

## **Licensing Sub-Committee**

**Tuesday, 3rd November, 2015**

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

Councillors S McKenna and G Wilkinson

### **89 Election of the Chair**

**RESOLVED** – That Councillor Billy Flynn be elected Chair for the duration of the meeting.

### **90 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal of inspection of documents.

### **91 Exempt Information - Possible Exclusion of the Press and Public**

On this occasion there was no exempt information.

### **92 Late Items**

There were no late items.

### **93 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests.

### **94 "Mavericks" - Application to vary a premises licence held by Maverick's 80's Lounge (formerly Brown Cow) 62 Town Street, Horsforth, Leeds, LS18 4AP**

The report of the Head of Elections, Licensing and Registration provided Members of the Licensing Sub Committee with information on an application to vary a premises licence, made by Greene King Retailing Ltd, for Maverick's 80 Lounge (formerly Brown Cow) at 62 Town Street, Horsforth, Leeds, LS18 4AP.

The purpose of the variation was to seek approval to extend the sale of alcohol and regulated entertainment hours and to remove and replace certain conditions on the premises licence as detailed in paragraph 3.0 of the submitted report.

Responsible authorities and Ward Members had been notified of the application. The application had been brought in front of the Licensing Sub Committee due to representations from responsible authorities and other persons.

The representation from the Environmental Health Team was withdrawn due to the applicant agreeing to the conditions imposed as detailed at appendix F of the submitted report.

The representation submitted by the Licensing Authority remained for Members consideration, details of which are attached at appendix G of the submitted report. An officer from the Licensing Authority was in attendance at the hearing.

The Licensing section was in receipt of 2 individual letters of objection on the grounds of public nuisance. These letters were attached at appendix H of the submitted report.

The application had also attracted objections from a Horsforth Town Councillor and from Horsforth Town Council as shown at appendices I and J of the submitted report.

Members were informed of the premises history including the current operating schedule as detailed at appendix A of the submitted report and of the current operating times for the sale of alcohol and regulated entertainment as set out at 3.3 of the submitted report.

The applicant Greene King Retailing Limited was represented at the meeting by:

- Piers Warne – TLT
- Khoa Van – Maverick's 80's Lounge Financial Consultant
- Sam Baker – Maverick's 80's Lounge Manager and DPS
- Rob Summers – Greene King Retailing Limited

Mr Warne was the only speaker at the hearing.

Mr Warne informed the Sub Committee that the representations from the residents had been taken into consideration and that Friday and Saturday were key days for requesting the 1 hour extension to operating times and also the Sunday prior to bank holidays.

Members attention was drawn to appendix B of the submitted report which Mr Warne regarded as the most important part of the application.

Appendix B set out the proposed operating schedule should the extra hour be granted.

Mr Warne explained that the current conditions were old fashioned and the new proposals would bring the conditions up to date. He informed Members that consultation on the proposed conditions had taken place with West Yorkshire Police and Environmental Health Officers.

The proposed changes to the conditions were:

- Increased SIA door staff on Friday and Saturday
- Update of CCTV provision
- Addition of Challenge 25 instead of Check 21
- Last entry to be 1:00am

Members were informed that other public houses within the area opened until 1:00am and that a take away outlet a few doors away opened till 3:00am. Customers from all the surrounding pubs and take way outlets congregated at the taxi rank situated close to Maverick's 80's Lounge.

Mr Warne went on to say that unique factors should be taken into account when considering this application, the extended hour of opening allowed a longer dispersal

time of customers from premises so as not to have queues of people milling about making noise nuisance and would make a smoother transition away from the area.

Mr Warne said that his clients had worked together with Environment Health Protection to resolve complaints of noise nuisance in relation to emptying of glass bottles into recycling bins. He also informed the Sub-Committee that the premises were subject to regular noise checks and no issues had been raised.

The Officer from Entertainment Licensing informed the Sub-Committee that they had become involved due to Ward Members concerns of this premises falling within the Horsforth Cumulative Impact Policy (CIP). The Ward Members had concerns that should the Sub-Committee grant the extension till 2:00am it would set a precedent for other licensed premises within Horsforth.

The Officer informed Members of the current opening schedules of premises nearby and explained why Horsforth formed part of the CIP. The CIP has been in place since 2007. Members noted that the CIP had been effective in reducing disturbances in Horsforth and keeping the status quo.

The Officer informed Members that the CIP had last been reviewed in 2012 and was due to be reviewed shortly.

Mr Warne reminded the Sub-Committee of the Brew Dog case quoting the line of the District Judge 'They seem to take the view that man was made for policy, when the policy should be made for man'.

Mr Warne said that the CIP had not been reviewed for some time and should be reviewed. He said that his clients had turned round the premises addressing all issues, the significant increase in conditions assisted in promoting the licensing objectives.

**RESOLVED** - That the Licensing Sub-Committee considered this application at length noting the representation of the residents.

The Members noted the submission of Mr Warne but the view of the Panel was that the application was not exceptional and had not rebutted the presumption of refusal

On this basis the Licensing Sub-Committee decided not to grant the variation to extend the premises licence.

The Licensing Sub-Committee requested that an amendment to a typing error be made at condition 16(iii) to read;

'The applicant must have made no more than 12 such applications relating to either an event of national interest or televised sporting event of national interest in any one calendar year'