

Licensing Sub-Committee

Monday, 3rd October, 2011

PRESENT: Councillor G Hyde in the Chair

Councillors B Gettings and T Hanley

91 Election of the Chair

RESOLVED – Councillor G Hyde was elected Chair for the meeting.

92 Declarations of Interest

There were no declarations of interest made at the meeting.

93 "White Swan" - Application to vary a premises licence in respect of White Swan, Cross Hills, Kippax, Leeds LS25 7JP

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy, considered an application seeking to vary an existing premises licence for the White Swan, Cross Hills, Kippax, Leeds LS25 7JP.

Representations had been submitted by LCC Environmental Protection Team (LCC EPT) and West Yorkshire Police (WYP) containing measures to address public nuisance and crime prevention licensing objectives respectively.

Representations had also been submitted by local residents. None of the local residents attended the hearing and the Sub Committee resolved to consider their written representations and proceed in their absence.

The hearing was attended by the following:

Mr H Marsh and Mr D Gotts – Applicants
Mr B Kenny – Environmental Protection Team
Mr B Pattison – West Yorkshire Police
PC Dobson – West Yorkshire Police
PC Gately – West Yorkshire Police

Mr Marsh and Mr Gotts addressed the Sub Committee and outlined the refurbishment and investment programme recently undertaken at the White Swan which had resulted in the submission of an application to vary an existing premises licence with a view to installing a bottle bar to the outside garage area for the sale and consumption of alcohol.

Mr Marsh outlined the current measures in place with regards to CCTV, security checks and employed door supervisors and informed the meeting that the installation of a bottle bar to the outside garage area would provide extra safety measures for customers, especially when larger events were required as and when, throughout the year.

The Sub Committee then heard from Mr Pattison, PC Dobson and PC Gately, West Yorkshire Police who briefly outlined the history of the premises and the problematic issues within the Kippax area in relation to DPPO enforcement. Concern was raised over the limited number of door supervisors employed at the premises, with particular reference to a serious assault involving two off duty police officers outside the premises on 23rd September 2011. The Police were of the opinion that should this application be approved, conditions should be imposed in relation to door supervisors. In concluding they were also concerned about a metal gate which separated the premises and the outside garage which would need to be closed and secure at all times to avoid youths congregating at that point. Further reference was made to the lack of non standard timings within the application and of the fact that the Justices Licence would have no record of including the outside area as part of the original licence application.

The Sub Committee then heard from Mr Kenny of LCC EPT who stated that the required planning permission had not been obtained to date for change of use to the outside garage. He also stated that the application would breach the licensing objective of prevention of public nuisance, due the outside garage area being close to nearby residential properties. Reference was also made to a planning application for a single dwelling above the premises and clarification of the use of outside music and live events.

Mr Marsh and Mr Gotts were then given the opportunity of to make any additional comments. They both gave an assurance to work with the police and to build new gates if necessary with the aim of keeping the area safe and secure for all concerned.

The Sub Committee carefully considered the application and written representations. After taking the submissions into account, Members concluded that it would be advisable, on the evidence heard, to adjourn a decision on this application until 7th November 2011 to allow all interested parties to consider whether it was possible to agree conditions attached to the premises licence to allow outside use of the garage area. Such agreement should focus on measures to prevent noise from affecting nearby residential properties, CCTV and Door staff conditions and whether non standard timings allowing use of the outside space might achieve the desired outcome without extending all licensable activities to that area for all the hours currently permitted indoors.

RESOLVED – To adjourn the application until 7th November 2011.