



LICENSING SUB-COMMITTEE

**MEETING TO BE HELD IN THE CIVIC HALL, LEEDS ON
MONDAY, 7TH AUGUST, 2006 AT 9.30 AM**

MEMBERSHIP

Councillors

T Grayshon - Morley South
D Hollingsworth - Burmantofts and Richmond Hill
V Morgan - Killingbeck and Seacroft

A G E N D A

Item No	Ward	Item Not Open		Page No
1	9:30 am to 10:00 am		<p>PROCEDURAL ISSUES PRELIMINARIES</p> <p>The Sub Committee will consider procedural matters only in relation to today's hearings in closed session.</p>	
2	Gipton and Harehills		<p>APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT CHARCOAL CHICKEN, 188B ROUNDHAY ROAD, LEEDS, LS8 5PL</p> <p>To consider the report of the Director of Legal and Democratic Services on an application made under the Licensing Act 2003 for the grant of a Premises Licence in respect of the above premises.</p> <p>(Report attached.)</p>	1 - 6
3	Chapel Allerton		<p>APPLICATION FOR THE GRANT OF A PREMISES LICENCE FOR THE CHAPEL ALLERTON ARTS FESTIVAL, REGENT STREET, WELL LANE, HAWTHORN ROAD (PART,) CHAPEL ALLERTON, LEEDS, LS7 4PE</p> <p>To consider the report of the Director of Legal and Democratic Services on an application made under the Licensing Act 2003 for the grant of a Premises Licence in respect of the above premises.</p> <p>(Report attached.)</p>	7 - 12



REPORT OF THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

REPORT TO LICENSING SUB COMMITTEE

DATE: 7th AUGUST 2006

SUBJECT: APPLICATION FOR THE GRANT OF A PREMISES LICENCE: CHARCOAL CHICKEN, 188B ROUNDHAY ROAD, LEEDS, LS8 5PL

Electoral Wards Affected:

GIPTON AND HAREHILLS

Specific Implications For:

Ethnic minorities

Women

Disabled people

1.0 PURPOSE OF REPORT

- 1.1 To advise Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for a Premises Licence in respect of Charcoal Chicken, 188b Roundhay Road, Leeds, LS8 5PL.

2.0 HISTORY OF PREMISES

This is the first application for the grant of a premise licence.

The premise previously had a Late Night Refreshment House Licence which was not converted within the conversion period.

After receiving relevant representations, this application was originally scheduled to be determined at a Sub Committee hearing on 27th March 2006.

Complaints were received in the Licensing Office that the above named premises were operating and serving hot food until 05.00am. A letter was sent to Mr Afzal on 17th March 2006, advising him of the offences of providing late night refreshment beyond 11.00pm without the necessary Premises Licence. (Letter attached for Members information).

Mr Afzal contacted the Entertainment Licensing Department on 22nd March 2006 on receipt of the said letter asking if he could carry on operating after 11.00pm, until his application was heard the following week, he was advised that he would be

committing further offences if he continued to serve hot food after 11.00pm as there was no Premises Licence in place. Later the same day, the investigating officer received a further telephone call from Mr Afzal's agent making the same request, if he could continue to serve after 11.00pm until the licence was granted. He was also advised of the relevant offences under the Licensing Act 2003.

On 27th March 2006, both the applicant and his agent attended the Licensing Sub Committee Hearing in relation to the application for the grant of a premises licence.

The Licensing Sub Committee after deliberation, in the interest of the applicant, Mr Afzal, decided that the application be adjourned to enable Mr Afzal to make the necessary application to the Planning Department.

Both the applicant and his agent were advised by the Committee and the Council's Legal Advisor, that while the application was pending, that late night refreshment could not be provided after 23.00hrs and that if it was, not only would Mr Afzal be in breach of his existing planning permission but also the Licensing Act 2003. Both parties agreed and understood this advice.

At 2.05am on Sunday 2nd April 2006 sales of late night refreshment, namely hot food, took place at premises known as Charcoal Chicken, 188b Roundhay Road, Leeds, LS8 5PL; contrary to Section 136, Licensing Act 2003. The offence was identified as a result of a covert test purchase by a Licensing Enforcement Officer, who, purporting to be a member of the public, purchased a hot meal.

On 18th May 2006, Mr Afzal attended a taped interview regarding the offence of providing late night refreshment on 2nd April 2006. Mr Afzal admitted the offence but stated that he had been in Manchester on that date, which is contrary to his own letter dated 13th May 2006, in which he stated he was in Pakistan. (Letter attached for Members information).

Subsequent drive bys conducted on 29th April, 21st May and 25th June 2006, have found these premises were not serving hot food after 11.00pm.

Planning permission for further hours was granted subject to conditions on 29th June 2006. The opening hours granted are Monday to Sunday 08.00hrs to 00.30hrs. (Please see attached decision notice).

3.0 THE APPLICATION

- 3.1 The applicant is Zahir Afzal. The premises are located at 188b Roundhay Road, Leeds, LS8 5PL. The location and the proximity to neighbouring premises can be seen on the map provided, members attention is drawn to **Appendix A**.
- 3.2 A copy of the application and operating schedule are attached as **Appendix B** to this report. For the assistance of Members, the Operating Schedule shows:

Proposed Licensable Activities:

The applicant proposes to carry out those licensable activities at the premises identified at boxes:

L - Late night refreshment

Proposed hours of licensable activities:

The applicant proposes to provide licensable activities from 23.00hrs to 05.00hrs every day.

Times when the premises is open to the public.

If the application is granted the applicant proposes to open the premises as described in box “O”.

Steps to promote licensing objectives

The applicant proposes to take the steps to promote the licensing objectives identified section “P” of the operating schedule.

4.0 RELEVANT REPRESENTATIONS

4.1 Under the Act representations can be received from responsible authorities or interested parties. Representations must be relevant and, in the case of an interested party, must not be frivolous or vexatious.

4.2 Responsible authorities have made the following representations:-

➤ Leeds City Council’s Development Department

Member’s are invited to consider Appendix “C” of this report

Leeds City Council’s Environmental Health Services

Members attention is drawn to Appendix ‘D’ of this report

5.0 MATTERS RELEVANT TO THE APPLICATION

5.1 Members of the Licensing sub committee must make decisions with a view to promoting the licensing objectives which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

5.2 In making its decision Members are obliged to have regard to the national Guidance and the Council’s Licensing Policy. Members will be aware they must also have regard to the relevant representations made and evidence they hear.

5.3 Members will find attached at appendix ‘E’ a table which acts as an aide memoir of relevant sections of the Guidance and the Council’s Licensing Policy which will be of assistance when considering the application and the representations.

6.0 OPTIONS AVAILABLE TO MEMBERS

6.1 The licensing sub-committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- Grant the application while imposing new conditions or altering in any way the existing the operating schedule.
- Exclude any licensable activities to which the application relates
- Refuse to specify a person as the premises supervisor
- Reject the application

6.2 Members of the Licensing sub committee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

BACKGROUND PAPERS

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy

Aide Memoir to relevant sections of the Guidance and Licensing Policy

Representation	Guidance page(s)	Licensing Policy page(s)
Overall approach to licensing		4
Vicinity of premises		5
Monitoring and review of licensing policy		5
Integration of other strategies, policies and initiatives		7
Importance of cultural activities		8
Commercial and community applicants		9
Licensing Hours	23-24	12
Planning	29	10
Human Rights		10
Binge drinking	94	11
Discounted Sales promotions of alcohol	94	11
supermarkets	72	12
Sunday trading	72	12
Bank holidays	74	12
Drinking up time	74	13
Cumulative impact	19	13-19
Large capacity vertical drinking in city centre	95	15
Late night takeaways in the city centre	19	16
New premises in Headingley	19	16
Large capacity vertical drinking in Headingley	19	16
Takeaways in Headingley	19	16
Extended hours in Headingley	19	16
High capacity premises in Woodhouse and Hyde Park	19	17
Licence conditions	148-171	18
Staff Training	93	19
Events in the open air or temporary structures	96-100	19
Operating schedules - contents of		21
Risk assessments		22 and Appendix 1
Crime and disorder	80-83	26 and Appendix 1
Public safety	83-85	27 and Appendix 1
Fire safety	154-157	27-28 and Appendix 1
Public Nuisance	85-87	28 and appendix 1
Children	87-90	29 and appendix 1
Operating Schedule	51-52	21-22 appendix 1



REPORT OF THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

REPORT TO LICENSING SUB COMMITTEE

DATE: 7th AUGUST 2006

SUBJECT: APPLICATION FOR THE GRANT OF A PREMISES LICENCE: CHAPEL ALLERTON ARTS FESTIVAL, REGENT STREET, WELL LANE, HAWTHORN ROAD (PART), CHAPEL ALLERTON, LEEDS, LS7 4PE

<p>Electoral Wards Affected:</p> <p>CHAPEL ALLERTON</p>

<p>Specific Implications For:</p> <p>Ethnic minorities <input type="checkbox"/></p> <p>Women <input type="checkbox"/></p> <p>Disabled people <input type="checkbox"/></p>
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1.0 PURPOSE OF REPORT

1.1 To advise Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for a Premises Licence in respect of Chapel Allerton Arts Festival, Regent Street, Well Lane, Hawthorn Road (part), Chapel Allerton, Leeds, LS7 4PE.

2.0 HISTORY OF PREMISES

This is the first application for the grant of a premise licence.

This event has been held under an Occasional Public Entertainment Licence since 1998. Historically the festival has been held over 3 days, finishing at 23.00hrs on the Friday and Saturday and early evening, (generally 18.00hrs) on the Sunday.

Following a Licensing and Regulatory Panel Hearing, in July 2005 when Members considered objections received from local residents, a licence was granted for reduced hours of operation. These being Friday 18.00hrs to 22.00hrs, Saturday 11.00hrs to 22.00hrs and Sunday 13.00hrs to 18.30hrs.

Cumulative Impact Policy

Members will recall the Council's Licensing Policy was approved in January 2005 and that the Council is applying a special cumulative impact policy to certain areas

of the Leeds district. These areas are part of the City Centre, Headingley, Woodhouse Lane and Chapel Allerton.

These premises fall within the Cumulative Impact Policy Area.

Members will be aware that the number and concentration of licensed premises in these areas have been found to have an adverse affect on the specific licensing objectives:

- The prevention of crime and disorder
- The prevention of public nuisance

The policies apply only to premises of a particular type. Members should note that this policy does not allow applications for premises licences from these areas to be rejected automatically. Instead the cumulative impact policy creates a presumption that where relevant representations are made, the Council will refuse an application from the relevant areas.

It is for the applicant in such cases to persuade Members that the proposals will not add to the cumulative impact of the premises in the area.

3.0 THE APPLICATION

3.1 The applicant is Chapel Allerton Arts Festival Ltd . The premises are located at Regent Street, Well Lane and Hawthorn Road (part), Chapel Allerton, Leeds, LS7 4PE. The location and the proximity to neighbouring premises can be seen on the map provided, members attention is drawn to **Appendix A**.

3.2 A copy of the application and operating schedule are attached as **Appendix B** to this report. For the assistance of Members, the Operating Schedule shows:

Proposed Licensable Activities:

The applicant proposes to carry out those licensable activities at the premises identified at boxes:

A-Plays

B-Films

E-Live Music

F-Recorded Music

G-Performance of dance

H-Anything of a similar description to that falling within (e), (f) or (g)

I-Provision of facilities for making music

J-Provision of facilities for dancing

K-Provision of facilities for entertainment of a similar description to that falling within I or J

M-Sale of alcohol

Proposed hours of licensable activities:

The applicant proposes to provide licensable activities from 16.00hrs to 23.00hrs Friday, 10.00hrs to 23.00hrs Saturday, 09.00hrs to 19.00hrs Sunday for activities A, B, E, F, G, H, I, J, K, 17.00hrs to 23.00hrs Friday, 11.00hrs to 23.00hrs Saturday, 12.00hrs to 19.00hrs Sunday for activity M.

The activities will only take place on this site during the weekend following the August Bank Holiday. This year the dates are Friday 1st September 2006, Saturday 2nd September 2006 and Sunday 3rd September 2006. This event is held on the same weekend on an annual basis.

Times when the premises is open to the public.

The site is a public highway and is open to the public 24hrs, 365 days a year.

Designated Premises Supervisor

Paul Holden-Ridgway

Steps to promote licensing objectives

The applicant proposes to take the steps to promote the licensing objectives identified section “**P**” of the operating schedule.

4.0 RELEVANT REPRESENTATIONS

4.1 Under the Act representations can be received from responsible authorities or interested parties. Representations must be relevant and, in the case of an interested party, must not be frivolous or vexatious.

4.2 Responsible authorities have made the following representations:-

➤ **West Yorkshire Police**

Member’s are invited to consider Appendix “**C**” of this report

Interested party representations

➤ **Councillor Mark Harris has made representation on behalf of local residents, also local residents have made representation**

The attention of Members is drawn to Appendix “**D**”

➤ **Ward Members have submitted a letter in support of this application**

Members attention is drawn to Appendix “**E**”

5.0 MATTERS RELEVANT TO THE APPLICATION

5.1 Members of the Licensing sub committee must make decisions with a view to promoting the licensing objectives which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

5.2 In making its decision Members are obliged to have regard to the national Guidance and the Council's Licensing Policy. Members will be aware they must also have regard to the relevant representations made and evidence they hear.

5.3 Members will find attached at appendix 'F' a table which acts as an aide memoir of relevant sections of the Guidance and the Council's Licensing Policy which will be of assistance when considering the application and the representations.

6.0 OPTIONS AVAILABLE TO MEMBERS

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