

Licensing Sub-Committee

Monday, 16th July, 2012

PRESENT: Councillor J Dunn in the Chair

Councillors G Hussain and A Khan

41 Election of the Chair

RESOLVED – Councillor J Dunn was elected as Chair for the meeting.

42 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents.

43 Exempt Information - Possible Exclusion of the Press and Public

There were no resolutions to exclude the public.

44 Late Items

There were no Late items added to the Agenda. However Supplementary information had been received for:

- Agenda Item 6, Tippetreat, Collingham (Minute No.6) refers;
- Agenda Item 7, Baguette Express, Duncan Street (Minute No.7) refers; and
- Agenda Item 8, Pizza Bella, Wetherby (Minute No. 8) refers.

45 Declarations of Disclosable Pecuniary and Other Interests

There were no declarations made.

46 Application for the grant of a premises licence for Tippetreat Ltd, 26 Brookside, Collingham, Wetherby, LS22 5AN

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 for the grant of a premises licence for Tippetreat Ltd, 26 Brookside, Collingham, Wetherby, LS22 5AN.

Representations had been received from LCC Environmental Protection Team and a written representation had also been received from a neighbour.

Present at the hearing were:

Gurdip Mudhar – LCC Environmental Protection Team; and
Mr Adam Franks – The applicants representative.

The Sub – Committee heard from Mr Franks who was representing the applicant. Mr Franks highlighted that this was a modest application and would not be required to be heard if it wasn't for the sale of alcohol being involved, he also noted that there had been no representations made by West Yorkshire Police.

The Sub – Committee were informed that all efforts had been made to work with neighbours. That any deliveries would be made in light good vehicles with a maximum of 10 boxes per delivery, 4 times per week. The garage building where the alcohol will be stored had had an alarm fitted and is secure. It was also expressed that there would be no collections made from the premises and the business operated on a 'mail order' basis.

At this point Members questioned the applicants representative specifically about the size of the business and its intention to move to formal business premises if it was to expand and who else would be involved in the business.

The Sub – Committee then heard from Gurdip Mudhar – LCC Environmental Protection Team, who outlined the reasons for his objection. These were that running a business of this nature from residential premises was unprecedented and that if it were to expand it could become a nuisance to neighbours in a predominantly residential area. Mr Mudhar put forward his opinion that the deliveries to the premises would cause noise problems despite the vehicles involved not being Heavy Goods Vehicles.

In summing up the applicant's representative highlighted the small nature of this business and the unlikelihood of any disturbance arising if this application was to be granted.

The Sub – Committee then carefully considered all the written and verbal submissions and made the following decision:

RESOLVED – To grant the application subject to the conditions detailed below:

- That there be no more than four deliveries per week;
- That vehicles delivering stock be light goods vehicles weighing no more than 7.5 tonnes;
- That business operates between the hours of 9am to 5pm Monday to Friday;
- That no collections take place from the premises for business purposes.

47 Application for the grant of a premises licence for Baguette Express Unit, 3, 7 Duncan Street, Leeds, LS1 6DQ

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 for the grant of a premises licence for Baguette Express, Unit 3, 7 Duncan Street Leeds, LS1 6DQ.

Representations had been received from LCC Environmental Protection Team. Present at the hearing were:

Mr Gurdip Mudhar – LCC Environmental Protection Team;
Mr Asif Saleem – The applicant.

The Sub – Committee heard from Mr Saleem, who informed Members of the financial difficulties he and his business partners were facing under the

business' current structure. Mr Saleem also highlighted the jobs that the business created.

At this point Members questioned and discussed the application with the applicant. Members informed the applicant that the business was operated within the Cumulative Impact Policy area (CIP) which brought with it various previously agreed restrictions. It was established that residential property existed above the premises and that there was no sound insulation between the two parts of the building. Although it was noted that no-one currently occupies the residential part of the building.

There had also been no objections from neighbouring premises.

The Sub – Committee then heard from Gurdip Mudhar – LCC Environmental Protection Team, who outlined the reasons for his objection. These were that the premises fell within the CIP area and that there was likely to be increased noise from an extractor fan. The issue of the residences above the applicants premises and the lack of sound insulation between the two was raised as an issue, despite them currently not being occupied. Mr Mudhar also stressed that the applicant needed to demonstrate that there would be no additional noise problems generated from his business increasing its opening hours.

In summing up the applicant highlighted the financial difficulties the business faced.

The Sub – Committee then carefully considered all the written and verbal submissions and made the following decision:

RESOLVED – To defer the application to August 13th 2012 due to a lack of information.

48 Application to vary a premises licence held by Pizza Bella, 32 Market Place, Wetherby, Leeds, LS22 6NE

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 to vary a premises licence for Pizza Bella, 32 Market Place, Wetherby, Leeds, LS22 6NE.

Representations had been received from Wetherby Town Council and the Ward Councillor. This representation was withdrawn during the consideration of the item once the representative of Wetherby Town Council had been made aware of the limitations for alcohol provision.

Present at the hearing were:

Mr Altin – The applicant;
Mr Hopkinson – The applicant's representative; and
Councillor Galan Moss – Wetherby Town Council.

The Sub – Committee heard from Mr Hopkinson who was representing the applicant. Mr Hopkinson informed Members the applicant had run the business for six years and had not requested any extension to the licence in that time further to this West Yorkshire Police had been consulted and they were not against the proposal.

The Sub Committee were informed that to purchase alcohol a food order of over £7 would need to be made and that the alcohol would be delivered and paid for on arrival at the delivery address alcohol delivered would only be wine or beer to a maximum of 8 cans of beer and 2 bottles of wine. Further to this it put to the Sub Committee that all drivers would be over 21, fully trained and would uphold the check 25 policy which would be adopted by the business.

Mr Hopkinson stated that he had previously tried to open dialogue with Wetherby Town Council but had made no progress due to a misunderstanding.

Mr Hopkinson also requested that conditions 5 – 39 be removed from the current licence as these were now covered by other legislation.

At this point Members questioned the applicants representative specifically about the lay out of the premises and whether alcohol would be displayed. It was confirmed by the applicant that no alcohol would be on display. Members raised concerns about multiple orders to the same address which could result in large quantities of alcohol potentially being obtained by under age drinkers. Members were assured that only one alcohol delivery would be made to one delivery address per evening.

The Sub – Committee then heard from Councillor Galan Moss – Wetherby Town Council, who outlined the reasons for his objection. These were that if drinks were paid for before delivery there was the potential for difficulties when delivering the alcohol if the purchasers were underage. Councillor Moss considered that age checking should take place before the exchange of money.

In summing up the applicant's representative highlighted that alcohol would not be collected from the shop and that age verification would take place on all deliveries of alcohol before payment is taken.

The Sub – Committee then carefully considered all the written and verbal submissions and made the following decision:

RESOLVED – To grant the application subject to the conditions detailed below:

- That there be no more than one alcohol delivery to the same delivery address between the hours of 5pm and 12:30am each day; That all purchases of alcohol are to be made at the point of delivery after proof of age has been validated; and
- That no alcohol be displayed on the premises at any time.

49 Application for the grant of a premises licence for Sainsbury's Supermarkets Ltd, 6 Brewery Place, Leeds, LS10 1NE

Item withdrawn due to agreements being reached.