

Licensing Sub-Committee

Tuesday, 21st March, 2017

PRESENT: Councillor G Hyde in the Chair

Councillors G Wilkinson and J Dunn

1 Election of the Chair

Councillor Hyde 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 "Morrison's Daily" - Application for the grant of a premises licence for Morrisons Daily Petrol Filling Station, Swinnow Road, Swinnow, Leeds, LS13 4DN

The Licensing Sub Committee were informed at the start of the hearing that Wm Morrison Supermarkets PLC, for Morrisons Daily Petrol Filling Station, Swinnow Road, Swinnow, Leeds, LS13 4DN had withdrawn the application for a premises licence.

7 "Marstons" - Application for the grant of a premises licence for Marstons, Parkinson Approach, Garforth, Leeds, LS25 2HR

The report of the Head of Elections, Licensing and Registration requested that Members consider an application for the grant of a premises licence for Marstons, Parkinson Approach, Garforth, Leeds, LS25 2HR.

The application was for:

- Films
- Indoor Sporting events
- Live Music
- Recorded Music
- Performance of Dance
- Supply of Alcohol – for consumption both on and off the premises

Monday to Thursday	10:00 – 00:00
Friday & Saturday	10:00 – 01:00
Sunday	11:00 – 00:00

Late night Refreshment

Final Minutes

Sunday to Thursday	23:00 – 00:00
Friday & Saturday	23:00 – 01:00

Non Standard timings as set out in the submitted report

Representations had been received from the planning department in their capacity as a responsible authority their representation was in relation to operating hours.

Representation had also been received from Environmental Health in their capacity as a responsible authority. However, negotiations had taken place with Marston's prior to the hearing and in this instance the operating schedule had been amended to include the measures agreed with Environmental Health. A copy of the agreement was attached to the submitted report at appendix D.

Members were informed that representations had been received from a member of the public who had expressed their concerns with regard to public nuisance. The Ward Councillor, Mark Dobson had also submitted an objection raising concerns regarding crime and disorder and public nuisance.

The Sub Committee were advised that the applicant had modified the proposed hours for the supply of alcohol and the provision of late night refreshment, in each case the terminal hour had been reduced to midnight seven days a week.

It was noted that the reduction of the proposed operating hours had seen representations by Planning, and the Ward Councillor withdrawn.

It was noted that the Licensing Authority had not been able to contact the local resident with the proposed new operating hours.

It was apparent that the representation from the member of the public consisted of two pieces of correspondence, the first of which was not included within the agenda. The first communication (dated 1st February 2017) was therefore read out to the Committee before the start of the hearing and a copy shown to the Mr Shield the applicant's representative prior to his presentation. A copy of this communication is available on the Leeds City Council web page.

The applicant was represented by Mr Shield of John Gaunt & Partners Solicitors. Also present at the hearing was Rachel Newnes of Marston's.

Mr Shield circulated copies of additional information which included the Marston's sample menus, an operational strategy and a revised operating schedule which contained some additional conditions to address the licensing objective of the prevention of public nuisance.

Mr Shield informed the Sub Committee that attempts had been made to contact all those who had submitted representations and as a result of discussion the Ward Councillor had withdrawn his representation. He said that as per the attempts of the Licensing Authority, Marston's had been unable to communicate with the local residents who had submitted a representation.

Mr Shield suggested that the objectors' address was far enough away from the premises as to invalidate any concern as to noise nuisance. He informed the Members that no objections had been received from dwellings which fronted onto the main road opposite the development.

Members were informed that Marston's was set up in three divisions:

- Brewery
- Tenanted division
- Managed House

He said that the application site was to be a managed house and a new build in a significant development for the area.

Mr Shield advised Members that the pub was to be a family orientated food led premises as set out at pages 1 and 2 of the additional bundle 'operational strategy'.

Members' attention was drawn to the additional information bundle at page 7 which set out statistics for kids' covers, wet and dry purchases. Mr Shield said that the statistics showed that Marston's were of the view that all the areas were equally important.

Mr Shield reiterated that Marston's had proposed reduced operational hours which they had set out in the operating schedule at pages 8-9 of the additional information bundle along with some additional conditions.

Members were advised that in relation to page 20 of the agenda last paragraph sporting events of national interest outside of normal opening hours would only be shown with the consent of the West Yorkshire Police. Members noted that this was a common condition in licences.

Members were informed that the premises were to be part of a large development and that they hoped to open in spring 2018.

RESOLVED – The Licensing Sub Committee resolved to grant the premises licence, as modified by the applicant prior to the hearing and subject to the conditions within the revised operating schedule contained in the additional information bundle published on the Leeds City Council web page.