission from the applicant showing proposed drinks and Tapas menu for the premises
- Supplement 3 - submission from the applicant showing liaison with LCC Environmental Protection Team and a submission from Councillor L Martin on behalf of all Roundhay ward Councillors setting out their opposition to the application
- Additionally, overnight the Licensing Authority had received one further submission from a local resident in support of their original representation and this was accepted into the matters for consideration with the agreement of all parties.

Agenda item 7 – Premier Banqueting, Stoney Rock Lane, Burmantofts

- Submission from the applicant and Premises User including the Parties Notice of Intention and a receipt from Premier Banqueting for the proposed event.

5 Declaration of Interests

No declarations of interest were made.

6 Application for the grant of a premises licence for Moon Light Unit 1, 139 Street Lane, Roundhay, Leeds, LS8 1AA

The Committee considered the report of the Chief Officer Elections and Regulatory on an application for the grant of a premises licence, made by Mr Tuncay Hormetli, for premises to be known as Moon Light, Unit 1, 139 Street Lane, Roundhay, Leeds,

LS8 1AA. The premises is intended to operate as a restaurant and bar with Mr Hormetli as Designated Premises Supervisor.

The application sought the following licensable activities:

The sale by retail of alcohol (for consumption both on and off the premises)

Thursday to Saturday 11:00 – 01:00

Sunday to Wednesday 11:00 – 23:30

Provision of late-night refreshment

Thursday to Saturday 23:00 – 01:00

Sunday to Wednesday 23:00 – 23:30

Performance of recorded music

Thursday to Saturday 11:00 – 01:30

Sunday to Wednesday 11:00 – 00:00

Performance of live music, dance and Entertainment of a similar description

Monday to Sunday 19:00 – 23:00

Opening times of the premises

Thursday to Saturday 11:00 – 01:30

Sunday to Wednesday 11:00 – 00:00

The application had attracted representations from Leeds City Council's Environmental Protection Team, ward Councillors and members of the public on the grounds of crime and disorder, public safety, public nuisance and the protection of children.

The following were in attendance:

Moon Light

Mr C Rees-Gay – solicitor for the applicant

Mr T Hormetli – the applicant and DPS

Mr A Zadeh

Objectors

Mr J P Murphy

Mr S Jubb

Mr Z Mwanje

LCC Environmental Protection Team

Ms K Coleman

Ms E Hebbert (observing)

Observers

Mr K Sykes and Mrs L Sykes

Mrs H Jubb

Mrs J Mwanje

Mrs P Pinto-Fernandes

Prior to the hearing the Sub Committee had received three supplementary packs of information, the evening before one further communication expanding on a representation had been received from Mr J P Murphy, and this was accepted for consideration on the day.

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 for the hearing. The Entertainment Licensing Officer presented the application and highlighted that the measures suggested by LCC Environmental Protection Team to address public nuisance had been accepted by the applicant and would be included in the premises operating schedule should

the application be granted. However, the applicant had not agreed to the reduction in the terminal hour suggested by LCC EPT.

The Sub Committee then heard from Mr Rees-Gay on behalf of the applicant who began by confirming the agreement reached with LCC EPT on measures to address Noise and Vibration.

Mr Rees-Gay provided the Sub Committee with the following information:

- Mr T Hormetli has 20 years' experience in the licensing trade and operates six other premises across Yorkshire under the "Olive Branch" name. He manages the Roundhay Olive Branch and will act as DPS for Moon Light. He knows the Roundhay area well and had forged links with the community through local schools and a rugby team.
- The proposed Moon Light premises had undergone a £340k refurbishment including the installation of sound proofing and specialist glazing and represented a significant investment and creation of jobs
- The original application had been submitted by another agent and had included provision of dance and live music; Mr Rees-Gay acknowledged this must have been alarming to local residents, but he assured the Sub Committee that there was no intention for the premises to operate as a nightclub. Moon Light would offer Tapas meals and stay open slightly later at the weekend.
- When Mr Hormetli became aware of residents' concerns, a meeting with residents was held on 22nd August 2022 and following that, the application was amended to remove dance and live music (the applicant will rely on the Live Music Act) and to reduce the terminal hour for all other remaining activities.
- Mr Rees-Gay suggested the application as amended and the proposed comprehensive operating schedule to be attached to the Premises Licence confirmed the requirements of the Leeds Statement of Licensing Policy had been met. He also stated the potential effect of the operation of the premises on the licensing objectives would be minimal.
- There were other licensed premises in the locality of Street Lane with later hours, including the Thomas Osborne and the Banyan premises, which did not employ 2 Door Staff on Friday and Saturday nights or have such stringent measures attached to their operating schedules.
- The Moon Light premises will be food-led with table service. CCTV and a Challenge 25 policy will be in operation and 2 door staff will remain on site until 15 minutes after closing. The external area will be closed to patrons by 22.00 hours and, referring to the supplementary information, a bespoke dispersal policy had been submitted along with a noise management policy. Sound lobbies had been introduced to the premises following the concerns expressed at the residents meeting.
- Mr Rees-Gay confirmed the operator took his relationship with the community very seriously and acknowledged that he was aware that he should have consulted with residents prior to making the original application. Additionally, Mr Hormetli would be happy to provide his mobile contact number to residents should they have any issues and wish to contact him directly in the future should the application be granted.

Turning to issues raised in the representations, Mr Rees-Gay commented that West Yorkshire Police had not submitted a representation. Liaison had continued with LCC EPT over the terminal hour of operation on Friday and Saturday nights, but all noise measures had been agreed and the plan of the premises had been amended to include noise lobbies.

In conclusion Mr Rees-Gay reiterated the following:

- The operator was aware of how the original application could have been misconstrued as a Nightclub or a large bar and had met with residents on 22nd August, after which a revised application was made on 28th August.
- The operator had managed the Roundhay Olive Branch for 11 years with no reported issues relating to disturbance.
- A condition on the premises licence would ensure that litter associated with the premises is cleared away.
- Noise had been a major concern for residents and therefore the operator's focus, so the performance of dance and live music had been removed from the application, external drinking would not be permitted, and the premises layout had been amended to incorporate a lobby. 2 door staff to be employed on Friday and Saturdays, and a noise breakthrough assessment would be undertaken prior to opening and submitted to LCC EPT.
- Mr Rees-Gay reminded Members that residents had the option of seeking a review of the premises licence, should it be granted, and they perceive issues associated with the premises.

In response to Members queries the following information was discussed:

- "Moon Light" would be separate to the 'Olive Branch' premises and operate slightly differently, however patrons would be able to purchase drinks without having to buy a Tapas meal.
- The sound lobby would ensure that anyone entering or leaving the premises would have to push through one set of doors which would close behind them and then push through a second set of doors, to minimise any noise escape.
- Patrons who had ordered a taxi to travel home would be accommodated in a waiting area within the premises
- Clarification was sought on the hours which Door Staff would be on duty, it was noted that there was a disparity within the application and supplementary documents – one stated they would be on duty until 15 minutes after the close of the premises, but a further reference set out that they would be on duty until the last customer had left. Mr Rees-Gay accepted that patrons could be waiting for transport home for longer than 15 minutes after closing and offered that the operator would accept an amendment to the Door Staff condition along the lines of "until the last customer has left" should the Sub Committee be minded to make that amendment.
- The opening hours and conditions attached to other premises in the locality.

The Sub Committee heard from Ms Kate Coleman, LCC EPT who explained the reason for the LCC submission which sought to keep the hours of use of the premises to those operated by the Olive Branch. Ms Coleman reported that she attended the residents meeting on 22nd August, and in respect of noise nuisance, she explained that any background noise in the immediate area would subside by 23.30 hours, so ordinary noise is amplified. If customers leave the Moon Light

premises at 00.30 hours and staff leave at 00.45 the noise could create a nuisance for residents nearby. She reported that LCC EPT were dealing with complaints about noise and loud music associated with the Thomas Osborne premises referenced in Mr Rees-Gay's submission.

The operator had been very co-operative and she welcomed the agreement to the proposed measures, however she felt the Team may be asked to investigate any noise issues associated with the premises in the future should the premise licence be granted.

In responding to a Member's query, Ms Coleman confirmed that the Thomas Osborne premises location was less residential than the area surrounding the Moon Light and Olive Branch premises.

The Sub Committee then heard from local residents.

Mr John-Paul Murphy explained that he had been a patron of the Olive Branch for some time. He agreed with Ms Coleman that the Thomas Osborne and The Banyan premises were located in a more commercial area and he posed the question that if a licensed premises opened further down the road from them with later opening hours, in a more residential area and near a school, would it attract the patrons of those two pubs to it. He suggested that realistically, knowing that there were noise complaints lodged against those two premises, there would be issues associated to the later hours proposed for Moon Light.

Mr Murphy set out his concerns regarding crime and disorder and noise:

- the applicant's representative had stated Moon Light would be a food led bar/restaurant, however a Tapas food offer was very different from a sit-down meal offered by the Olive Branch, and whilst there may be table service, the operator had clarified at the hearing that patrons could attend Moon Light just for drinks.
- Windows and doors should be closed in warm summer months to prevent noise escape.
- 100 covers suggested this premises will be larger than other Olive Branch restaurants so will use more equipment, plus the equipment will be housed at the side of the premises which faces onto residential properties, increasing the chance of noise disturbance to residents.
- This was a largely residential area and any bottle removal would be disruptive.
- In respect of public disorder, no one could predict behaviour but he stated the application did not show any real consideration of the issues which can occur around closing / dispersal time.
- He also added that the Thomas Osborne and Banyan premises did employ door staff.

Mr Murphy expressed his thanks that all parties had agreed to accept his email representation dated 06/09/22 into evidence and explained that he had been away and unable to submit his supplementary comments sooner.

The Sub Committee went on to hear from Mr Mwanje, a resident of Street Lane. Mr Mwanje queried whether the applicant had contacted LCC EPT for an assessment of the premises prior to submitting the application and he felt the 22nd August meeting was only held as a result of local residents submitting objections to the application. Mr Mwanje stated that he had complained previously about traffic congestion and parking issues in the area and he felt that this premises would add to the problem. He also believed that young people congregated in the area behind the Four Seasons property used to store waste bins, and he had reported drug dealing taking place there to West Yorkshire Police. He also noted that a serious incident had taken place in the locality some years ago when a young girl was attacked.

In conclusion, Mr Mwanje asked what the applicant had done to look at the history of the area to inform his business model, as a businessman himself, he would expect to work with the local community in partnership.

The Sub Committee then heard from Mr Jubb, a local resident. Mr Jubb referred to the other premises nearby but stressed that Moon Light would be in a quiet residential area in comparison to those. He felt that the operating hours would encourage late night drinking and lead to additional noise from people leaving the premises, taxis collecting patrons and increased car usage later in the night. There are only 6 car parking spaces to the front of the premises, so there will be more on-street car parking which will impact on local residents. The kitchen is located to the rear of the premises, so staff will use the rear doors and there will be extractor fans and machinery facing onto the residential properties. This will be a very different premises to the Olive Branch style, so he felt there was an increased possibility of more people under the effects of alcohol and incidents of anti-social behaviour.

In response to Member queries, the following issues were discussed:

- No issues had been reported with the waste or empty bottle collection service from the Olive Branch premises, although Mr Mwanje reported that bottle and waste removal was already significant from the smaller commercial premises in the area.
- Car parking, and concerns that this was a narrow street which could be easily blocked by parked cars. Also, people parked during the day and then caught the bus into town, and Moon Light patrons could park up, drink more than they anticipated and get a taxi home leaving their car overnight and into the day until they return to collect it exacerbating existing parking issues.

Mr Rees-Gay then summed up on behalf of the applicant and responded to comments made by members of the public.

- Car parking – this issue is not a matter which falls within the remit of the Licensing Act 2003.
- He referred to the measures which had been agreed to which addressed noise and included “Except for access and egress, external doors shall remain closed during the performance of regulated entertainment and windows shall remain closed during the entire performance.” And that “Noise from plant or machinery operating at the licensed premises, shall be inaudible at the nearest noise sensitive premises. Plant and machinery shall be regularly serviced and maintained to meet this level.”
- Waste and bin removal – any bins will be kept behind locked gates.

- Comparisons with the Olive Branch – he noted that local residents had stated they had experienced no issues of drunken behaviour, waste removal or bottle removal from the Olive Branch, and he noted that Moon Light would be managed by the same experienced operator.
- Moon Light would be a food led bar, not a night club.
- 2 Door staff will control dispersal to minimise disruption to residents.
- The operator is very experienced, works with the community at other premises.

Finally, Members sought clarification on the future of the two premises, and Mr Rees-Gay confirmed that the Olive Branch would continue in its current restaurant format, the Moon Light premises would be an additional and separate premises.

The Licensing Sub-Committee carefully considered the report of the Chief Officer, Elections and Regulatory, the Statement of Licensing Policy and the representations submitted prior to the hearing. The Sub Committee also considered the additional information submitted in the supplementary packs and the submissions made at the hearing by the applicant, local residents and LCC EPT.

RESOLVED – That the application be granted as amended by the applicant with an amendment to the condition regarding provision of Door staff:

“On Friday and Saturdays there will be SIA registered Door Staff at the premises until the premises closes OR until the last patron has left, whichever is the later.”

To clarify the following was granted, with the measures suggested to address the licensing objectives and agreed by the applicant prior to the hearing to be added to the operating schedule for the premises:

Live Music -	Withdrawn from the application, instead the applicant will rely on the Live Music Act 2012.
Recorded Music -	Sun-Thurs 1100-2330; Fri-Sat 1100-0030.
Performance of Dance -	Withdrawn from the application, instead the applicant will rely on the Live Music Act 2012.
Anything of a similar description -	1900-2300 Daily.
Late Night Refreshment -	Sun-Thurs 2300-2330; Fri-Sat 2300-0030.
Sale of Alcohol (on and off) -	Sun-Thurs 1100-2300; Fri-Sat 1100-00.00.
Opening Hours -	Sun-Thurs 1100-2330; Fri-Sat 1100-0030.

7 Temporary event notice for Premier Banqueting Premier Banqueting, Stoney Rock Lane, Burmantofts, Leeds, LS9 7TZ

The report of the Chief Officer, Elections and Regulatory presented an objection notice from LCC Environmental Protection Team to a Temporary Event Notice that had been submitted on behalf of Premier Banqueting, Stoney Rock Lane, Burmantofts, Leeds, LS9 7TZ. The objection notice had been submitted on the grounds of the prevention of public nuisance licensing objectives.

The following were in attendance:

Ms Elizabeth Hebbert – LCC Environmental Protection Team
Mr Alexandru Florin Petrechiuta – the premises user

Mr Florin Marius Bron – the premises user’s representative.

Prior to the hearing the Sub Committee had received a supplementary pack of information submitted by the premises user containing a receipt detailing the arrangements for the proposed event.

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 and the Entertainment Licensing Officer outlined the application which sought the provision of Late Night Refreshment from 23:00 hours on Sunday 16th October 2022 to 05:00 hours on Monday 17th October 2022.

The Sub Committee heard from Mr Bron on behalf of the premises user who explained the reason for the application was so Mr Petrechiuta and his family could celebrate his child’s baptism until 05:00 hours. After the request had been submitted, the owner of Premier Banqueting notified Mr Petrechiuta that a complaint had been received regarding noise at the premises and that the doors could be closed to new attendees at 23:00 hours to avoid disturbing the neighbours. Subsequently Mr Petrechiuta spoke to the owner seeking to amend his request to 02:00 or 01:00 hours, as he did not wish to annoy the neighbouring residents and that amendment was repeated for the Sub Committee to consider.

The Sub Committee then moved to ask questions of the premises user and received the following information:

- The 05:00 terminal hour was sought to accommodate a traditional Romanian baptism where the baptism celebrations are held all night. The family meet together, bake for the celebrations through the day, eat in the evening and then hold the baptism at Midnight, followed by further celebrations.
- In view of the noise issues now reported to Petrechiuta, he offered to amend the application to request 01:00 as the terminal hour.
80 to 100 attendees were expected.

The Sub Committee heard from Ms E Hebbert LCC EPT who provided an overview of the complaints received over the previous decade relating to Premier Banqueting emanating from its operation as an events venue. Complaints had been received in May, June, July, August and into September 2022 over issues of noise during events, and noise as patrons leave the venue and cars revving in the car park.

A Noise Abatement Notice had been served on 27th July 2022 to prohibit noise from music and amplified sound. Ms Hebbert stated that the most effective way to address the noise issues was not to hold late night events there. The management of Premier Banqueting were aware of the Team’s objection to events being held past 23:00 hours and they had been receptive to working with the Team. Ms Hebbert noted the amended terminal hour now proposed for the event but reiterated that local residents would be asleep at 1:00 or 02:00 hours and this event would attract up to 100 attendees which could cause the same disturbance to residents at 01:00 hours as would be caused at 05:00 hours. Furthermore, the late night refreshment offer will

encourage people to stay late, even though there would be no music. In conclusion Ms Hebbert stated the Team appreciated the cultural aspect of this event, however in the circumstances the event could be held at another venue.

In response, Mr Bron stated the event could not be moved from Premier Banqueting as the premises user had already paid the fee for the hire of the venue.

The Licensing Sub-Committee carefully considered the report of the Chief Officer (Elections and Regulatory), the Statement of Licensing Policy and the representations made at the hearing.

RESOLVED – That a counter notice be issued in respect of the proposed event.