

Licensing Sub-Committee

Tuesday, 14th November, 2017

PRESENT: Councillor G Hyde in the Chair

Councillors N Buckley and J Pryor

1 Election of the Chair

RESOLVED – That Councillor Graham Hyde be elected as 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.

4 Late Items

A formal late item was admitted to the agenda for an application for the certification of films to be shown at the Leeds Palestinian Film Festival.

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 Leeds Palestinian Film Festival which was to run between November and December 2017.

Members were provided with details of the BBFC Guidelines which were attached at Appendix A of the submitted report.

Members were informed that an application had been received from the Leeds Palestinian Film Festival office to have a number of films certified as they were not currently certified by the BBFC.

Members noted that the films were to be shown at various venues around the city including two community centres, The Carriageworks and the Albert Room in the Town Hall.

Tricia Griffin, Leeds Palestinian Film Festival attended the meeting she apologised for the late application.

Ms Griffin had provided the Licensing Sub Committee with a brief synopses and links to relevant websites.

Ms Griffin explained that all of the non-classified films that were to be shown were documentaries. She went on to explain that the films illustrated different aspects of life in the Occupied Palestinian Territories and some contained newsreel type images of the Israeli-Palestinian conflict.

Ms Griffin informed Members that it was her opinion that the non-classified films may contain images that would be distressing to younger children. However she was of the view that the films would be suitable for young people of 15 years and older.

Members were informed that several of the films had been shown at other location in the country.

Members considered the synopses as presented before them.

RESOLVED - To grant a classification of 15 years and older to those films currently non-classified by the BBFC.

7 Application for the grant of a premises licence for Cafe/Bar 68 Otley Road, Guiseley, Leeds, LS20 8AH

The report of the Head of Elections, Licensing and Registration requested Members consideration of an application for the grant of a Premises Licence for a Café/Bar at 68 Otley Road, Guiseley, Leeds LS20 8AH.

Members were informed that this was the first application for a Premises Licence for these premises. It was noted that representations had been received from West Yorkshire Police and Environmental Health Team but agreements had been reached. It was also noted that the operating schedule had been amended to include the agreed measures and a copy of the agreements could be found at Appendix C of the submitted report.

Members heard that the application had attracted four representations from members of the public and Ward Members on the grounds of public nuisance.

Mr Gareth Abraham the applicant and proposed DPS was at the meeting and informed Members that this would be a family run business selling craft ale and cask ale. He explained that the premises would also serve coffee in a morning.

Members noted that the premises had previously been a takeaway, an off licence and a tanning shop.

In response to Members questions Mr Abraham said that he had been told by a Licensing Officer that he did not need to be represented as the process was straight forward. Members were of the view that it may have been more prudent of Mr Abraham to have a representative.

When asked if there had been any conversations with the residents Members were informed by Mr Abraham that he had not spoken with the residents and that there had been some issues with the landlord.

Mr Abraham explained that his background was in the brewing business. He went on to say that he wanted the premises to be a modern twist on a café bar which would offer a variety of cask ales and craft beers. Mr Abraham said that he would be using Challenge 21 and was hoping that his clientele would be of those over 25 years. He explained that some of the beers that he would be offering would be up to £10 a pint.

He said that he would only allow children into the café bar up until 4pm.

Mr Abraham suggested that he would try to mitigate residents concerns and solve any issues. He explained that he did not want any public use to the rear of the

property and that this area would only be used as a fire exit as per Planning Department and for staff use. Mr Abraham said that planned to have CCTV installed to the rear of the premises and hopefully this would make that area safer for the residents.

Mr Abraham explained that a condition of Planning was that the premises would require sound proofing to the ceiling. However he was unable to provide the db rating when asked, but did inform the Members that he did not intend live music only soft background music.

Mr Abraham informed the Licensing Sub Committee that he did not wish for a smoking area to the rear of the property as this was used by the residents and was a dark area. He said that he would not want to have a smoking shelter to the rear as the area was known for drug related issues and anti-social behaviour and that the sheltered might become a place for teenagers and others to congregate. Mr Abraham advised Members that the visitors to the bookies further along the road smoked outside the front of the premises on the pavement.

Mr Abraham informed the Members that if this was to be the only area available to him he may not go ahead with the venture.

When asked about the proposed layout Mr Abraham explained, the front half of the premises would be used for the public area which would have a capacity of 60 people with a seating area for 20 and standing for 40, to the back of the premises it was proposed to have a small kitchen and toilets for staff use and the fire exit would be located also to the rear of the premises.

Mr Abraham said that he would not be serving food.

Mr Abraham advised the Licensing Sub Committee that the premises would be fully refurbished and that this would include fitting a new door and a vestibule to alleviate noise escaping from the premises when the door is opened.

Cllr. Pat Latty attended the meeting and was invited to speak by the Chair.

Cllr. Latty explained that she had thought she had put in an objection to the premises, however it appeared only objections from Cllrs. Graham Latty and Paul Wadsworth had been received by the Licensing Team. Cllr. Latty went on to say that was attending the meeting to support Mr Hajiani a resident and was in full agreement of the issues and concerns put forward by Mr Hajiani.

Mr Hajiani informed the Members that he had had no contact with the applicant, the landlord or the Licensing Team.

In relation to the proposed layout of the premises Mr Hajiani explained that the front of the proposed premises where most of the public area was to be located was directly under his living room and that the noise from the café bar would affect his day to day living.

It was noted that Mr Hajjani occupied the first and second floors of the property above the proposed premises. Mr Hajjani said that he had lived at the property since 2010. He detailed the issues that he had had with the previous occupants as follows:-

- Background noise of music and smells from the Indian takeaway
- Noise of the tanning machines and essential oil smells from the tanning shop
- The previous owners of the premises using his waste bins for their waste

Mr Hajjani also told the Licensing Sub Committee of the issues that he had in relation to other premises in the area these were:-

- Noise of people leaving the Station Public House
- People buying and selling drugs in the area
- People vomiting and urinating in the area

Mr Hajjani also raised his concerns about noise from deliveries to the proposed premises and the collection of recycled bottles and the storage of goods to be sold.

Mr Hajjani was of the opinion that the proposed sound proofing would not be adequate.

Mr Abraham in responding to Mr Hajjani's concerns informed the Licensing Sub Committee that:-

- Morrisons located nearby had a recycling bin for bottles that he could use;
- The largest delivery would be the first delivery but then would be deliveries on a smaller scale using a high sided van;
- He could not be expected to have control over noise from people passing from one location to another;
- He did not intend to use the rear of the property except for staff;
- There was ample parking for customers in the area;
- There was sufficient transport links with buses and trains; and that he was hoping to attract customers from a higher clientele.

Members considered all the information before them.

RESOLVED – To defer the application until 28th November 2017 for further information on the following:-

1. Proposed layout of the premises
2. Sound attenuation measures
3. Details of proposed smoking area

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

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 made by the Wetherby Brew Co Limited, for The Beer Station York Road Industrial Estate, York Road, Wetherby, LS22 7SU.

Members were informed that the application had first been before the Licensing Sub Committee on 31st October 2017. Due to additional information provided by the

applicant, it was decided to adjourn the hearing in order to distribute the information to all parties involved. Members' attention was drawn to Appendix H of the submitted report.

Members were advised that the applicant had reduced the hours of operation to:
Sunday to Thursday 10:00am -10:30pm
Friday and Saturday 10:00am – 11:00pm

Members noted that representations had been received from Planning Officers and members of the public.

Sean White, Richard Roberts and John Ferguson, directors of the Wetherby Brew Co Limited were present at the meeting. Sean White spoke on behalf of all the directors of the company.

Mr White apologised on behalf of Tom Roberts the other director for not being present at the hearing but he was currently out of the country.

Mr White advised the Licensing Sub Committee that he would be focusing on the information provided in Appendix H of the submitted report.

Mr White highlighted the following points included:-

- The applicant had fully considered and addressed concerns of the residents in the area of York Road, Wetherby
- The withdrawal and variation of proposed licensable activities
- That this was a microbrewery where a range of craft ales were to be produced with the plan to retail their own beers
- The provision of a specialist bottle shop selling guest ales from around the world for consumption off the premises
- Provision of brewery tours
- Similar business models elsewhere in the country such as Brew York (York), North Brew (Leeds), and Magic Rock (Huddersfield).
- The hope that the business would be able to offer an opening for an apprenticeship for a new brewer.
- They had reduced the hours of sale
- Withdrawn live music
- Withdrawn late night refreshment

Mr White explained to the Licensing Sub Committee that the Beer Station was not connected to the other licensed premises the Engine Shed and that Beer Station was much smaller and would not be hosting the same type of events hosted by the Engine Shed. He also explained that position of the Beer Station premises were set further back from York Road.

Consequent to the proposals by the applicants to withdraw or vary the nature of licensable activities at the proposed Beer Station Members attention was drawn to a revised operating schedule of proposed licensable activities was reproduced at figure 2 with revised operating schedule at figure 3 of Appendix H of the submitted report.

Mr White was of the opinion that the premises were in an area of a strong walking catchment and that the premises were well served by buses and taxi services. Mr White highlighted point 6.6 of Appendix H of the submitted report which set out measures to prevent noise nuisance in line with guidance from Environmental Health Team.

Members were informed that the brewery had a 200 litre capacity about 350 pints of beer.

It was noted that all directors had a personal licence and that one of the directors would be on site at all times during opening hours.

Members were advised that the consultation period had finished on Friday 10th November. The applicant said that they still need to take advice in relation to the information provided by the Planning Department with regard to parking spaces and pedestrian walkways across the site.

Members heard that the applicant had no intention of using Temporary Event Notices (TENs) to host events with live music.

In response to Members questions on flooding lighting the Licensing Sub Committee were informed that this was a 2 light system one PIR activated and stays on 1 minute and the second LED lights which would be installed for during opening hours. It was noted that the compound carpark and the gates are locked.

Office from Planning Department were present at the meeting. The Officers informed the Licensing Sub Committee that an application had been received 29th September 2017. Planning Officers raised their concerns as being:-

- Public safety specifically the pedestrian walkway to and from the site;
- Close proximity to residents;
- Mezzanine floor which was not currently part of Licensing application but was included as part of the Planning application;
- Not sufficient parking.

Planning Officers were of the opinion that this was not a highly sustainable area as there were not many buses to the site and it was too far outside on the town centre of Wetherby.

It was noted by the Licensing Sub Committee that the brewing side of the business could take place at the premises already without the need of a licence.

Members also noted that the mezzanine floor was assessed as part of planning however, it was not part of the Premises Licence Mr White explained that the mezzanine floor was currently used for brewing equipment. Mr White said that should the Premises Licence be granted and they required the space on the mezzanine floor at a future date a variation to the Premises Licence would be applied for.

Members were informed that the Premises Licence would cover 55 square metres with a further 10 metres to be allocated as a smoking area. The capacity for the premises was for 100 people.

Ward Councillor Gerald Wilkinson was at the hearing and informed the Licensing Sub Committee that Wetherby was a small market town which closed at midnight. He said that the thought of closing a premises at 1:00am in this location was horrendous as situated so close to a residential area. Councillor Wilkinson was of the opinion that the building would not be able to contain sound as it was of a metal construction.

Councillor Wilkinson said that he had no objection to the micro-brewery or off licence but was of the view that the establishment would become a vertical drinking establishment.

Maureen Freeman a member of the public who had submitted representation against the application was at the meeting and spoke for herself and on behalf of the residents who had sent in objections.

Mrs Freeman informed the Licensing Sub Committee that 25 letters of objection had been sent.

Mrs Freeman was of the view that a spreadsheet showing analysis of resident's objection was not appropriate or accurate in its representation of principle concerns.

Mrs Freeman informed the Members that the nearest residential property was 50 metres from the boundary and that an embankment and trees did not prevent noise or music from reaching the properties especially when doors were left open.

Mrs Freeman said that the applicant had provided a letter to all the residents explaining their intention to reduce the hours of opening. She explained that she and other residents had not realised that closing at 11:00pm had not included drinking up time. She said that she had concerns that people would be walking through the estate at midnight.

Mrs Freeman provided the Licensing Sub Committee with an example where the Engine Shed had not been able to control their customers and the Police had been called. She also explained that the Engine Shed had hosted an event where live music had been played outdoors and this had caused issues with residents unable to use their gardens.

Mrs Freeman highlighted the following concerns:-

- Applicant would be able to apply for TENs to host late night events;
- If use catering as proposed by applicant there would be noise nuisance and odour nuisance;
- Access issues for residents included;
 - Young families in the area with pushchairs;
 - Old persons mobility scooters;
 - People parking on pavements;
 - Close to elderly persons home parking required for carers;

- Pedestrians late at night particularly hazardous;
- Dangerous junction nearby;
- York Road busy even at night;
- Hallfield Lane busy at weekend;
- Applicant said capacity for 100 people although Planning Department had said that capacity was up to 140 people.

Mr Colston a member of the public who had also sent in a representation spoke at the meeting informing Members that the basis for his objections were on noise nuisance. He said his concerns related to the noise of the outside catering vans and the outside space proposed for smoking. Mr Colston said that he also had concerns that there were only 10 parking spaces proposed and should an outside catering van be at an event this would reduce parking even further.

In responding to representations Mr White informed the Licensing Sub Committee that the proposal of outside catering was to trial visiting food vendors who would have small vehicles. They would be cooking hot food however Mr White was of the view that this would cause only minimum issues.

Mr White explained the position of the unit within the industrial estate and informed Members that the nearest property was 65 metres away.

It was noted that the proposed layout of the premises had not been included with the submitted report. Mr White provided a copy to the Members to assist with the consideration of the application.

Mr White said that he was open to the proposal of Deighton Close as a pedestrian walkway.

Mr White provided the Licensing Sub Committee with the proposed measures to alleviate noise nuisance including the materials to be used to sound proof the building. He said that there would also be a vestibule to keep noise from escaping from the premises.

Mr White said that there would be no large party bookings such as stag or hen parties. To alleviate concerns that the establishment would become a vertical drinking establishment he informed the Members that the proposal was for 100 person capacity which was less than fire regulations, the mezzanine floor space was not to be included in the floor plan and that the venue would allow for seating and standing.

In summing up Mr White made the following points:-

- 11:30pm closing Friday and Saturday
- The venture was not part of the Engine Shed
- They would be having open days
- They had delivered letters to residents to try and address concerns raised
- Withdrawn outside activities
- That this proposed establishment was a brewery with a bar.

Members considered at length all the evidence before them.

RESOLVED -To grant the premises licence as amended. Conditions to include:-

- No outside use after 10:00pm each day
- Closing and drinking up time as specified by the amendment