

Licensing Sub-Committee

Friday, 2nd December, 2022

PRESENT: Councillor A Forsaith in the Chair

Councillors S Hamilton and B Flynn

1 Election of the Chair

RESOLVED – To elect Councillor Ann Forsaith to the Chair for the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspections 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.

5 Declaration of Interests

No declarations of interests were made at the meeting.

6 Certification of Films – Metamorphosis and A Distant Place

The report of the Chief Officer Elections and Regulatory advised Licensing Sub Committee Members of an application for the certification of two films to be screened at Pyramid Theatre – Leeds University Union, Lifton Place, Leeds LS2 9JT, and Wharf Chambers, 23 - 25 Wharf Street, Leeds, LS2 7EQ. The screenings are scheduled to take place on the 6th and 12th December 2022.

The applicant had provided advance screeners and recommended a 15 rating for each film.

In attendance for the meeting was:

- Ollie Jenkins, Hyde Park Picture House

A copy of each request, including a synopsis and the applicant's suggested rating, can be found at Appendix A of this report.

To assist members with their deliberation officers of the Licensing Authority had viewed the available films and confirmed that they have no concerns with the applicants recommended 15 rating when considered in accordance with the BBFC classification guidelines. A copy of the BBFC guidelines was available for Member's information.

RESOLVED – That the films Metamorphosis and A Distant Place be certified as 15 rating.

7 Application for the Grant of a Premises Licence for Residence 74, 5-7 North Lane, Headingley, Leeds, LS6 3HG

The report of the Chief Officer Elections and Regulatory requested Member's consideration of an application for the grant of a premises licence made by RS (Headingley) Ltd, for Residence 74, 5-7 North Lane, Headingley, Leeds, LS6 3HG.

In attendance for this item were:

- Salar Eftekhary, RS (Headingley) Ltd – Director
- Ramin Darvish, RS (Headingley) Ltd - Shareholder
- Dr Richard Tyler – Objector who was represented by Cllr Walshaw
- Ian Barraclough – Objector

The Legal Officer outlined the procedure for the hearing.

The Licensing Officer presented the application providing the Licensing Sub Committee with the following information:

- This is the first application for a premises licence for these premises. The applicant's name is RS (Headingley) Ltd. and the proposed designated premises supervisor is Salar Eftekhary.
- The application is for:
 - Sale of alcohol for consumption both on and off the premises
 - Sunday to Thursday 09:00 until 23:00
 - Friday and Saturday 09:00 until 23:30
 - Live music and recorded music
 - Sunday to Thursday 09:00 until 23:30
 - Friday and Saturday 09:00 until 00:00
 - No non-standard timings for bank holidays or special occasions are proposed.
- A redacted version of the application was attached to the submitted report at Appendix A. The applicant proposed to promote the licensing objectives by taking the steps identified in section 18 of the application form.
- A map identifying the location of the premises was appended to the report at Appendix B.
- It was noted that West Yorkshire Police had made a representation. However, negotiations had taken place prior to the hearing and in this instance the operating schedule was amended to include the measures agreed with West Yorkshire Police which related to CCTV, incident report register and that the premises should remain food led. A copy of the agreement was attached to the report at Appendix C.
- The application had attracted ten individual representations from members of the public opposed to the application on the grounds of public nuisance and public safety, redacted copies of the representations were attached to the report at Appendix D.
- Members were advised that the premises are located within the cumulative impact area for Headingley and Hyde Park. Details of the cumulative impact policy specific to Headingley and Hyde Park and an outline of the evidence behind the reason for setting this policy was appended to the report at Appendix E.

- A list of premises in the local area and their licensed hours and activities was provided at Appendix F.

Mr Eftekhary informed the Licensing Sub Committee of the following:

- He had read the representations and acknowledged that the proposed premises would be in the cumulative impact area (CIP).
- He told the Sub-Committee that he already had an established business with a premises licence on Otley Old Road in Weetwood. This was a family orientated business and he wanted to create the same business model in Headingley.
- Mr Eftekhary said the premises was currently disused, he would be employing about 20 people in job roles and enhancing an empty premises.
- Mr Eftekhary explained that he was aware of the 'Otley Run' as he had an established business on the same parade for 7 years and has been working in the business for 5 years.
- Mr Darvish, shareholder of RS Headingley Ltd and owner of Santorini Bar and Grill, was also in attendance and explained that Santorini is a family business, and they would not want customers from the 'Otley Run'. He said that drinks would be served only with food orders at the new premises.

Responding to questions from the Members the Sub Committee were provided with the following information:

- Mr Eftekhary said that he had requested the premises licence for 7 days a week so that it was the same as the business model used for the premises in Weetwood, where they served breakfast, brunch and evening meals. The food they served was a Mediterranean style and this was what was proposed for the premises in Headingley. He said that he had not considered less days for opening in Headingley as the established business opened 7 days.
- To meet the licensing objectives, he would ensure that the measures set out by the Police were adhered to, litter picking around the vicinity of the premises and would discourage anyone in fancy dress.
- Mr Eftekhary said that the premises could operate with food only, but this was how his other premises worked and his customers enjoyed a beer or a glass of wine with their meal. It was recognised that Santorini in Headingley run by Mr Darvish operated in this way. If Residence 74 was not able to have a licence this would impact on the business model.
- They had taken in to account the number of licensed premises in the Headingley area, their premises would not be a drinking establishment, but food led and identical to the one in Weetwood.
- They had agreed with West Yorkshire Police that alcohol could only be sold with food, and this also meant takeaway food. Mr Eftekhary offered to remove the off-licence part from the premises licence. He said that he had considered the opening and closing times, however, his customers enjoyed a drink with brunch, and it did not fit with his business plan for the premises.

Mr Barraclough an objector to the application was present and provided the following information:

- He had been going to object to the off sales, however, this had been addressed and he welcomed the offer to remove this from the premises licence.
- He said that he still had concerns about the future of the premises should the proposed business fail, and it was taken over by a drinking establishment. He presented evidence of this to the Sub Committee where it had happened at another premises.
- Mr Barraclough explained that he was supportive of a family restaurant but concerned about it becoming a pub in the future.
- He said that he had read the letter from Alex Sobel MP and was personally supportive of what the MP was saying, alcohol should only be purchased with food and consumed on the premises.
- He had concerns in relation to the takeaway part of the business, mainly due to the collection of the food with cyclists, cars and motorbikes being parked close to a busy junction when making their collection.

Cllr Walshaw attended to represent a resident and informed the Sub Committee of the following points:

- He said that the resident had concerns in relation to the future of the premises should the business fail or the owner wish to sell. The residents of the area wished to safeguard the future of Headingley and look after the present.
- Headingley is a suburban town centre which has a good night-time economy, and the concern was that in future these premises could become a student bar. The resident was requesting that the conditions of the premises licence be amended to assist future ward councillors to protect the future of the premises and the town centre.
- It was noted that the measures suggested were good so far. However, residents still had concerns in relation to off sales with takeaway food.
- The main issue for residents of the area was the safeguarding of the premises for the future.

The resident who Cllr Walshaw had represented also addressed the Sub Committee and informed Members that Headingley currently has 45 licensed premises and suffers with issues caused by alcohol. He said that the list of proposals suggested by the Police and the MP were good. However, it was his view that these proposed premises should have conditions imposed as they are for the Wetherspoons pub in Headingley, where customers are not allowed to enter in fancy dress.

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

- As the applicant had offered to remove off-sales licence, Members wondered if the objectors wished to withdraw their objections. Both objectors were of the view that they did not wish to withdraw their objections but welcomed the proposed conditions suggested by the Police and the MP, they were also grateful that Mr Eftekhary had offered to remove off sales from the licence. However, they still had concerns in relation to the future of the premises should this licence be granted, and the business be sold at a future date. It was noted that any variation or proposed changes to the licence would need to go through the licensing authority first.

- There were concerns about the parking of customers and delivery people for takeaway food as these premises are close to a busy junction. Mr Eftekhary advised the Members that he had taken steps to ensure that any collections of takeaway food would use the rear entrance on Bennett Road as suggested by objectors. When taking calls for takeaway food, customers and deliveries would be told to use the rear entrance on Bennett Road. The objectors welcomed this proposal.

In summing up Mr Eftekhary said that he was prepared to accept the conditions imposed by the West Yorkshire Police and the MP. He would ensure his business did not impact upon the CIP. He wanted to continue the success of Residence 74.

Members considered all the information presented to them in the agenda pack and at the meeting. They were provided with clarification that Mr Eftekhary was willing to remove the off-sales part from the premises licence and that participants from the 'Otley Run' would not be allowed in the premises.

RESOLVED – To grant the premises licence with the removal of off-sales with the additional condition:

- The premises will not permit entry to anyone it has reason to believe are participants in the Otley Run.

The meeting concluded at 11:55