

## **Licensing Sub-Committee**

**Tuesday, 16th October, 2018**

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

Councillors P Drinkwater and G Harper

### **1 Election of the Chair**

**RESOLVED** – That Councillor G Wilkinson be elected as Chair for the meeting.

### **2 Declarations of Disclosable Pecuniary Interests**

There were no declarations.

### **3 Application to vary a premises licence held by Deli 46, 46 Carlton Lane, Rothwell, Leeds, LS26 0DJ**

The report of the Chief Officer, Elections and Regulatory presented an application to vary a Premises Licence held by Deli 46, 46 Carlton Lane, Rothwell, Leeds.

The application was as follows:

- Add sale of alcohol for on sales – Sunday to Thursday – 1:00 until 22:00; Friday and Saturday – 12:00 until 23:00
- Add recorded music – Sunday to Thursday – 09:00 until 22:00; Friday and Saturday – 09:00 to 23:00
- Vary the plans of the premises to outline its refurbishments from a shop to a café/deli
- Add control measures from the pro forma risk assessment to promote the licensing objectives

The following were in attendance:

Mr Atabak Karvani Dilmaghani – Applicant

Mr Amir Karvani Dilmaghani – Representing the applicant

Councillor C Harrison – Local Ward Councillor

Mrs Dawn Knight – Local resident

Prior to the hearing, the Sub-Committee queried the applicant's responses to information provided on the pro-forma risk assessment as there were concern to some of the suggested conditions which did not appear to but suitable for the Licence being applied for. The applicant informed the Sub-Committee that there had been mistakes when the form was completed and the main purpose of the application was to allow the sale of alcohol until 23:00 on Friday and Saturday and until 22:00 on Sunday to Thursday.

Further issues highlighted in support of the application included the following:

- The applicant had two other premises which had successfully operated without any objections or complaints.

- The premises already had a licence for off sales of alcohol. The application would move the sale of alcohol from the shop floor to a behind counter operation which would provide a more controlled environment.
- The applicant would not allow people to congregate outside the premises.
- The premises would be operated primarily as a coffee shop/deli with alcohol sales secondary to this.
- The applicant would do everything possible to eliminate nuisance to neighbours.
- The applicant's track record of working with the community and neighbours was reliable.

In response to questions from the Sub-Committee, the following was discussed:

- Alcohol sales would not commence until 12:00.
- Draught beer was sold at the applicant's premises in Woodlesford. The premises would not be a primarily bar led operation but may sell draught beer in the future. Alcohol sales would include some basic cocktails, wines and spirits.
- With regard to the pro-forma, the applicant was asked why it had indicated that door supervisors would be present and children would not be allowed in the premises. It was acknowledged that there had been some errors made when the application had been completed and the Sub-Committee held a brief adjournment to clarify matters with the Licensing Team regarding the completion of the form and to allow the applicant to give further consideration to what measures they wished to include in the pro-forma. The Sub-Committee was subsequently informed that the applicant had been provided with information as to what the conditions entailed but was not advised what to include in the application.
- The capacity of the premises would be for 30 covers.
- Use of the balcony area would not increase the capacity. This would only be usable during periods of good weather.
- There would be a designated outdoor area for smoking which was in the leased area of the premises.
- The applicant reported that he would only require the sale of alcohol until 22:00 as the premises would be closed by 22:30.
- It was not a wet led style of operation and alcohol would only be sold to accompany food.
- There would be no dedicated bar/drinking area within the premises. The main business was coffee shop/deli style operation with the benefit of alcohol on offer.
- There would only be non-amplified background music. The outdoor balcony faced on to the main road and was a distance away from residential properties.
- There was some car parking available behind the premises and also on street parking opposite that would not be constrictive. The premises were within a 300 metre walk of Rothwell Town Centre.

Councillor Harrison addressed the Sub-Committee with concerns and objections to the application. These included the following:

- The application had originally been to run a restaurant at the premises and this planned style of operation included increasing the footprint of the premises by stealth.
- The outdoor area the applicant referred to as a balcony was actually a ramped disabled access.
- It was not thought that the outside area that was to be used for a smoking area was an area belonging to the premises.
- Car parking was for the use of the wider community and not just the premises. There had been disputes in the area between residents with regard to on street parking.
- Concern regarding the hours of operation.
- There was no kitchen in the premises.
- The sale of alcohol would encourage customers to stay longer and later leaving times would cause a disturbance to residents.
- The premises were also close to a local school and the fire station which could be affected by parking issues.

Mrs Knight addressed the Sub-Committee. She made reference to the problems encountered with car parking and that there would be no room for customers as there were already problems for residents. She also referred to the area being in a 20 mph zone and concerns for the safety of children who often played outside in that area. She raised further concerns regarding the potential for litter and noise disturbance.

In summary to the application and discussion, the applicant reported that the balcony area and grass verge that was planned for the smoking area were all part of the land under the premises lease. The applicant had spoken to residents in the local community and there had been support for the application as well as support from parents who would use the premises when dropping children off at school. The premises were likely to attract local people who would walk to the premises.

The applicant advised the Sub-Committee of measures they wished to remove from the application which they had indicated they would abide to on the pro-forma.

The Licensing Sub-Committee carefully considered the report of the Head of Elections, Licensing and Registration, the Statement of Licensing Policy and the representations submitted and made at the hearing.

**RESOLVED** – That the application be approved as follows:

Sale of Alcohol – Every day - 12:00 to 22:00  
Recorded music – Every day - 09:00 to 22:30  
Opening Hours – Every day - 09:00 to 22:30

Also that the following condition to be applied to the licence:

No drinks to be taken outside of the premises building, with the exception of drinks being permitted on the balcony area only