

Licensing Sub-Committee

Tuesday, 22nd March, 2016

PRESENT: Councillor B Selby in the Chair

Councillors B Flynn and S McKenna

170 Election of the Chair

RESOLVED – That Councillor B Selby be appointed as Chair for the meeting

171 Appeals Against Refusal of Inspection of Documents

There were no appeals.

172 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information.

173 Late Items

There were no late items. Supplementary information for Agenda Item 7 – Application to vary a premises licence held by Dixy Chicken (formerly Downtown Pizza), 58 Town Street, Horsforth was distributed prior to the meeting.

174 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

175 Application to vary a premises licence held by Engine Shed, York Road, Wetherby, Leeds, LS22 5SU

The report of the Head of Elections, Licensing and Registration presented an application to vary a premises licence held by Engine Shed, York Road, Wetherby Leeds. The application had previously been considered by the Sub-Committee on 2 February 2016 when it was adjourned to allow Members to visit the site of the premises due to proximity of residential properties.

The Engine Shed was a Grade II listed building and catered mainly for wedding parties but also held occasional parties and discos. The applicant had sought to increase the hours of operation for sale of alcohol and late night refreshment on Thursday to Sunday until 01:00.

The applicant addressed the Sub-Committee. He reminded the Sub-Committee that the use of the premises was primarily for weddings and did not actively seek to host 18th and 21st birthday parties, although he did say they might accept such bookings. Since the last meeting additional signage had been placed in the premises asking customers to be quiet on leaving and there had been further measures to ensure doors are kept closed whenever possible. There was a decibel monitor at the premises and managers monitored and noted sound levels. Reference was made to a noise complaint that had been made in March regarding an occasion when doors had been left open.

A local resident addressed the Sub-Committee with concerns regarding the application. These included the following:

- Main problems of disturbance were caused by noise and car headlights.
- Reference was made to noise disturbance from a coach party that was leaving the premises.
- Noise and disturbance caused by car doors – there was nothing the applicant could do to prevent noise once customers had left the building.
- Car headlights shining into people’s houses.
- There had not been any improvement since the previous hearing on 2nd February 2016.

In response to questions from Members, the following was discussed.

- The applicant was unaware of any disturbance caused by a coach party.
- The applicant was unable to prevent noise made by cars other than to ask customers to keep noise to a minimum.
- The possibility of installing fencing that would prevent some noise and would screen headlights.

The Licensing Sub-Committee carefully considered the report of the Head of Elections, Licensing and Registration, the Statement of Licensing Policy and the application itself. It also considered the representations made by the applicant and local residents both at the hearing and in writing. It was also noted that agreement had been reached with West Yorkshire Police and the Environmental Protection Team regarding proposed conditions to the licence.

RESOLVED – That the application be granted as applied for.

176 Application to vary a premises licence held by Dixy Chicken (formerly Downtown Pizza Bar), 58 Town Street, Horsforth, Leeds

The report of the Head of Elections, Licensing and Registration presented an application to vary a premises licence held by Dixy Chicken (formerly Downtown Pizza Bar), 58 Town Street, Horsforth.

The application was to extend the provision of Late Night Refreshment on a Friday and Saturday from 01:00 to 02:00. It was reported that the premises fell within a Cumulative Impact Area and all other licensed activities in the area ceased by 01:00. Representations with regard to the application had been received from the Local Licensing Authority, Horsforth Town Council and Horsforth Civic Society.

The Applicant addressed the Sub-Committee and highlighted the following issues:

- Conditions had been agreed with West Yorkshire Police.
- There would not be any sale of alcohol at the premises.
- The premises had operated till 02:00 through the use of Temporary Event Notifications without complaint.
- The Kings Arms on Town Street remained open until 02:00.
- People were still waiting in the area till 02:30 for taxis.
- The nearest residential property was 120 yards away.
- It was not felt that opening for a further hour would add to problems in the Cumulative Impact Area.

- The consumption of food was proven to reduce levels of aggression.
- The responsible authorities were satisfied with the application.

A representative of the Licensing Authority addressed the Sub-Committee. Issues highlighted included the following.

- Although the Kings Arms remained open until 02:00 all licensed activities including the sale of alcohol ceased at 01:00.
- Members were informed that the Cumulative Impact Area was implemented in 2007 and revised in 2011. There had been problems with litter and noise disturbance in the area and people moving on through residential areas. Since the implementation of the CIA, the number of complaints had reduced.
- Concern had been expressed by local Ward Councillors that allowing the provision of Late Night Refreshment until 02:00 would set a precedent and open the floodgates for further requests.
- Reference was made to a recent request for another premises on Town Street to extend licensed hours until 02:00. This was refused following a hearing of the Licensing Sub-Committee.

In summary to the application and response to other representations, the applicant's representative informed the Sub-Committee that there were no problems with litter as they cleared up outside the premises and neither was there any noise disturbance as music was not amplified outside the premises and doors were kept closed during opening hours. With reference to the recently refused application elsewhere on Town Street, that was for the sale of alcohol.

The Licensing Sub-Committee carefully considered the report of the Head of Elections, Licensing and Registration, the statement of Licensing Policy and the application itself. It also considered the representations made by the local Licensing Authority and the applicant's and their representative, both in writing and at the hearing. The Sub-Committee also considered whether the applicant had demonstrated exceptional circumstances for an extended hours licence within the Cumulative Impact Area.

RESOLVED – That the application be refused.