

Licensing Sub-Committee

Tuesday, 2nd August, 2016

PRESENT: Councillor R Downes in the Chair

Councillors M Coulson and G Wilkinson

1 Election of the Chair

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

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

3 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

4 Late Items

There were no late items.

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

6 Application to vary a premises licence held by The Thomas Osbourne Street Lane, Roundhay, Leeds, LS8 1AP.

This was an application to vary a premises licence held by the Thomas Osbourne Street Lane, Roundhay, Leeds, LS8 1AP. The application was made by The Craft Union Pub Company Ltd. Representations had been received from Health and Safety, Environmental Protection Team and West Yorkshire Police in their capacity as a responsible authority.

Prior to the hearing measures had been agreed with Health and Safety and West Yorkshire Police.

The representation from the Environmental Protection Team was still a matter for Members consideration.

The Licensing Officer informed the Sub-Committee of the history of the premises which included:

- 6th May 2011 an application for a premises licence this was granted.
- 25th October 2011 a minor variation was applied for structural alterations this was granted.
- 13th November 2012 a minor variation application was applied for to change a condition relating to door men, this was granted.
- 8th January 2016 a minor variation for structural alterations was applied for and granted.
- 15th June 2016 a variation application was submitted to extend the hours for sale by retail of alcohol, films, live and recorded music, late night refreshment and to remove and add conditions.
- There have been various Designated Premises Supervisors and licence transfer applications submitted

The applicant The Craft Union Pub Company Ltd had applied to extend the hours of sale by retail of alcohol, films, live, and recorded music to 10:00 to 00:00 Sundays to

Thursdays and 10:00 to 01:00 Fridays and Saturdays. Late night refreshment 23:00-00:00 Sundays to Thursdays and 23:00 -01:00 on Fridays and Saturdays. They also wished to remove and add certain conditions.

In attendance at the hearing were Richard Taylor of Gosschalks Solicitors and Liz Davies of The Craft Union Pub Company Ltd.

Mr Taylor informed the Members that The Craft Union Pub Company currently operate 67 pubs. They had had the Thomas Osbourne since November 2015 and had had no problems. He said that they were only applying for an extra 30 minutes Sunday to Thursday and an extra hour at the weekends.

He went on to inform the Sub-Committee that the pub had used Temporary Event Notices (TEN's) to date with 02:00am as the terminal hour for St Patrick's Day and bank holidays. He said that no complaints had been received from local residents and this was due to the policies and operation of Liz Davies. He went on to explain that the DPS does not work behind the bar on Fridays or Saturdays but worked the floor dealing with any issues that may occur and said that the dispersal policy used was good.

Mr Taylor drew Members attention to page 18 of the agenda which the Environmental Protection Team had highlighted that they had received no complaints from local residents.

In response to questions from Members in relation to the use of the TEN's Ms Davies informed the Members that no new clientele had been admitted entry after 01:00am when open till 02:00am.

Ms Davies informed the Members that they were trying to create a local pub for local people with pub teams including a darts team.

It was noted that the Thomas Osbourne would be the only pub in the area that would be open until late.

The Sub-Committee were informed that it was not the intention to attract new clientele. However they would not stop people coming in to the premises after midnight.

Members noted that the premises employed two door staff on Fridays and Saturdays and also on Sundays when it was bank holiday. It was also noted that the premises attracted 150 people on average.

Members raised concerns in relation to the location of the car park and the residential properties and how door staff would control the outside of the premises. They were informed by Ms Davies that they would operate as they do currently and no complaints had been received.

Members were informed that the Thomas Osbourne was a vertical drinking establishment.

The Officer from Environmental Protection Team informed the Sub-Committee of his concerns which were:

- The close proximity of the car park and the residential properties which backed on to the premises
- Poorly driven cars
- Headlights of the cars
- Car stereos
- That the door staff would be unable to manage the outside space effectively

The Officer highlighted the fact that the other public houses in the area currently had the same terminal hours and the concern would be that to grant extended hours would open the way for others to apply.

The Officer said that TEN's were acceptable for celebrations such as Christmas and New Year and people expected and accepted that public houses stayed open late for these celebrations.

The Officer was of the view that if the terminal hour was extended it would start to cause complaints from residents as the door staff would not be able to control the noise outside.

The Licensing Officer advised Members of the non-standard timings.

Mr Taylor quoted paragraph 63 of the Thwaites case.

He reiterated that the premises was already open till 11:30 and when working under a TEN's where the terminal hour was 02:00am no complaints had been received which showed that the policies used were effective.

RESOLVED - That the Licensing Sub-Committee had taken in to account the representation by Environmental Protection Team but as there was no clear evidence to objection from the public or responsible authorities, it agreed to grant the application as applied for with the measures agreed with the responsible authorities prior to the hearing.

7 Application to vary a premises licence held by Queen Hotel, Queen Street, Morley, Leeds, LS27 8DW

This item was withdrawn prior to the date of the hearing.

8 Application for the grant of a premises licence for Ireland Wood Post Office 72 Otley Old Road, Cookridge, Leeds, LS16 6LQ

This was an application for the grant of a premises licence made by Mr Sukhvir Singh Sandhu, for Ireland Wood Post Office 72 Otley Old Road, Cookridge, Leeds, LS16 6LQ.

The application had attracted representations from other persons and a ward member.

Members were informed that this was the first application for these premises and that Mr Sandhu the applicant was the proposed designated premises supervisor.

The application was for the sale of alcohol everyday 06:00 until 23:00, no non-standard timings for bank holidays or special occasions were applied for.

Members noted that the operating schedule had been amended to include the measures agreed with West Yorkshire Police. A copy of the agreement was listed at appendix C of the submitted report.

Representations had been received from other persons in the form of a petition.

Mr Sandhu the applicant and his wife were present at the hearing. Mr Sandhu addressed the Su-Committee informing them that he welcomed the petition as it showed that the community cared about the area that they lived.

He explained to the Members that the Post Office network was going through a restructure and as part of the restructure, the Post Office was widening the retail aspect to sell general groceries such as fresh fruit and vegetables, milk and bread and it was hoped that alcohol would be part of the general provisions.

He said that by widening the services provided at the Post Office, it would give the opportunity for the post office services to survive and that the post office needed to adapt to become sustainable.

He informed the Sub-Committee that this model had been tried in other areas and proved to be successful. He had confidently passed the Post Office regulations and had invested in the new business which he expected to open in October.

Mr Sandhu said that currently the post office closed at 5:30pm. He said that he would ensure that there was no litter outside the premises and would adhere to the signed agreement with West Yorkshire Police.

He had installed a high specification CCTV which was mounted both inside and outside the premises with a TV screen in the premises which would act as a deterrent.

Challenge 25 would be in use at the premises.

He did not consider that the area was high risk with the police sub-station located within the boundaries.

He said that he had experience in the retail business.

He informed the Members that traffic and parking was already an issue prior to him buying the business.

In response to Members he informed them that he would hope to sell the full range of alcohol, wine, beer and spirits and that it would form approximately 35% of the retail business.

A local resident Mr Loganathan who had set up the petition was in attendance at the hearing and addressed the Sub-Committee.

He informed the Sub-Committee that he had lived in the area for 4 years recently there had been robberies and a lot of youngsters hanging about. He said that the litter in the area was getting worse and that there was a lot of shouting after 7pm.

Mr Loganathan said that the parking in the area was a problem.

In response Mr Sandhu said that he cleared the litter from the front of his premises and the noise could not be attributed to the post office as it currently closed at 5.30pm.

The Sub-Committee also took into account the letter that had been received from the Ward Councillor informing them of a number of incidents in the area caused by young people. The Ward Councillor was concerned that these incidents would increase if the post office was to sell alcohol and stay open until 23:00 causing disturbance and noise nuisance.

During deliberations the Sub-Committee requested that all parties be brought back in to the room to ask that an addition condition be added to the licence that the applicant would only sell multi-packs of canned alcoholic beverages. The applicant was agreeable to this condition.

RESOLVED – That the Licensing Sub-Committee grant the premises licence as applied for with the measures agreed with the responsible authorities prior to the hearing, together with the addition condition ‘There shall be no sale of single cans of alcoholic beverages from the premises’.