

Notice of Decision

Of the Licensing Sub Committee

Date of Hearing:	7th October 2013
Determination Date:	7th October 2013
Notice of Decision:	11th October 2013
Members:	Councillor Chris Townsley (Chair) Councillor Gerald Wilkinson Councillor Asghar Khan
Legal Officer:	Joy Lounds
Committee Clerk:	Helen Gray
Licensing Officer:	Stephen Holder
Applicant:	Mexi Khana Halal Ltd,
Premises:	Mexi Khana Halal Ltd, Unit 6, Clock Buildings, Roundhay Road, Leeds, LS8 2SH,
Application:	Grant of a Premises Licence
Attendees:	Mr A Chana - Applicant Naeem & Wasim Manzur - Objector M S Naseib on behalf of Ms G Begum - Objector Ammer Iqbal - Objector Cllr Bill Urry - Objector

This application was brought before the Licensing Sub Committee due to the receipt of relevant representations

The Licensing Sub Committee considered:

1. The report from the Head of Licensing and Registration
2. Licensing Act 2003.
3. Guidance issued by the secretary of State of Culture Media and Sport pursuant to Section 182 of the act.
4. Relevant Licensing Objectives.
5. The statement of Licensing Policy 2011 – 2013.
6. Representations received from responsible authorities.
7. Representations received from other persons.

Having taken all these matters into account the Licensing Sub Committee have agreed to **grant** the application in line with the copy of the licence attached at Appendix 2.

The reason for this decision is as follows:

The Licensing Subcommittee carefully considered the report and heard from Mr Chana on behalf of the applicant, Mexi Khana Halal Ltd, Councillor Urry, and three local residents: Mr Ammer Iqbal, Mr Mohammed Shazad Nazeib on behalf of this grandmother, Ms G Begum, and Mr Wasim Manzur

Prior to the commencement of the Subcommittee hearing Mr Chana had indicated in email correspondence that he wished to adjourn the hearing as he challenged the validity of the representations received from the above local residents. Mr Chana attended the hearing and renewed his application in person, again challenging the validity of the representations. Councillor Urry and the residents opposed the application for the adjournment.

The Licensing Subcommittee received legal advice regarding the representations being relevant representations in accordance with section 18(6) of the Licensing Act 2003 and therefore acceptable. On that basis the Licensing Subcommittee rejected the application to adjourn the hearing.

Mr Chana was advised that he then had the choice either to remain at the hearing and present the application or withdraw. If he withdrew however he could no longer take any part in the hearing.

Mr Chana elected to stay and presented his application. In his presentation he addressed the concerns raised by the residents and the previous history of the premises, which he acknowledged had been problematic.

He conceded that there had been issues with noise, with parking and stated that this would not occur under the new application. For example, double doors had been fitted to minimise noise and conditions had been agreed with the Police.

Mr Chana referred to a number of TENs applications held over recent years which had not attracted complaints from the police, from local businesses or from residents. He stated that the premises were not being run as a bar but as an eatery.

Councillor Urry, Mr Iqbal, Mr Nazeib and Mr Manzur all presented representations in accordance with the earlier written representations. All were concerned by a repetition of the previous problems attributed to the premises which had been called Bar Noir, principally noise, problems with parking and antisocial behaviour. They were concerned that their lives and peace would be disturbed by a repetition of the earlier incidents. They confirmed that they did not object to the premises per se but to its proposed opening hours.

The Licensing Subcommittee raised questions as to the operation of the TENs, and particularly how the premises would operate after midnight.

The Licensing Subcommittee deliberated the decision and considered the licensing objectives but felt that to allow the application as requested would cause a public nuisance. They accepted the residents' representations with regard to their concerns in relation to noise and disturbance.

The Licensing Subcommittee however resolved to grant the licence but with the following conditions:-

(1)

(i) Sale by retail of alcohol
Sunday to Thursday - 11:00 - 23:30
Friday and Saturday - 11:00 - 00.30

(ii) Recorded Music
Sunday to Thursday - 11:00 - 00:00
Friday and Saturday - 11:00 - 01:00

(iii) Late night Refreshment
Sunday to Thursday - 23:00 - 00:00
Friday and Saturday - 23:00 - 01.00

(2) The licensing subcommittee also determined that the condition regarding covers which had previously been agreed with the police be amended as follows:-

"Between 21:00 hours and close of business upon each day the premises licence has effect, a minimum of 40 covers will be provided for alcohol to be consumed on the premises only with a table

For the avoidance of any doubt, the other conditions agreed with the Police remain unchanged.

Mr Chana was reminded that he could apply for up to 12 TENs per year for the premises.

The Licensing Subcommittee also noted that it would be pleased to see Mr Chana meet with local residents to address any concerns should they occur.

The residents were also reminded that should any further problems occur they could always bring a review.

Right of Appeal

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the sub committee. You must make this appeal within 21 days of receiving this notice.

Appeals should be addressed to the Magistrates Court at:

**Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP**

and be accompanied by a copy of this notice of decision and the court fee of £400.00 if you are the premises licence holder/applicant and £200.00 for all other parties. Cheques should be made payable to HMCS.

Please note – Persons making appeals should be aware that the Magistrates have the power to award costs against any party as a result of appeal proceedings.