

Licensing Sub-Committee

Tuesday, 28th May, 2019

PRESENT: Councillor N Buckley in the Chair

Councillors B Garner and A Marshall-Katung

1 Election of the Chair

RESOLVED- That Councillor Buckley be elected as Chair for the duration of meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

3 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

4 Late Items

There were no formal late items. However there was supplementary information in relation to Agenda Item 7 Application to vary a premises licence held by Muddy Boots Café, Harewood Village Hall, Church Lane, Harewood, Leeds, LS17 9LJ. This had been circulated to all parties prior to the hearing.

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

6 Application to vary a premises licence held by Pitza Cano 59-61 Queens Road, Leeds, LS6 1HY

The Chief Officer Elections and Regulatory submitted a report that set out an application to vary a premises licence held by Pitza Cano, 59-61 Queens Road, Leeds, LS1 1HY.

This hearing had previously been adjourned from 9th April 2019.

In summary, the application sought to:

- Add the sale of alcohol to accompany a takeaway meal;
- Monday to Saturday 17:00 – 03:00
- Sunday 17:00- 02:00

Representations had been received from Ward Members on the grounds of public nuisance and from the West Yorkshire Police and Licensing Authority as the premises is sited within the Headingley and Hyde Park Cumulative Impact Policy area.

In attendance at the meeting were:

Farah Hassani – Owner Pitza Cano
Ghaise Hassani – Owner Pitza Cano
David Parker – West Yorkshire Police
Susan Holden - Licensing Authority

Mr and Mrs Hassani informed the Members of the following:

- Pitza Cano had been established for 25 years, they had taken over the operation 3 years ago;

- They wished to sell a bottle of wine as part of a meal deal so that their customers did not have to go elsewhere to purchase a bottle of wine from one of the local 24 hour supermarkets;
- The wine would not be consumed on the premises it was to be offered only as off sales;
- The current licence had been granted on 14 July 2006;
- They had considered the Cumulative Impact Policy (CIP) and would not seek to add to the difficulties in the area by undertaking the following:
 - CCTV would be installed, they were currently in the process of receiving quotes. This would cover the external areas to the front and rear of the premises as well as the inside of the premises;
 - The person on duty would check the I.D. of the person purchasing the wine;
 - Alcohol would not be sold to anyone who was already too intoxicated;

In responding to questions from the Members the Sub-Committee were informed of the following points:

- The premises have always been safe with no issues;
- The premises have a good reputation with the Police, even using the premises for food orders;
- Alcohol would not be consumed on the premises therefore no issues of drunken behaviour in the premises;
- The person purchasing the meal deal with wine would have to provide identification such as a driving licence or similar I.D.;
- They as owners of a premises would not be able to control behaviour or issues which happen away from the premises;
- The meal deal would only be to supply wine, no beer or spirits and the wine would only be sold with the purchase of food;
- Only one meal deal including wine would be sold per person;
- Staff including delivery drivers would receive training in order to ensure they sought age verification for those customers who looked younger, including those in their early twenties;
- There is usually only one person on the tills on an evening and they would notice if the same person came in more than once to order a meal deal with wine

Mr Parker on behalf of West Yorkshire Police informed the Members of the reasons that they had sent representations as follows:

- Hyde Park area is part of the CIP and the Pizze Canò premises is located within this area;
- There are a number of student houses located nearby and this area has seen an increase of crime levels during late evening and early morning, Members attention was drawn to the crime statistics for the area;
- There are no issues with this particular premises. However, the application to vary the licence to provide late night refreshment to 03:00 would in their view have an impact on the area;
- The owners had not provided the amount of details required for the fitting of CCTV or sufficiently demonstrated how they would mitigate issues related to ensuring that the CIP was adhered to;

Mr Parker suggested that should the Members be minded to grant the application that West Yorkshire Police would propose that a number of conditions be added to the licence relating to CCTV, premises being food led, age verification specifically Challenge 25, no strong beers or ciders to be sold, alcohol to be sold only as part of a meal deal, no external advertising of alcohol and that there be an incident report register.

The Officer on behalf of the Licensing Authority explained that the area the premises are situated in is primarily a student area, however this is changing and more families are now moving into the area. Nearby there is a primary school, a mosque and two premises with late alcohol licences.

The Officer questioned the clientele that would be purchasing a meal deal with wine at 3:00am and anticipated that most would be on their way home from town and already in drink.

The Officer highlighted the statistics for the area within her representation which showed that alcohol related nuisance peaks at 11pm to 5am and drunk and disorderly behaviour at 8pm to 2am.

It was noted that the premises had a good reputation with people travelling far to purchase food.

It was also noted that the operating schedule did not provide sufficient detail for control.

The Sub Committee carefully considered the information submitted, both written and oral, and

RESOLVED- That the application be granted with the following conditions added:

- Suitable CCTV system to be in operation at the premises at all times when it was being used for the provision of licensable activities and /or when members of the public are permitted to be on the premises;
- CCTV will record images to cover all areas of the premises to which the public have access (except toilets, including external areas);
- CCTV will have capability of retaining images for a minimum of 31 days, be of good quality, with the date and time;
- CCTV images to be available on request to an officer of a responsible authority;
- Use of Challenge 25 for age verification;
- Incident Report Register to be maintained at the premises;
- The premises to remain predominantly food led;
- The sale of high strength beers, ciders and lagers of 7.5% prohibited;
- No advertising containing reference to alcohol to be displayed on the premises frontage or the highway abutting the premises;
- Sale of alcohol only as part of a meal deal;
- Sale of alcohol as part of a meal deal only available for collection.

7 Application to vary a premises licence held by Muddy Boots Cafe Harewood Village Hall, Church Lane, Harewood, Leeds, LS17 9LJ

The Chief Officer, Elections and Regulatory submitted a report that set out an application to vary the premises licence held by Muddy Boots Café, Harewood Village Hall, Church Lane, Harewood, Leeds, LS17 9LJ.

In summary, the application sought to;

- Extend the hours for sale by retail of alcohol until 23:30 hours every day;
- Extend regulated entertainment until 00:00 hours every day; and
- To include the provision of Late Night Refreshment 23:00 until 00:00 hours every day.

Representations had been received from members of the public, on the grounds of public nuisance.

The following were in attendance:

- Mr Lascelles the applicant
- Councillor Matthew Robinson speaking on behalf of the resident's, two of whom were present at the meeting.

Mr Lascelles provided the Sub-Committee with the following information:

- The café started in July 2018 and is a popular venue for residents and walkers;
- It has become a successful business;
- The Café has opened for evening events with the use of Temporary Event Notices (TEN's) the first one being in December 2018;
- There is a public house in the village, however the Café provided a different food option for residents and those visiting the village;
- The café offers a relaxed dining format and the glass of wine is a supplement with the meal rather than being a bar for drink only;
- Currently the licence is up till 4:30pm, they want to extend the service offered to the village;
- Although the use of TEN's has been good it is the view that to keep using TEN's was holding back the business potential;
- The application for an extension to the licence until midnight, 7 days a week had been applied for although, it was not the intention that the Café would open 7 days a week till midnight. It was suggested that the current 2 nights may increase to 4 nights;
- It was not the proposal to open late and have music every night;
- Mr Lascelles said that he had written to all the residents of the village explaining his proposals. He said he had had good feedback from most. He said that he understood the concerns of the residents but wanted to assure them that the Café would not be opening 7 days a week till late,

Responding to questions from Members the Sub –Committee were advised that the Café had a capacity of 45, it provided a relaxed place to meet with good food and wine, previous events had usually finished by 10pm.

The application for alcohol to be sold until 11:30pm and food until midnight was for future proofing the business to offer amenities and entertainment in the village for private rental and quiz nights. It was proposed that live music would not be a regular event with suggested events only once or twice a year.

Cllr. Robinson, Ward Member for Harewood had been asked to speak on behalf of the residents. Cllr. Robinson prior to speaking did declare an interest as he had attended the Food and Drink Festival in the grounds of Harewood on the previous weekend. Cllr. Robinson explained to the Members the concerns of the residents as follows:

- The Café had increased in popularity and although nobody had an issue with the Muddy Boots Café, there were concerns that the application was for 7 days a week opening;
- Potential of noise nuisance;
- Car parking issues, it was noted that this was already was an issue for the village regardless of events as there was insufficient parking;
- Parking was particularly bad during school drop off and pick up times;
- The demographic of the area is predominantly older people who have concerns of music playing loudly late at night which would go into the area of Church Lane;
- Noise of taxi's picking up and dropping off.

It was noted that Mr Lascelles had sent a letter to residents on the 15th May which was appreciated and had held a consultation event on the 22nd May. However, it was the view that it would have been better to communicate with the residents earlier.

The residents who attended also spoke at the hearing and informed the Members that the residents enjoyed the Café. However, they were concerned that the events open till midnight would cause a noise nuisance and felt that a finish time of 10pm was more acceptable.

Members were advised that events taking place at the Village Hall were not connected to the Muddy Boots Café.

Mr Lascelles in responding to the concerns of the residents and questions of the Members explained that the plans for the Café were driven by the residents and what they wanted. He said that he did not wish to fall out with the residents and wanted the experience to be accessible and relaxed for all. He said that he didn't want to compromise the relationship with the village and would listen to people's concerns and come up with a solution agreeable to all.

Mr Lascelles advised the Sub- Committee of the following:

- There was no business case to open till midnight 7 days a week;
- The use of TEN's would restrict what the business could offer;
- Muddy Boots was only a small contributing factor to car parking as the car park was used by others in the village;
- The car park was quietest in the evenings so may not impact on the parking issues;
- No intention to open till midnight 7 days a week;

- He accepted that the letter should have gone out earlier;
- The application is only for the Café nothing to do with the Hall
- Deliveries would be with the same supplier delivered between 08:00 and 10:00am most days with the exception of Sunday when there were no deliveries

The Sub Committee carefully considered the information submitted, both written and oral, and

RESOLVED- That the application be granted with the following additional conditions:

- That a plan showing the red line boundary be provided with 14 days of the receipt of the decision notice;
- That the sale of alcohol and playing of music to stop at 23:30 and that late night refreshment finish at midnight;
- The premises Licence holder and / or DPS will adopt a cooling down period where music volume is reduced towards the closing time of the premises.

The Committee hoped that Mr Lascelles would continue to communicate with the residents.

8 Temporary Event Notice for Old Red Bus Station Old Red Bus Station, 102 - 104 Vicar Lane, Leeds, LS2 7NL

With all outstanding matters resolved, this application was withdrawn prior to the hearing.