



LICENSING SUB-COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON

TUESDAY, 12TH MARCH, 2019 AT 10.00 AM

MEMBERSHIP

Councillors

B Flynn - Adel and Wharfedale;
A Garthwaite - Headingley and Hyde Park;
J Heselwood - Bramley and Stanningley;

Enquiries specific to
Entertainment Licensing:

Stephen Holder
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Agenda compiled by:
Governance and Scrutiny
Support
Civic Hall
LEEDS LS1 1UR
Tel No: 0113 3788662

CONFIDENTIAL AND EXEMPT ITEMS

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

9.0 Confidential information – requirement to exclude public access

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

9.2 Confidential information means

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

10.0 Exempt information – discretion to exclude public access

10. 1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10. 4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

A G E N D A

| Item No | Ward/Equal Opportunities | Item Not Open | | Page No |
|---------|--------------------------|---------------|--|---------|
| 1 | | | <p><u>PRELIMINARY PROCEDURES</u></p> <p>ELECTION OF THE CHAIR</p> <p>To seek nominations for the election for the position of Chair.</p> | |
| 2 | | | <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance and Scrutiny Support at least 24 hours before the meeting)</p> | |

| Item No | Ward/Equal Opportunities | Item Not Open | | Page No |
|---------|--------------------------|---------------|--|---------|
| 3 | | | <p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1) To highlight reports or appendices which:</p> <p>a) officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>b) To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>c) If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing 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 press and public were present there would be disclosure to them of exempt information</p> <p>2) To note that under the Licensing Procedure rules, the press and the public will be excluded from that part of the hearing where Members will deliberate on each application as it is in the public interest to allow the Members to have a full and frank debate on the matter before them.</p> | |
| 4 | | | <p>LATE ITEMS</p> <p>To identify any applications as late items of business which have been admitted to the agenda for consideration</p> <p>(the special circumstances shall be identified in the minutes)</p> | |

| Item No | Ward/Equal Opportunities | Item Not Open | | Page No |
|---------|--------------------------|---------------|---|---------|
| 5 | | | <p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p> <p><u>HEARINGS</u></p> | |
| 6 | | | <p>APPLICATION FOR THE GRANT OF A PREMISES LICENCE FOR MASSAWA RESTAURANT 87 ROUNDHAY ROAD, LEEDS, LS8 5AQ</p> <p>To consider the report of the Chief Officer Elections and Regulatory with an application for the grant of a premises licence, made by Mr Henok Ahforom, Miss Trhas Gerezigher and Mrs Aster Hidray, for Massawa Restaurant 87 Roundhay Road, Leeds, LS8 5AQ.</p> | 1 - 50 |
| 7 | | | <p>APPLICATION FOR THE GRANT OF A PERSONAL LICENCE FOR MR DARREN JOHN UPTON</p> <p>To consider the report of the Chief Officer Elections and Regulatory with an application for the grant of a personal licence under the Licensing Act 2003 ("The Act") in respect of Darren John Upton. The application has attracted a representation from West Yorkshire Police and so is brought to a hearing of the Licensing Subcommittee for determination.</p> <p>Appendices A and B are exempt under 9.2(b) and 10.4.1 and 10.4.2. The appendices are also exempt under Regulation 14 of the Licensing Act 2003 Hearings Regulations 2005 (SI 2005 No 44).</p> | 51 - 74 |

| Item No | Ward/Equal Opportunities | Item Not Open | | Page No |
|---------|--------------------------|---------------|---|---------|
| | | | <p><u>Third Party Recording</u></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties – code of practice</p> <ul style="list-style-type: none"> a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete. | |



Report author: Mrs Emma White
0113 378 5029

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 12th March 2019

Subject: Application for the grant of a premises licence for Massawa Restaurant 87 Roundhay Road, Leeds, LS8 5AQ

| | | |
|---|---|--|
| Are specific electoral Wards affected? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If relevant, name(s) of Ward(s): Chapel Allerton | | |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| If relevant, Access to Information Procedure Rule number: | | |
| Appendix number: | | |

Summary of main issues

This is an application for the grant of a premises licence, made by Mr Henok Ahforom, Miss Trhas Gerezighe, Mrs Aster Hidray, for Massawa Restaurant 87 Roundhay Road, Leeds, LS8 5AQ.

Responsible authorities and Ward Members have been notified of this application.

The application has attracted representations from other persons and/or responsible authorities.

1 Purpose of this report

- 1.1 To advise Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for a new premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

2 History of the premises

- 2.1 This is the first application for a premises licence for these premises.

3 The application

- 3.1 The applicant's names are Mr Henok Ahforom, Miss Trhas Gerezighe, Mrs Aster Hidray
- 3.2 The proposed designated premises supervisor is Senait Meruts
- 3.3 In summary the application is for:

Original Application submitted 31st December :-

Sale by retail of alcohol and Recorded Music

Sunday to Thursday 11:00 - 23:00, Friday & Saturday 11:00 - 03:30

Late Night Refreshment Friday and Saturday 23:00 - 03:30

Amended Application following consultation from West Yorkshire Police:-

Sale by retail of alcohol Everyday 11:00 - 23:30

Recorded Music Everyday 11:00 - 23:00

- 3.4 A redacted version of the application has been attached at Appendix A.

4 Location

- 4.1 A map which identifies the location of this premises is attached at Appendix B.

5 Representations

- 5.1 Under the Act representations can be received from anyone but they must be relevant and, in the case of a member of the public, must not be frivolous or vexatious.

Representations from Responsible Authorities

- 5.2 Representations have been received from Environmental Protection Team in their capacity as a responsible authority. Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with Environmental Protection Team. A copy of the agreement may be found at Appendix C.
- 5.3 Representations have been received from West Yorkshire Police in their capacity as a responsible authority. Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with West Yorkshire Police A copy of the agreement may be found at Appendix D.
- 5.4 The representation submitted by the Planning Services remains as a matter for Members consideration. A copy of the representation may be found at Appendix E.

Other representations

- 5.5 The application has attracted representation from members of the public (described as 'other persons' in the legislation).
- 5.6 The licensing authority is in receipt of two individual letters of objection, which are opposed to this application on the grounds of noise nuisance and crime and disorder.
- 5.7 In order to protect personal data, redacted copies of the representations are attached at Appendix F. Unredacted copies will be available at the hearing for Members consideration.

6 Licensing hours

- 6.1 Members are directed to paragraphs 6.6 to 6.13 of the Statement of Licensing Policy which states the criteria that will be applied to any decision for new applications or variations which include extending hours.
- 6.2 In brief the Policy states at 6.12 that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so.
- 6.3 The council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not adversely impact on the licensing objectives.
- 6.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix G

7 Equality and diversity implications

- 7.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the licensing subcommittee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

8 Options available to Members

- 8.1 The licensing subcommittee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- Grant the application as requested.
 - Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
 - Exclude any licensable activities to which the application relates.
 - Refuse to specify the said person as the designated premises supervisor.
 - Reject the whole or part of the application.
- 8.2 Members of the licensing subcommittee are asked to note that they may not reject the whole or part of the application merely because they consider it desirable to do so. It must be appropriate in order to promote the licensing objectives.

9 Background papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy



EW

PREM1

Entertainment Licensing, Leeds City Council, Civic Hall, Leeds, LS1 1UR

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records

1 Aster Hiday 2 Trhas Gerezigher
I/we 3 Henrik Abforom (MASSAWA RESTAURANT)
 apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

| | |
|---|-----------------------------|
| Postal address of premises or, if none, Ordnance Survey map reference or description 87 Roundhay road | |
| Post town LEEDS | Post code LS8 5AQ |

| | |
|---------------------------------------|-------------------|
| Telephone number of premises (if any) | [REDACTED] |
|---------------------------------------|-------------------|

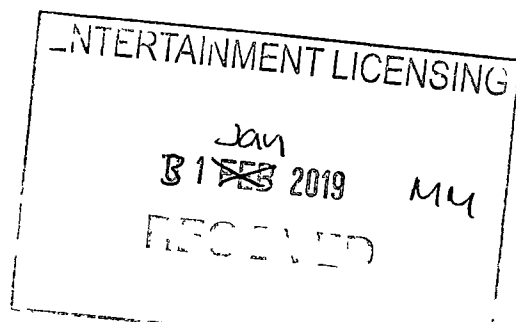
| | |
|---|--------------------|
| Non domestic rateable value of premises | £ 10,000.00 |
|---|--------------------|

Part 2 – Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | |
|--|---|
| a) an individual or individuals* | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual* | |
| i as a limited company/limited liability partnership | <input type="checkbox"/> please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |



- d) a charity please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities, or ☐
- I am making the application pursuant to a
 - statutory function or ☐
 - a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr ☐ Mrs ☐ Miss ☐ Ms ☒ Other title (for example, Rev) _____

Surname

First names

GEREZICHER

TRHAS

Please tick yes

Date of Birth

am 18 years old or over

☒

Nationality

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr ☐ Mrs ☒ Miss ☐ Ms ☐ Other title (for example, Rev) _____

Surname

First names

HIDRAY

ASTER

Please tick yes

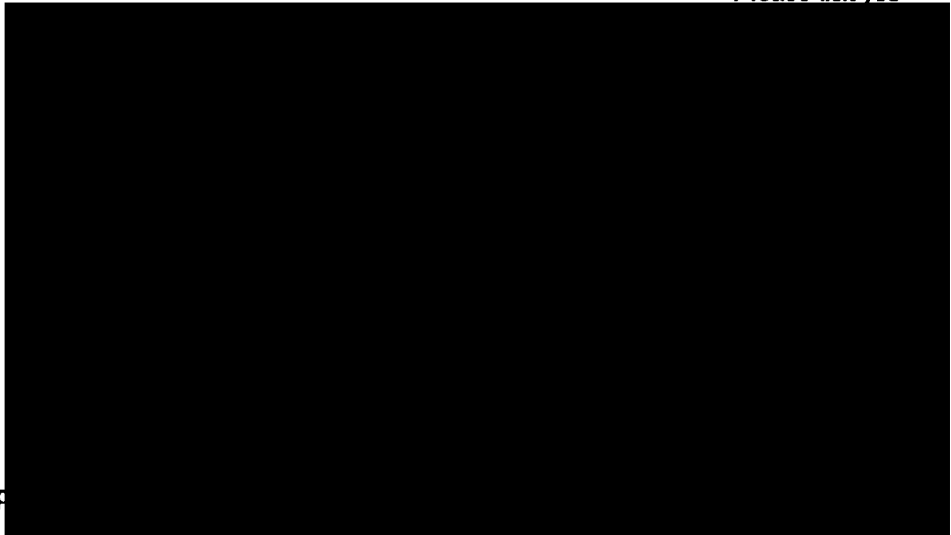
Date of Birth

Nationality

Current postal address if different from premises address

Post Town

Daytime contact telephone

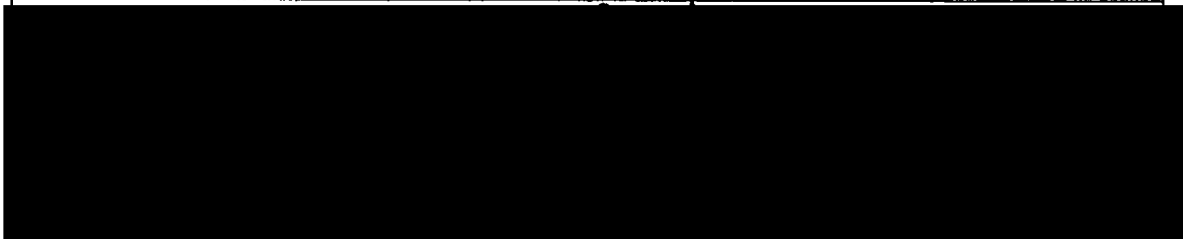


Email address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full Where appropriate please give any registered number In case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned

Name HENOK AHFOROM



Registered number (where applicable)

Description of applicant (for example, partnership, company, unincorporated association etc.)

Individuals

| |
|---------------------------|
| Telephone number (if any) |
| E-mail address (optional) |

Part 3 Operating Schedule

When do you want the premises licence to start?

| Day | Month | Year |
|-----|-------|------|
| 1 | 6 | 2018 |

If you wish the licence to be valid only for a limited period, when do you want it to end?

| Day | Month | Year |
|-----|-------|------|
| | | |

Please give a general description of the premises (please read guidance note 1)

Since 11 Jan 2017 Grant of full planning permission as a restaurant
Planning Ref 16/06322/Fu

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

| |
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| |
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What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Please tick ☒ yes

Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☒
- g) performance of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I)

☐

Sale by retail of alcohol (if ticking yes fill in box J)

☒

In all cases complete boxes K, L and M

A

| Plays Standard days and timings (please read guidance note 7) | | | Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|---|-------|--------|--|----------|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 4) | Both | <input type="checkbox"/> |
| Tue | | | | | |
| Wed | | | | | |
| Thur | | | State any seasonal variations for performing play (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | Non standard timings Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| | | | | | |
| | | | | | |

B

| Films Standard days and timings (please read guidance note 7) | | | Will the exhibition of a films take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|---|-------|--------|--|----------|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 4) | Both | <input type="checkbox"/> |
| Tue | | | | | |
| Wed | | | | | |
| Thur | | | State any seasonal variations for the exhibition of films (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | Non standard timings Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left please list (please read guidance note 6) | | |
| | | | | | |
| | | | | | |

C

| Indoor sporting events Standard days and timings (please read guidance note 7) | | | Please give further details (please read guidance note 4) |
|--|-------|--------|--|
| Day | Start | Finish | |
| Mon | | | State any seasonal variations for indoor sporting events (please read guidance note 5) |
| Tue | | | |
| Wed | | | |
| Thur | | | |
| Fri | | | Non standard timings Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6) |
| Sat | | | |
| Sun | | | |
| | | | |

D

| Boxing or wrestling entertainment Standard days and timings (please read guidance note 7) | | | Will the boxing or wrestling entertainment take place Indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|---|-------|--------|--|----------|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 4) | Both | <input type="checkbox"/> |
| Tue | | | | | |
| Wed | | | | | |
| Thur | | | | | |
| Fri | | | State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 5) | | |
| Sat | | | | | |
| Sun | | | | | |
| | | | | | |
| | | | Non standard timings Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left please list. (please read guidance note 6) | | |
| | | | | | |
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E

| | | | | | |
|---|--------------|---------------|--|-----------------|--------------------------|
| Live music Standard days and timings (please read guidance note 7) | | | Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| Day | Start | Finish | | Both | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 4) | | |
| Tue | | | | | |
| Wed | | | State any seasonal variations for the performance of live music (please read guidance note 5) | | |
| Thur | | | | | |
| Fri | | | Non standard timings Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (Please read guidance note 6) | | |
| Sat | | | | | |
| Sun | | | | | |

F

| | | | | | |
|---|--------------|---------------|--|-----------------|-------------------------------------|
| Recorded music Standard days and timings (please read guidance note 7) | | | Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| Day | Start | Finish | | Both | <input type="checkbox"/> |
| Mon | 11:00 | 23:00 | Please give further details here (please read guidance note 4) | | |
| Tue | 11:00 | 23:00 | | | |
| Wed | 11:00 | 23:00 | State any seasonal variations for the playing of recorded music (please read guidance note 5) | | |
| Thur | 11:00 | 23:00 | | | |
| Fri | 11:00 | 23:00 | Non standard timings Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| Sat | 11:00 | 23:00 | | | |
| Sun | 11:00 | 23:00 | | | |

G

| | | | |
|-----------------------------|--|----------------|--------------------------|
| Performance of dance | Will the performance of dance take place indoors or | Indoors | <input type="checkbox"/> |
|-----------------------------|--|----------------|--------------------------|

| Standard days and timings (please read guidance note 7) | | | outdoors or both – please tick (please read guidance note 3) | Outdoors | |
|--|-------|--------|--|----------|--------------------------|
| Day | Start | Finish | | Both | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 4) | | |
| Tue | | | | | |
| Wed | | | State any seasonal variations for the performance of dance (please read guidance note 5) | | |
| Thur | | | | | |
| Fri | | | Non standard timings Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| Sat | | | | | |
| Sun | | | | | |

H

| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7) | | | Please give a description of the type of entertainment you will be providing | | |
|--|-------|--------|---|----------|--------------------------|
| Day | Start | Finish | Will the entertainment take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| Mon | | | | Outdoors | <input type="checkbox"/> |
| Tue | | | | Both | <input type="checkbox"/> |
| Wed | | | Please give further details here (please read guidance note 4) | | |
| Thur | | | | | |
| Wed | | | State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5) | | |
| Thur | | | | | |
| Fri | | | Non standard timings Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| Sat | | | | | |
| Sun | | | | | |

I

| Late night refreshment Standard days and timings (please read guidance note 7) | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|--|---|----------|--------------------------|
| | | Outdoors | <input type="checkbox"/> |

| Day | Start | Finish | | Both |
|------|-------|--------|---|------|
| Mon | | | Please give further details here (please read guidance note 4) | |
| | | | | |
| Tue | | | | |
| | | | | |
| Wed | | | State any seasonal variations for the provision of late night refreshment (please read guidance note 5) | |
| | | | | |
| Thur | | | | |
| | | | | |
| Fri | | | Non standard timings Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 6) | |
| | | | | |
| Sat | | | | |
| | | | | |
| Sun | | | | |
| | | | | |

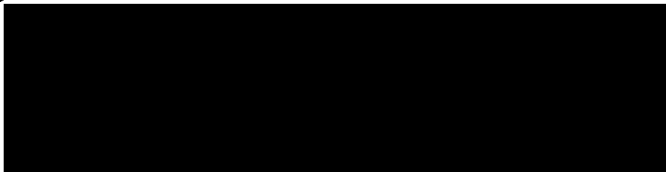
J

| Supply of alcohol Standard days and timings (please read guidance note 7) | | | Will the supply of alcohol be for consumption on or off the premises or both – please tick (please read guidance note 8) | On the premises | <input checked="" type="checkbox"/> |
|---|-------|--------|---|------------------|-------------------------------------|
| Day | Start | Finish | | Off the premises | <input type="checkbox"/> |
| Mon | 11:00 | 23:30 | State any seasonal variations for the supply of alcohol (please read guidance note 5) | Both | <input type="checkbox"/> |
| | | | | | |
| Tue | 11:00 | 23:30 | | | |
| | | | | | |
| Wed | 11:00 | 23:30 | | | |
| | | | | | |
| Thur | 11:00 | 23:30 | Non standard timings Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| | | | | | |
| Fri | 11:00 | 23:30 | | | |
| | | | | | |
| Sat | 11:00 | 23:30 | | | |
| | | | | | |
| Sun | 11:00 | 23:30 | | | |
| | | | | | |

State the name and details of the individual whom you wish to specify on the licence as the designated premises supervisor (please see declaration about the entitlement to work in the checklist at the end of the form)

Name Senait Meruts

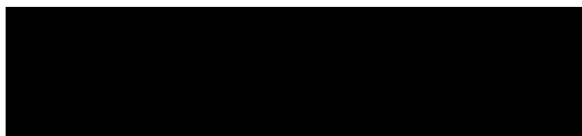
Address



Postcode



Personal licence number (if known)



Issuing licensing authority (if known)

Leeds City Council

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)

N/A

L

| | | | |
|--|-------|--------|---|
| Hours premises are open to the public Standard days and timings (please read guidance note 7) | | | State any seasonal variations (please read guidance note 5) |
| Day | Start | Finish | |
| Mon | 11:00 | 23:30 | |
| | | | |
| Tue | 11:00 | 23:30 | |
| | | | |
| Wed | 11:00 | 23:30 | |
| | | | Non standard timings Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) |
| Thur | 11:00 | 23:30 | |
| | | | |
| Fri | 11:00 | 23:30 | |
| | | | |
| Sat | 11:00 | 23:30 | |
| | | | |
| Sun | 11:00 | 23:30 | |
| | | | |

M

Describe the steps you intend to take to promote the four licensing objectives

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 10)

- Installation of CCTV
- Search policy
- First aid

b) The prevention of crime and disorder

- CCTV
- Search policy

c) Public safety

CCTV

d) The prevention of public nuisance

- No extend speaker
- All actives will be indoor
- display of notice to Customer to have regard to local residents

e) The protection of children from harm

N/A

Checklist

Please tick to indicate agreement

- I have made or enclosed payment of the fee ☐
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where Applicable ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor if applicable ☐
- I understand that I must now advertise my application ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

Applicable to all individual applicants including those in partnership which is not a limited liability partnership but not companies or limited liability partnerships


- I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15) ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT



IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 12) If signing on behalf of the applicant please state in what capacity

| | | |
|-------------|--|--|
| Declaration | Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership <ul style="list-style-type: none"> • I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15) • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work if appropriate (please see note 15) | |
| Signature |  | |
| Date | 07-11-18 | |
| Capacity | Partner | |

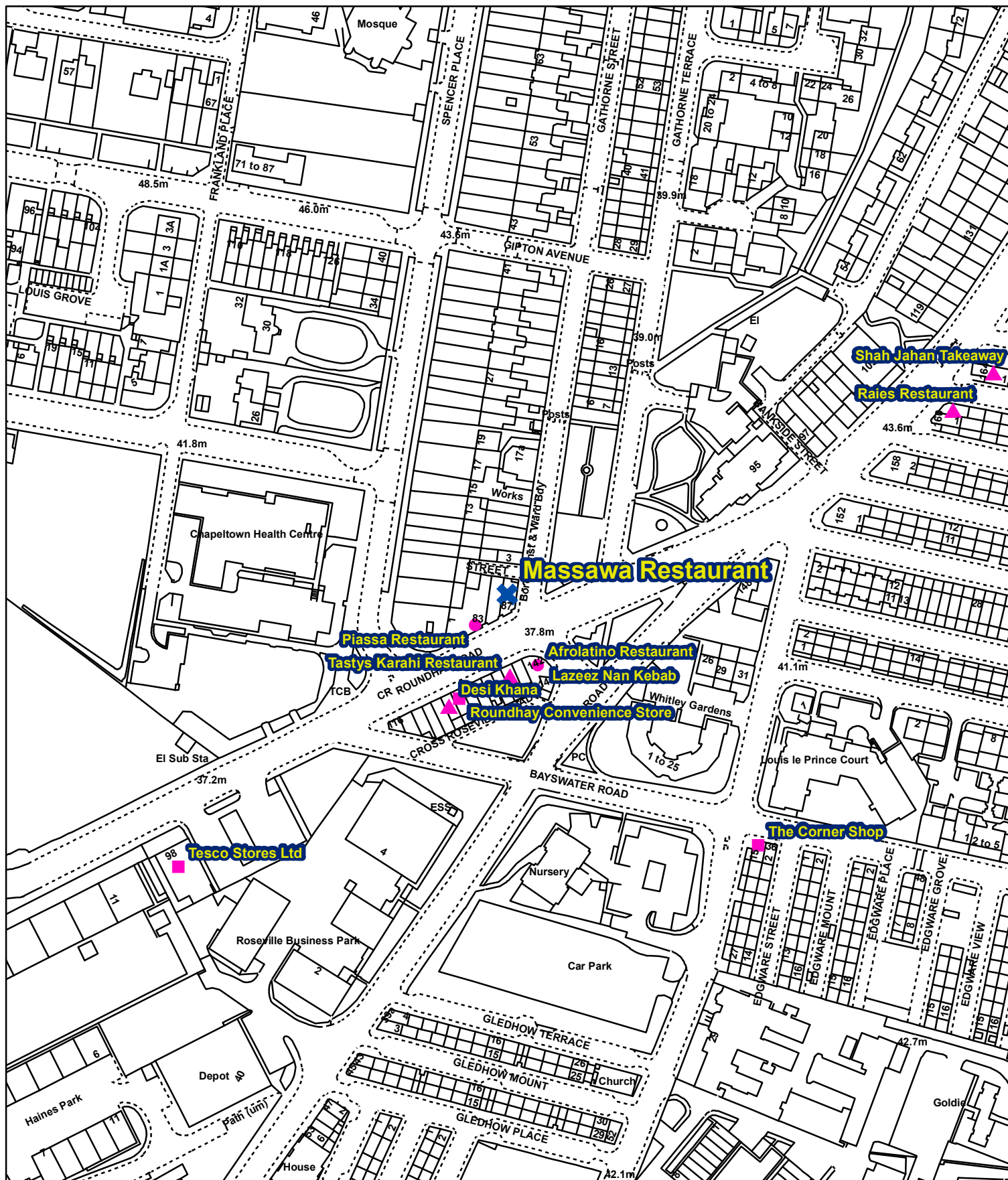
For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13) If signing on behalf of the applicant please state in what capacity

| | | |
|-----------|---|--|
| Signature |  |  |
| Date | 07-11-18 | |
| Capacity | Partner | Partner |

| | |
|---|----------------------|
| this application (please read guidance note 14) | |
| Massawa Restaurant 87 Roundhay Road | |
| Post town Leeds | Post code LS8 5AQ |
| Telephone number (if any) | [REDACTED] |
| If you would prefer us to correspond by email, please provide an email address (optional) massawarestaurant3@gmail.com | |

Notes for Guidance

- 1 Describe the premises, for example the type of premises its general situation and layout and any other information which could be relevant to the licensing objectives Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises
- 2 In terms of specific regulated entertainments please note that
 - Plays no licence is required for performances between 08 00 and 23 00 on any day, provided that the audience does not exceed 500
 - Films no licence is required for 'not-for-profit' film exhibition held in community premises between 08 00 and 23 00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises and (b) ensures that each such screening abides by age classification ratings
 - Indoor sporting events no licence is required for performances between 08 00 and 23 00 on any day provided that the audience does not exceed 1000
 - Boxing or Wrestling Entertainment no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08 00 and 23 00 on any day, provided that the audience does not exceed 1000 Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event
 - Live music no licence permission is required for
 - a performance of unamplified live music between 08 00 and 23 00 on any day, on any premises
 - a performance of amplified live music between 08 00 and 23 00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500
 - a performance of amplified live music between 08 00 and 23 00 on any day in a workplace that is not licensed to sell alcohol on those premises provided that the audience does not exceed 500
 - a performance of amplified live music between 08 00 and 23 00 on any day in a church hall village hall, community hall or other similar community premises, that is not licensed by a premises licence to sell alcohol provided that (a) the audience does not exceed 500 and (b) the organiser gets consent for the performance from a person who is responsible for the premises
 - a performance of amplified live music between 08 00 and 23 00 on any day at the non-residential premises of (i) a local authority or (ii) a school, or (iii) a hospital,

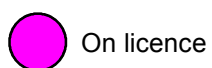


This map is based upon the Ordnance Survey's digital data with the permission of the Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office

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Key



On licence



Late night refreshment



Off licence



Other

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EW

The applicants
Massawa Restaurant
87 Roundhay Road
Leeds
LS8 5AQ

Environmental Protection Team
Leeds City Council
Millshaw Park Way
Leeds
LS11 0LS

Contact: Mr Phillip Jackson
Tel: 0113 378 6588
phillip.jackson@leeds.gov.uk
Our reference: 19/003656/EPLA01
14 January 2019

Dear Sir/Madam

Licensing Act 2003

Name & Address of Premises: Massawa Restaurant, 87 Roundhay Road, Leeds LS8 5AQ

We refer to your licensing application for the above premises. We believe you have not given enough information about how you intend to meet a licensing objective, which is to prevent public nuisance. We therefore submit a formal objection to your application that includes information specifically associated with the premises and the area.

You could meet the objective by agreeing to certain measures that we suggest are reasonable and relevant to your application. Please see part 1 of the enclosed document.

If you agree with the measures please complete and sign part 2 of the enclosed form and return it to us as soon as possible. Once we receive the form we will take it that you wish the licensing authority to amend your operating schedule to include those measures as conditions on the licence. If you disagree with the suggested measures then please complete part 3 and return it to us as soon as possible.

If you feel we should consider anything else or you have any questions please do not hesitate to contact us.

If the opening hours you propose under this application differ to those on the current planning approval then you should also apply to Planning Services to vary the hours. If you operate without planning permission you may have not met the relevant planning condition. You can contact Planning Services on 0113 222 4409.

Yours faithfully



Mr Phillip Jackson
Senior Technical Officer



PART 1

To be completed by the responsible authority

Leeds City Council's Environmental Health Service

Proposed Controlled Measures under the Licensing Act 2003

Name and Address of Premises: Massawa Restaurant, 87 Roundhay Road, Leeds, LS8 5AQ

Having considered the application under the Licensing Act 2003 for the above premises, we consider that the following measures are relevant and reasonable in order to meet the following aim of the licence:

- Prevention of public nuisance

Noise and Vibration

1. Licensable activities shall be conducted and the facilities for licensed activities shall be designed and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties.
2. Noise from a licensable activity at the premises will not be audible at the nearest noise sensitive premises.
3. There shall be no external loudspeakers
4. Bottles will not be placed in any external receptacle between 11 pm and 7 am the following day to minimise noise disturbance to neighbouring properties.
5. The PLH/DPS will adopt a "cooling down" period where music volume is reduced towards the closing time of the premises.

Signed:



Dated:

14/01/19

PART 2

To be completed by the applicant

Leeds City Council's Environmental Health Service

Proposed Controlled Measures under the Licensing Act 2003

Name and Address of Premises: Massawa Restaurant, 87 Roundhay Road, Leeds, LS8 5AQ

I / We

confirm that I am / we are the applicant / the applicant's representative (*delete as appropriate*) for the premises as stated above.

In signing this document I / we agree with the measures proposed by Leeds City Council's Environmental Action Service, and we provide our consent for the licensing authority to incorporate the said measures into the operating schedule for the stated premises.

Signed:

Dated:

PART 3

Name and Address of Premises: Massawa Restaurant, 87 Roundhay Road, Leeds, LS8 5AQ

I / We

confirm that I am / we are the applicant / the applicant's representative (*delete as appropriate*) for the premises as stated above.

I / We formally advise that we are not prepared to accept the proposed measures as suggested by Leeds City Council's Environmental Action Service.

In this instance we understand that Leeds City Council's environmental action service will maintain their representation to my /our application, which will now proceed to a hearing before the licensing sub-committee.

Signed:

Dated:

Please return this document to:

Environmental Protection Team
Leeds City Council
Millshaw Park Way
Leeds
LS11 0LS

Email: hsaw@leeds.gov.uk

PART 2**To be completed by the applicant****Leeds City Council's Environmental Health Service****Proposed Controlled Measures under the Licensing Act 2003****Name and Address of Premises: Massawa Restaurant, 87 Roundhay Road, Leeds, LS8 5AQ**I / We ^{Trhas} Gerezigher..... ^{Henok} Abferem..... ^{Aster} Hidray.....confirm that I am / we are the applicant / the applicant's representative (*delete as appropriate*) for the premises as stated above.

In signing this document I / we agree with the measures proposed by Leeds City Council's Environmental Action Service, and we provide our consent for the licensing authority to incorporate the said measures into the operating schedule for the stated premises.

Signed: Dated: **PART 3****Name and Address of Premises: Massawa Restaurant, 87 Roundhay Road, Leeds, LS8 5AQ**

I / We

confirm that I am / we are the applicant / the applicant's representative (*delete as appropriate*) for the premises as stated above.

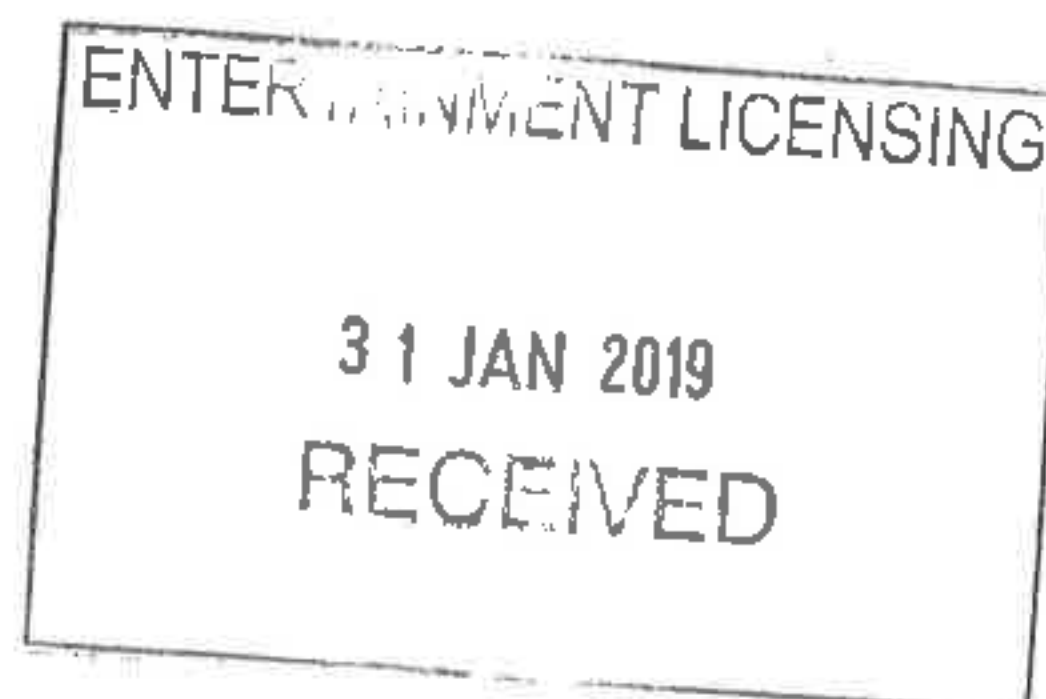
I / We formally advise that we are not prepared to accept the proposed measures as suggested by Leeds City Council's Environmental Action Service.

In this instance we understand that Leeds City Council's environmental action service will maintain their representation to my /our application, which will now proceed to a hearing before the licensing sub-committee.

Signed:

Dated:

Please return this document to:

Environmental Protection Team
Leeds City Council
Millshaw Park Way
Leeds
LS11 0LSEmail: hsaw@leeds.gov.uk

White, Emma

From: Clifford, Andrew <ac29@westyorkshire.pnn.police.uk>
Sent: 28 January 2019 10:40
To: massawarerestaurant3
Cc: White, Emma
Subject: RE: Licence application Massawa [NOT PROTECTIVELY MARKED]
Attachments: letter of qualifed objection Massawa.doc

Classification: NOT PROTECTIVELY MARKED

Good morning,

Following on from our conversation at the restaurant last week, please find a copy of my qualified objection.

This objection is based on the agreement we came to that your opening hours, and sale of alcohol on a Friday and Saturday would remain the same as the rest of the week.

Please be advised that if you wish to continue with your application until 3:30-04:00 on a Friday and Saturday I will have to submit a further qualified objection with more conditions.

Also, as discussed, please can you add the seating and table arrangement to your plans.

Regards

Andy

PC Andy Clifford
Leeds District Licensing
Leeds District Headquarters
Elland Road, Leeds, LS11 8BU
Internal: 50217
External: 0113 385 9417



From: massawarerestaurant3 [mailto:massawarerestaurant3@gmail.com]
Sent: 22 January 2019 13:29
To: Clifford, Andrew <ac29@westyorkshire.pnn.police.uk>
Subject: Re: Licence application Massawa [NOT PROTECTIVELY MARKED]

Thank you for email to us

You are most welcome we are happy to listen to sort out with police. Please call 07454927784 30min before you come.

Sent from my Samsung Galaxy S9 - Powered by Three

----- Original message -----

From: "Clifford, Andrew" <ac29@westyorkshire.pnn.police.uk>
Date: 22/01/2019 14:17 (GMT+01:00)

To: massawarerestaurant3@gmail.com
Cc: "Patterson, Bob" <bob.patterson@westyorkshire.pnn.police.uk>
Subject: Licence application Massawa [NOT PROTECTIVELY MARKED]

Classification: NOT PROTECTIVELY MARKED

Good afternoon.

I am the licensing Police Officer looking over your application for an alcohol licence.

We have received the plans you submitted, but could I ask that you submit plans which also show your table and seating layout for the restaurant.

Please be aware, these plans will form part of your licence should it be granted, meaning that their location on the plans would need to remain the same in the restaurant.

Please be aware that I am in the process of submitting a "Qualified Objection" to your licence application.

What this means, is that there are a few points I have concerns about. I have then offered some conditions which would help reduce my concerns. Should you agree to those conditions I would withdraw my objection. If you do not agree to them, I am happy to have a conversation with you to see what we can agree on. If no agreement is made, then my objection will remain and your licence application would be taken to a hearing.

I am only in the process of this at the minute, and have not formally submitted it.

Some of my recommendations will just be expanding on your offered conditions such as CCTV. Others I feel are necessary to promote the licensing objectives.

At this moment I have concerns regarding the late night operation on your application for Fridays / Saturdays, and that your restaurant will not remain a food led premises.

If you could contact me at your earliest convenience to discuss the matters. I will be happy to visit to speak in person if you prefer.

Kind Regards

PC Andy Clifford

Leeds District Licensing

Leeds District Headquarters

Elland Road, Leeds, LS11 8BU

Internal: 50217

External: 0113 385 9417

Read about the West Yorkshire Police Positive Action Recruitment Campaign - click to find out more:

<http://www.westyorkshire.police.uk/recruitment/police-officer/equality-employment>

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This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

Are You Interested In Being A Special Constable - Click To Find Out More
<http://www.westyorkshire.police.uk/bespecial>

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NOT PROTECTIVELY MARKED



Leeds District Licensing Department

Leeds District Licensing Department
Leeds City Council, Civic Hall, Leeds.
LS1 1UR

Tel: 0113 3859417

Mobile:

Email:

andrew.clifford@westyorkshire.pnn.police.uk

22nd January 2019

Trhas GEREZIGHER



cc. Entertainment Licensing Section. Leeds City Council, Civic Hall, Leeds. LS1 1UR

**RE: Massawa Restaurant, 87 Roundhay Road Leeds LS85AQ
APPLICATION FOR NEW PREMISES LICENCE – LICENSING ACT 2003:
POLICE – LETTER OF REPRESENTATION – 'QUALIFIED' OBJECTION:**

Thank you for submitting your application for a new premises licence at the above address which we received on 14th January 2019.

West Yorkshire Police are of the opinion that your application contains insufficient information about how you intend to meet the licensing objectives.

We therefore confirm that we are submitting a formal representation against your application on the grounds of:-

1. the prevention of crime & disorder
2. public safety
3. protection of children from harm

However, we are of the opinion that the licensing objectives could be met should you be prepared to incorporate certain identified measures within your operating schedule as conditions.

Please find enclosed a document which at **Part 1** contains the suggested measures which this authority considers are proportionate and appropriate to the nature of your application.

Should you be in agreement with the suggested measures then please signify this by completing and signing **Part 2** of the enclosed form and return the complete document to this office as soon as possible.

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

Upon receipt of your consent at **Part 2**, it will be taken that you signify your wishes for the licensing authority to amend your operating schedule to incorporate the proposed measures as conditions.

Alternatively should you disagree with the proposed measures, then please complete **Part 3** and again return the complete document to this office as soon as possible.

PART 1 - to be completed by the Responsible Authority:

West Yorkshire Police propose the following control measures under the Licensing Act 2003 (in **addition** to those that you may have already offered), for the premises:-

Massawa Restaurant, 87 Roundhay Road Leeds LS85AQ

Having considered the application under the Licensing Act 2003 for the above premises, West Yorkshire Police considers that the following measures are relevant, proportionate and necessary in order to promote the following licensing objectives:-

- the prevention of crime & disorder
- public safety
- Protection of children from harm

Measures / Additional measures proposed:

A suitable Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises.

The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors and stairways (excluding WCs and changing rooms).

The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors and stairways (excluding WCs and changing rooms).

The CCTV system will cover all external areas of the premises occupied by the public, i.e. queuing areas, beer gardens, smoking areas and car parks.

The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.

The CCTV system will contain the correct time and date stamp information.

The CCTV system will have sufficient storage retention capacity for a minimum of 31 days' continuous footage which will be of good quality.

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.

A designated member / members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, will be downloaded

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority.

The CCTV system will be adequately maintained and be capable of transporting recorded material onto a removable media.

The CCTV system replay software must allow an authorised officer of the Licensing Authority or Responsible Authority to search the picture footage effectively and see all the information contained in the picture footage.

It must be possible to replay exported files immediately e.g. no re-indexing of files or verification checks.

A Supervisor's Register will be maintained at the licensed premises, showing the names, addresses and up-to-date contact details for the DPS and all personal licence holders.

The Supervisors Register will state the name of the person who is in overall charge of the premises at each time that licensed activities are carried out, and this information will be retained for a period of twelve months and produced for inspection on request to an authorised officer.

The PLH/DPS will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti social behaviour, admissions refusals and ejections from the premises.

The Incident Report Register will contain consecutively numbered pages, the date time and location of the incident, details of the nature of the incident, the names and registration numbers of any door staff involved or to whom the incident was reported, the names and personal licence numbers (if any) of any other staff involved or to whom the incident was reported, the names and numbers of any police officers attending, the police incident and / or crime number, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident.

The Incident Report Register will be produced for inspection immediately on the request of an authorised officer.

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.

Drinks, open bottles and glasses will not be taken from the premises at any time. Empty bottles and glasses will be collected regularly and promptly. Glass and other sharp objects will be stored and disposed of safely using suitable receptacles. Receptacles will be secured and not accessible to the customers.

The PLH/DPS will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises.

Notices indicating the existence and effect of a Public Space Protection Order will be prominently displayed at the exits to the premises.

The premises shall be and remain predominantly food led.

At any time that the premises licence has effect the sale of alcohol for consumption on the premises will be ancillary to the service of table meals

Waiter/waitress service will be in operation throughout the premises in relation to orders for food and/or alcohol

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

West Yorkshire Police are satisfied that the proposed measures are not adequately dealt with by other legislation.

By signing the declaration enclosed overleaf at **Part 2**, the applicant agrees to incorporate the proposed measures within the Operating Schedule for the said premises.

Upon the satisfactory completion of the declaration, West Yorkshire Police will provide notice to the Licensing Authority that our representation is withdrawn in accordance with schedule 10(a) of the Licensing Act 2003 (Hearings) Regulations 2005.

PC 4198 Andy Clifford
Leeds District Licensing Officer
West Yorkshire Police

PART 2 – to be completed by the applicant or applicant's representative:

Consent for all proposed control measures under the Licensing Act 2003.

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

Name & Address of Premises:

Massawa Restaurant, 87 Roundhay Road Leeds LS85AQ

I / We

confirm that I am / we are the applicant / the applicant's representative (delete as appropriate) for the premises as stated above.

In signing this document:-

- I / we agree with the measures proposed by West Yorkshire Police,
- I / we provide our consent for the Licensing Authority to incorporate the said measures into the operating schedule for the stated premises, and furthermore,
- I / we confirm the premises will then operate in accordance with those measures agreed to.

Signed:

Dated:

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

PART 3 – to be completed by the applicant or applicant's representative:

Proposed control measures under the Licensing Act 2003

Name & Address of Premises:

Massawa Restaurant, 87 Roundhay Road Leeds LS85AQ

I / We

Confirm that I am / we are the applicant / the applicant's representative (delete as appropriate) for the premises as stated above.

I / We formally advise that we are not prepared to accept the proposed measures as suggested by the West Yorkshire Police.

In this instance we understand that West Yorkshire Police will maintain their representation to my /our application, which will now proceed to a hearing before the Licensing Sub-Committee, at which I / we will be required to attend.

Signed:

Dated:

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

Massawa Restaurant, 87 Roundhay Road Leeds LS85AQ

Trhas Henok Aster
I/We Gezezigher Ahforom Hidray

confirm that I am / we are the applicant / the applicant's representative (delete as appropriate) for the premises as stated above.

In signing this document:-

- I / we agree with the measures proposed by West Yorkshire Police,
- I / we provide our consent for the Licensing Authority to incorporate the said measures into the operating schedule for the stated premises, and furthermore,
- I / we confirm the premises will then operate in accordance with those measures agreed to.

From Sunday to Saturday 11:00 to 23:30

Signed:

Dated:

TRHAS
GEZEZIGHER
HENOK AHFOROM
Aster Hidray



NOT PROTECTIVELY MARKED

**Leeds**
CITY COUNCIL**Planning Services**

Merrion House
110 Merrion Centre
LEEDS
LS2 8BB

Contact **Chris Sanderson**
Tel 0113 3788069
Fax 0113 2478230

Your Ref
Our Ref Licence Applications

Date 6th February 2019

Massawa Restaurant
87 Roundhay Road
Leeds
LS8 5AQ

Dear Sir/Madam,

Subject APPLICATION FOR PREMISES LICENCE

PART A

Thank you for submitting your application for licensed activities at

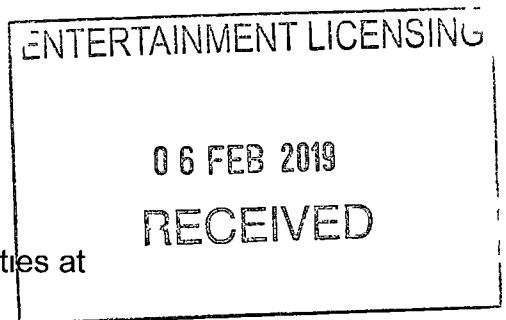
Name of venue - Massawa Restaurant

Address - 87 Roundhay Road, Leeds, LS8 5AQ

We write to inform you we shall be objecting to your application and a copy of this letter will be sent to the Licensing Authority

The premises were granted planning permission for the change of use from hot food take away A5 to restaurant A3 in November 2016 subject to a condition restricting the hours of use of the premises. The proposed hours set out in your premises license application exceed those allowed by the planning permission. Planning Services objects to the granting of a Premises License in the terms as applied for due to noise and disturbance being caused to nearby residential occupiers. It is considered that the opening hours applied for at these premises would conflict with the Licensing objective of preventing public nuisance.

The City Development Department considers that the extended opening hours proposed are unlikely to be acceptable and that a Premises Licence should not be granted outside the hours specified in the existing planning permission unless and until an express planning permission or a Certificate of Lawful Development is obtained by the operator of the premises to extend those operating hours. If you are willing to amend your application to the hours as specified in the existing planning permission, details of which are contained in Part B, then we shall withdraw our objection.



PART B

Licensing Act 2003 – Application for Premise Licence

On behalf of

Massawa Restaurant

For the premises known as and located at

87 Roundhay Road, Leeds, LS8 5AQ

I am the applicant / representative authorised by the applicant (delete as appropriate)

In signing this document I request that the Licensing Authority accept this letter signifying my wishes to amend the application to reflect the hours as detailed in the existing planning consent, as follows

Planning permission for change of use from hot food takeaway A5 to restaurant A3 (permission ref 16/06322/FU dated 09-11-2016) subject to the following condition

The opening hours of the development hereby approved shall be restricted to 12 00 hours until 21 00 hours, Monday to Saturday with no operations to take place on Sundays and Bank Holidays

In the interests of the amenity of nearby residents

Signed

Dated

Please return this document to

Development Department
The Leonardo Building
2 Rossington Street
LEEDS
LS2 8HD

Thank you for your assistance in this matter

Yours faithfully

Chris Sanderson
Principal Compliance Officer

Musson, Martyn

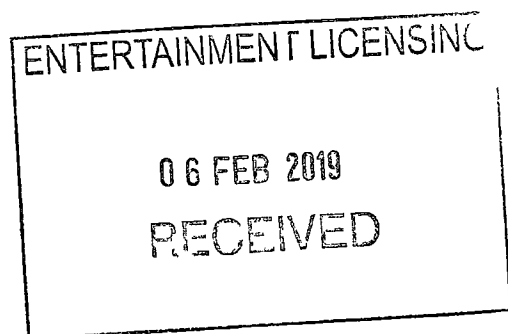
From Sanderson, Christopher
Sent 06 February 2019 14:43
To Entertainment Licensing
Cc massawarerestaurant3@gmail.com
Subject Entertainment licence application at Massawa Restaurant, 87 Roundhay Road, Leeds 8
Attachments 87roundhay.doc, 87roundhay1.doc

Dear Colleagues,

I enclose Planning services objection to the above application

Chris Sanderson
Principal Compliance Officer
Tel No 0113 3788069

Due to the exceptionally high volumes of work coupled with a number of absences we may not always be able to respond to emails and telephone calls as promptly as we would like in order to focus on our core work. Please accept our apologies for this and for any frustration and inconvenience this causes. We do understand that it is important that we deliver the best service we can and we will try and deal with your query as promptly as we can. However, in light of the work pressures on the team we would be very grateful for your patience and understanding.



ew PREM/04268/001

From: [REDACTED]
Sent: 07 February 2019 14:36
To: White, Emma; Entertainment Licensing
Subject: Re: MASSAWA RESTAURANT, 87 ROUNDHAY ROAD, LEEDS, LS8 5AQ
Attachments: IMG-20190207-WA0011.jpg

Please also find enclosed a photo of the back of the building with a poor structure to enter and rubbish and brick debris causing waste nuisance.

[REDACTED]

Further to a conversation with Ravi at 12:38 to 12:40 today the representations will not be lodged by hand as there is no requirement to do so.

Further to your email below, there is no issues with the representations being communicated to the applicant. In addition to the previous representations we now write to provide further representations and evidence.

The applicant has also installed a door to the cellar (2 photos of which are attached) which I am led to believe will function as a nightclub. It is not clear that permission was sought to install this door if required. In addition I enclose a photo of Afrolatina nightclub opposite and we submit this should be taken into consideration when determining whether or not this alcohol licence should be granted.

Again these representations and photos can be sent to the applicant.

Yours sincerely,

[REDACTED]

On Thu, 7 Feb 2019, 10:15 White, Emma <Emma.White@leeds.gov.uk> wrote:



Dear [REDACTED]

LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE FOR:

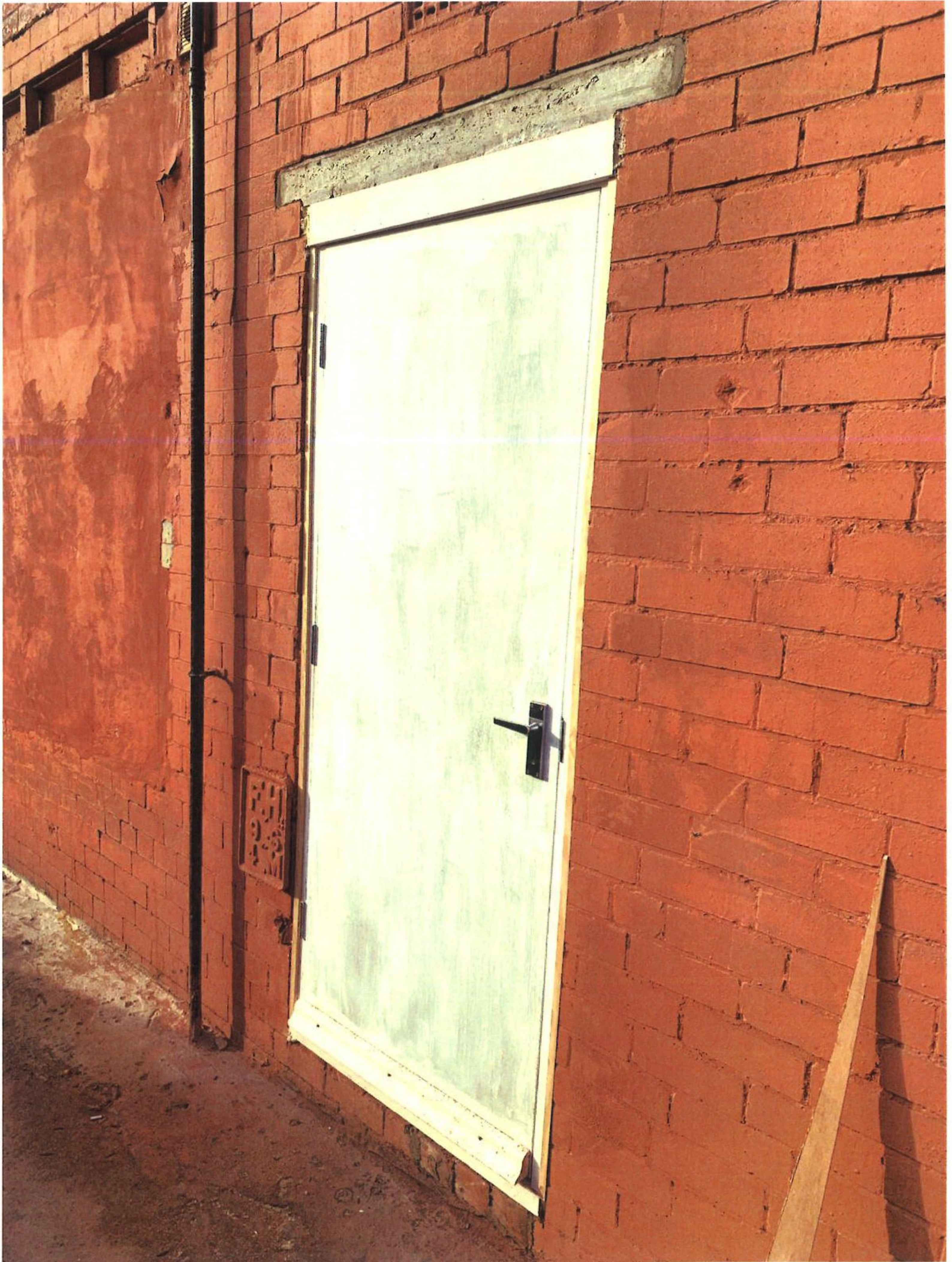
PREMISES: MASSAWA RESTAURANT, 87 ROUNDHAY ROAD, LEEDS, LS8 5AQ

PREMISES LICENCE NUMBER: PREM/04268/001

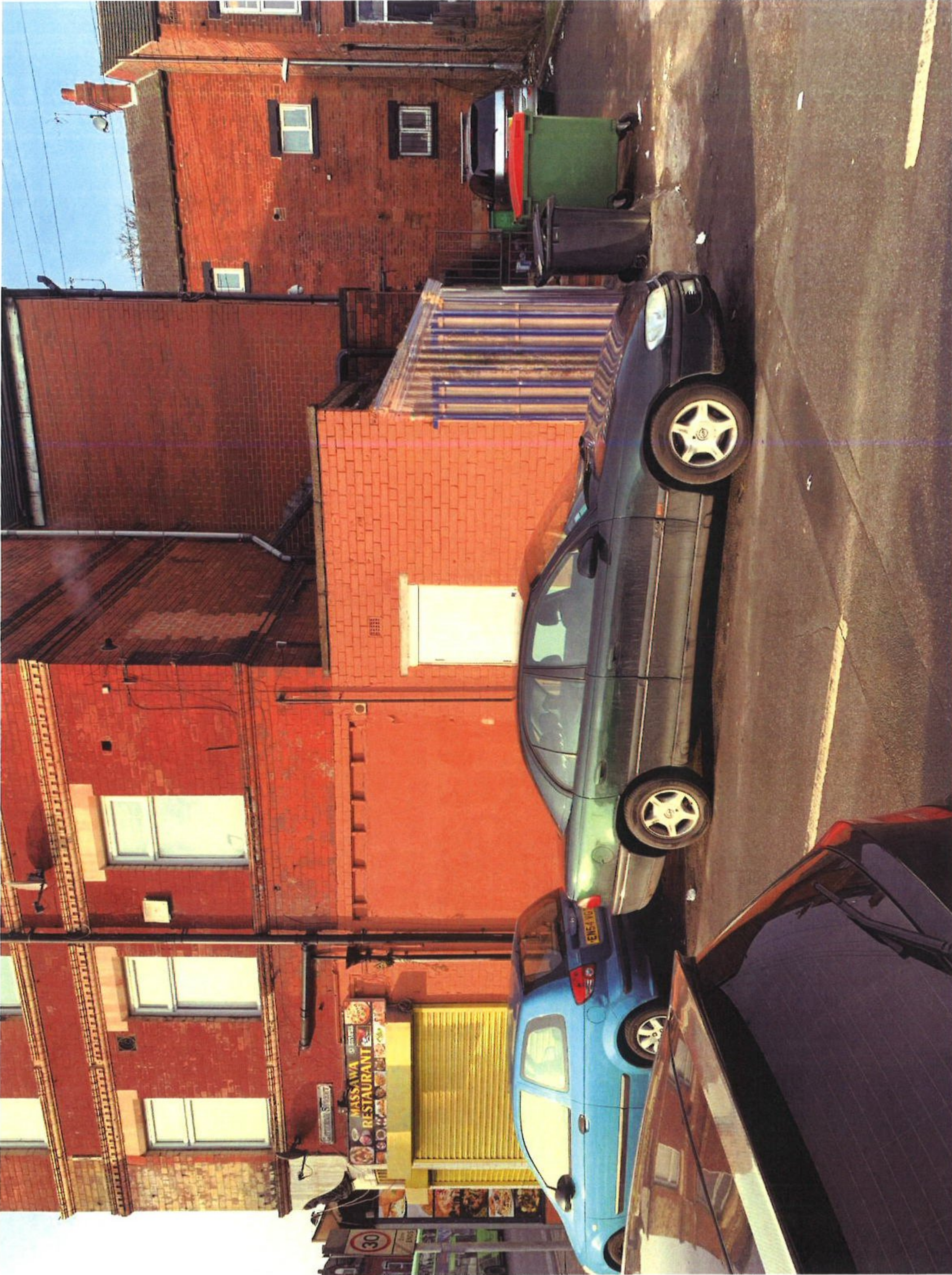
I acknowledge receipt of your representation to the above application.

The application for the grant of the premises licence has been listed for hearing before the licensing sub-committee and you will shortly receive a Notice of Hearing, setting out the date, time of hearing and the procedure to be followed at the hearing.









EW

PREM/04268/001

From: [REDACTED]
Sent: 06 February 2019 23:43
To: Entertainment Licensing
Subject: PREM/04268/001 licensing objection

3

By email on 06.02.19 and then by hand on 07.02.19

Entertainment Licensing
Leeds City Council
Civic Hall
Leeds, LS1 1UR
Entertainment.licensing@leeds.gov.uk



Re: Massawa Restaurant, 87 Roundhay Road - PREM/04268/001 licensing objection

Dear Sir/Madam,

I write to object to the licensing application above on the basis that it does not meet the 4 licensing objectives: the prevention of crime and disorder; public safety; the prevention of public nuisance; the protection of children from harm.

I am an [REDACTED] and intend to do so again very shortly. It was not apparent to me that the occupants [REDACTED] did not have a license until i noticed this application because they have been holding alcohol fuelled parties for some time from both the premises and the [REDACTED] also understand there is an intention to employ a club in the premises. There is already noise nuisance from the premises in particular owing to overcrowding of many people living upstairs. With its close proximity to residential premises including mine it will prevent sleep. There is also extensive waste nuisance with excessive waste being left in black bags outside the bins at the back of the premises leading to rat infestation. I am also concerned for people that rent the flat who are women owing to the entry to the flat being from the back in the dark where drunk people might leave women occupants especially liable to harassment. You must have due regard to the need not to discriminate on the grounds of sex by placing women occupants at undue risk. For all these reasons I submit that the licensing application should not be granted.

Yours faithfully,

PREM/04268/001(2)

EW



Entertainment Licensing

5TH February 2019

Leeds

LS1 1UR



To Whom It May Concern

Dear Sir/Madam

RE: Massawa Restaurant 87 Roundhay Road Leeds LS8 5AQ

I am writing to object to the application of an Alcohol License for the above property.

[REDACTED] and am in no doubt that all the tenant would complain of the noise and disturbance that would come from the restaurant.

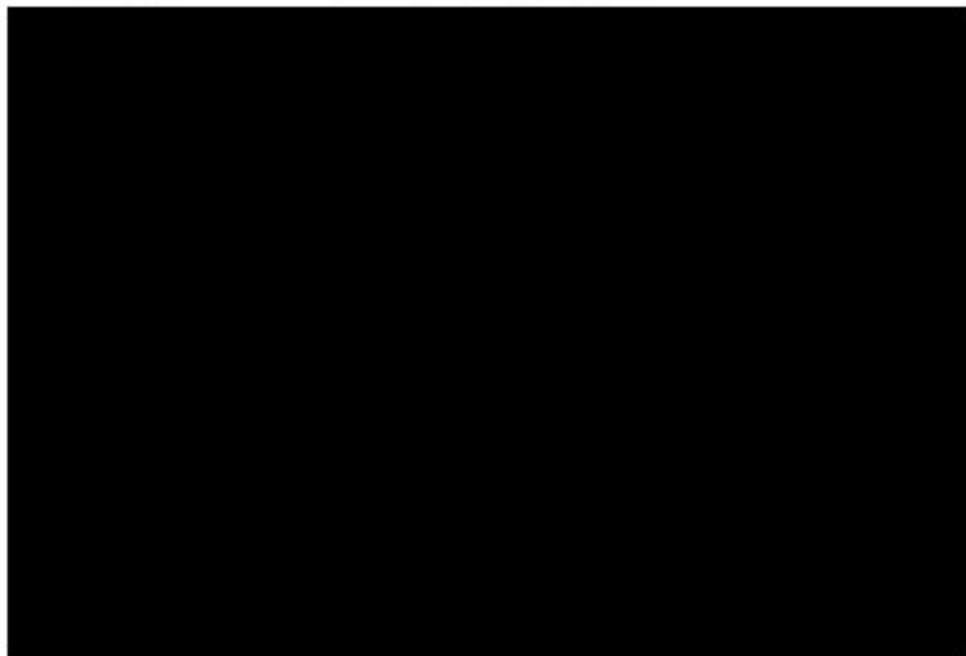
There is already another business opposite the restaurant that has a license with customers making enough noise in the early hours of the morning.

People have noticed that Massawa Restaurant is doing some building works on the property as well as making an entrance on Garthorne Terrace which leads into the basement. This will have a definite impact on the residential properties.

I hope someone from the council will come and inspect the property before making any descisions.

As for myself personally I know that it will impact my business with tenants complaining and moving out leaving me with empty properties.

I sincerely hope you look into this matter.



Issued premises licences and club certificates within an area



PREM/02712/003 - Roundhay Convenience Store, 128 Roundhay Road, Leeds, LS8 5NA

Sale by retail of alcohol

Every Day

00:00 - 23:59

PREM/03854/002 - Piassa Restaurant, 81- 83 Roundhay Road, Leeds, LS8 5AQ

Sale by retail of alcohol

Every Day

12:00 - 23:30

PREM/02520/005 - Tesco Stores Ltd, Roundhay Road, Leeds, LS7 1QR

Sale by retail of alcohol

Every Day

06:00 - 00:00

PREM/00792 - The Corner Shop, 34 - 36 Bayswater Road, Harehills, Leeds, LS8 5ND

Sale by retail of alcohol

Monday to Saturday

08:00 - 23:00

Sunday

10:00 - 22:30

PREM/02019 - Raies Restaurant, 162 Roundhay Road, Leeds, LS8 5PL

Provision of late night refreshment

Monday to Saturday

23:00 - 03:00

Sunday

23:00 - 01:00

Performance of recorded music

Saturday & Sunday

18:00 - 22:00

PREM/00483 - Tastys Karahi Restaurant, 138 Roundhay Road, Leeds, LS8 5NA

Provision of late night refreshment

Monday to Saturday

23:00 - 00:00

PREM/02780 - Desi Khana, 126 Roundhay Road, Leeds, LS8 5NA

Provision of late night refreshment

Every Day

23:00 - 05:00

PREM/01106/003 - Afrolatino Restaurant, 142 Roundhay Road, Leeds, LS8 5NA

Sale by retail of alcohol

Monday to Saturday

11:00 - 05:00

Sunday

12:00 - 05:00

Provision of late night refreshment

Every Day

23:00 - 05:00

Performance of recorded music

Monday to Saturday

11:00 - 05:00

Sunday

12:00 - 05:00

Performance of dance

Monday to Saturday

11:00 - 05:00

Sunday

12:00 - 05:00

PREM/01843 - Shah Jahan Takeaway, 164 Roundhay Road, Leeds, LS8 5PL

Provision of late night refreshment

Friday & Saturday

23:00 - 04:00

Sunday to Thursday

23:00 - 03:00



| | |
|-----------------------|--------------------------------------|
| Report author: | Miss Jane Wood Tel: 0113 378 5029 |
|-----------------------|--------------------------------------|

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday 12th March 2019

Subject: Application for the grant of a personal licence for Mr Darren John Upton

| | | |
|---|---|--|
| Are specific electoral wards affected? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity or cohesion and integration? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is the decision eligible for call-in? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If 'yes', access to information procedure rule number: | | |
| 9.2(b) and 10.4.1 and 10.4.2. The appendices are also exempt under Regulation 14 of the Licensing Act 2003 Hearings Regulations 2005 (SI 2005 No 44) | | |
| Appendix number: A and B only | | |

Summary of main issues

This report informs members of an application for the grant of a personal licence under the Licensing Act 2003 ("The Act") in respect of Darren John Upton. The application has attracted a representation from West Yorkshire Police and so is brought to a hearing of the Licensing Subcommittee for determination.

1 Purpose of this report

- 1.1 To advise Members of an application made under section 117(1)(a) of the Licensing Act 2003 ("the Act") for a Personal Licence in respect of Mr Darren John Upton.
- 1.2 Members are required to consider this application due to the receipt to representations.

2 The application

- 2.1 An application has been made by Mr Darren John Upton for a personal licence under the Licensing Act 2003. The application was received by the licensing authority on 30th January 2019 and West Yorkshire Police was consulted on 31st January 2019.
- 2.2 A copy of the application is attached at **Appendix A**.

3 Relevant Representations

- 3.1 This application attracted a representation from West Yorkshire Police which is attached at **Appendix B**.

4 Access to Information

- 4.1 Appendices A and B contain confidential information and are exempt from publication under the council's Access to Information Procedure Rules. In addition the information is exempt from publication under the Licensing Act 2003.

5 Equality and diversity implications

- 5.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub-Committee will be in accordance with the crime and disorder licensing objective as prescribed by the Licensing Act 2003.

6 Options available to members

- 6.1 The licensing sub-committee must take either of the following steps as it considers appropriate for the prevention of crime and disorder:
 - Grant as requested
 - Reject the application
- 6.2 Members of the Licensing sub committee are asked to note that they may not reject this application merely because it considers it desirable to do so. It must be appropriate for the prevention of crime and disorder.

7 Background Papers

- Guidance issued under s182 Licensing Act 2003.
- Leeds City Council Statement of Licensing Policy.

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