

Licensing Sub-Committee

Tuesday, 28th November, 2017

PRESENT: Councillor G Hyde in the Chair

Councillors N Buckley and J Pryor

1 Election of the Chair

RESOLVED – Cllr. G Hyde was 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

There were no formal late items. However, supplementary information had been received in respect of Agenda Item 6 – Café/Bar 68, Otley Road, Guiseley, Leeds, LS20 8AH. This information had been published to the council's website and distributed to interested parties.

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests made.

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

Further to Minute 7 of Licensing Sub Committee held on 14th November 2017, this was the reconvening of the hearing for an application for the grant of a Premises Licence for Café/ Bar 68 Otley Road, Guiseley, Leeds, LS20 8AH made by Mr Gareth Abraham.

The previous meeting had been adjourned due to the applicant being required to provide additional information to support the application. The applicant had been asked to provide further details of the work to sound proof the premises and provide a floor plan. This information had been provided as supplementary information which had been published to the Council's website and distributed to interested parties. However, Mr Hajiani who had sent in a representation of objection and attended the previous meeting indicated that he had not received the information. Members allowed time for Mr Hajiani to read through the information before proceeding.

Mr Abraham informed the Members that since the previous meeting he had now got a name for the premises which was Tap and Growler.

Mr Abraham had brought a friend to support him, Mr Les Hall. Mr Hall informed the Members that he held a premises licence.

Mr Hall spoke on behalf of Mr Abraham saying that information requested had now been supplied.

Members heard that it was proposed that the premises would be used for a craft beer café which would hold less than 50 people, that there would be no food production, no DJ's or live music, nothing to generate excessive noise. Members also heard that the ante shop lent itself to sound proofing with the use of acoustic

insulation to alleviate leakage upwards. Members were also informed that the specific noise issue of the door was to be remedied immediately with the addition of a new door.

Mr Hall said that Mr Abraham wanted to put up lighting and CCTV to the rear of the premises for safety and that he would not be using the rear of the premises only as a fire exit.

In response to Members questions in relation to a smoking area Mr Hall said that Mr Abraham had put in an application to the Planning Department to allow smoking to the front of the premises. At the time of the hearing the applicant had not heard from the Planning Department.

It was noted by the Members that Mr Abraham intended to purchase a retractable canopy to the front of the premises to alleviate the smoke rising upwards should he get planning permission to use the front of the premises for a smoking area. Mr Abraham explained that he would keep the front of the premises clean and tidy.

It was noted that deliveries would take place between 9:00am and 5:00pm and that no recycling of bottles would take place after 7:00pm.

Mr Abraham explained that he would be soundproofing the premises as per the Environmental Protection Team Guidance and was considering them doing the work. The guidance suggested sound proofing to 60 decibels.

In response to Members questions the Sub Committee were advised of the following points:-

- The cellar could be accessed from behind the bar and also from a cellar drop outside to the rear;
- The deliveries would not be large trucks and delivery could be taken either through the front or the rear of the premises;
- The vestibule to the front of the premises was to be addressed;
- The Station Pub across the road would be recycling more bottles therefore louder than the Tap and Growler as this would mostly retail draught beers.

Cllr. G Latty attended the hearing he had submitted an objection to the application.

Cllr. Latty informed the Licensing Sub Committee of the following points:-

- This road was a route for children going to and from school and the local councillors had received complaints from parents in relation to children seeing workers smoking outside on that road although this would not be an issue for this premises in the morning it could be an issue when children return from school;
- He said that if the application did go through it needed to be made clear that the rear of the premises was not to be used by customers;
- That meetings had been held to try to address the issue of anti-social behaviour in the area, it was his opinion that the nature of the business would attract older kids;
- That the rear of the premises was effectively the front door for those who lived above the premises;

- That the Station pub was not a good comparison as it had no rear entrance and was an isolated business, he went on to say that within only a short walk there were other licensed premises;
- That car parking would be an issue as he was of the view that people would not walk to the café/bar but arrive by car.

Mr Hajiani the occupier of the flat above attended the meeting and addressed the Sub Committee with his concerns as follows:-

- That smoking outside the front of the premises even with a canopy would not stop the smoke from drifting into his windows upstairs;
- He was of the opinion that 60 decibels would not be adequate and likened the sound to that of planes taking off from the airport;
- From 11:00am to 10:00pm there would be continuous music;
- Cars pulling up all the time;
- He would be able to hear the retraction of the canopy ;
- That the rear of the property was an issue as it could be easily accessed and fires had been started behind the premises, there had also been anti-social behaviour of drugs related issues and people urinating.
- That the rear of the premises is used by him as his front door;
- He had tried to contact the landlord to have gates installed, stopping access to the rear of the premises;
- No commercial deliveries are provided to the rear of the premises, only private deliveries, he informed Members that he had cameras and could provide evidence that no deliveries were made to the rear of the premises;
- The cellar was not easily accessible for keeping stock as the ceilings were low and the steps very steep;
- This premises had the stop tap for all the premises and had been turned off accidentally by a previous owner stopping the use of water to premises along the road;
- Reiterated concerns about the use of the rear of the premises.

In responding to concerns raised Mr Hall said that Mr Abraham could not be responsible for people accessing the rear of the building but would ensure that his customers did not access the rear of the property.

Members were advised:-

- That the cellar was sufficient to store stock;
- That no recycling of bottles would take place after 7:00pm;
- Cigarette bins would be provided and the owner would sweep up the area;
- Vaping would not be allowed inside the premises customers would have to go outside to vape;
- The Tap and Growler would not be open Monday or Tuesday;
- Family run business would like to shut by 10:30pm.

Members considered all the evidence they had heard and received in the submitted report paying regard to the applicant's intention to sound proof the premises as per guidance of Environmental Protection Team.

RESOLVED – To grant the premises licence as applied for in the submitted report.

7 Application for the grant of a premises licence for Shell Pool Bridge Pool Road, Pool In Wharfedale, Otley, LS21 1EQ

The Head of Elections, Licensing and Registration presented a report for an application for the grant of a premises licence, made by Shell UK Oil Products Limited, for Shell Pool Bridge Pool Road, Pool-in Wharfedale, Otley, LS21 1EQ.

Members noted that representations had been received from Leeds City Council's Development Department and Leeds City Council's Environmental Protection Team in their capacity as responsible authority. The representations were at Appendix C and D of the submitted report.

Members were advised that the licensing authority was in receipt of the tree ward councillor objections, an objection on behalf of the parish council and 14 individual letters of objection, all of which were opposed to this application on the grounds of public nuisance. Redacted copies of the representations were to be found at Appendix E of the submitted report.

Members were informed that there had been a petrol station at the site previously which had been demolished. This petrol station had been licensed for sale of alcohol for consumption off the premises, between the hours of 06:00 and 22:00.

Members were informed that this application was for the sale of alcohol for consumption both on and off the premises everyday between the hours of 00:00 to 23:59 and for late night refreshment everyday between 23:00 to 05:00 hours.

Attending the hearing were Mr Corrigan of Lockett and Co for Shell UK Oil Products Limited and Barrister Leo Charalambides.

Mr Charalambides addressed the Licensing Sub Committee saying that the applicant wished to amend the application for the grant of a Premises Licence as per that granted by Planning Department for the following times:-

Monday to Saturday 07:00 to 22:00

Sunday 08:00 to 22:00

He went on to say that the applicant was withdrawing the application for night refreshment.

Officers from Leeds City Council's Development Department and Environmental Protection Team informed Members that as per the amendments the representations of Leeds City Council's Development Department and Environmental Protection Team were withdrawn.

Cllr. B Anderson was at the hearing and he also withdrew his representation as per the amendments to the application.

RESOLVED – To grant the Premises Licence as amended.

