

Licensing Sub-Committee

Tuesday, 27th September, 2016

PRESENT: Councillor B Gettings in the Chair

Councillors S Field and M Harland

1 Election of the Chair

RESOLVED – That Cllr. Gettings be 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 was no exempt information on this occasion.

4 Late Items

There were no late items.

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

6 Certification of Films

The report of the Head of Elections, Licensing and registration advised Members of an application for the certification of films to be shown at the No Gloss Film Festival to be held at Canal Mills, Brandon Street, Armley between 22nd and 23rd October 2016.

Members had received a synopsis of the films to be shown which were attached at appendix A of the submitted report.

Members were informed that the films were for persons of eighteen years and over and had been viewed by Officers prior to the hearing.

Miss Sophie Marfell the Director of the No Gloss Film Festival was at the hearing. She informed the Members that this was the fifth year of this independent film festival with film makers attending the festival from overseas.

Films shown at the festival would be the first viewings and that 40 films had been selected from 600 to be shown.

Miss Marfell advised Members that all the films had been appropriately certified for persons of 18 years and over within specified guidelines. She informed Members that all persons entering the festival were checked to ensure that they were 18 years old or over.

RESOLVED – That Members of the Licensing Sub-Committee grant the application as applied for.

7 APPLICATION TO VARY A PREMISES LICENCE HELD BY THE CHEERFUL CHILLI BARN EAST CHEVIN ROAD, OTLEY, LS21 3DD

This application was to vary a premises licence, made by Mr Richard Reeve, for The Cheerful Chilli Barn, East Chevin Road, Otley, LS21 3DD.

At the start of the hearing the Legal Officer asked for clarification on the application submitted.

Mr Whurr the applicant's representative informed the Committee that he had spoken at length with Environmental Protection and was not seeking to remove condition 14. He also produced a copy of the current licence to clarify the precise terms and wording of the relevant conditions.

Mr Whurr tabled papers which provided photographs and information in relation to the venue. The papers were received by all parties.

Members were advised that a full description of the variation could be seen at 3.2 of the submitted report, subject to the removal of the application to amend condition 14.

Members were also advised that responsible authorities and Ward Members had been notified of the application. The application had attracted representations from other persons who were in attendance at the hearing and from Environmental Protection Team.

Members attention was drawn to point 2 History of Premises set out in the submitted report.

Members were informed of the application as set out at 3.2 and 3.3 of the submitted report.

Members were informed that the Environmental Protection Team had withdrawn their representations on Friday 23rd September after agreeing conditions with the applicant. The offered conditions were presented to the Members as follows:

- The PLH/DPS will ensure patrons use external areas in a manner which does not cause disturbance to nearby residents and business in the vicinity
- The activities of persons using the external areas will be monitored and they will be reminded to have regard to the needs of local residents and to refrain from shouting and anti-social behaviour etc. when necessary.
- When regulated entertainment is provided all doors and windows will be closed with the exception of access and egress to and from the premises.
- No speakers for amplification of music or speech shall be placed / relayed in the marquee or on the outside of any buildings forming a part of the premises.

Mr Whurr informed the Committee that the Police were comfortable with the variation to the licence as the applicant had offered more stringent conditions.

Mr Whurr informed the Members of the following points:

- That this was a family run business
- That the Barn was a venue for weddings which could cater for up to 100 people.
- The most that the applicant had accepted for an event was 140 people
- The Barn was licensed for wedding ceremonies
- The services used at the venue catering etc. were all locally sourced

- All licensable activities held at the Barn finished at 23:00
- That there had been 28 weddings this year of which 8 had used a marquee
- That the applicant had worked hard to promote the licensing objectives offering robust conditions
- The applicant and Mr Whurr had spoken numerous times with Environmental Protection Team to agree measures on noise nuisance

Mr Whurr indicated that he knew Mr Fuller and would be happy to mediate between the neighbour and Mr Reeve.

Mr and Mrs Fuller and Mrs Stubbs who had made representations against the variation were at the hearing. The Members heard from each of them with the points raised as follows:

- That the Cheerful Chilli Barn had gone from 40 covers per night to serving up to 100 people
- That living next to the venue was like living next to a nightclub
- That live and recorded music had been played in the marquee
- That no licence application notices had been put up
- That the marquee was used more frequently than the Committee had been informed
- That the venue is increasing in popularity therefore more events, more people and more noise
- Not able to enjoy garden during summer evenings because of the noise
- Had been asked by Environmental Protection to record a noise diary
- Concerns that if Condition 11 was removed that people would be able to drink and socialise outside the premises
- That the noise was affecting her and her children
- That there had been fireworks
- That music was played until 11:15pm
- The use of the venue created more traffic in the area with taxi's up till midnight
- That the Barn was not an appropriate location for the amount of people that attended
- That conversations had taken place with the Fullers and the Stubbs but with both families of that view that no changes or compromise had been reached.

In response to the points put forward Mr Whurr informed the Members:

- That there had been no occasion when fireworks had been let off.
- They were not requesting the removal of condition 14.
- That music was played through a noise limiter
- That 140 people were legacy bookings
- That the marquee is usually used if the weather is bad.
- That amplified music had been played in the marquee previously but this would now be an offence as it will be precluded by a condition of the licence

In response to Members questions the applicant informed the Committee that there was a natural mound and other buildings which created a buffer between the barn and the neighbouring property. He also said his staff would ensure that when smokers were outside they would be reminded or told to keep the noise levels low.

He said that his bar manager was experienced and very capable having managed a bar in the city centre.

Mr Reeve also explained the layout of the Barn pointing out the lobby area between the barn and the doors used for access and egress which would be closed when music was playing. He said that the barn had very thick walls and windows and skylights would be closed. He had used air conditioning in the venue which he hoped to up-grade.

Mr Reeve was of the view that the meetings with his neighbours had gone well. He informed the Committee that he had only become aware of complaints after the venue had been open for 1 year.

Members noted that taxis would be arriving and leaving with customers dining at the restaurant owned by Mr Reeve's brother-in-law.

Mr Reeve said that future marketing of the venue would only be for up to 100 people.

During Members deliberations all parties were asked to come back into the room so that they could be made aware that Members were considering the proposal of certain conditions. Mrs Stubbs and Mr Fuller had left the building as Mrs Stubbs was feeling unwell, only Mrs Fuller returned to the room to hear the proposals.

RESOLVED – Members carefully considered all the information presented to them and resolved to grant the variations as per the modifications.

- Add off sales of alcohol and remove the condition of open bottles and glassware to be restricted to dining areas
- Condition 15 to be amended to read 'bottles will not be placed in any external receptacle between 23:00 and 08:00 hours to minimise noise disturbance to neighbouring properties'
- Condition 14 – to remain
- Add a condition for clear and eligible notices to be displayed to remind patrons to consider neighbours when entering and leaving the premises
- To add the following conditions in relation to the prevention of public nuisance:
 - The PLH/DPS will ensure patrons use external areas in a manner which does not cause disturbance to nearby residents and business in the vicinity
 - The activities of persons using the external areas will be monitored and they will be reminded to have regard to the needs of local residents and to refrain from shouting and anti-social behaviour etc. when necessary.

- When regulated entertainment is provided all doors and windows will be closed with the exception of access and egress to and from the premises.
- No speakers for amplification of music or speech shall be placed / relayed in the marquee or on the outside of any buildings forming a part of the premises.

8 APPLICATION TO VARY A PREMISES LICENCE HELD BY SPACE, 10 - 20 DUNCAN STREET, LEEDS, LS1 6DL

This application was withdrawn prior to the hearing.