

Public Document Pack

Licensing Sub-Committee

Monday, 6th November, 2006

PRESENT: Councillor D Wilson in the Chair

Councillors J Dowson and R D Feldman

- 1 PRE-HEARING: THE HQ SPORTS AND SOCIAL CLUB, NEWTON ROAD, CHAPEL ALLERTON, LEEDS, LS7 4HX**
This application was withdrawn by the applicant prior to the hearing.
- 2 APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT BAR 166, 166 TOWN STREET, HORSFORTH, LEEDS, LS18 4AQ**
Please refer to attached decision letter.
- 3 APPLICATION FOR A PERSONAL LICENCE FOR MR GARY WARDELL**
Under the Licensing Committee Procedure Rules (Guidance on Excluding the Public from Hearings) this item was considered to be confidential.
- 4 APPLICATION FOR THE GRANT OF A PREMISES LICENCE FOR THE SPICE BOX, 152 HIGH STREET, BOSTON SPA, WETHERBY. LS23 6BW**
Please refer to attached decision letter.
- 5 APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT LA VENTA, 174 HIGH STREET, BOSTON SPA, WETHERBY, LS23 6BW**
Please refer to attached decision letter.
- 6 APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT THE OFF LICENCE, 37/39 RAMSHEAD HILL, SEACROFT, LEEDS, LS14 1BT**
Please refer to attached decision letter.

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Contact: Hannah Bailey
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Email: hannah.bailey@leeds.gov.uk
Your reference:
Our reference: A61/hb/bar166

1st December 2006

APPLICATION FOR THE VARIATION OF A PREMISES LICENCE AT BAR 166, 166 TOWN STREET, HORSFORTH, LEEDS, LS18 4AQ

On 6th November 2006 the Licensing Sub Committee heard an application by Mr Matthew Jones, 166 Town Street, Horsforth, Leeds, LS18 4AQ for the grant of a premises licence at the above premises.

The applicant sought the following:

Supply of alcohol:

Monday to Saturday	11:00 hours until 00:30 hours
Sunday	11:00 hours until 23:30 hours

Live music:

Monday to Sunday	15:00 hours until 23:00 hours
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Recorded music:

Monday to Sunday	11:00 hours until 00:00 hours
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Late night refreshment:

Monday to Saturday	23:00 hours until 00:30 hours
Sunday	23:00 hours until 23:30 hours

Hours premises are to be open to the public:

Monday to Saturday	11:00 hours until 01:00 hours
Sunday	11:00 hours until 00:00 hours



final

This letter represents the formal decision of the Sub Committee in respect of the application.

Preliminary Procedural Issues

The Sub Committee considered preliminary matters of a purely procedural nature. At the commencement of the hearing, Councillor Wilson declared an interest as it transpired that he knew one of the objectors, Mrs Diane Barker. Therefore it was necessary to adjourn the hearing whilst a substitute member could be found. The hearing reconvened for an afternoon session with Councillor Downes substituting for Councillor Wilson.

The Sub Committee then decided that the procedure for the hearing would not be varied. The Sub Committee also considered if the public should be excluded from any parts of the hearing.

The Sub Committee decided to exclude the public from that part of the hearing where Members would deliberate on the application as presented. This would allow them to have a full and frank discussion on all matters put before them and this fact outweighed the public interest in not doing so.

Prior to the hearing the Sub Committee had considered the Licensing Officers Report and the written representations received from local residents (listed at Appendix A.)

The Sub Committee permitted each party 10 minutes in which to make their case. This time limit was imposed having regard to the relevant Regulations and in the interests of consistency and the efficiency of business.

The Sub Committee then went on to consider the application.

The Hearing

The Sub Committee considered the verbal submissions of the applicant's solicitor Mr Tear, which addressed the application and the comments of the interested parties.

In determining the application the Sub Committee took into account written submissions from the above responsible authorities contained within the report and the Notices of Hearing. These had been circulated to the Parties prior to the hearing.

After considering the evidence and submissions the Sub Committee needed to satisfy itself that granting the licence would promote the licensing objectives.

In reaching this decision the Sub Committee had regard to the provisions of the Licensing Act 2003, guidance under Section 182 of that Act and the Council's own Licensing Policy.

In particular the Sub Committee took into account Sections 34 & 35 of the Act because these were the most relevant to the application and Chapter 7 of the Guidance relating to the prevention of crime and disorder, public nuisance and public safety

The Sub Committee then went on to consider the following paragraphs of the Licensing Policy as the Sub Committee took the view these paragraphs had bearing on the application.

11:05 to 11:10	Crime & Disorder
11:11 to 11:22	Public Safety
11:23 to 11:28	Public Nuisance

final

Reasons for the decision

The Sub Committee noted that the following agreement had been reached between the applicant and West Yorkshire Police regarding their suggested conditions:

- Adopt the Check 21 proof of age scheme in accordance with guidance issued by West Yorkshire Police;
- Participate in a local Pubwatch scheme or licensing association (where one exists) that is recognised by West Yorkshire Police.

These conditions would be included in the applicant's Operating Schedule, and eventually the licence, should the application be granted.

The Sub Committee noted that the following agreement had been reached between the applicant and West Yorkshire Fire and Rescue Authority regarding their suggested conditions:

- The exit door opening onto the external fire escape must be fitted with a full width push bar opening device;
- The existing fire alarm must be extended to cover the first floor area, and a fire alarm call point provided behind the bar / service area;
- The existing emergency lighting must be extended to cover the first floor, and illuminated exit signs provided to highlight exit routes;
- Emergency lighting to be provided to cover the external fire escape;
- For the protection of the premises to provided a 9 litre water extinguishers (or one with equivalent 13A fire rating) in the position shown below. The extinguisher should be fixed to a wall bracket so that the carrying handle is about 1m above floor level.

Position: Behind the bar / service area.

These conditions would be included in the applicant's Operating Schedule, and eventually the licence, should the application be granted.

The Sub Committee began by considering the verbal representations made by Mrs Barker as an objector to the application. Mrs Barker explained that she was the Manager of Croft House, a home for adults with learning difficulties, that was located in close proximity to the premises. Members heard Mrs Barker explain that the home had a duty of care towards its residents and staff, and she was concerned that the application would lead to increased noise nuisance emanating from the premises. There had been incidents in the past of drunken patrons wandering up the private driveway to Croft House, which caused unnecessary alarm to residents.

Mrs Barker explained that she had objected to a previous application for variation at the premises, although she acknowledged that the situation had improved since that time. However, she did not wish to witness a deterioration should the application be granted, Mrs Barker concluded.

final

The Sub Committee then turned to consider the submissions made by Mr Tear, the applicant's solicitor, in support of the application. Mr Tear began by explaining that the application had been made due to an extension to the premises to provide additional dining facilities. Mr Tear informed Members that the premises had been established for twenty five years and were very food-orientated. The hours of operation were not to change at all, however the application had been made in order to include the first floor on the new licence. If the application were successful the previous licence would be relinquished, Mr Tear explained.

In terms of noise nuisance, Mr Tear informed the meeting that agreements had been made with Environmental Health Services at the last variation so they had not made any specific representation on this application. Mr Jones, the applicant, told Members that several specific measures were in place as a result of this earlier agreement, including the use of a taxi ring-back system.

There was not a problem with noise from the premises itself, Mr Jones continued, but there was a possibility for disturbance when patrons had left the building. In response to Mrs Barker's concerns, Mr Jones stated that he was happy to close the outside courtyard area at an earlier hour in order to reduce noise nuisance. Mr Tear concluded his submissions on behalf of the applicant by stressing that the application did not seek extended hours at the premises.

The decision

The Sub Committee had regard to the written and verbal submissions made by local residents opposed to the application. Members also carefully considered the representations made by the applicant in support of the application. The Sub Committee noted that the application did not seek an extension in hours, only to extend the hours to cover the first floor restaurant area. It was also noted that the applicant was willing to work with local people in order to minimise potential noise nuisance. Therefore the Sub Committee resolved to grant the application as requested, subject to the following conditions:

Conditions

- That the courtyard not be used for the consumption of alcohol after 22:00 hours.
- That the conditions agreed with Environmental Health Services at the last variation be incorporated into the new operating schedule.

These conditions were felt to be reasonable and proportionate and were imposed in response to the concerns of some local residents.

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the Sub Committee. You must make this appeal within 21 days of this letter reaching you.

Appeals should be addressed to the Magistrates Court at:
Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP

final

and accompanied by a copy of this decision letter and the court fee of £75.00.

Yours faithfully,

Hannah Bailey
Clerk to the Licensing Sub Committee

Appendix A

D Barker

R Witton

B Whitaker

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Chief Executive's Department
Governance Services
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Contact: Hannah Bailey
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Your reference:
Our reference: A61/hb/spicebox

21st November 2006

APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT THE SPICE BOX, 152 HIGH STREET, BOSTON SPA, WETHERBY, LS23 6BW

On 6th November 2006 the Licensing Sub Committee heard an application by Mr Khaled Al-Usta, 52 Newport View, Leeds, LS6 3BX for the grant of a premises licence at the above premises.

The applicant sought the following:

Supply of alcohol and late night refreshment:

Monday to Sunday 12:00 hours until 01:00 hours

Recorded music:

Monday to Sunday 12:00 hours until 00:00 hours

Hours premises to be open to the public:

Monday to Sunday 12:00 hours until 01:30 hours

This letter represents the formal decision of the Sub Committee in respect of the application.

Preliminary Procedural Issues

The Sub Committee considered preliminary matters of a purely procedural nature. There were no declarations of interest made.

The Sub Committee then decided that the procedure for the hearing would not be varied. The Sub Committee also considered if the public should be excluded from any parts of the hearing.



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The Sub Committee decided to exclude the public from that part of the hearing where Members would deliberate on the application as presented. This would allow them to have a full and frank discussion on all matters put before them and this fact outweighed the public interest in not doing so.

Prior to the hearing the Sub Committee had considered the Licensing Officers Report and the written representations received from local residents (as detailed at appendix A,)

The Sub Committee permitted each party 10 minutes in which to make their case. This time limit was imposed having regard to the relevant Regulations and in the interests of consistency and the efficiency of business.

The Sub Committee then went on to consider the application.

The Hearing

The Sub Committee considered the verbal submissions of the applicant Mr Al-Usta, which addressed the application and the comments of the interested parties.

In determining the application the Sub Committee took into account written submissions from the above responsible authorities contained within the report and the Notices of Hearing. These had been circulated to the Parties prior to the hearing.

After considering the evidence and submissions the Sub Committee needed to satisfy itself that granting the licence would promote the licensing objectives.

In reaching this decision the Sub Committee had regard to the provisions of the Licensing Act 2003, guidance under Section 182 of that Act and the Council's own Licensing Policy.

In particular the Sub Committee took into account Sections 34 & 35 of the Act because these were the most relevant to the application and Chapter 7 of the Guidance relating to the prevention of crime and disorder, public nuisance and public safety

The Sub Committee then went on to consider the following paragraphs of the Licensing Policy as the Sub Committee took the view these paragraphs had bearing on the application.

11:05 to 11:10	Crime & Disorder
11:11 to 11:22	Public Safety
11:23 to 11:28	Public Nuisance

Reasons for the decision

The Sub Committee noted that the following agreement had been reached between the applicant and West Yorkshire Police regarding their suggested conditions:

- That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his / her meal;
- That suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the restaurant.

final

These conditions would be included in the applicant's Operating Schedule, and eventually the licence, should the application be granted.

The Sub Committee noted that the following agreement had been reached between the applicant and Environmental Health regarding their suggested conditions:

- That opening hours be restricted to 12:00 hours until 00:00 hours, Monday to Sunday;
- Ensure that no nuisance is caused by noise or vibration emanating from the premises;
- Noise from the premises shall be inaudible at the nearest noise sensitive premises (i) after 23:00 hours and (ii) at any time when entertainment, as defined by paragraph 2 of schedule 1 of the Licensing Act 2003, takes place on more than 30 occasions per year;
- Ensure that all licensable activities are conducted and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties;
- No bottles shall be placed in the external receptacle after 23:00 hours to minimise noise disturbance to adjoining properties;
- Ensure that the rating level of noise from plant and machinery is no higher than 5dB below the lowest background level at the most affected noise sensitive premises during the operation of the plant. Plant and machinery shall be regularly serviced and maintained to continue to meet the rating level;
- Clear and legible notices shall be displayed at exits and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, sounding horns and loud use vehicle stereos and anti-social behaviour. The activity of persons leaving the premises shall be monitored and they shall be reminded to leave quietly where necessary;
- A facility shall be provided for customers to order taxis and telephone numbers for taxi firms shall be displayed in a prominent location. Where possible there should be a liaison with a local taxi firm to ensure a ready supply of transport and thereby reduce disturbance. To prevent disturbance a waiting area within the premises shall be provided;
- Ensure that lighting provided for the purpose of customer and staff safety, for the security of the premises, and lighting associated with activities of entertainment and advertising is of such an intensity, suitably positioned and operated so as not to cause nuisance to neighbouring and adjoining properties;
- Ensure that the premises are operated so as to prevent the emission of odours which are a nuisance at nearby premises or to persons in the immediate area;
- Ensure that business waste is stored inside closed containers awaiting collection; that litter arising from people using the premises is cleared away regularly; that promotional materials such as flyers do not create litter; and that other street advertising is carried out lawfully.

final

These conditions would be included in the applicant's Operating Schedule, and eventually the licence, should the application be granted.

The Sub Committee noted that the following agreement had been reached between the applicant and the Health and Safety Team regarding their suggested conditions:

- Before opening to the public, checks will be undertaken to ensure all access to the premises are clear for emergency vehicles. Regular checks will be undertaken when the premises is open;
- Written records of all accidents and safety incidents involving members of the public will be kept. These will be made available at the request of an authorised officer;
- A suitably trained and competent person must ensure regular safety checks of the premises including decorative and functional fixtures, floor surfaces and equipment (including electrical appliances) to which the public may come into contact are undertaken. Records of these safety checks must be kept and made available for inspection by an authorised officer;
- Electrical installations will be inspected on a periodic basis (at least every 3 years or at a frequency specified in writing) by a suitably qualified and competent person. If used, any temporary electrical wiring and distributions will also be inspected. Inspection records / certificates will be kept. These will be made available at the request of an authorised officer;
- A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner;
- Adequate and appropriate First Aid equipment and materials will be available on the premises.

These conditions would be included in the applicant's Operating Schedule, and eventually the licence, should the application be granted.

The Sub Committee began by considering the verbal representations made by Mr Chappell, a local resident who had objected to the application. Mr Chappell began by drawing Members attention to the letter of representation he had submitted in objection, which outlined his key concerns. Although the restaurant had been a successful business for many years, Mr Chappell believed that it had recently suffered a downturn, hence the application for extended hours. Mr Chappell stated that he was at a loss to see how increasing the hours allowed for alcohol would improve the fortunes of the restaurant. Local people were concerned that this alteration would attract binge-drinkers to the area.

Mr Chappell explained that he felt no animosity towards the applicant about the current operation of the premises but he did have concerns surrounding the outside appearance of the premises, the disposal of refuse and parking problems. Mr Chappell concluded by stating that he would like to see a successful restaurant in the area, but did object to the premises turning into a wine bar.

The Sub Committee then turned to consider the representation made by Mr Al-Usta in support of the application. Mr Al-Usta began by assuring Members that he had no intention of operating the restaurant as a wine bar, hence the condition agreed with West Yorkshire Police that alcohol only be served when ordering a table meal. The Sub Committee heard that a letter had been sent from the local Ward Councillors to local residents regarding the

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application. Mr Al-Usta stated that he believed that this letter had been confusing for local people, as many were under the misapprehension that new premises were opening on the site. This was not the case, Mr Al-Usta reiterated.

Responding to a point made by Mr Chappell, Mr Al-Usta informed the meeting that he had recently made investment in the premises to improve its appearance. As a listed building this was not always easy, but Mr Al-Usta acknowledged that it was much needed. The upper floors of the restaurant had been converted to accommodation to allow members of staff to live above the restaurant, although there was no intention to turn the premises into Bed & Breakfast, Members were assured. It was this recent work that had caused there to be extra refuse at the premises, Mr Al-Usta stated. For all food waste, Biffa bins were used.

The Sub Committee heard that profits were currently down at the restaurant and it was Mr Al-Usta's aim to introduce fine dining to tackle this. The additional hours were only ever to be used by diners not drinkers, he continued. The premises attracted a respectable clientele and it was not Mr Al-Usta's intention to alter this as it would be to the detriment of the local community, he concluded.

The decision

The Sub Committee had regard to the verbal and written submissions made by local residents opposed to the application. Members also carefully considered the representations made by the applicant in support of the application. The Sub Committee noted that the applicant had made several agreements with the various responsible authorities, including conditions to limit the requested hours and that alcohol only ever be served as ancillary to a table meal. However, given the concerns of local residents regarding potential noise nuisance, the Sub Committee resolved to grant the following amended hours:

Sunday to Thursday	12:00 hours until 23:00 hours (premises to close 30 minutes thereafter.)
Friday to Saturday	12:00 hours until 00:00 hours (premises to close 30 minutes thereafter.)

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the Sub Committee. You must make this appeal within 21 days of this letter reaching you.

Appeals should be addressed to the Magistrates Court at:
Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP

and accompanied by a copy of this decision letter and the court fee of £75.00.

Yours faithfully,

Hannah Bailey
Clerk to the Licensing Sub Committee

final
Appendix A
R Byfield
R McHenry
A Grimes
A Chappell
G Cottam
G Cooper
P Cooper
V McNicholas
N Ellerby
M Ragaliauskas
R Curtis
E Stevenson
Mr & Mrs Holliday
J Hall
M Snell
R Hirst
A Richardson
3 further objectors who wished to remain anonymous



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Contact: Hannah Bailey
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Fax: 0113 395 1599
Email: hannah.bailey@leeds.gov.uk
Your reference:
Our reference: A61/hb/laventa

21st November 2006

APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT LA VENTA, 174 HIGH STREET, BOSTON SPA, WETHERBY, LS23 6BW.

On 6th November 2006 the Licensing Sub Committee heard an application by Mr Khaled Al-Usta, 52 Newport View, Leeds, LS6 3BX for the grant of a premises licence at the above premises.

The applicant sought the following:

Recorded music and late night refreshment:

Monday to Sunday 12:00 hours until 01:00 hours

Supply of alcohol:

Monday to Sunday 12:00 hours until 01:30 hours

Hours premises are to be open to the public:

Monday to Sunday 12:00 hours until 02:00 hours

This letter represents the formal decision of the Sub Committee in respect of the application.

Preliminary Procedural Issues

The Sub Committee considered preliminary matters of a purely procedural nature. There were no declarations of interest made.

The Sub Committee then decided that the procedure for the hearing would not be varied. The Sub Committee also considered if the public should be excluded from any parts of the hearing.



final

The Sub Committee decided to exclude the public from that part of the hearing where Members would deliberate on the application as presented. This would allow them to have a full and frank discussion on all matters put before them and this fact outweighed the public interest in not doing so.

Prior to the hearing the Sub Committee had considered the Licensing Officers Report and the written representations received from local residents (Mr Garforth and Mrs Hollingworth.)

The Sub Committee permitted each party 10 minutes in which to make their case. This time limit was imposed having regard to the relevant Regulations and in the interests of consistency and the efficiency of business.

The Sub Committee then went on to consider the application.

The Hearing

The Sub Committee considered the verbal submissions of the applicant Mr Al-Usta, which addressed the application and the comments of the interested parties.

In determining the application the Sub Committee took into account written submissions from the above responsible authorities contained within the report and the Notices of Hearing. These had been circulated to the Parties prior to the hearing.

After considering the evidence and submissions the Sub Committee needed to satisfy itself that granting the licence would promote the licensing objectives.

In reaching this decision the Sub Committee had regard to the provisions of the Licensing Act 2003, guidance under Section 182 of that Act and the Council's own Licensing Policy.

In particular the Sub Committee took into account Sections 34 & 35 of the Act because these were the most relevant to the application and Chapter 7 of the Guidance relating to the prevention of crime and disorder, public nuisance and public safety

The Sub Committee then went on to consider the following paragraphs of the Licensing Policy as the Sub Committee took the view these paragraphs had bearing on the application.

11:05 to 11:10	Crime & Disorder
11:11 to 11:22	Public Safety
11:23 to 11:28	Public Nuisance

Reasons for the decision

The Sub Committee noted that the following agreement had been reached between the applicant and West Yorkshire Police regarding their suggested conditions:

- That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his / her meal;
- That suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the restaurant.

final

These conditions would be included in the applicant's Operating Schedule, and eventually the licence, should the application be granted.

The Sub Committee noted that the following agreement had been reached between the applicant and Environmental Health regarding their suggested conditions:

- Ensure that no nuisance is caused by noise or vibration emanating from the premises;
- Noise from the premises shall be inaudible at the nearest noise sensitive premises (i) after 23:00 hours and (ii) at any time when entertainment, as defined by paragraph 2 of schedule 1 of the Licensing Act 2003, takes place on more than 30 occasions per year;
- Ensure that all licensable activities are conducted and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties;
- No bottles shall be placed in the external receptacle after 23:00 hours to minimise noise disturbance to adjoining properties;
- Ensure that the rating level of noise from plant and machinery is no higher than 5dB below the lowest background level at the most affected noise sensitive premises during the operation of the plant. Plant and machinery shall be regularly serviced and maintained to continue to meet the rating level;
- Clear and legible notices shall be displayed at exits and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, sounding horns and loud use vehicle stereos and anti-social behaviour. The activity of persons leaving the premises shall be monitored and they shall be reminded to leave quietly where necessary;
- A facility shall be provided for customers to order taxis and telephone numbers for taxi firms shall be displayed in a prominent location. Where possible there should be a liaison with a local taxi firm to ensure a ready supply of transport and thereby reduce disturbance. To prevent disturbance a waiting area within the premises shall be provided;
- Ensure that lighting provided for the purpose of customer and staff safety, for the security of the premises, and lighting associated with activities of entertainment and advertising is of such an intensity, suitably positioned and operated so as not to cause nuisance to neighbouring and adjoining properties;
- Ensure that the premises are operated so as to prevent the emission of odours which are a nuisance at nearby premises or to persons in the immediate area;
- Ensure that business waste is stored inside closed containers awaiting collection; that litter arising from people using the premises is cleared away regularly; that promotional materials such as flyers do not create litter; and that other street advertising is carried out lawfully.

These conditions would be included in the applicant's Operating Schedule, and eventually the licence, should the application be granted.

final

The Sub Committee noted that the following agreement had been reached between the applicant and the Health and Safety Team regarding their suggested conditions:

- Before opening to the public, checks will be undertaken to ensure all access to the premises are clear for emergency vehicles. Regular checks will be undertaken when the premises is open;
- Written records of all accidents and safety incidents involving members of the public will be kept. These will be made available at the request of an authorised officer;
- A suitably trained and competent person must ensure regular safety checks of the premises including decorative and functional fixtures, floor surfaces and equipment (including electrical appliances) to which the public may come into contact are undertaken. Records of these safety checks must be kept and made available for inspection by an authorised officer;
- Electrical installations will be inspected on a periodic basis (at least every 3 years or at a frequency specified in writing) by a suitably qualified and competent person. If used, any temporary electrical wiring and distributions will also be inspected. Inspection records / certificates will be kept. These will be made available at the request of an authorised officer;
- A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner;
- Adequate and appropriate First Aid equipment and materials will be available on the premises.

These conditions would be included in the applicant's Operating Schedule, and eventually the licence, should the application be granted.

The Sub Committee began by considering the verbal representations made by local residents Mr Garforth and Mrs Hollingworth. The Sub Committee heard that there were residential properties in close proximity to the premises, the majority of which were home to elderly residents and also a couple with a young baby. Residents were concerned with the effect of additional hours for alcohol sales, although Mrs Hollingworth stated that she had no problem with the restaurant at present. Mr Garforth pointed out that Royal Terrace was a cul-de-sac which already suffered from parking problems. He did not wish to see these problems worsen should the restaurant be granted extended hours or become a wine bar.

Members then turned to consider the submissions of Mr Al-Usta in support of his application. Mr Al-Usta assured the Sub Committee and local residents that he had no intention to change the style of operation of the premises to a wine bar. He drew the attention of Members to the condition agreed with West Yorkshire Police stipulating that alcohol shall only be served with a table meal consumed on the premises. Mr Al-Usta reiterated that his intention was not to allow patrons to use the premises as a bar, the application had been made to allow the restaurant to open for longer hours. There was a problem with parking in the area, which Mr Al-Usta acknowledged, however this was not caused by patrons of the restaurant, he argued. There was a wider parking issue in the area which he himself would like to see resolved, Mr Al-Usta continued. Mr Al-Usta concluded by urging the Sub Committee to grant the licence to enable the restaurant to trade for longer hours.

The decision

final

The Sub Committee had regard to the written submissions made by local residents opposed to the application. Members also carefully considered the representations made by the applicant in support of the application. The Sub Committee noted the agreements made with the responsible authorities in respect of the application, particularly those made with West Yorkshire Police. However, given the concerns of local residents regarding potential noise nuisance, the Sub Committee resolved to grant the following amended hours for the licensable activities requested:

Sunday to Thursday	12:00 hours until 23:00 hours
Friday to Saturday	12:00 hours until 00:00 hours

This amendment was felt to be reasonable and proportionate and was imposed in response to the concerns of some local residents.

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the Sub Committee. You must make this appeal within 21 days of this letter reaching you.

Appeals should be addressed to the Magistrates Court at:
Clerk to the Justices
Leeds Magistrates Court
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and accompanied by a copy of this decision letter and the court fee of £75.00.

Yours faithfully,

Hannah Bailey
Clerk to the Licensing Sub Committee

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final

The Sub Committee permitted each party 10 minutes in which to make their case. This time limit was imposed having regard to the relevant Regulations and in the interests of consistency and the efficiency of business.

The Sub Committee then went on to consider the application.

The Hearing

The Sub Committee considered the verbal submissions of the applicant Mr Patel, which addressed the application and the comments of the interested parties.

In determining the application the Sub Committee took into account written submissions from the above responsible authorities contained within the report and the Notices of Hearing. These had been circulated to the Parties prior to the hearing.

After considering the evidence and submissions the Sub Committee needed to satisfy itself that granting the licence would promote the licensing objectives.

In reaching this decision the Sub Committee had regard to the provisions of the Licensing Act 2003, guidance under Section 182 of that Act and the Council's own Licensing Policy.

In particular the Sub Committee took into account Sections 34 & 35 of the Act because these were the most relevant to the application and Chapter 7 of the Guidance relating to the prevention of crime and disorder, public nuisance and public safety

The Sub Committee then went on to consider the following paragraphs of the Licensing Policy as the Sub Committee took the view these paragraphs had bearing on the application.

11:05 to 11:10	Crime & Disorder
11:11 to 11:22	Public Safety
11:23 to 11:28	Public Nuisance

Reasons for the decision

The Sub Committee began by considering the verbal representations made by Mr Patel in support of the application. Members heard that the Fire Authority had visited Mr Patel at the premises in advance of the hearing and agreement had been reached on the following suggested conditions:

- To protect the route of exit the undermentioned door should be self-closing and when fitted in its frame be capable of meeting the performance requirements for a FD30S door – i.e. a fire door assembly which would satisfy the integrity criterion for 30 minutes if tested in accordance with BS EN 1634-1:2000 (or the British Standard currently in force when the door was made) and restrict the passage of smoke at ambient temperature to a leakage rate not exceeding 3m³/m/hour (head and jambs only) when tested at 25 Pa under BS 476:section 31.1

Position: Storeroom door.

- Emergency lighting by electricity, supplied from a separate source of supply to that of the general lighting, should be provided in the undermentioned areas, including passages, corridors, ramps and staircases leading thereto and therefrom. The emergency lighting provided should be such that when in operation the illumination given off is sufficient to enable persons to see their way out without the aid of the

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general lighting and also to illuminate all exit notices provided. The emergency lighting should operate not only on a complete failure of the normal lighting but also in the event of a sub circuit or local failure such as would be caused by the rupturing of a local distribution fuse. The following British Standards, i.e. BS 5266- Part 1: 1999, and BS 5266- Part 7: 1999 detail the acceptable standard and their application.

Areas to be covered: Throughout the sales area / storeroom.

- Illuminated fire exit sign boxes lit by both primary and emergency lighting should be provided in the undermentioned positions. Illuminated boxes incorporating graphic fire exit symbols, e.g. man moving through open door, should have white symbols on a green background. The size of the exit boxes should be appropriate for the maximum viewing distances involved.

Positions: Above entrance / exit door.

- For the protection of the premises provide the following number of 13A rated water extinguishers in the positions shown below. Each extinguisher should be fixed to a wall bracket so that the carrying handle is about 1m above floor level.

Total number of extinguishers: Three

- Positions:
- a.) Behind the counter
 - b.) Behind Post Office counter
 - c.) Storeroom.

These conditions would be included in the applicant's Operating Schedule, and eventually the licence, should the application be granted.

The Sub Committee noted this agreement. Mr Patel then went on to address the concerns raised by local residents in their letters of objection. Members heard that there had been an off-licence at no. 37 Ramshead Hill previously but the licence had lapsed due to the death of the previous owner. Mr Patel explained that he had purchased the Post Office ten years ago and had recently taken over the entire premises, including the former off-licence, and had made the application to allow the shop to sell alcohol again.

Mr Patel informed Members that his members of staff had worked at the shop for many years and were experienced and well-known in the community. The majority of local people wanted the off-licence to operate again for their convenience, Mr Patel continued. As the only shop on the parade, Mr Patel refuted allegations that the premises caused noise nuisance for local residents. Mr Patel concluded his submissions by urging the Sub Committee to grant the licence for the premises, as it had operated as an off-licence in the past with no reported problems.

The decision

The Sub Committee had regard to the written submissions made by local residents opposed to the application. Members also carefully considered the representations made by the applicant in support of the application. The Sub Committee noted that the premises had previously held a licence to operate as an off-licence. It was also noted that agreement had been reached with the Fire Service regarding their suggested conditions. Given that the premises had previously operated as an off-licence the Sub Committee resolved to grant the following amended hours:

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Monday to Sunday 07:30 hours until 22:30 hours

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the Sub Committee. You must make this appeal within 21 days of this letter reaching you.

Appeals should be addressed to the Magistrates Court at:
Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP

and accompanied by a copy of this decision letter and the court fee of £75.00.

Yours faithfully,

Hannah Bailey
Clerk to the Licensing Sub Committee

Appendix A
Mrs Kitchen
C Marx