

## Licensing Sub-Committee

Tuesday, 20th September, 2016

**PRESENT:** Councillor R Downes in the Chair

Councillors M Coulson and A Khan

**1 Election of the Chair**

**RESOLVED** – Councillor Downes was elected Chair 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**

No exempt information was contained within the agenda.

**4 Late Items**

No formal late items of business were added to the agenda.

**5 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests.

**6 Apres Cafe Bar - Application to vary a Premises Licence - Apres Cafe Bar, 179 High Street, Boston Spa, Wetherby LS23 6AA**

The Sub Committee considered the report of the Head of Elections, Licensing, and Registration on an application to vary an existing premises licence held at the premises known as Après Café Bar, 179 High Street, Boston Spa. The application sought to increase the hours for the sale of alcohol and recorded music; and to add live music, films and performance of dance to the operating schedule. The applicant also wished to include the basement areas, as indicated on the submitted plan, for the provision of licensable activities for up to 24 patrons.

The application had attracted representations from West Yorkshire Police (WYP), LCC Environmental Protection Team (EPT) and from local residents. Prior to the hearing, the applicant had agreed measures proposed by LCC EPT and WYP which amended the hours of provision as follows:

- Sale by retail of alcohol – Monday to Sunday from 10:00 to 00:00 hours
- Performance of dance – Monday to Sunday from 10:00 to 00:30 hours
- Exhibition of films – Monday to Sunday from 15:00 to 23:00 hours
- Provision of live music – Monday to Sunday from 10:00 to 00:30 hours
- Recorded music – Monday to Sunday from 10:00 to 00:30 hours
- The opening hours of the premises – Monday to Sunday from 10:00 to 00:30 hours
- Non-standard hours: Licensable activities to take place on Christmas Eve and New Year's Eve from 10:00 to 03:00 hours

Mr M Emadi and Ms L Elongo attended the hearing as agents for the applicants – Mr N Hanby and Mrs A E Hudson. Councillor G Wilkinson, Wetherby ward councillor, attended to represent a number of local residents.

Mr Emadi explained that he had taken over the lease of the premises from Mr Hanby. He outlined the proposed style of operation for the premises adding that he had been in the restaurant business for some years and had operated Sir Duke's restaurant/bar in Wetherby for two years, noting that no complaints had been received from either WYP or LCC EPT about the Sir Dukes premises. He intended to operate Après Café Bar with a similar management structure to Sir Dukes - with a General Manager, Assistant Manager and a Supervisor.

Mr Emadi confirmed that the reduced hours of operation had been agreed with LCC EPT and WYP and would be in accordance with other local establishments, including Fifty 50, La Casita and Boston Spa Stew & Oyster.

Mr Emadi explained that he wished to create a social hub for the area, utilising the basement area and to offer something different to the community; including showing films, holding coffee mornings to help local communities and support charitable concerns. Mr Emadi stated that there were no proposals to run a late-night revellers bar.

In response to questioning about noise concerns, Mr Emadi explained that the premises were currently closed for refurbishment which included new double-glazed windows which would reduce noise escaping from the premises. The previous windows had been single-glazed.

Councillor Wilkinson then addressed the Sub Committee on behalf of Boston Spa Parish Council, Councillor Procter and a number of local residents in relation to some of the objections. He described the premises as being in the centre of a quiet, rural village although noted the main A659 ran through it. He stated that although local residents would welcome the proposals to regenerate the premises, there were concerns that 150 residents lived within 100 yards of the premises and any noise escaping from the premises could be detrimental to those residents.

He noted that the reduced hours for the sale of alcohol until midnight were in accordance with other operators in the village.

Councillor Wilkinson addressed the issue of live music and referred to a previous Sub Committee hearing in 2009 when LCC EWPT had commented that the venue was not suitable for live music provision. He queried whether the venue was suitable now and expressed his preference for music to be unamplified. He also noted that live music would finish at 00:30 hours - the same as the terminal hour – and expressed his view that live music should finish at 00:00 midnight to allow patrons to finish their drinks and leave the premises quietly. In conclusion, Councillor Wilkinson stated that he had no objection to the proposed 03:00 terminal hour for New Year's Eve, but suggested that 01:00 hours would be more appropriate for Christmas Eve,

In response to these comments, Mr Emadi suggested that, having reviewed the premises and the new double glazing, LCC EPT had not objected. Additionally, Mr Emadi stated that he did not intend to hold a disco at the premises and any music would be at an appropriate volume so that customers were happy. Having regard to

the comments, Mr Emadi suggested a compromise in order for live music to cease at 00:15. He also offered 01:30 hours terminal hour on Christmas Eve.

The Sub Committee carefully considered the application, having regard to the written representations, the statutory guidance and the comments made at the hearing.

**RESOLVED** - To grant the application as amended through the agreements reached with the Responsible Authorities, subject to the following:

Live music - Monday to Sunday from 10:00 to 00:00 hours

Non-standard hours licensable activities -

Christmas Eve from 10:00 to 01:30 hours

New Year's Eve from 10:00 to 03:00 hours

All other conditions as agreed with West Yorkshire Police and Environmental Protection are to be included on operating schedule of the licence

## **7 Mews - Application to vary a Premises Licence - "Mews", 16 Bank Street, Wetherby, Leeds LS22 6NQ**

The Sub Committee considered the report of the Head of Elections, Licensing and Registration on an application to vary an existing premises Licence at the premises known as Mews, 16 Bank Street, Wetherby. The application sought to add an additional hour onto the hours for sale of alcohol, with the terminal hour being midnight throughout the week, to remove and amend conditions attached to the operating schedule, to make some structural changes and to permit the opening of the premises from 09:00 daily (but not to increase alcohol sales from 09:00 hours)

The application had attracted representations from the Responsible Authorities and local residents. At the start of the hearing, the Licensing Officer advised that the applicant had reached agreements with LCC Environmental Protection Team (EPT) and LCC Health & Safety team over measures to address the licensing objectives. These representations had been withdrawn on the understanding that the amended conditions would be attached to the new premises licence, should this application be granted. Representations received from local residents remained, and as none of the members of the public who had submitted a representation attended the hearing, the Sub Committee resolved to proceed in their absence and take their representations into account during deliberations.

Ms M Hazelwood of John Gaunt & Partners attended the hearing to represent the applicant – Market Town Taverns Limited. Mr A Levine, the Designated Premises Supervisor (DPS) was also present.

Ms Hazlewood confirmed that the applicants operated 15 – 20 premises nationwide. She provided information on the style of operation of the premises – as a traditional public house in Wetherby – which had recently undergone refurbishment. She explained that the application stemmed from wanting to expand the repertoire of the premises, by the introduction of a new menu and capturing the breakfast trade. There was no intention to increase alcohol sales from 09:00 hours. Ms Hazlewood noted that there had been no objections to the proposed change to the layout of the premises.

In respect of possible noise and disturbance, Ms Hazelwood advised that the applicants had considered local residents' objections to the proposal to extend the use of the beer garden until 00:00 and had now withdrawn that part of the application. She also clarified the circumstances behind one incident when a complaint had been made to the DPS of loud voices in the car park following a corporate event when customers were moving on to other premises. The applicants intended to continue to host corporate functions, and to appeal to those customers who prefer craft ales and premium priced spirits.

Additionally, Ms Hazlewood stated that Mr Levine had spoken to the residents of the two flats above the premises about the application and they had not submitted an objection. Mr Levine advised that he had also spoken to residents who lived directly opposite the premises and they had raised two concerns with him – car parking and noise from the use of the beer garden. He noted that their objections remained despite the proposal to extend the hours of use the external area being removed from the application. He also added that staff had been reminded to clear the external area quietly, and this was included in all staff training. In respect of car parking, Ms Hazlewood noted that there was a sign at the junction of Church Street advising it was a private road to deter people parking there, however Wetherby attracted many visitors who did still park there. She noted that none of the residents had ever made a complaint directly to Mr Levine about patrons parking on the street.

The Sub Committee carefully considered the application, representations and comments made at the hearing. Members also noted the agreements reached between the applicant and responsible authorities.

**RESOLVED** - To grant the application as applied for and the agreed conditions to be incorporated into the operating schedule of the licence.

In conclusion, the Chair commented to the applicant that any noise complaints be investigated, as it would always be open to residents to put in a complaint and to ask for a review should matters not be addressed.

## **8 Wetherspoons - Application for the grant of a premises licence for Wetherspoons, 37 Main Street, Garforth, Leeds LS25 1DS**

This application was withdrawn from the agenda prior to the meeting as the applicants and all interested parties had reached agreements on measures suggested in order to promote the licensing objectives of the city. The Premise Licence will therefore be issued by the Licensing Officer in accordance with the agreed conditions