

## Licensing Sub-Committee

Monday, 8th November, 2010

**PRESENT:** Councillor G Wilkinson in the Chair

Councillors Mrs R Feldman and T Hanley

**111 Election of the Chair**

**RESOLVED** – Councillor Wilkinson was elected Chair for the duration of the meeting

**112 Declarations of Interest**

There were no declarations of interest

**113 "Boodwaar" - Application to Vary a Premises Licence relating to Boodwaar, 174 Lower Briggate, Leeds LS1 6DT - to specify a Designated Premises Supervisor and Transfer of a Licence: Mr M Powell**

This item was withdrawn from the agenda prior to the meeting as the application for the transfer of the Premises Licence and change of DPS into the name of Mr M Powell had been superseded by an application received by the Licensing Authority on 4<sup>th</sup> November 2010, to take immediate effect, made by Ravenpine Limited.

**114 "Kasa Crossgates" - Application for the Grant of a Premises Licence for KASA Crossgates Ltd, Ground Floor Premises, 18 Austhorpe Road, Cross Gates, Leeds LS15 8DX**

The Sub-Committee, having regard to the Licensing Act 2003, the Statement of Licensing Policy and the Statutory Guidance, considered the written submissions before them relating to an application for the grant of a Premises Licence in respect of premises to be known as "KASA Crossgates" situated within the ground floor area of 18 Austhorpe Road, Crossgates, Leeds LS15.

Six letters of representation had been submitted by members of the public who objected to the application. A joint letter of representation had also been received from local ward Councillors Armitage, P Grahame and Gruen.

Mr Adeel Bashir and Mr Khalil Bashir attended the hearing on behalf of KASA Crossgates Ltd. Councillor S Armitage attended the hearing on behalf of local residents. None of the local residents were present and the Sub Committee resolved to take their letters of representation into account during their deliberations.

The Sub Committee heard from Councillor S Armitage who detailed residents' concerns over the opening hours requested and the existing problems of noise nuisance and anti-social behaviour associated with the sale of alcohol to young people in the area. Residents felt that the re-opening of an off-licence in this unit could add to those problems. The local Neighbourhood Policing Team was aware of the problem of young people obtaining alcohol and congregating in the local park.

Other licensed premises in the area closed earlier than the hours proposed for this off-licence and Councillor Armitage was concerned that noise and nuisance would be caused late at night by patrons from the other premises attending this off-licence to purchase further alcohol. She urged the Sub Committee to consider the opening hours in their deliberations.

Mr K Bashir then addressed the Sub Committee on behalf of the applicant and responded to the comments of the objectors. Mr K Bashir outlined the operators' experience within the licensing trade and detailed the measures proposed by the applicant himself to address the licensing objectives. Mr Bashir also stated the applicant was willing to close at 23:00 hours now that he was aware of the concerns of the local residents.

The Sub Committee carefully considered the written and verbal submissions made at the hearing. Members had regard to the ongoing problems reported within locality and the measures proposed by the applicant which the Sub Committee felt would go some way to address the concerns of residents. Members also noted the offer to amend the hours of operation. However the Sub Committee felt there was another reasonable step which could be taken to further address the crime and disorder licensing objective

**RESOLVED** – that the application be granted in the following terms:

Hours & Licensable Activities:

- Sale of alcohol (for consumption off the premises)
- Sunday to Saturday 07:00 until 23:00 hours

Conditions

- The measures proposed by the applicant within the application to address the licensing objectives will be included within the Premises Licence as conditions with one amendment as follows
- "The PLH/DPS/staff will ask for proof of age from any person appearing to be under the age of 25 who attempts to purchase alcohol at the premises"
- All relevant conditions shall refer to "Check 25" throughout.

The Sub Committee reminded the applicant of the residents' power to seek a Review of the Premises Licence if they felt this premises contributed to a worsening of the problems in the area.

**115 "Fazenda Rodizio Bar & Grill" - Application for the Grant of a Premises Licence for Fazenda Rodizio Bar & Grill, Unit B - K, Watermans Place, 3 Wharf Approach, Holbeck, Leeds LS1 4GL**

The Sub-Committee, having regard to the Licensing Act 2003, the Statement of Licensing Policy and the Statutory Guidance, considered the written submissions before them relating to an application for the grant of a Premises Licence in respect of premises to be known as "Fazenda Rodizio Bar & Grill" at Units B to K, Waterman's Place, 3 Wharf Approach, Holbeck Leeds 1

Representations had been submitted by West Yorkshire Police (WYP), LCC Environmental Protection Team (LCC EPT) and LCC Health and Safety Services (LCC H&S) containing measures proposed to address the licensing objectives. Those measures had been agreed by the applicant and the representations had been withdrawn prior to the hearing.

Letters of representation had also been received from ten local residents objecting to the application and Ms Emma Hopkins attended the hearing on their behalf. The Sub Committee resolved to proceed in the absence of the other members of the public and to take their letters of representation into account during their deliberations.

Mr David Hercock, barrister, attended the hearing to represent the applicant. He was accompanied by Mr R Melman and Mr M Ladocha.

The Sub Committee heard from Ms E Hopkins who described the location of the premises within a residential development and detailed the concerns that the premises should operate appropriately given its proximity to residents homes. Ms Hopkins tabled photographs of the development for reference, with the permission of the applicant. Ms Hopkins described problems of noise and anti social behaviour arising from other licensed premises in the area experienced by residents. Residents were also concerned that the nature of the premises could change to facilitate a bar and disco once this licence was granted.

Ms Hopkins reported on a meeting held 21 September 2010 where the applicant had given some assurances regarding the nature of the business to residents however she detailed additional control measures she asked the Sub Committee to consider as conditions to further reassure the residents. Ms Hopkins also requested the Sub Committee consider a reduction to the hours of operation as residents felt the requested hours to be inappropriate in this location and amendments to 2 conditions from LCC EPT restricting the audibility of noise and the serving of drinks in the external area.

The Sub Committee then heard from Mr D Hercock on behalf of the applicant who explained the intended operation of the premises as a restaurant with the sale of alcohol ancillary to that use. He acknowledged the concerns of residents in flats above the premises and detailed the measures put in place by the applicant during the refurbishment of the premises which included a filtration system to address odours and the employment of an acoustic specialist to advise on the extensive sound attenuation scheme. Furthermore the applicant had engaged in dialogue with the residents and would continue this in order to identify a smoking area for patrons.

In response to queries from the Sub Committee the applicant discussed the capacity and intended management of the external seating area, the lobby; bar area and restaurant in detail. Members noted the condition "A number of covers to be agreed with WYP shall be maintained on the premises" was not satisfactory in terms of enforcement and discussed an appropriate number with all parties in order to ensure the premises remained a restaurant. Members took the already agreed measures and management proposals for the external area into account and considered 118 covers (internally) to be appropriate.

The Sub Committee considered the application having regard to all the written submissions and the measures already agreed with the Responsible Authorities by the applicant. The Sub Committee also carefully considered the verbal submissions made at the hearing, particularly the detail of the measures put in place by the applicant and the concerns of the local residents. Members were minded to grant the application, but felt there were additional steps which could be taken which were appropriate to a premise in this location and proximity to local residents in order to further address the licensing objectives.

**RESOLVED** – That the application be granted in the following terms:

Hours and licensable activities

- Granted as applied for

Conditions

- The Sub Committee felt it was necessary and appropriate to include those measures proposed by the Responsible Authorities and agreed prior to the hearing by the applicant within the Premises Licence as conditions; with an amendment to the following WYP measure
  - The number of covers to be maintained internally on the premises shall be no less than 118

Members commented that the issues of noise and smell had been sufficiently addressed by the applicant and that the management of the external area was sufficiently dealt with by the condition to close at 21:00 hours

The applicant was encouraged to continue dialogue with the local residents, particularly with regard to the location of the smoking area

**116 "Chinese Take away" - Application for the Grant of a Premises Licence for a Chinese Take away at 378 Kirkstall Road, Leeds LS4 2HQ**

The Sub-Committee, having regard to the Licensing Act 2003, the Statement of Licensing Policy and the Statutory Guidance, considered the written submissions before them relating to an application for the grant of a Premises Licence in respect of a Chinese Takeaway at 378 Kirkstall Road, Leeds LS4.

Representations had been submitted by LCC Environmental Protection Team (LCC EPT) containing measures proposed to address the licensing objectives. These measures had been agreed by the applicant and the representation subsequently withdrawn although Mr B Kenny attended the hearing on behalf of LCC EPT to answer any queries. A representation had also been submitted by LCC Department of Development and Mr C Sanderson attended on their behalf.

The applicant did not attend the hearing. The Sub Committee was satisfied that sufficient notice of the hearing had been supplied and resolved not to adjourn the hearing but to take the applicants written submission into account and to consider the application in their absence.

Mr Sanderson outlined the planning history of the premises on behalf of LCC Department of Development and reported the premises gained planning permission to operate as hot food take away in 2009. The hours of use at that

time were restricted having regard to likely impact of noise nuisance from patrons and deliveries on residents near to the premises to the side and rear of the building. Mr Sanderson stated this Premise Licence application exceeded the permitted planning hours permitted and that the circumstances of the premises and the locality had not altered since the 2009 planning permission.

The Sub Committee carefully considered the written submissions before them, including the measures agreed with LCC EPT and had regard to the verbal submission made at the hearing. The Sub Committee was concerned about the impact of public nuisance caused to residents by the requested later opening hours and was satisfied by the representation of LCC Development in this respect; having not heard any evidence to the contrary from the applicant

**RESOLVED** – to grant the application in the following terms

Hours and Licensable Activities:

Late Night Refreshment

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

Sundays not granted (therefore the take away must cease at 23:00 hours)

Conditions

- Those measures previously agreed between the applicant and LCC EPT were considered to be necessary and appropriate and will be included within the Premises Licence as conditions