

## Licensing Sub-Committee

Monday, 12th May, 2014

**PRESENT:** Councillor B Selby in the Chair

Councillors T Hanley and C Townsley

### 239 Election of the Chair

**RESOLVED** – That Councillor Selby was elected Chair for the duration of the meeting.

### 240 Appeals Against Refusal of Inspection of Documents

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

### 241 Exempt Information - Possible Exclusion of the Press and Public

Under Access to Information Procedure Rule 10.4(7) item 8 Appendix B and item 9 Appendix B of the report were identified as containing exempt information. Minute 246 and minute 247 refer

### 242 Late Items

There were no formal late items however supplementary information had been received in relation to items 8 and 9. The information had been received by all parties prior to the meeting.

### 243 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

### 244 Application to vary a premises licence held by Asda Supermarket Cross Green, Otley, LS21 1HE

Members of the Licensing Sub-Committee considered an application to vary a premises licence, made by Asda Stores Ltd, for Asda Supermarket Cross Green, Otley, LS21 1HE.

The applicant had applied to increase the hours for the sale of alcohol. The application was for the sale of alcohol off the premises 07:00 until 23:00 hours every day.

Appendix A detailed existing operating hours as 08:00 until 22:00 hours a previous application by Asda for an increase in hours for the sale of alcohol applied for operating hours as 06:00 until 24:00 hours. This application was opposed by local residents, ward councillors, planning and Environmental Health Services. The first application was subsequently withdrawn.

Representing Asda Stores was Ms Johnson, Solicitor, Mr Lamb, General Store Manager and David Maloney, Licensing Manager. Ms Johnson informed the Members that on the 10<sup>th</sup> December 2013 a meeting had been held with local residents, ward councillor Campbell was also in attendance. Many of the residents were in favour of longer opening hours however they had raised

concerns in relation to noise from service yard doors, loud music, rubbish and security light going on and off.

All concerns raised were noted by Asda and at a meeting held on 18<sup>th</sup> February 2014 residents were informed of proposal to apply for an increase in hours from 07:00 until 23:00 hours and of proposals to address concerns raised at the previous meeting. The light would operate on a timer linked to operating hours of the service doors which would have a notice on them specifying delivery times as 07:00 until 19:00 hours.

Councillor Campbell had made a representation in regard to this application and was in attendance at the hearing. He informed the Committee that the supermarket was in a residential area in close proximity to houses his concern was that there was the potential for an increase in noise levels and an increase in traffic contributing to public nuisance.

The General Store Manager informed the Members that he had worked at an Asda Store at Little Horton which was located in a residential area the service deliveries started at 06:00 hours and there had been no issues raised.

Councillor Campbell informed the Members that originally the site had been used by Netto. The site was unique with houses on all sides of the store. He told the Members that there had been a number of applications put to both Planning and Licensing for the extension of hours. The concerns of the residents were on the issues of noise nuisance and public nuisance with the increase in traffic and people arriving to purchase items from the store.

In response to questions from the Committee Councillor Campbell said that he had evidence from West Yorkshire Police that alcohol bought from such premises as Asda was consumed on the way home. There was evidence of issues arising outside other licensed premises in Otley.

Members were informed that Netto had opened 08:30 until 20:00 hours, Asda were currently operating within those hours. Councillor Campbell told Members that he received a couple of noise nuisance complaints a year in relation to the store.

Members carefully considered the report and representations that had been made during the hearing, they took into account:

- No responsible authority had made representations on this application
- Previous application had been withdrawn when concerns were raised by residents and responsible authorities
- All concerns raised by residents and responsible authorities on previous application had been addressed
- Some of the concerns raised at this hearing were matters for planning not licensing.

**RESOLVED** – To grant the licence as per the application.

**245 Application to vary a premises licence held by Cafe Lux Manor House, 23 Robin Lane, Pudsey, LS28 7BR**

Members considered an application to vary a premises licence, made by Mr Methven Forbes, for Café Lux Manor House, 23 Robin Lane, Pudsey, LS28 7BR.

Mr Methven Forbes the proposed licence holder and Mr Dave Wood, Manager were in attendance at the meeting.

Mr Forbes informed the Members that Café Lux was a Wellbeing Centre was an initiative established by the medical centre next door to increase the wellbeing of residents within the local area. Café Lux is a community café during the day offering a wide range of interests for all ages including a knitting and crochet group, craft club, mother and baby group. The centre also offered other services including counselling, advisory services and workshops.

The centre had recently received funding from the Arts Community to enable the production of plays and music events.

Mr Forbes went on to say that the first music event had been louder than they had expected and a representation from a resident had been made. Café Lux had spoken with local councillors and residents to address the issues raised. He informed Members that the events to be held were for families and would not go beyond the set time limits.

He informed Members that Environmental Health Services had visited the site and offered advice but had not specified the decibels that live music could be played at.

Members carefully considered the report taking into consideration the representation which had been made.

**RESOLVED** - To grant the application with the condition

- no licensable activities shall take place in the outside areas of the premises after 22:00 hours.

The Chair did explain to Mr Forbes about applications for temporary events notices.

**246 Application to transfer a premises licence for Tails And Spirits, 4 Sovereign Place, Leeds, LS1 4SP**

An application was received for the transfer of a premises licence held by Tails and Spirits, 4 Sovereign Place, Leeds, LS1 4SP.

The application was to specify Miss Joanna Tomlins as the licence holder.

West Yorkshire Police had made representations in respect of the licensing objective, the prevention of crime and disorder. Members had received a copy of the representation attached to the report at Appendix B. The contents of this appendix were noted as exempt information **Minute 241 refers**. Members were informed that PC Arkle who had been due to attend on behalf of West Yorkshire Police was unable to attend due to illness. Sergeant Shaw was in attendance and was able to present the case on behalf of West Yorkshire Police along with evidence provided by a LCC Licensing and Enforcement Officer.

Members expressed their concerns at the lateness of the presentation of CCTV footage which had only been presented to them that morning. Members queried the use of the CCTV footage as evidence at the hearing and were informed that it related to a specific time frame for the representation against the proposed transfer of the licence holder.

Members were informed by applicant that CCTV footage was from 23:00 hours and if the incident that the Police refer to happened at 03:42 hours it would not have been included on the CCTV footage. Miss Tomlins informed the Committee that she had not viewed and was unable to answer questions on the CCTV footage.

Members were of the view that the hearing be adjourned until a later date to ensure that:

- Miss Tomlins was fully conversant with the CCTV footage;
- CCTV footage covered the specified time frame, Members requesting that the footage run from 01:00 until 04:00 hours;
- The applicants provide a synopsis of the chronology of the CCTV footage by 16:00 Thursday 15<sup>th</sup> May 2014;
- A statement from the LCC Licensing and Enforcement Officer be provided by 16:00 Thursday 15<sup>th</sup> May 2014;
- CCTV footage to be provided to Members, West Yorkshire Police and Licensing Services on memory sticks by 16:00 Thursday 15<sup>th</sup> May 2014;
- Clarification on policies for clocks going forward and back in respect of British Summer Time;
- A person with technical knowledge of the CCTV installation used at the premises; and
- PC Arkle would have returned to duty and be able to attend the hearing.  
**RESOLVED** – That the Licensing Sub-Committee adjourned the hearing until Tuesday 27<sup>th</sup> May 2014.

**247 Application to vary a premises licence held by Tails And Spirits, 4 Sovereign Place, Leeds, LS1 4SP to specify an individual as designated premises supervisor**

An application was received to vary a premises licence held by Tails and Spirits, 4 Sovereign Place, Leeds, LS1 4SP to specify an individual as designated premises supervisor.

**RESOLVED** – That the Licensing Sub-Committee adjourned this item to be heard on Tuesday 27<sup>th</sup> May 2014.