

Licensing Sub-Committee

Monday, 7th March, 2011

PRESENT: Councillor B Selby in the Chair

Councillors T Hanley and G Wilkinson

212 Election of the Chair

RESOLVED - Councillor Selby was elected Chair of the meeting

213 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That the public be excluded from the meeting during consideration of that part of the agenda designated as exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information both in terms of Regulation 14 of the Licensing Act 2003 (Hearing Regulations 2005) and the Licensing Procedure Rules, and on the grounds that it is not in the public interest to disclose the contents as the information therein pertains to an individual and that person would not reasonably expect their personal information or discussions thereon to be in the public domain. (Appendix A of the report referred to in minute 218)

214 Late Items

No formal late items of business were added to the agenda. Supplementary information had been supplied in relation to the following:

Item 6 Naeem's Tandoori – Email statement dated 4 March 2011 submitted by West Yorkshire Police

Item 8 Starlight Bar

- Letter dated 1 March 2011 submitted by the applicants' representative
- Email response dated 1 March 2011 in response submitted by West Yorkshire Police
- Witness statement dated 3 March 2011 from an officer of HM Revenue & Customs submitted by West Yorkshire Police
- Statement by the applicant dated 4 March 2011 submitted on the morning of the hearing.

215 Declarations of Interest

There were no declarations of interest.

216 Application for the Grant of a Premises Licence for Naeem's Tandoori, 62 Stainbeck Road, Leeds, LS7 2PW

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy considered an application for the grant of a Premises Licence in respect of Naeem's Tandoori, Meanwood. An initial hearing to determine the application had been adjourned on 7 February 2011 pending receipt of further information on whether the measures sought by West Yorkshire Police (WYP) in their representation were necessary and proportionate to this application.

Additional information setting out that response was supplied to the Sub Committee prior to the hearing.

Representations had also been received from LCC Environmental Protection Team (LCC EPT) and LCC Department of Development (Planning). The applicant had agreed to the measures proposed, which effectively curtailed the proposed hours of operation and those representations had been withdrawn.

Present at the hearing were Mr A Khaled – the applicant and PC L Dobson – WYP

The Sub Committee heard from PC Dobson regarding the existing CCTV system at the premises and with regard to the statistics showing the nature of reported crimes within the locality. The Sub Committee then heard from Mr Khaled regarding the capabilities of the CCTV system he had purchased since the previous hearing.

The Sub Committee carefully considered all the written and verbal submissions and noted the revised hours of operation now proposed for the premises. Members were satisfied that the purchased CCTV system was appropriate and

RESOLVED – That the application as amended be granted, for the following hours as agreed by the applicant

Provision of Late Night Refreshment

Monday to Saturday 23:00 hours to 00:00 hours (midnight)

Hours the premises are open to the public

Monday to Friday 18:00 hours until 00:00 hours (midnight)

Saturday 08:00 hours to 00:00 (midnight)

Sundays 18:00 hours to 23:00 hours

Conditions

- Those measures proposed by LCC EPT to address the prevention of public nuisance licensing objective and the measures proposed by LCC Planning agreed by the applicant prior to the hearing were deemed necessary and proportionate to the grant of the licence and will be included within the Premises Licence as conditions
- Those measures proposed by WYP were felt to be necessary to uphold the prevention of crime and disorder licensing objective and were imposed as conditions on the Premises Licence

217 Application for the Grant of a Premises Licence for Cattlegrid, Unit , Waterloo House, Assembly Street, Leeds, LS2 7DE

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy considered an application for the grant of a Premises Licence for premises to be known as "Cattle Grid" Waterloo House, Leeds LS1.

Representations had been received from LCC Environmental Protection Team (LCC EPT), LCC Health & Safety Team (LCC H&S) and West

Yorkshire Police (WYP) which included measures proposed by them to address the licensing objectives. The measures proposed by LCC EPT and LCC H&S had been agreed by the applicant prior to the hearing and those representations had subsequently been withdrawn on the understanding the measures would be imposed on the Premises Licence, should it be granted. Present at the hearing were Mr S Kovak & Mr S Gray - the applicants; and Sgt R Fullilove – WYP

The Sub Committee heard from Sgt Fullilove for WYP regarding the location of the premises within the Cumulative Impact Policy (Area 1) and highlighted the area was a hotspot for crime & disorder and anti social behaviour. WYP suggested there was insufficient information in the application to evidence how the operation of this premises would not add to the problems in the area. WYP sought clarity on whether the applicant proposed both on and off sales of alcohol and would seek to ensure the proposed restaurant did not operate as nightclub in the future and sought 12 conditions including measures to control the future use of the premises

The Sub Committee then heard from Mr Gray and Mr Kovak regarding the intended use of the premises as a branded family restaurant, the likely food offer and price range, possible number of patrons and the existing businesses run by the restaurant chain in London. The applicants assured the hearing the premises would not be a nightclub and that alcohol would only be available to patrons dining in the restaurant. Furthermore, measures suggested by WYP would have been agreed prior to the hearing if the applicants had been aware of the opportunity to do so however they did not believe that CCTV was necessary for a restaurant establishment.

All parties discussed the licensing history of the locality; the CCTV suggested by WYP as an effective tool to combat crime & disorder and cost implications to the applicants.

The Sub Committee carefully considered all the written and verbal submissions and was satisfied that the Cumulative Impact Policy did apply in this instance. Members were however satisfied that the proposed branded restaurant nature of the premises intended to attract families; the food offer and proposed layout, meant that this style of operation was not likely to attract incidents of crime and disorder. Members were happy to grant the application subject to conditions and felt that, given the location, it was necessary for the premises to install a suitable CCTV system.

RESOLVED – That the application be granted, subject to the following conditions which were deemed to be necessary and proportionate to this premises in this location

Conditions

- Sale of alcohol ON the premises only
- Covers – a minimum of 22 covers to the lower ground floor, 38 to the upper ground floor and 50 to the first floor, to be maintained at all time
- The measures proposed by LCC EPT and LCC H&S and agreed prior to the hearing by the applicant shall be included within the Premises Licence as conditions

- The measures proposed by WYP, including installation of CCTV, were deemed to be necessary and appropriate to this premises and will be included within the Premises Licence as conditions (with the exception of Conditions 8 & 10 relating to the DPPO and consumption of alcohol within any external area)

218 Application for a Licence Transfer for The Starlight Bar, Shaftesbury Parade, Harehills Lane, Leeds, LS9 6TA

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy considered an application made under Section 42 of the Licensing Act 2003 for the transfer of a Premises Licence from Mr N Khan to Mr C M Ferguson and Mr H J Rafik.

Representations had been received West Yorkshire Police (WYP) who were represented at the hearing by PC L Dobson accompanied by Mr O Lack of HM Revenues & Customs (HMRC). The applicants did not attend the hearing but were represented by Mr Y Sina. All parties present were in receipt of additional documents (listed in minute 214 above)

The Sub Committee heard from PC Dobson regarding the licensing history of the premises itself and the nature of WYP dealings with the current premises licence holder and Mr Rafik – one of the applicants. Mr Lack provided further detail on the matters contained within his witness statement relating to seizures of cigarettes and tobacco made at premises by HMRC associated with Mr Rafik, the last being made on 1 March 2011.

Members were aware that issues relating to the building itself had been raised previously and discussed whether those matters had been resolved with all parties.

The Sub Committee then heard from Mr Sina on behalf of the applicants who supplied certificates relating to a Fire Detection & Alarm system; a Fire Certificate annual service and responded to comments regarding Mr Rafik's employment by producing wage slips. WYP responded that as of 4 March 2011, West Yorkshire Fire & Rescue Service had not been supplied with the required paperwork. The Sub Committee also noted the statement submitted by Mr Rafik dated 4 March and that he would not attend the hearing due to ill health.

Members did not feel able to proceed in the absence of the applicants, particularly Mr Rafik, as they indicated they had many questions which would require a direct response. Members noted the contents of a medical certificate supplied by Mr Sina, and having regard to the date of the certificate, agreed Mr Rafik should be given the opportunity to attend a future hearing
RESOLVED – To adjourn the hearing to Monday 28th March 2011.

Members offered direction to the parties regarding Mr Rafik's attendance and indicated that all documentation should be received by the Licensing Authority 10 days prior to the 28th March 2011 hearing. Furthermore, the future hearing should be supplied with further information on the following:

- Dates; times and nature of the seizures made by HMRC
- Copies of any warning letters sent to Mr Rafik by HMRC
- Receipts