

Licensing Sub-Committee

Monday, 27th January, 2014

PRESENT: Councillor B Selby in the Chair

Councillors T Hanley and P Latty

166 Election of the Chair

RESOLVED – That Councillor B Selby elected as Chair of the meeting.

167 Late Items

There were no late items. Supplementary information had been issued for Agenda Item 6 – Application for the grant of a premises licence for Mexi Khana Halal Ltd, Unit 6, Clock Buildings, Roundhay Road, Leeds.

168 Declarations of Disclosable Pecuniary Interests

There were no declarations of Disclosable Pecuniary Interest.

169 Application for the grant of a premises licence for Mexi Khana Halal Ltd, Unit 6, Clock Buildings, Roundhay Road, Leeds, LS8 2SH

The report of the Head of licensing and Registration referred to an application for the grant of a premises licence for Mexi Khana Halal Ltd, Unit 6, Clock Buildings, Roundhay Road, Leeds.

The application was for the sale by retail of alcohol, recorded music and late night refreshment with alcohol being sold on Sundays to Thursdays from 11:00 to 23:30, and on Fridays and Saturdays from 11:00 to 02:30; with recorded music on Sundays to Thursdays from 11:00 till 00:00 and on Fridays and Saturdays from 11:00 to 03:00; and late night refreshment on Sundays and Thursdays from 23 to 00:00 and on Fridays and Saturdays from 23:00 to 03:00.

Responsible authorities and Ward Councillors had been notified of the application and representations had been received from a Ward Councillor and other persons. A representation supporting the application had also been submitted by a Leeds City Councillor.

The application was first considered by a differently constituted Licensing Sub-Committee on 7 October 2013 when that Committee resolved to grant the application but on the reduced operating an activity hours. That decision was appealed by the applicant to the Leeds Magistrates' Court. With a view to avoiding unnecessary litigation it was agreed that the application be remitted back to the Licensing Sub-Committee for a full rehearing and consideration by a differently constituted panel of members. A rehearing would also allow the applicant to bring his witnesses in support.

The applicant was invited to address the sub-committee and highlighted the following in relation to the application:

- The application had the support of a local Councillor who was unable to attend the meeting.
- The applicant had previously operated a bar at the premises and this application sought a change in the style of operation. The offer would be more food based and focussed on an older clientele with a health conscious menu that also catered for diabetics and those with gluten free requirements.
- The applicant referred to information he had submitted which was published in the supplementary agenda in which he felt that representations made by others contained false statements.
- With regard to noise complaints relating to the premises he informed the sub-committee that the last one was in November 2007. The premises had been closed since 2011 and complaints regarding noise since then must relate to premises elsewhere.
- With reference to previous complaints regarding car parking, the applicant informed the sub-committee of arrangements that had been made for customer parking and that there had been no further complaints to the Council.
- There had been a number of temporary event notices operated at the premises and there had not been any complaints.
- Members attention was brought to the following information supplied by the applicant:
 - The Council's noise nuisance team were satisfied that the risk of noise from the premises was low.
 - Noise proofing and reduction that had taken place at the premises.
 - Letters from local residents showing that noise was no longer a problem from the premises.
- Reference to the nearby Clock Hotel – there had not been any complaints from them or their residents.

In response to comments from the sub-committee, the applicant reported the following:

- The premises would be used as a diabetic café during the day with gluten/lactose free options. On an evening the menu would move to Caribbean halal and after 23:30 back to the diabetic café menu.
- The temporary event notices held at the premises had been held until 03:00 without any complaints.
- The applicant offered a different type of cuisine available elsewhere in the city.
- Music at the premises would mainly include jazz and motown from the sixties to the eighties.
- There were other nearby premises open until 05:00.
- There would be 2 or 3 security staff on the door of the premises and 1 inside. These would all be SIA trained.
- After midnight admittance would be to members only.
- Car parking arrangements. Staff had been asked not to park by nearby residential properties.

Objectors to the application were invited to address the sub-committee. These included a local ward councillor and local residents. Issues raised included the following:

- Local businesses and the provision of a café/dining facility were supported. Main concern regarded the sale of alcohol after 23:30 and that this would attract people who had been at other establishments.
- The premises would have more space than before and that would attract more customers using cars.
- The premises were very close to residential properties. Houses backed on to the main building and this would affect families with young children.
- Problems with customers parking in residential areas and disturbance to residents due to this.
- Incidences of disturbance when the premises operated as Bar Noir. Residents had had to involve the police.
- Concern regarding noise disturbance particularly on a weekend and in the early hours.

- Previous problems included people drinking on the street outside the premises.
- No other nearby premises served alcohol in the early hours.
- In response to Members' questions, it was felt that alcohol should not be sold after 23:30 and the premises should be closed by midnight.

The applicant was invited to summarise his case and respond to concerns raised. The following was discussed:

- Not all residents had concerns and other residents supported the application.
- This was a completely new application and the premises would not be operated as a bar/nightclub as previous.
- Security measures had been agreed with the police.
- Noise reduction measures at the premises.
- Concern that the objections were due to religious beliefs regarding the sale of alcohol.
- Improvements to the premises - the premises had fixed tables and there was no dance floor, improvements had been made to toilet facilities and children's facilities had also been installed.

RESOLVED - Taking all the matters into account, and being particularly conscious of the nearness of the residential area and the opening hours of similar licensed premises the Licensing Sub-Committee resolved to grant the application on the following terms:

(1) **Sale by retail of alcohol**

Sunday to Thursday 11:00 – 23:30

Friday and Saturday 11:00 – 02:00

(2) **Recorded music**

Sunday to Thursday 11:00 – 00:00
Friday and Saturday 11:00 – 02:00

(3) **Late night refreshment**

Sunday to Thursday 23:00 – 00:00
Friday and Saturday 23:00 – 01:30

(4) The Licensing subcommittee also determined that the condition regarding covers which had previously been agreed with the Police be amended as follows:

“Between 21:00 hours and close of business on Sundays to Thursdays that the premises licence has effect, a minimum of 40 covers will be provided for alcohol to be consumed on the premises only with a table meal.

Between 21:00 and 01:30 hours on Fridays and Saturdays a minimum of 40 covers will be provided for alcohol to be consumed on the premises only with a table meal”.

The Licensing subcommittee also determined that the condition set out below agreed with the Police remains unchanged:

“Until 21:00 hours each day the premises licence has effect a minimum of 60 covers will be provided for alcohol to be consumed on the premises only with a table meal.”

(5) On Fridays and Saturdays the premises are to close at 02:30 and all patrons are to have left the premises before that closing time.

(6) Music played until 02:00 on Fridays and Saturdays shall not be audible outside of the premises to which this licence relates.

(7) For the avoidance of any doubt, the following measures agreed with the Police remain unchanged, as follows:

- The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has accessed the system, the reason why and when.
- No children on the premises after 21:00 hours each day when the premises licence has effect.

- The minimum number of door supervisors for the premises will be 2 on Friday and Saturday nights. Door staff will be on duty from 21:00 hours until one hour after close of business.