

## Licensing Sub-Committee

Monday, 2nd August, 2010

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

Councillors C Townsley and D Wilson

### 50 Election of the Chair

**RESOLVED** – Councillor G Wilkinson was elected Chair for the duration of the meeting

### 51 Exempt Information - Possible exclusion of the Press and Public

**RESOLVED** – That the public be excluded from the meeting during consideration of that part of the agenda designated as 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 public were present there would be disclosure to them of exempt information so designated as follows:-

- (a) Supplementary documents referred to in minute 9 both in terms of Regulation 14 of the Licensing Act 2003 (Hearing Regulations 2005) and the Licensing Procedure Rules, and on the grounds that it is not in the public interest to disclose the documents as they pertain to an individual and that person would not reasonably expect their personal information or discussions thereon to be in the public domain.
- (b) To note that the press and public will also be excluded from that part of the hearing where Members deliberate the application as it is in the public interest to allow the Members to have full and frank debate on the matter , as allowed under the provisions of the Licensing Procedure Rules

### 52 Late Items

No formal late items of business were added to the agenda however supplementary documents had been received and despatched to relevant parties after the despatch of the agenda for the meeting as follows:

- Minute 6 Seacroft Green – letters and petition of support supplied by the applicant
- Minute 9 DPS application – evidence submitted by West Yorkshire Police

### 53 Declarations of Interest

There were no declarations of interest

### 54 "Barnbow" - Application for the Variation of a Premises Licence for "Barnbow", Austhorpe Road, Crossgates, Leeds LS15 8EH

The Sub-Committee, having regard to the Licensing Act 2003, the Statement of Licensing Policy and the Statutory Guidance, considered the application and the written submissions before them relating to an application for a new Premises Licence for the premises currently trading as the "Barnbow", Austhorpe Road, Crossgates. It was noted the premises currently benefited from an existing Premises Licence.

Representations had been submitted by LCC Environmental Protection team (LCC EPT) and LCC Health & Safety Team (LCC H&S) containing measures they proposed in order to address the relevant licensing objectives. The suggested measures had been agreed by the applicant and the representations subsequently withdrawn.

A number of local residents had also submitted letters of representation. Local ward Councillor S Armitage had submitted a representation on behalf of Crossgates Neighbourhood Watch and attended the hearing accompanied by Councillor P Grahame. Comments regarding some residents' submissions which did not feature in the report were noted and the Sub Committee agreed that Councillor Grahame would make representations on their behalf. Not all of the local residents attended and the Sub Committee resolved to take their written representations in to account and proceed in their absence.

The Sub Committee also varied normal procedure to allow more time for the verbal submissions of the residents who were in attendance, with the same amount of time then offered to the applicant. The following parties attended the hearing:

Applicant

Ms H Audsley – Orchid Pubs  
Ms F Given – Orchid Pubs  
Mr R Dunn – licensee  
Mr A Wilkinson – local resident in support

Objectors

Councillor S Armitage  
Councillor P Grahame  
Mr P & Mrs C Macklam  
Mr L Gillan  
Ms A Beckett  
Mrs Pemberton  
Mr A Schofield

Observers

Mr & Mrs M Towers

The Sub Committee heard first from Mr P Macklam who described the proximity of the Barnbow to local residents' properties and expressed concern that patrons of other local premises would attend the Barnbow if later hours were granted. He described problems the neighbourhood had encountered when the Barnbow had operated as "The Manston". Mr Macklam confirmed the Barnbow had recently operated a Temporary Event Notice, without attracting complaints from residents however he reiterated his concern that the requested later hours would apply to both the Function Room and the bar.

Mrs A Beckett then addressed the meeting who stated she lived close to the premises and was also a customer. She regarded this application as a major change to the operation of the premises and she was not convinced the Company could successfully manage the later hours. Mrs Beckett stated she had attended a public meeting where the Company had explained its operating strategy for the premises but she maintained concerns over the number of functions and the implementation of later hours.

The Sub Committee then heard from Councillor P Grahame who explained she represented the views of Mr & Mrs Sutcliffe who lived close to the

premises. Councillor Grahame stated that although the Barnbow advertised as a restaurant it also operated as a public house with a 75%/25% split and she described the internal layout. Currently, patrons in the bar were local residents who appreciated the existing closing time but there were concerns that new patrons would be attracted from other more rowdy venues in the area. There were also concerns about additional noise from patrons leaving the premises later into the night and noise from taxis.

Councillor Grahame stated the residents did not wish the pub to return to the type of venue which required doorstaff and she personally did not believe there was a local late night drinking culture which necessitated this application.

The Sub Committee referred to the photographs within the submission of the applicant and an up to date internal plan was tabled.

Councillor S Armitage then addressed the meeting and confirmed residents concerns that later operating hours would lead to disturbance from patrons leaving the premises at even later hours. Residents were concerned about the management of incidents outside particularly if doorstaff were employed. Councillor Armitage confirmed the premises had operated well during the last three years; however the later hours requested did not reflect the family orientation suggested by the applicant. Councillor Armitage suggested residents did not have great concerns about the additional hours requested for mornings, but in conclusion there were strong objections to the night time request.

The Sub Committee then heard from Ms H Audsley on behalf of Orchid Pubs Ltd, the applicant. Ms Audsley explained her role in the management and refurbishment history of the premises during the last 3 years and that she was aware of the problems the premises had attracted prior to being purchased by Orchid. Ms Audsley went onto state that there had been no problems at the premises during the last three years and it was notable that West Yorkshire Police had not submitted a representation. She addressed the comments made by the objectors and stated the Barnbow now operated as 70% restaurant and 30% public house; no complaints had been received from residents prior to the application being made and there was no intention to revert to the public house/sports bar style operation and no intention to encourage more alcohol consumption between 23:00 to 00:00 midnight.

Ms Audsley explained a public meeting had been held to explain the plans for the future of the premise at which she had offered to ensure admission to new customers was refused after 23:00 hours. She added the application had been made in response to requests from existing patrons for a later closing time and to facilitate those function bookings who wished to stay past the current closing time.

Discussions followed on the functions held recently under TENs and the Sub Committee also heard from Mr Dunn and Mr Wilkinson in support of the

application who provided information on the type of clientele the premises currently attracted and management style

The Sub Committee noted the written representations and carefully considered the submissions made at the hearing by the objectors and those in support of the application.

Members had regard to the fact that the premise had been successfully run during the last 3 years and in particular that 4 TENs had been operated in the last 8 months without undermining the licensing objectives.

The Sub Committee was therefore satisfied that Orchid Pubs Ltd had demonstrated they could operate the premises without undermining the licensing objectives and

**RESOLVED** – To grant the application as requested

- Those measures suggested by LCC EPT and LCC H&S to address the licensing objectives and agreed prior to the hearing are now imposed as conditions on the new Premises Licence
- The Sub Committee took the opportunity to remind local residents of their power to seek a Review of the Premises Licence or contact their local ward Councillors should they experience any problems which they associated with this premises in the future

**55 "Seacroft Green" - Application for the Variation of a Premises Licence for Seacroft Green Social Club, 242 Brooklands Avenue, Leeds LS14 6NW**

The Sub-Committee, having regard to the Licensing Act 2003, the Statement of Licensing Policy and the Statutory Guidance, considered the application and the written submissions before them relating to an application to vary an existing Premises Licence currently in place the Seacroft Green Social Club, 242 Brooklands Avenue, Leeds LS14. It was noted the premises currently benefited from a Club Premise Certificate.

Representations had been submitted by West Yorkshire Police (WYP) and a number of local residents. Local ward Councillor G Hyde had also submitted a letter of representation and attended the hearing accompanied by Councillor V Morgan on behalf of local residents. None of the local residents attended the hearing and the Sub Committee resolved to consider their written submissions and proceed in their absence.

The Sub Committee heard first from Mr B Patterson and Inspector E Chesters on behalf of WYP who described the style of the operation of the premises, problems associated with the premises in the recent past; the nature of the local area and likely impact later hours would have on the locality. WYP stated the application did not contain sufficient detail on how the management would address the licensing objectives, particularly crime and disorder, prevention of public nuisance and protection of children from harm. Furthermore this premise lay within an area which consistently featured in WYP statistics for incidents of anti social behaviour and crime and disorder. WYP also stated the premises management had not adhered to the conditions attached to the

current Club Premise Certificate, in terms of failure to supply a copy of the Club Rules; non members being able to enter the premises unchecked and operating past permitted hours.

The Sub Committee then heard from local ward Councillor G Hyde who described the proximity of residents he represented to the premises. He stated their main concerns as being the later hours requested and the impact of noise and disturbance from patrons leaving the premises at later hours would have on local residents. Councillor Hyde stated residents complained about noise emanating from the premises whilst the current hours were in operation. Incidents of anti social behaviour and littering were attributed to the premises by residents.

Councillor Hyde stated the premises did not operate as a Club currently and expressed his belief that if later hours were granted, this premises would become a magnet for patrons from other venues in the locality. In conclusion, Councillor Hyde expressed residents' belief that "night club hours" were not appropriate in this residential location.

The Sub Committee then heard from Mr R Houghton, the applicant, who was accompanied by Ms B Fowler for LH Taverns and Ms M Gregory the Designated Premises Supervisor. Mr Houghton began by explaining the late production of the Club Rules and confirming the request for Late Night Refreshment should be deleted from the application as this had been included in error.

Mr Houghton stated the Club had not previously received any evidence of residents concerns and added that many local residents were patrons of the Club, and referred to the additional documentation which included a petition of local supported submitted by him. Mr Houghton stated he had taken into account the objections received from other residents and did at this point offer to amend the requested hours to apply to Friday and Saturdays only.

The Sub Committee received advice that this would be a substantial change to the application and adjourned for a short while to consider whether the application required re-advertisement

During the recess clarification was sought from the applicant regarding the hours. Discussions occurred with all parties present and Ms Fowler (LH Taverns) stated the applicant would proceed to seek the hours as applied for; and not Fridays & Saturdays only.

The hearing reconvened. Mr Houghton and Ms Gregory provided details of the style of operation of the premises, installation of CCTV; problems in the area generally related to people drinking on the street and the problematic relationship between the Club and a neighbouring premises.

The Sub Committee noted the written representations and carefully considered the submissions made at the hearing. Members felt that granting the application as applied for would lead to more noise and disturbance in the

locality. However the Sub Committee felt that amending the application could address the public nuisance licensing objective and be successfully managed.

**RESOLVED** – To grant the application in the following terms only:

All licensable activities applied for:

Sunday to Thursday	10:00 until 23:00 hours
Friday & Saturday	10:00 until 00:00 midnight

Hours the premises are open

Sunday to Thursday	10:00 until 23:30 hours
Friday & Saturday	10:00 until 00:30 hours

- The seasonal variations requested are also granted
- The Sub Committee took the opportunity to remind local residents of their power to seek a Review of the Premises Licence should they experience any problems which they associated with this premises in the future

**56 "East End Park Working Mens Club" - Application for the Grant of a Premises Licence for East End Park Working Mens Club, Vinery Avenue, Leeds LS9 9LX**

The Sub-Committee, having regard to the Licensing Act 2003, the Statement of Licensing Policy and the Statutory Guidance, considered the application and the written submissions before them relating to an application for the grant of a new Premises Licence in respect of premises trading as "East End Park Working Men's Club", Vinery Avenue LS9.

Representations had been submitted by West Yorkshire Police (WYP) and by LCC Environmental Protection Team (LCC EPT). The applicant had agreed to the measures proposed by the responsible authorities prior to the hearing and those representations had subsequently been withdrawn.

A number of local residents had also submitted representations and signed and submitted a petition objecting to the application. Of those, only Mr J Greer attended the hearing. The Sub Committee resolved to consider the written submissions of the other residents and proceed in their absence.

The Sub Committee heard first from Mr J Greer who outlined the proximity of residents to the premises and described the recent history of anti social behaviour and drunkenness in the area which he attributed to the Club. Mr Greer also stated that residents had tried to raise their concerns with the management of the Club but no action had been taken. He highlighted his concern that additional functions at the Club would lead to an increase in anti social behaviour and disturbance to local residents.

The Sub Committee then heard from Mr A Nixon, solicitor on behalf of the applicant who was accompanied by Mr J Murtagh the Designated Premises Supervisor. Mr M Bradley and Mr R Black, solicitors, were also in attendance.

Mr Nixon addressed the comments made by the objectors and referred to the hours and activities currently afforded to the Club through the existing Club

Premises Certificate. It was noted that the new Premises Licence, if granted, would reduce the hours of operation. Mr Nixon outlined the measures agreed with LCC EPT and WYP which he believed, with the reduction of hours and new management team, were appropriate steps to address the licensing objectives.

The Sub Committee during their deliberations required clarification regarding the opening hours from the applicant. Mr Murtagh stated that no alcohol sales would be made after 23:00 hours and it was his intention to close the premises at 23:30 hours. The parties were advised this altered the application however the applicant confirmed this was his intention.

The Sub Committee noted the written representations and carefully considered the submissions made at the hearing including clarification of the opening hours.

Members, having regard to the agreements reached and the hours as amended at the hearing, were satisfied that the grant of the application would not undermine the licensing objectives and

**RESOLVED** – To grant the application as applied for, with the exception of the sale of alcohol which will cease at 23:00 hours.

- The seasonal variations requested for the sale of alcohol are also granted
- The measures suggested by WYP and LCC EPT and agreed by the applicant are imposed as conditions on the new Premises Licence
- The applicant was reminded to surrender the existing Club Premises Certificate on receipt of the new Premises Licence

Members took the opportunity to advise residents that the DPS had offered contact to them and to note the stringent controls now put in place through the conditions agreed with the responsible authorities

**57 Closed Session**

**RESOLVED** – To hold the remainder of the meeting in closed session

**58 DPS Mr K Smith - Application to Vary a Premise Licence relating to the Windmill Club, 35 Ramshead Approach, Seacroft LS14 1HH - to specify a Designated Premises Supervisor - Proposed DPS Mr K Smith**

The Sub-Committee, having regard to the Licensing Act 2003, the Statement of Licensing Policy and the Statutory Guidance, considered the application and the written submissions before them relating to an application to vary the current Premise Licence in place at the Windmill Club, Leeds LS14 in order to specify Mr K Smith as the Designated Premises Supervisor.

West Yorkshire Police had submitted representations which necessitated a hearing. All of the hearing was conducted in private due to the nature of business to be discussed and the evidence before the Sub Committee. All parties were in receipt of additional information submitted by WYP after the despatch of the agenda which included a schedule of intelligence related to the application and was regarded as exempt from publication.

Mr B Patterson attended the hearing on behalf of WYP and provided an overview of the licensed history of the Club and previous problems associated with it and details of the concerns held by WYP regarding the proposed DPS.

Miss Hickson, the Premise Licence Holder and Mr Smith attended the hearing and addressed the matters raised by WYP and answered queries from the Sub Committee.

The Sub Committee carefully considered the documents before them and the verbal submissions made at the hearing. Members took into account the Caution issued to Mr Smith and his failure to notify Wakefield MDC of his relevant convictions. Members also noted the nature of the Windmill Club and its' previous history. The Sub Committee had some regard to the police evidence but did not give great weight to the seven pieces of recent intelligence.

The Sub Committee were of the opinion that granting the application would undermine the crime and disorder licensing objective and it was therefore necessary to reject the application.

**RESOLVED** – To refuse the application.

- All parties were advised this decision took immediate effect