

Licensing Sub-Committee

Tuesday, 22nd October, 2024

PRESENT: Councillor K Haigh in the Chair

Councillors A Ali and E Carlisle

1 Election of the Chair

RESOLVED – To elect Cllr K Haigh as the Chair for the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

3 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

4 Late Items

There were no formal late items, but there was supplementary information circulated to Members prior to the meeting which related to Item 6 - Application for the Grant of a Premises Licence for Association of Ukrainians in Great Britain, 5 Newton Grove, Potternewton, Leeds, LS7 4HW.

5 Declaration of Interests

No declarations of interests were made at the meeting.

6 Application for the Grant of a Premises Licence for Association of Ukrainians in Great Britain, 5 Newton Grove, Potternewton, Leeds, LS7 4HW

The report of the Chief Officer Elections and Regulatory requested Members consideration of an application for the grant of a premises licence made by the Association of Ukrainians in Great Britain Limited, for 5 Newton Grove, Potternewton, Leeds, LS7 4HW

Present at the meeting were:

- Olga Callaghan – Applicant and Chair of the Association of Ukrainians in Great Britain (AUGB) Leeds Branch
- Dora Lojik – on behalf of AUGB Leeds Branch
- Geoff Heal - Objector
- Garry Barker - Objector
- Mussa – Local Resident

The Legal Officer set out the procedure for the hearing.

The Licensing Officer presented the application providing the following details:

- The premises was a community centre where social and cultural events were held for the Ukrainian community.
- Responsible authorities had been notified of the application and the applicant had agreed to adopt measures suggested by West Yorkshire Police (WYP) prior to them making a formal representation; the agreement included a reduction to the hours proposed for licensable activities.

- The application had attracted 13 representations, 12 from members of the public and a joint objection from the three local Ward Councillors, which suggested further reductions in hours and measures, which the applicant had not agreed to.
- The application was for the sale by retail of alcohol, every day from 12:00 - 23:30, exhibition of films, performance of dance, plays, live music, recorded music and entertainment similar to live music, recorded music or dance, every day from 12:00 - 00:00.
- A copy of the application form was available at appendix A, with section M detailing steps intended to be taken to promote the four licensing objectives.
- Further details for section M, operating schedule suggested measures were available at appendix B.
- Appendix D outlined the agreements with WYP, which included measures to address crime prevention and a sound operating schedule.
- The 13 representations from the public and Ward Councillors, considered 'other persons' under Licensing legislation were contained at appendix E and expressed concerns in relation to all four licensing objectives.
- Three representations had been received from members of the public who had expressed concerns for risk of retribution and their personal details had been redacted and were to remain anonymous. For this reason and despite their strength of feeling they did not attend the hearing but wanted their representations to be considered in their absence.
- Additional, supplementary information had been submitted which detailed an expansion on an existing anonymous objection, a meeting held by the applicant to address objector concerns and further comment from Councillor J Dowson.

The applicant addressed the Sub-Committee providing the following information:

- The AUGB centre had been in operation since the 1950s, with the Ukrainian population, and AUGB membership, increasing in Leeds since the invasion of Ukraine by Russia in 2022.
- The premises was a hub for social and cultural heritage events, including a Saturday school, a choir and English speaking lessons. The centre was self funded and community and volunteer led, run by a committee who conducted the organising of events, cleaning and cooking.
- The licence had been applied for so drinks could be served during community events without needing to submit Temporary Event Notices (TENs). TENs were noted to be limited to 15 per year and also required pre-planning, which was an onerous process.
- The responsible consumption of alcohol contributed to the community spirit of the centre and was a space where Ukrainian people felt safe. There were events planned over Halloween, which was not a holiday celebrated in Ukraine, but improved social cohesion, and a licence would allow options and freedom to celebrate a multitude of important events.
- With the approved TENs over the past 10 years, there had been no issues with WYP or any incidents of anti-social behaviour. Takeaway food was not available at the premises and regular litter picks were conducted in and outside the premises.

- The people attending the centre were mainly comprised of women and children, with many Ukrainian men away fighting in the war. Since the outbreak of war, the management at the centre had become more engaged with Councillors and responsible authorities.
- The applicant was mindful of issues of noise and public disturbance in the area, having grown up and lived in Chapel Allerton all her life. Trouble or hostility was not sought by applying for the licence.
- The centre was not open to the public any sale of alcohol was proposed for members only. The centre was a safe space for people displaced by the war in Ukraine and helped support the community.
- A licence would allow flexibility, to be able to sell alcohol during special occasions, including televised Ukrainian sporting events. Generally, most events were held at the centre on Saturday's and Sunday's, with occasional mid-week events for specific occasions.
- Community BBQs were often held in summer, with the submission of TENs often difficult to scope, given the potential for bad weather.

In response to questions from Members, posed to the applicant, the following points were noted:

- Whether the applicant recognised the issue of disturbance to local residents and whether the issue correlated with the premises was queried. In response it was noted that the premises was a detached building on a row of terrace houses and historically there had been a number of bars and instances of late night drinking to the rear, however, congregating and anti-social behaviour was not associated with the premises, with 75% of people attending the centre being women and children.
- Approximately 15 years ago, the premises had been let out to external parties to be used as an event space, however, with some incidents of disturbance and public nuisance, this offer had ended, and no issues had occurred since.
- The applicant recognised the need to limit noise and had measures in place to manage noise levels.
- The applicant understood the objector's perspective, with a licence allowing a potential capacity for increased noise and alcohol consumption, however, it was not sought in order to hold regular parties and all attendees of the premises were known to management.
- The licence was not sought to generate any significant funds for the centre but was to allow flexibility, to offer alcohol during cultural events or televised sporting events. Alcohol had been requested by attendees of the centre but was only permitted when a TEN was in place. The licence would allow the community to hold more freedom, with the offer of Ukrainian beer supplementing coffees, teas and biscuits on Saturdays. TENs also incurred costs of £21 per application and the licence made more economic sense.
- The music and plays proposed under the provision of entertainment part of the application would consist of traditional Ukrainian performances, and with the ability to offer some alcoholic drinks enhancing the community hub element of the centre, which was integral, given that many Ukrainians were unable to return home with the ongoing war.
- The centre had applied for some external funding and grants, to promote and assist with provision of food and education for the attending children, including

improvements to the school room, however, as AUGB was a limited company, it was unapplicable to seek charity status. Most of the money raised during fund raising events was sent back to Ukraine as humanitarian aid.

- It was approximated that the centre applied for 15 TENs per year which were spread out across the year and were used for specific events, such as Christmas celebrations.
- Although the centre was an old building which was not proposed to be fully soundproofed, all windows and doors were to be shut for any music or performance events and would not exceed past the hours applied for, the proposed Designated Premises Supervisor (DPS) worked for the local housing association and was committed to the needs of local residents. The noise levels, both existing and future, were thought not to be excessive.
- As the centre was only regularly open on weekends, the reality of the proposed use of the licence was not to alter this model and weekday events were generally televised sporting events and also nights of bereavement support following attacks against Ukraine, the centre also offered emotional support for widows.
- On Saturdays, the centre was usually open from 07:00 – 20:00 for the Saturday school, choir and social gathering, including provision of food. On weekdays, the centre was sometimes open for the screening of Ukrainian films and on occasion, Ukrainian music was performed, with the licence to allow alcohol to be served during these specific events. It was not proposed that the model was to change to a space for regular drinking.
- The expected hours of operation, if the licence were approved, was Sunday to Thursday, specific events were not to run past 23:00 and alcohol would be served until around 22:30 and the agreement with WYP was thought appropriate.
- A suggestion was made for the outside garden area to only be used up to 21:00. The applicant noted this would impact on the use of the space during BBQs in summer and a more measured, balanced approach was sought as other residents in the locality were able to use their garden spaces freely, however, the cumulative impact of the potential number of people gathered for a BBQ was understood. The applicant would display a notice that drinks were not permitted outside past a specific time and would consider a specific closing time for the outdoor space, but it was thought that 21:00 was too early.
- Smokers would be permitted to use the outdoor space at a later hour than any conditioned measure. The BBQ events were noted to not exceed 30 people and would only occur a few times per year during summer.
- Members were mindful that there was the potential for the licence to be used differently in the future and sought an appropriate condition for the use of the outdoor space in order to limit disturbance to residents.
- The applicant was content to apply further conditions to the licence, noting, the outdoor space was mainly to be used on weekends and sought to offer drinks to supplement specific events, without applying for TENs. The centre was not to be open late at night and the applicant agreed that conditioning the use of the outdoor space to 22:30 was acceptable.

The objectors addressed the Sub-Committee providing the following information:

- Although supportive of the centre and the Ukrainian community, having personally housed two Ukrainian's who had fled to the UK from the war, there was concerns that loud music, public nuisance and disturbance may stem from the premises with the approval of the licence.
- The issues from the centre were historical and the centre was currently well managed but there may be future issues with processes and management to limit noise. Residents were content with well managed community events at the centre but late night entertainment and provision of alcohol could lead to incidents of anti-social behaviour.
- The entrance to Newton Grove was outlined to be via a small pathway and the area was majoritively residential. The Newton Future community group were an organisation that dealt with resolving issues for residents in the locality and enhancing the area, with a suggestion that the applicant should engage with the group.
- There was the potential for the management of the premises to change in the future, as had been witnesses at other venues within Chapel Allerton and there were limited measures of control for future management and business models.
- Prior to the agreements with WYP, the hours applied for were until 02:00, which were considered excessive. The reduction in hours until 23:30 during the week were still problematic and could lead to significant disturbance to residents.
- The historic issues of disturbance, with the centre rented out to external parties, had been significant and all measures to enforce that it would not occur again were sought.

In response to questions from Members, posed to the objectors, the following points were noted:

- The issues of noise disturbance and anti-social behaviour were mainly in the past, however, had been severe with loud music until late hours, affecting residents sleep. The objection was mainly based on a lack of control for future operations and the potential from the venue to be rented out again.
- Whether a condition relating to not allowing external parties to rent out the venue was queried. In response, the Legal Officer noted conditions had to be reasonable and proportionate, and although a case could be made for this proposed condition, the practicality would be unclear as the centre was used for birthday parties and other events.
- Reasonable measures of control or conditions tied to the licence that would satisfy the concerns of the objectors were outlined as, that the licence remains with current management, the centre remained in use under the current model of operation and a reminder that the centre was within a residential area and should have measures in place to limit any potential disturbance, particularly at later hours.

In summary, the applicant outlined the following points to the Sub-Committee:

- The premises was to operate as a community centre for Ukrainian people and was not to be sold on as a bar or pub. If the premises was resold it would be as residential flats. The location was also considered undesirable as a commercial drinking establishment.

- Contact details were to be shared with objectors and local residents to build trust and to ensure any issues that may arise were dealt with swiftly and appropriately.
- The applicant hoped to manage the centre for many years and to be a good neighbour to the surrounding residents. Lessons had been learned from the issues of the past, which was a significant time ago. There was no intention to let the centre out to external parties, except for birthday parties.
- There was always a member of the centre's committee at the premises when it was open. Netwon Futures were to be invited to the premises in order to engage with local residents and build further rapport.
- There were no recorded incidents at the centre for over 15 years, with no WYP visits, alongside there being no objection to the licence from responsible authorities.

RESOLVED – To grant the premises licence as applied for, subject to the following modifications:

- *Sale by Retail of Alcohol:* Sunday to Thursday 12:00 - 22:30 and Friday and Saturday 12:00 – 23:00
- *Exhibition of a film, Performance of Dance, Plays, Live Music, Recorded Music and Entertainment similar to live music, recorded music or dance:* Sunday to Thursday 12:00 - 23:00 and Friday and Saturday 12:00 – 00:00
- *No alcohol in the outside area:* Sunday to Thursday 12:00 – 21:00 and Friday and Saturday 12:00 – 22:30
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