

Licensing Sub-Committee

Tuesday, 31st October, 2017

PRESENT: Councillor J Dunn in the Chair

Councillors N Buckley and K Groves

1 Election of the Chair

RESOLVED – To elect Cllr. Dunn as the Chair of the Licensing Sub Committee for the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against the 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. However there was supplementary information for Item 7 Application for grant of a premises licence for Drink On, Unit 1J, Hilltop Commercial Centre, Houghley Lane, Bramley, Leeds, LS13 2DN. This information had been provided to all parties prior to the hearing.

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

6 Application to vary a premises licence held by Church (Formerly Halo & The Joint) 177 - 179 Woodhouse Lane, Woodhouse, Leeds, LS2 3JT

This application was removed from the agenda prior to the hearing.

Both representations had been withdrawn with the variation application being granted subject to the agreed conditions.

7 Application for the grant of a premises licence for Drink On Unit 1J, Hilltop Commercial Centre, Houghley Lane, Bramley, Leeds, LS13 2DN

The report of the Head of Elections, Licensing and Registration requested Members to consider an application for the grant of a premises licence for Drink On, Unit 1J, Hilltop Commercial Centre, Houghley Lane, Bramley, Leeds, LS13 2DN.

Members were advised that this was a first application for a premises licence for these premises.

The Sub-Committee heard that the licence was for the supply of alcohol off premises 24 hours per day.

Members were informed that representations had been received from West Yorkshire Police. However, measures had been agreed and included in the conditions for the licence these could be found at Appendix C of the submitted report.

No representations had been received from Environmental Health but it was noted that further measures had been offered by the applicant in relation to the prevention of public nuisance and could be viewed at Appendix D of the submitted report.

The application was before Members due the representations from members of the public. The main concern was that the premises may cause nuisance to residents living nearby due to increase in traffic through deliveries. Members were informed that Cllr. Lowe had been approached by local residents expressing their concerns to noise nuisance as deliveries would take place through the night.

Christopher Grumert the applicant's representative addressed the Sub-Committee. He explained that the business would be web-based with customers logging on and ordering drinks for delivery. The applicant had applied for a 24 hour licence to cater to customers for sales to top up parties, and last minute orders.

Members were informed that the business was for off sales only and that the unit would not be open to the public.

Mr Grumert advised Members that the applicant would be using Challenge 25 and although the orders were to be taken on line goods would only be provided on proof of identification. Identification would include passports, driving licence, ID cards.

It was noted that West Yorkshire Police had suggested 6 conditions which were provided at page 67 of the agenda, these would form part of the operating schedule.

Mr Grumert said that Mr Alex Douglas was a young entrepreneur who wished to set up his own business and would be a sole trader. At least initially the business would only have 1 worker (i.e. Mr Douglas himself) and 1 vehicle.

Mr Grumert went on to say that Mr Douglas had researched the business in other cities. He said that initially Mr Douglas would look to supply within the north of Leeds and if the business was successful would extend delivery to other areas of the city.

Mr Grumert highlighted the fact that Environmental Health had not made representations and had written that they were satisfied that the risk of causing nuisance from the proposed activity was low.

Mr Grumert provided Members and all interested parties with a colour map which provided Members with a more detailed location of the premises. The map had formed part of the submitted supplementary information, unfortunately it had not scanned clearly.

In response to Members questions the Sub-Committee was informed that initially Mr Douglas would be the only driver and if successful this might increase to 2 or 3 drivers.

When asked how Mr Douglas would effect a quiet refusal the Sub-Committee was informed that Mr Douglas would leave alcohol in the van until he got confirmation that the persons who had ordered and would be consuming the alcohol were 18 years of age. This would be checked using ID through passports, and driving licence.

It was noted that Mr Douglas could not be responsible for the behaviour of potential customers should he refuse an order.

Members had concerns that the Commercial Centre was currently not open 24 hours and queried if an application had been sent to the Planning Department. Mr Grumert advised the Members that an application had been sent to Planning Department and that the Landlord of the Commercial Centre was aware of the proposed 24 hour operation, no representation had been received from them.

In relation to safety concerns Mr Grumert informed the Members that the Commercial Centre had 24 hour security guards and each unit was alarmed.

Members noted that if the business became successful this would increase the flow of traffic to and from site with an increase in orders. However Mr Douglas was looking to run an efficient business and would try to deliver more orders together. To try and alleviate noise he would reduce speed on exit and approach to the unit.

Representations had been received from members of the public, three of the objectors were at the meeting and elected Mrs Yeoman to speak.

Mrs Yeoman spoke on behalf of residents living close to the Commercial Centre and informed the Members of their concerns, in particular:

- Houghley Lane is 'a lane' not a major road;
- The Commercial Centre does not have planning consent to operate 24 hours 7 days a week;
- Houghley Lane is one of the few conservation areas in this location with wild life including bats, owls, birds, and insects. The noise and pollution from increase in traffic would affect the wild life especially the bats;
- The noise of the large metal gates which would need to be unlocked and locked especially during the night would adversely affect residents' sleep;
- Light pollution from the lights on the Commercial Centre;
- Noise pollution of traffic and noise of vehicle engine idling whilst opening and closing gates;
- Security issues including that the unit could become a target for thieves; driver vulnerability whilst opening or closing gates;
- Local Ward Councillors and MP have been campaigning against the number of licensed premises in the area;
- Public safety due to increase in traffic;
- Already a 24-7 booze delivery operating in the area;
- That a letter to Leeds District Licensing Officer had inferred the use of couriers;
- The number of couriers or drivers should the business become large;
- That the business had been advertised on Facebook giving the address and the products on offer.

Mr Grumert addressing some of the concerns raised informed the Sub-Committee that Mr Douglas was aware of his responsibilities in regard to his Licence and that the couriers would be his own staff and that training would be provided. He said that the premises would definitely not be open to members of the public, despite the address appearing in advertising.

It was noted that planning and licensing regulation takes place via separate regimes and the considerations in respect of each are not identical.

Members advised Mr Grumert and Mr Douglas that planning permission needed to be addressed. Mr Grumert reiterated that an application had been sent to the Planning Department.

RESOLVED – To grant the Premises Licence as applied for subject to the conditions set out in the submitted report, including the public nuisance preventative strategies which were set out at page 85 of the public document pack.

Councillor Groves left the meeting at 11:30am

8 Application for the grant of a premises licence for The Beer Station York Road Industrial Estate, York Road, Wetherby, LS22 7SU

Prior to hearing this application all parties were asked by the Chair if there were any objections to the application being heard by only two Members of the Licensing Sub Committee. The Legal Officer explained the procedure of a quorum as set out in the Constitution 2017/18 Licensing Procedure Rules. All parties agreed to the continuation of the hearing.

The report of the Head of Elections, Licensing and Registration requested the Licensing Sub Committee to consider an application for the grant of a premises licence for The Beer Station, York Road Industrial Estate, Wetherby, LS22 7SU.

At the start of the hearing the applicant requested that additional information be tabled. Objectors had been provided with the additional information whilst waiting for the application to be heard. However the Members of the Sub-Committee had not had sight of the information and requested that the hearing be adjourned for 5 minutes to enable them to read through the documents presented.

Members read through the additional information which in their opinion was substantial and materially altered what was being sought.

The meeting was reconvened. Members were of the view that to allow the additional information to be part of their final deliberations they would require more time to read fully the information presented by the applicant. As some of the additional information was likely to have a bearing on the focus of presentation from objectors, it would be proportionate for the hearing to be postponed to another date.

RESOLVED – That the hearing be adjourned until a later date. All parties to be informed of the date.