



## LICENSING SUB-COMMITTEE

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MEETING TO BE HELD IN CIVIC HALL, LEEDS ON  
TUESDAY, 28TH NOVEMBER, 2017 AT 2.00 PM

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### MEMBERSHIP

#### Councillors

N Buckley

G Hyde

J Pryor

Alwoodley;

Killingbeck and Seacroft;

Headingley;

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**Agenda compiled by:  
Governance Services  
Civic Hall  
LEEDS LS1 1UR  
Tel No: 0113 3788662**

# A G E N D A

Item No	Ward	Item Not Open		Page No
2			<p data-bbox="678 322 1134 356"><b><u>PRELIMINARY PROCEDURES</u></b></p> <p data-bbox="678 427 1075 461"><b>ELECTION OF THE CHAIR</b></p> <p data-bbox="678 533 1401 602"><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p data-bbox="678 642 1382 788">To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p data-bbox="678 826 1385 972">(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

Item No	Ward	Item Not Open		Page No
3			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1) To highlight reports or appendices which:</p> <p>a) officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>b) To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>c) If so, to formally pass the following resolution:-</p> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p> <p>2) To note that under the Licensing Procedure rules, the press and the public will be excluded from that part of the hearing where Members will deliberate on each application as it is in the public interest to allow the Members to have a full and frank debate on the matter before them.</p>	
4			<p><b>LATE ITEMS</b></p> <p>To identify any applications as late items of business which have been admitted to the agenda for consideration</p> <p>(the special circumstances shall be identified in the minutes)</p>	

Item No	Ward	Item Not Open		Page No
5			<p><b>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</b></p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p> <p><b><u>HEARINGS</u></b></p>	
6	Guiseley and Rawdon		<p><b>APPLICATION FOR THE GRANT OF A PREMISES LICENCE FOR CAFE/BAR 68 OTLEY ROAD, GUISELEY, LEEDS, LS20 8AH</b></p> <p>To receive the report of the Head of Elections, Licensing and Registration on an application for the grant of a premises licence, made by Mr Gareth Abraham, for Cafe/Bar 68 Otley Road, Guiseley, Leeds, LS20 8AH.</p> <p>(Report attached)</p>	1 - 24
7	Adel and Wharfedale		<p><b>APPLICATION FOR THE GRANT OF A PREMISES LICENCE FOR SHELL POOL BRIDGE POOL ROAD, POOL IN WHARFEDALE, OTLEY, LS21 1EQ</b></p> <p>To consider the report of the Head of Elections, Licensing and Registration on 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.</p> <p>(Report attached)</p>	25 - 64

Item No	Ward	Item Not Open		Page No
			<p><b><u>Third Party Recording</u></b></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties – code of practice</p> <ul style="list-style-type: none"> <li>a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.</li> <li>b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.</li> </ul>	

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Report author: Miss Charlotte Deighton  
0113 378 5029

## Report of the Head of Elections, Licensing and Registration

### Report to the Licensing Sub Committee

Date: 28th November 2017

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

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Guiseley & Rawdon	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

### Summary of main issues

This is an application for the grant of a premises licence, made by Mr Gareth Abraham, for Cafe/Bar 68 Otley Road, Guiseley, Leeds, LS20 8AH.

Responsible authorities and Ward Members have been notified of this application.

The application has attracted representations from other persons.

Please note that this application was previously scheduled to be heard at the licensing subcommittee on the 14<sup>th</sup> November 2017. Due to the applicant being required to provide additional information to support the application, members decided that the hearing should be adjourned until the 28<sup>th</sup> November 2017 to allow the applicant to provide further details of the work to sound proof the premises and provide a floor plan.

## **1 Purpose of this report**

- 1.1 To advise Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for a new premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

## **2 History of the premises**

- 2.1 This is the first application for a premises licence for these premises.

## **3 The application**

- 3.1 The applicant's name is Mr Gareth Abraham.
- 3.2 The proposed designated premises supervisor is Gareth Abraham.
- 3.3 In summary the application is for:

*Sale by retail of alcohol Sun-Thurs 10:00 - 22:30  
Fri & Sat 10:00 - 23:00*

*Recorded music Sun -Thurs 10:00 - 23:00  
Fri & Sat 10:00 - 23:30*

## **4 The operating schedule**

- 4.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule and/or the proforma risk assessment which is attached at Appendix A.

## **5 Location**

- 5.1 A map which identifies the location of this premises is attached at Appendix B.

## **6 Representations**

- 6.1 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

### Representations from Responsible Authorities

- 6.2 Representations have been received from West Yorkshire Police & Environmental Health in their capacity as responsible authorities.
- 6.3 Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with Environmental Health & West Yorkshire Police. A copy of the agreements may be found at Appendix C.

## Other representations

- 6.4 The application has attracted representation from members of the public (described as 'other persons' in the legislation).
- 6.5 The licensing authority are in receipt of 4 representations from members of the public and ward councilors. These are based on the grounds of public nuisance.
- 6.6 In order to protect personal data, redacted copies of the representations are attached at Appendix D. Unredacted copies will be available at the hearing for Members consideration.

## **7 Licensing hours**

- 7.1 Members are directed to paragraphs 6.8 to 6.15 of the Statement of Licensing Policy which states the criteria that will be applied to any decision for new applications or variations which include extending hours.
- 7.2 In brief the Policy states at 6.14 that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so.
- 7.3 The council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not adversely impact on the licensing objectives.
- 7.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix E.

## **8 Equality and diversity implications**

- 8.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the licensing subcommittee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

## **9 Options available to Members**

- 9.1 The licensing subcommittee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- Grant the application as requested.
  - Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
  - Exclude any licensable activities to which the application relates.
  - Refuse to specify the said person as the designated premises supervisor.
  - Reject the whole or part of the application.
- 9.2 Members of the licensing subcommittee are asked to note that they may not reject the whole or part of the application merely because they consider it desirable to do so. It must be appropriate in order to promote the licensing objectives.

## **10 Background papers**

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy

**M**

Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d, e) (please read guidance note 10)**

To promote all 4 licensing objectives we will keep strong management controls and effective training to all staff members making them aware of the premises license and requirements. We will pay particular attention to –

No selling of alcohol to underage people

No drunk and disorderly behaviour on the premises

Vigilance in preventing the use and sale of illegal drugs on the premises

No violent and anti-social behaviour

No harm to children

Alcohol will not be sold outside the operating schedule and a premises supervisor will be in day to day to control this and provide good training to the staff with a signed training record.

CCTV system will be installed and clear challenge 21 posters/information will be visible to prevent under age drinkers

The premises already has interior roller metal shutters on the shop front for extra security.

We know that it is necessary to carry out our functions and operate a business with the purpose of promoting these objectives

**b) The prevention of crime and disorder**

CCTV system will be installed and monitor the entrance/exit and other parts of the premises to prevent crime.

A clear notice outside the premises indicating the normal hours of licensing permitted will be on view

Clear notices will be displayed warning of potential criminal activity such as theft that may target customers

No sale of alcohol to drunk or intoxicated customers

Vigilance at all times in sale or use of illegal drug on the premises

Staff will be trained in asking customers to use the premises in an orderly and respectful manner.

**c) Public safety**

Staff will be trained to carry out underage ID checks and environmental health requirements.

A log book will be kept on the premises to comply with the public safety conditions attached to the premises license that requires the recording of such information. The log book will be available for inspection when required by persons authorised by the licensing Act 2003 or associated legislation.

All parts of the premises and all fittings ie doors fastening, notices, lighting, heating, electrical, sanitary accommodation and all other installs will be maintained at all times and in good working order.

**d) The prevention of public nuisance**

Clear notices will be displayed at the exit requesting the public to respect nearby residents and leave the premises and the area quietly. Customers will be asked not to stand around outside in the street outside the premises loudly talking and will not be admitted to premises above the opening times.

The licensee will ensure that staff leaving late when the business has ceased trading leave in a quite manner to avoid disturbance to nearby residents.

The movement of bins and rubbish outside the premises will be kept to a minimum after 8.00pm to reduce the levels of noise.  
 Any lighting in or out of the premises will be positioned in such a way that doesn't cause disturbance to nearby residents.  
 Adequate waste bins for customer use will be provided in the local vicinity

**e) The protection of children from harm**

Staff will be trained about requirements for persons identification, age establishment etc...  
 Acceptable ID would be a photographic driving license or passport if they wish to buy alcohol.  
 All details will be provided in the training record book available on the premises

A challenge 21 sign will be visible that encourages anyone who is over 18 but looks under 21 to carry acceptable ID

**Checklist**

Please tick to indicate agreement

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where Applicable
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

Applicable to all individual applicants, including those in partnership which is not a limited liability partnership, but not companies or limited liability partnerships

- I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15)

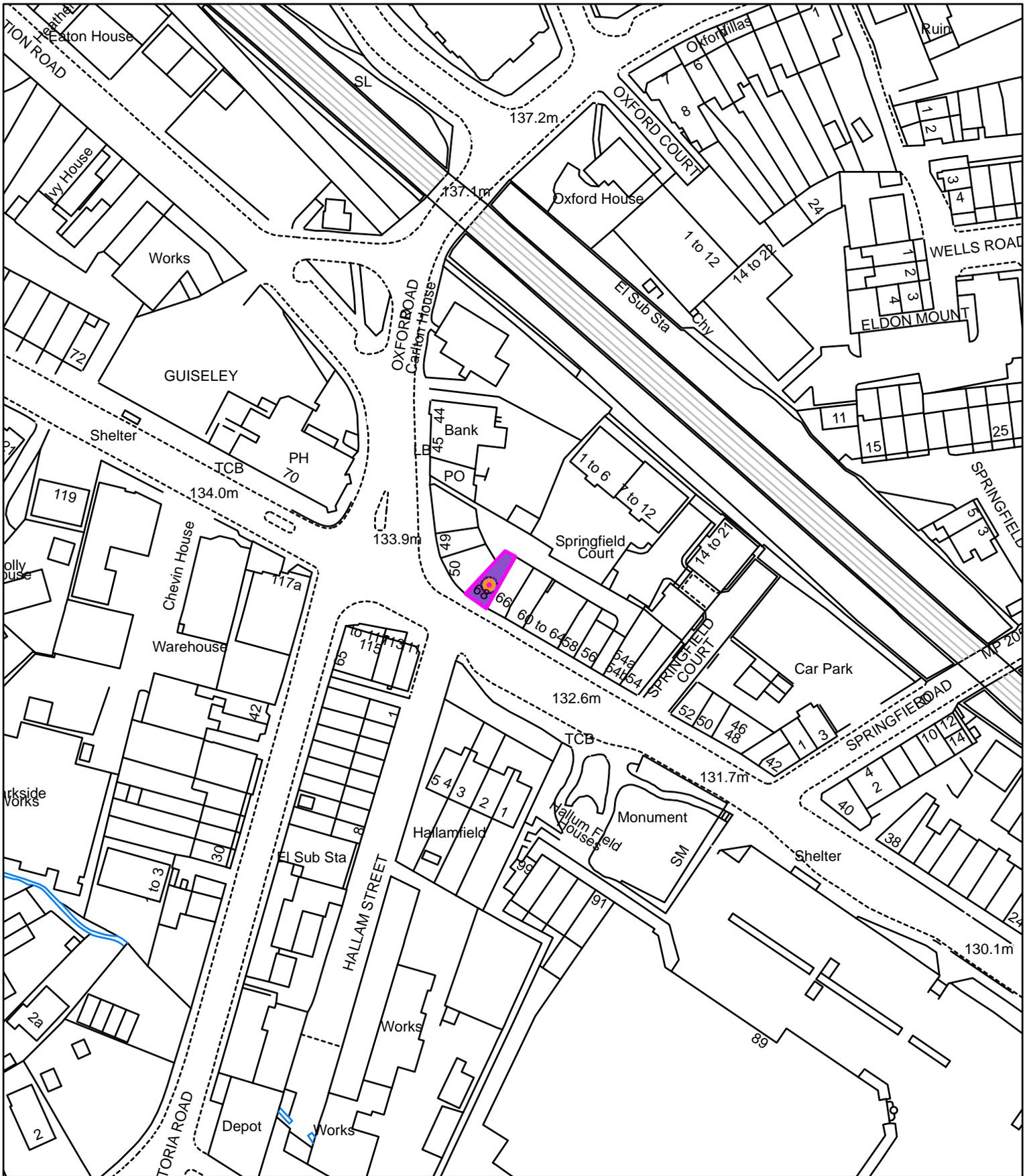
**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION ASYLUM AND NATIONALITY ACT 2006 AND PURUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures (please read guidance note 11)**

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 12). If signing on behalf of the applicant please state in what capacity.

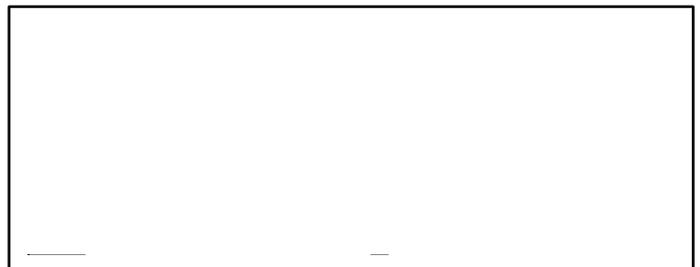
Declaration	Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership
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This map is based upon the Ordnance Survey's digital data with the permission of the Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office

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## PART 1

To be completed by the responsible authority

Leeds City Council's Environmental Action Service

Proposed Controlled Measures under the Licensing Act 2003

Name and Address of Premises: 68 Otley Road, Guiseley, Leeds, LS20 8AH,

Application for premises to function as a café bar situated on Otley Road, with nearest noise sensitive residential premises being a flat above and flats nearby.

Having considered the application under the Licensing Act 2003 for the above premises, we consider that the following measures are relevant and reasonable in order to meet the following aim of the licence:

- Prevention of public nuisance

### Noise and Vibration

1. Licensable activities shall be conducted and the facilities for licensed activities shall be designed and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties.
2. Noise from a licensable activity at the premises will not be audible at the nearest noise sensitive premises after 11pm.
3. There shall be no external loudspeakers.
4. Bottles will not be placed in any external receptacle between 11 pm and 7 am the following day to minimise noise disturbance to neighbouring properties.
5. Noise from plant or machinery shall not be audible at the nearest noise sensitive premises during the operation of the plant or machinery. Plant and machinery shall be regularly serviced and maintained to meet this level.
6. The activities of persons using any external areas such as for smoking shall be monitored after 11 pm and shall be reminded to have regard to the needs of local residents and to refrain from shouting and anti social behaviour etc when necessary.

### Litter

7. The PLH/DPS and premise staff shall ensure that litter arising from people using the premises is cleared away regularly and that promotional materials such as flyers do not create litter.

### Transport / Pedestrian Movement

8. Clear and legible notices will be displayed at exits requesting patrons to leave the premises quietly having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos and anti-social behaviour.

On 16 October 2017 at 12:44 "Patterson, Bob"

Classification: NOT PROTECTIVELY MARKED

Dear Gareth,

Thank you for your recent application for a new premises licence at the subject premises.

You will be pleased to know, albeit not altogether surprised I suspect, that West Yorkshire Police have no outright objections to your application.

However, West Yorkshire Police would recommend that you agree to the following measures being included as conditions of your licence, in relation to CCTV and in substitution to those CCTV measures you have already offered in your application on page 12.

As such, this email serves as an official representation to your application at this stage, but only as this is the final day to make representations.

The measures to agree are as follows:-

- *A suitable Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises,*
- *The CCTV system will cover the main entrance/s and exit/s and designated emergency egress routes from the premises,*
- *The CCTV system will contain the correct time and date stamp information,*
- *The CCTV system will have sufficient storage retention capacity for a minimum of 31 days' continuous footage which will be of good quality,*
- *A designated member / members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority.*

The measures are taken from the official Leeds City Council V7 Pro-forma risk assessment, which aims to produce a standardised wording of relevant conditions to promote the four licensing objectives.

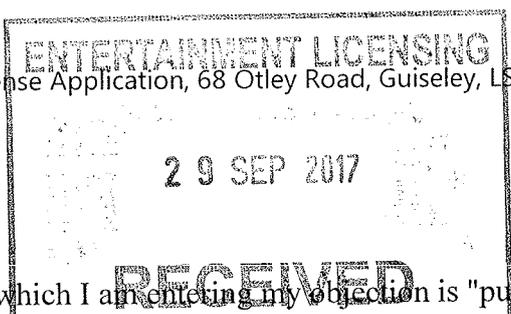
You may have seen this document already?

①

Appendix D  
Prem/04072/001

**Nelson, Matthew**

**From:** >  
**Sent:** 29 September 2017 21:02  
**To:** Entertainment Licensing  
**Subject:** Re: Objection to Entertainment License Application, 68 Otley Road, Guiseley, LS20 by Gareth Abraham



Dear Sirs,

Further to my email below, I wish to clarify that the ground on which I am entering my objection is "public nuisance/disturbance", in particular, during unsociable/unreasonable hours, i.e. from early evening until 11pm Monday to Saturday and 5pm to 11pm on Sunday.

The commercial premises at 68 Otley Road was previously used as a take away (which did not sell alcohol) when I moved into my flat in 2010. I had to endure several months of unreasonable behaviour from the business during their time occupying the business premises. In addition, there was a constant smell of indian food (although I believe the food was not prepared at the premises due to the business being owned by Mumtaz Restaurant in Bradford trading as "Jaldi Jaldi") coming from the commercial premises.

I was unable to communicate with the business owner directly because the business was staffed and not run by the business owners themselves. This resulted in numerous clashes with the staff in the take away who did not care that they continued to blast loud music, which came through into my flat, despite my efforts to ask them to reduce the volume to something more reasonable for the time of evening. In addition, the front door of the business premises did not shut properly which resulted in the door banging as it was closing. This shook the whole building.

The door, to this day, has not been fixed to prevent this from happening.

If the applicant proposes to close at 11pm every night, I anticipate that I will have to endure similar behaviour from the occupants which will cause unreasonable disruption to me and cause me to question what they will do next out of spite. This could involve, but not be exclusive to, excessive noise, disruptive noise, excessive noise that is above what would be created when shutting the premises at the end of an evening, for example, clearing up, emptying bins, taking the bins out etc.,. I would also have to endure disruption from any stragglers who attempt to get into the business premises after closing looking for whatever the business purposes to sell/trade in.

Due to the difficulties I experienced with the take away business that previously occupied the premises in question, I cannot see how a business who is seeking an entertainment licence would be any better or whether we can reach common ground if they are looking to open every day from 10am to 11pm, especially on Sunday.

As I am unaware of the type of business the applicant proposes to open at the premises, I can only assume that I will have to endure a similar experience, with the staff and owners of the business saying they can do whatever they want until whatever time they want. This would result in numerous calls to the noise abatement/nuisance team at Leeds City Council and undue stress that all this will cause me to suffer.

Furthermore, if the application includes the sale and consumption of alcohol on the pennies, this would only add to the unreasonable disruption that I would have to endure by visitors to the business. The anticipated noise that would be generated by people visiting the business premises up to and after the business is closed would breach also my rights as a private tenant.

As a private tenant, I am entitled to "hours of quiet enjoyment" under a implied covenant contained within my tenancy agreement.

Occupation of the business premises outside unreasonable hours, that which is proposed by the applicant of the entertainment licence, will breach the rights I enjoy under my tenancy agreement if they choose to be unreasonable.

It is clear that the Council have not written to me or any of my neighbours regarding the application and it is also clear that my landlord has failed to take responsibility for the duty of care that they owe me as their tenant. Had it not been for a neighbour who let me know about the notice in the window of the commercial premises, I would not have been aware of it's existence. You cannot rely on people reading a notice taped to the inside of the door or a notice printed in the local paper, which, in today's society, is no longer a sufficient method of notification.

I currently cannot work due to having been diagnosed with a progressive degenerative disease called Psoriatic Arthritis. I am therefore legally recognised as disabled as given at section 6 of the Equality Act 2010. I therefore rarely leave my flat for this very reason. This is why I would not have know about the application.

I have been living in my flat for several years now and I am quite familiar with the noise generated from people coming out of the pubs and bars around the centre of Guiseley, something which is only going to become more of an issue when the "Potting Shed" opens at the old HSBC Bank premises on Oxford Road, Guiseley.

I trust that my objections and representations will be fully noted.

I look forward to hearing from you further in this matter.

Yours faithfully

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PREM/04072/001

**Nelson, Matthew**

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**From:**  
**Sent:** 02 October 2017 16:37  
**To:** Entertainment Licensing  
**Subject:** Objection to the application of "Entertainment License" 68 Otley Road, Guiseley, LS20 8AH.

To whom it may concern:

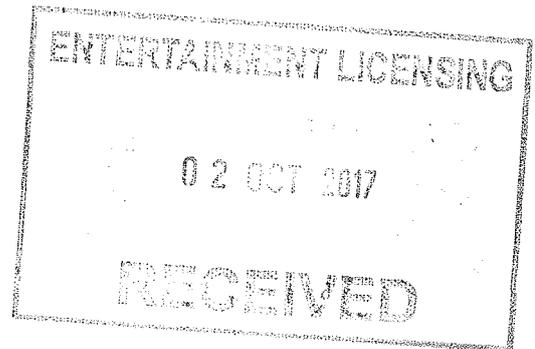
I am writing to you with regards to the application for an "Entertainment License" at the commercial premises at 68 Otley Road, Guiseley, LS20 8AH.

I object to the application made on the ground that it would cause a nuisance to me and my neighbours. There are no bars or pubs that are situated so close to residential properties, especially within such close proximity to my home.

I also object to the sale of alcohol and live/recorded music being played at the premises. We have enough problems with people congregating near our homes to do drugs or other illegal activity. We do not need further problems that will inevitably occur if the license is granted.

I confirm that I will be attending the hearing once a date has been set after the notice/consultation period ends on 15 Oct 2017.

Yours sincerely,





3

**White, Emma**

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**From:** Phillips, Adam on behalf of Wadsworth, Cllr Paul  
**Sent:** 12 October 2017 11:08  
**To:** Deighton, Charlotte  
**Subject:** PREM/04072/001 - 68 Otley Rd  
**Attachments:** Document6.docx

Dear Ms Deighton,

Please find attached a letter regarding the licensing application for 68 Otley Road.

I would be grateful if you could inform me of the next steps with this application and if you could keep me informed of its progress please.

Thank you,

Councillor Paul Wadsworth  
Guiseley and Rawdon Ward





**Charlotte Deighton**  
**Licensing Officer**  
**Entertainment Licensing**

*(By Email)*

**Councillor Paul Wadsworth**  
**Conservative Group Office**  
2<sup>nd</sup> Floor East  
Civic Hall  
Leeds  
LS1 1UR

Date: 9 October 2017

Dear Ms Deighton

**PREM/04072/001 - Cafe/Bar, 68 Otley Road, Guiseley, Leeds, LS20 8AH**

I would like to place on record my objection to the above application.

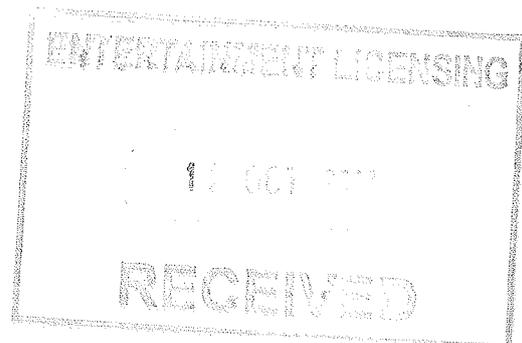
My concerns relate to the close proximity of the premises to residential properties above and nearby, and the inevitable noise nuisance that will result from the operation of the business, particularly from the outside area and the recorded music.

I also have concerns about the lack of any parking and the close proximity of other licenced premises

I would ask that, in the event the application is granted, that conditions are placed on the licence that ensure the outside area is closed at a reasonable hour.

Yours sincerely

**Councillor Paul Wadsworth**  
**Guiseley & Rawdon Ward**







**White, Emma**

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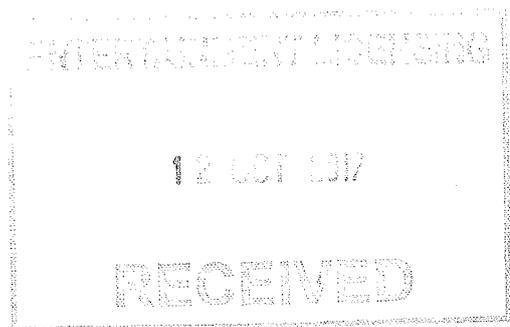
**From:** Phillips, Adam on behalf of Latty, Cllr Graham  
**Sent:** 12 October 2017 10:35  
**To:** Deighton, Charlotte  
**Subject:** PREM/04072/001 - 68 Otley Rd  
**Attachments:** 68 Otley Rd application oct17.doc

Dear Ms Deighton,

Please find attached a letter in respect of the licence application for 68 Otley Road.

Regards,

Councillor Graham Latty  
Guiseley and Rawdon Ward





**Councillor Graham Latty**

**Charlotte Deighton  
Licensing Officer  
Entertainment Licensing**

*(By Email)*

11 October 2017

Dear Ms Deighton,

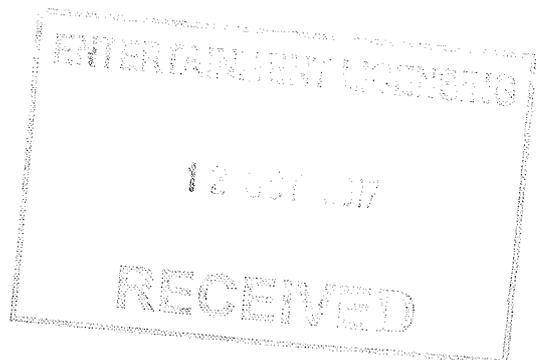
**PREM/04072/001 - Cafe/Bar, 68 Otley Road, Guiseley, Leeds, LS20 8AH**

I am writing to object to the above licence application on the grounds of the likely noise nuisance to the residents above and nearby the bar. The proposed use of recorded music and an outside area will likely cause noise issues for these residents.

I would be grateful if you would record this objection as part of your determination of this application.

Yours sincerely

**Councillor Graham Latty  
Guiseley and Rawdon Ward**





## Issued premises licences and club certificates within an area



### **PREM/00129/006 - Station Hotel, Otley Road, Guiseley, Leeds, LS20 8BH**

Sale by retail of alcohol	
Thursday to Saturday	10:00 - 01:00
Sunday to Wednesday	10:00 - 00:00
Provision of late night refreshment	
Thursday to Saturday	23:00 - 01:00
Sunday to Wednesday	23:00 - 00:00
Performance of live music	
Thursday to Saturday	10:00 - 00:00
Sunday to Wednesday	10:00 - 23:00
Performance of recorded music	
Thursday to Saturday	10:00 - 00:00
Sunday to Wednesday	10:00 - 23:00
Entertainment similar to live music, recorded music or dance	
Thursday to Saturday	10:00 - 00:00
Sunday to Wednesday	10:00 - 23:00

### **PREM/03655/001 - Heather House, Station Road, Guiseley, Leeds, LS20 8BX**

Sale by retail of alcohol	
Every Day	00:00 - 23:59

### **PREM/02863/004 - Domino's Pizza, 119-121 Otley Road, Guiseley, Leeds, LS20 8BH**

Provision of late night refreshment (Delivery Service only after 23:30)	
Friday & Saturday	23:00 - 01:00
Sunday to Thursday	23:00 - 23:30

### **PREM/03999/001 - Potting Shed, Oxford Road, Guiseley, Leeds, LS20 8AA**

Sale by retail of alcohol	
Monday to Saturday	10:00 - 01:00
Sunday	10:00 - 23:00
Provision of late night refreshment	
Monday to Saturday	23:00 - 01:30
Sunday	23:00 - 23:30
Performance of live music	
Monday to Saturday	10:00 - 01:00
Sunday	10:00 - 23:00
Performance of recorded music	
Monday to Saturday	10:00 - 01:00
Sunday	10:00 - 23:00

### **PREM/01115/012 - Morrisons, 89 Otley Road, Guiseley, Leeds, LS20 8PS**

Sale by retail of alcohol	
Every Day	06:00 - 00:00
Provision of late night refreshment	
Every Day	23:00 - 00:00

**PREM/01825/V01 - Pizza House Company (Otley Road), 8 Otley Road, Guiseley, Leeds, LS20 8AH**

Provision of late night refreshment

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

**CPREM/00283 - Fairfax Masonic Lodge (No.3255), Cavendish Road, Guiseley, Leeds, LS20 8DW**

Supply of alcohol

Monday to Saturday	11:00 - 23:00
Sunday	12:00 - 22:30

Performance of live music

Monday to Saturday	11:00 - 23:00
Sunday	12:00 - 22:30

Performance of recorded music

Monday to Saturday	11:00 - 23:00
Sunday	12:00 - 22:30

Performance of dance

Monday to Saturday	11:00 - 23:00
Sunday	12:00 - 22:30

Entertainment similar to live music, recorded music or dance

Monday to Saturday	11:00 - 23:00
Sunday	12:00 - 22:30



Report author: Miss Janice Archibald  
0113 378 5029

## Report of the Head of Elections, Licensing and Registration

### Report to the Licensing Sub Committee

Date: 28th November 2017

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

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Adel & Wharfedale		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

### Summary of main issues

This is 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.

Responsible authorities and Ward Members have been notified of this application.

The application has attracted representations from other persons and responsible authorities.

## **1 Purpose of this report**

- 1.1 To advise Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for a new premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

## **2 History of the premises**

There was a petrol station previously on the site, where the new premises is being built, which was demolished. This petrol station was licensed for the sale of alcohol for consumption off the premises, between the hours of 06:00 and 22:00.

## **3 The application**

- 3.1 The applicant's name is Shell UK Oil Products Limited.
- 3.2 The proposed designated premises supervisor is Mr Joshua Liam Chantler
- 3.3 In summary the application is for:

*The Sale of alcohol for consumption both on and off the premises  
Every day 00:00 to 23:59*

*Late night refreshment*

*Every day 23:00 to 05:00*

*Non standard timings*

*No non-standard timings for bank holidays or special occasions are proposed.*

## **4 The operating schedule**

- 4.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule which is attached at Appendix A.

## **5 Location**

- 5.1 A map which identifies the location of this premises is attached at Appendix B.

## **6 Representations**

- 6.1 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

## Representations from Responsible Authorities

- 6.2 Representation has been received from Leeds City Council's Development Department in their capacity as a responsible authority which may be found at Appendix C.
- 6.3 Representation has been received from Leeds City Council's Environmental Protection Team in their capacity as a responsible authority. A copy of the same may be found at Appendix D.

## Other representations

- 6.4 The application has attracted representation from members of the public (described as 'other persons' in the legislation).
- 6.5 The licensing authority is in receipt of the three ward councillor objections, an objection on behalf of the parish council and 14 individual letters of objection, all of which are opposed to this application on the grounds of public nuisance. In order to protect personal data, redacted copies of the representations are attached at Appendix E. Unredacted copies will be available at the hearing for Members consideration.

## **7 Licensing hours**

- 7.1 Members are directed to paragraphs 6.8 to 6.15 of the Statement of Licensing Policy which states the criteria that will be applied to any decision for new applications or variations which include extending hours.
- 7.2 In brief the Policy states at 6.14 that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so.
- 7.3 The council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not adversely impact on the licensing objectives.
- 7.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix F.

## **8 Equality and diversity implications**

- 8.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the licensing subcommittee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

## **9 Options available to Members**

- 9.1 The licensing subcommittee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- Grant the application as requested.

- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates.
- Refuse to specify the said person as the designated premises supervisor.
- Reject the whole or part of the application.

9.2 Members of the licensing subcommittee are asked to note that they may not reject the whole or part of the application merely because they consider it desirable to do so. It must be appropriate in order to promote the licensing objectives.

## **10 Background papers**

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy

APPENDIX A

**Continued from previous page**

Non standard timings Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve

NONE

**Section 18 of 21**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority

A refusals log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon request

An incident log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon request

A Challenge 25 policy will be operated at the premise, acceptable forms of identification are a passport, photocard driving licence and PASS accredited identification card

Spirits (with the exception of spirit mixers and pre mixed spirit drinks) will be located behind the counter

b) The prevention of crime and disorder

Spirits (with the exception of spirit mixers and pre mixed spirit drinks) will be located behind the counter

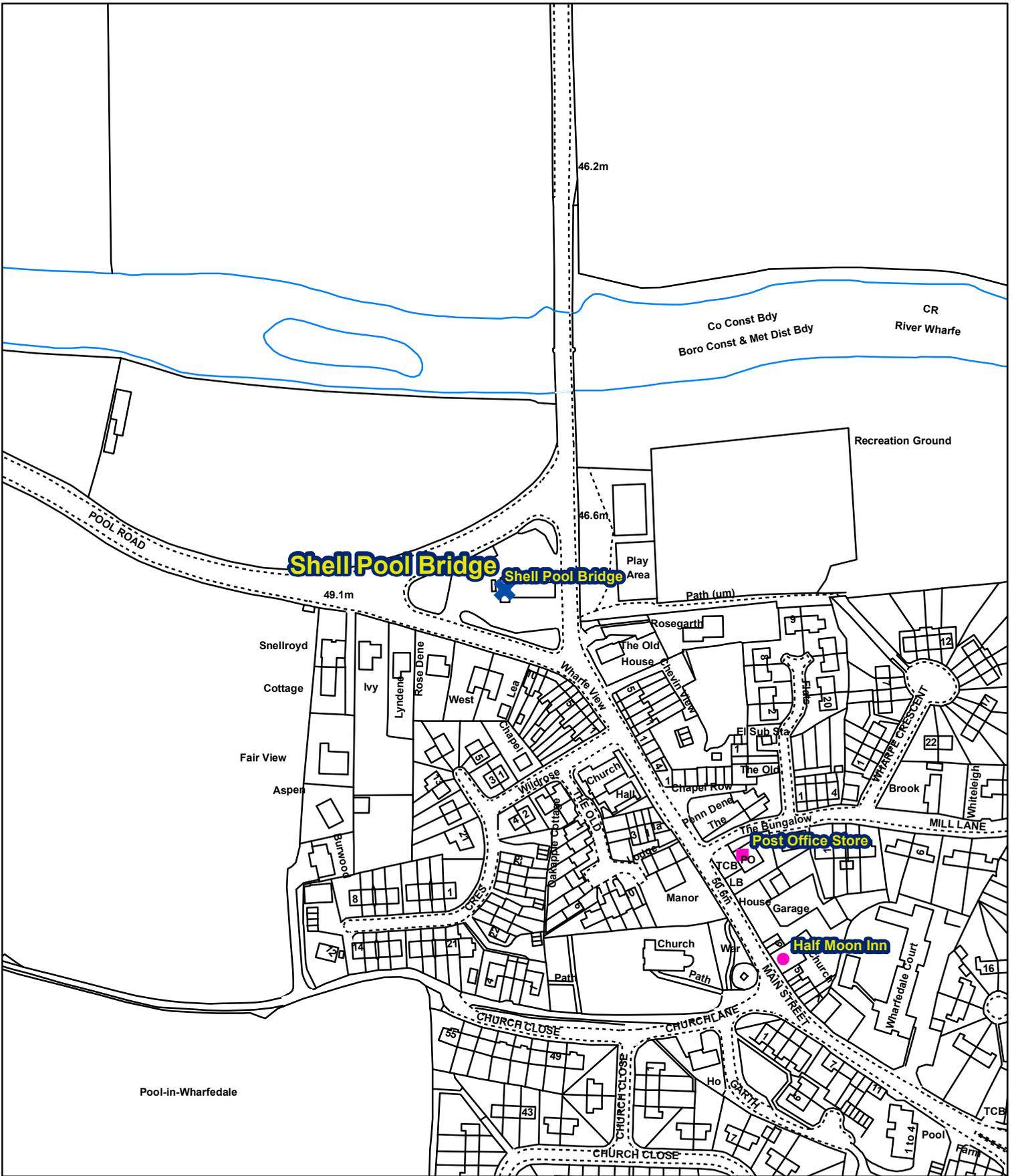
Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority

c) Public safety

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities Images can be made available upon reasonable request by the Police or other relevant

<p><b>Continued from previous page</b></p> <p>officers of a responsible authority</p>
<p>d) The prevention of public nuisance</p> <p>Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority</p> <p>An incident log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon request</p>
<p>e) The protection of children from harm</p> <p>Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority</p> <p>A refusals log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon request</p> <p>A Challenge 25 policy will be operated at the premise, acceptable forms of identification are a passport, photocard driving licence and PASS accredited identification card</p> <p>Spirits (with the exception of spirit mixers and pre mixed spirit drinks) will be located behind the counter</p>
<p><b>Section 19 of 21</b></p> <p><b>NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK</b></p>



This map is based upon the Ordnance Survey's digital data with the permission of the Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office

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Key	
	On licence
	Late night refreshment
	Off licence
	Other

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Lockett & Co  
13 Church Street  
Kidderminster  
Worcs  
DY10 2AH

**City Development Department**  
The Leonardo Building  
2 Rossington Street  
LEEDS  
LS2 8HD

Contact **Chris Sanderson**  
Tel 0113 2700000  
Fax [REDACTED]

FAO Ms Sara Clement

Your Ref  
Our Ref Licence Applications

Date 2<sup>nd</sup> November 2017

Dear Ms Clement,

**Subject APPLICATION FOR PREMISES LICENCE**

**PART A**

Thank you for submitting your application for licensed activities at

Name of venue - Shell Pool Bank

Address - Pool Road, Pool In Wharfedale, Otley, LS21 1EQ



We write to inform you we shall be objecting to your application and a copy of this letter will be sent to the Licensing Authority

The premises were granted planning permission for the redevelopment of petrol filling station, comprising new sales building and canopy, new underground fuel storage tank and replacement underground petrol interceptor tank, 5 metre high tank vent stack replacement in June 2017 subject to a condition restricting the hours of use of the premises. The proposed hours of use set out in your premises license application exceed those allowed by the planning permission. The Development Department objects to the granting of a Premises License in the terms as applied for due to noise and disturbance being caused to nearby residential occupiers as a result of the comings and goings of customers and their motor vehicles and from activities within the building. It is considered that the opening hours applied for at these premises would conflict with the Licensing objective of preventing public nuisance.

The City Development Department considers that the extended opening hours proposed are unlikely to be acceptable and that a Premises Licence should not be granted outside the hours specified in the existing planning permission unless and until an express planning permission or a Certificate of Lawful Development is obtained by the operator of the premises to extend those operating hours. If you are willing to amend your application to the hours as specified in the existing planning permission, details of which are contained in Appendix B, then we shall withdraw our objection.



**PART B**

Licensing Act 2003 – Application for Premise Licence

On behalf of

Shell Pool Bank

For the premises known as and located at

Pool Road, Pool In Wharfedale, Otley, LS21 1EQ

I am the applicant / representative authorised by the applicant (delete as appropriate)

In signing this document I request that the Licensing Authority accept this letter signifying my wishes to amend the application to reflect the hours as detailed in the existing planning consent, as follows

Planning permission for the redevelopment of petrol filling station, comprising new sales building and canopy, new underground fuel storage tank and replacement underground petrol interceptor tank, 5 metre high tank vent stack replacement (permission ref 16/05575/FU dated 19-06-2017) subject to the following condition

HOURS OF OPENING DELIVERIES AND ILLUMINATION OF SIGNAGE SHALL BE RESTRICTED TO 0700 TO 2200 MONDAY TO SATURDAY AND 0800 TO 2200 ON SUNDAYS

THE REASON FOR THE CONDITION IS IN THE INTERESTS OF AMENITY PREM/04092/001

Signed

Dated

Please return this document to

Development Department  
The Leonardo Building  
2 Rossington Street  
LEEDS  
LS2 8HD

Thank you for your assistance in this matter

Yours sincerely

Chris Sanderson  
Principal Compliance Officer

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Ms Sara Lockett  
Lockett & Co  
13 Church Street  
Kidderminster  
Worcs  
DY10 2AH

Environmental Protection Team  
Leeds City Council  
Millshaw Park Way  
Leeds  
LS11 0LS

Contact Mr Karl Sheldon

Tel [REDACTED]

Our reference PREM/04092/001  
25 October 2017

Dear Ms Lockett

**Licensing Act 2003**

**Name and Address of Premises Pool Road, Pool-In-Wharfedale, Otley, LS21 1EQ,**

We refer to your licensing application for the above premises. We believe that your application does not give enough information about how you intend to meet an important objective of the licence, which is to prevent public nuisance. We therefore confirm that we are submitting a formal objection to your application.

We base our objection on the following matters:

- The potential for disturbance from customer vehicles coming and going from premises, opening/closing of car doors, use of the petrol pumps, vehicles making deliveries, conversation from customers visiting the premises coming and going through late night/early hours where such disturbance may adversely affect sleep of nearby residents
- The application is in contravention/breach of current planning conditions imposed on the premises, application ref 16/05575/FU the decision notice dated 19/6/2017 condition 5
- Condition 5 Hours of opening, deliveries and illumination of signage shall be restricted to 07 00 to 22 00 Monday to Saturday and 08 00 to 22 00 on Sunday

In the interests of the amenity

We also base our objection on experience including that specifically associated with the premises and the area including data relating to complaints received from members of the public.

Having read the matters we describe below if you feel we should consider anything else please do not hesitate to contact us.



**Description of the surrounding area**

Please refer to Appendix 1 Map of Surrounding Area

**Description of the applicant venue and the application**

Filling station at Shell Pool Bridge, Pool Road, Pool-In-Wharfedale, Otley, LS21 1EQ is located approximately 10 meters to nearest noise sensitive premises

**Complaint and other history specific to the applicant premises**

**07/09/99** – Complaint from a local resident regarding noise from early morning delivery at 06 30

**29/11/16** – Complaint from a local resident regarding noise from early morning deliveries

**11/04/17** - Complaint from a local resident regarding noise from early morning delivery at 06 10

**Conclusions reached**

The department has historically received noise nuisance complaints during the hours outside of the planning conditions in which the service station is applying to operate. We consider there is the potential of noise break out from the premises with customer vehicles coming and going from the premises, opening/closing of car doors, vehicles making deliveries, conversation from customers visiting the premises through late night/early hours. There is also the potential of light nuisance from any illuminated signs emanating from the service station, with residential premises close by.

Permitting the requested license activities outside of the current planning conditions (condition 5 of planning decision 16/05575/FU Hours of opening, deliveries and illumination of signage shall be restricted to 07 00 to 22 00 Monday to Saturday and 08 00 to 22 00 on Sunday. In the interests of the amenity ) will have the potential to cause public nuisance for the above given reasons.

We recommend that the Sub-Committee refuse the application.

We do not believe that further conditions will resolve the application as it stands.

We understand that the Sub-Committee may take a different view and grant the application. We recommend that if that is the case we should be given the opportunity to suggest measures as conditions on the licence. We do not say that conditions would effectively prevent public nuisance but that they may go some way to reducing the potential impact.

Yours faithfully

Mr Karl Sheldon  
Senior Technical Officer

Appendix 1 Map of Surrounding Area



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White, Emma

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**From** Anderson, Cllr Barry  
**Sent** 23 October 2017 18 03  
**To** Archibald, Janice Entertainment Licensing  
**Subject** LICENSING APPLICATION PREM 04092/001 – SHELL, POOL BRIDGE

Please accept the following objection from Cllr Barry Anderson and Cllr Caroline Anderson to the above premises licence application

**Prevention of public nuisance** – the application has been made for a 24 hour licence and for late night refreshment to be provided between 11pm and 5am including the sale of alcohol. The opening hours of this service station are not 24 hrs. There is therefore no need for a licence that operates 24 hours. If the premises were to open 24hrs we would have grave concerns about this and also about the sale of alcohol. Customers arriving and departing, banging doors and general conversation noise will travel in what is a quiet and peaceful area during the hours of 11pm and 6am.

The recent planning consent for the redevelopment of the service station clearly states that a condition of the consent is that the opening hours remain at 07 00 to 22 00 (08 00 on a Sunday)

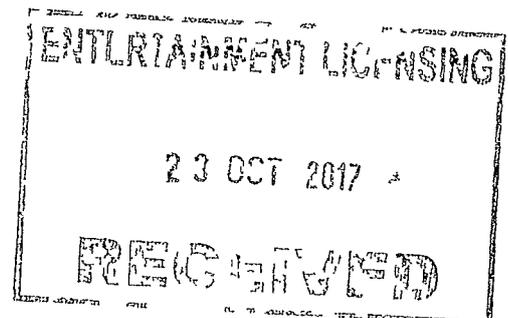
If people know this service station is open 24hrs and sells alcohol all day every day it will be a very attractive place to visit late at night. There is a children's play area directly opposite the service station. It does not take a massive leap to think that children who look 18 could buy alcohol there and then go across to the playground and gather there causing a further nuisance through noise, litter, damage to the play area.

The community opposed the licensing of the Shell Garage when it was first proposed several years ago on the grounds that it is inappropriate to serve alcohol to car drivers immediately in front of a children's playground and skate park.

We would expect to see a revised application to cover only the hours the premises are open.

Thanks

Cllr Barry Anderson  
Cllr Caroline Anderson  
Adel & Wharfedale Ward



Prem / 04092 / 001

White, Emma

---

**From** John Ryan [REDACTED]  
**Sent** 23 October 2017 16:50  
**To** Entertainment Licensing  
**Subject** Prem / 04092 / 001 Shell Garage Pool Bridge, Pool-in-Wharfedale

I am writing on behalf of Pool-in-Wharfedale Parish Council to object to the Licence application from the Shell Garage, Pool Bridge, Pool-in-Wharfedale for the sale of alcohol between the hours of 0 00 to 23 59. Councillors have previously opposed any extension in hours for the sale of alcohol and were told at the planning application stage that the hours of sale would remain as they are now. Councillors oppose the inappropriate sale of alcohol at the garage largely because of its closeness to the local children's playground and skate board park and the ability of young people/children to buy or attempt to buy alcohol from the premises. A number of times in the recent past the Police have needed to be contacted about the behaviour of youths gathering at the skate board park consuming alcohol purchased from the garage. This unsocial behaviour is unacceptable and whilst the garage may do its best to serve only legitimate customers it doesn't always manage it. The Council also wishes to point the detrimental effect on other businesses in the village such licensing hours will have.

Further they believe it sets a bad example for young people that drinking and driving go together.

The Council trusts that its objections will be considered carefully before the approval of any extension of the current licence.

--  
John Ryan  
Parish Clerk  
Pool Parish Council  
[REDACTED]



## APPENDIX E

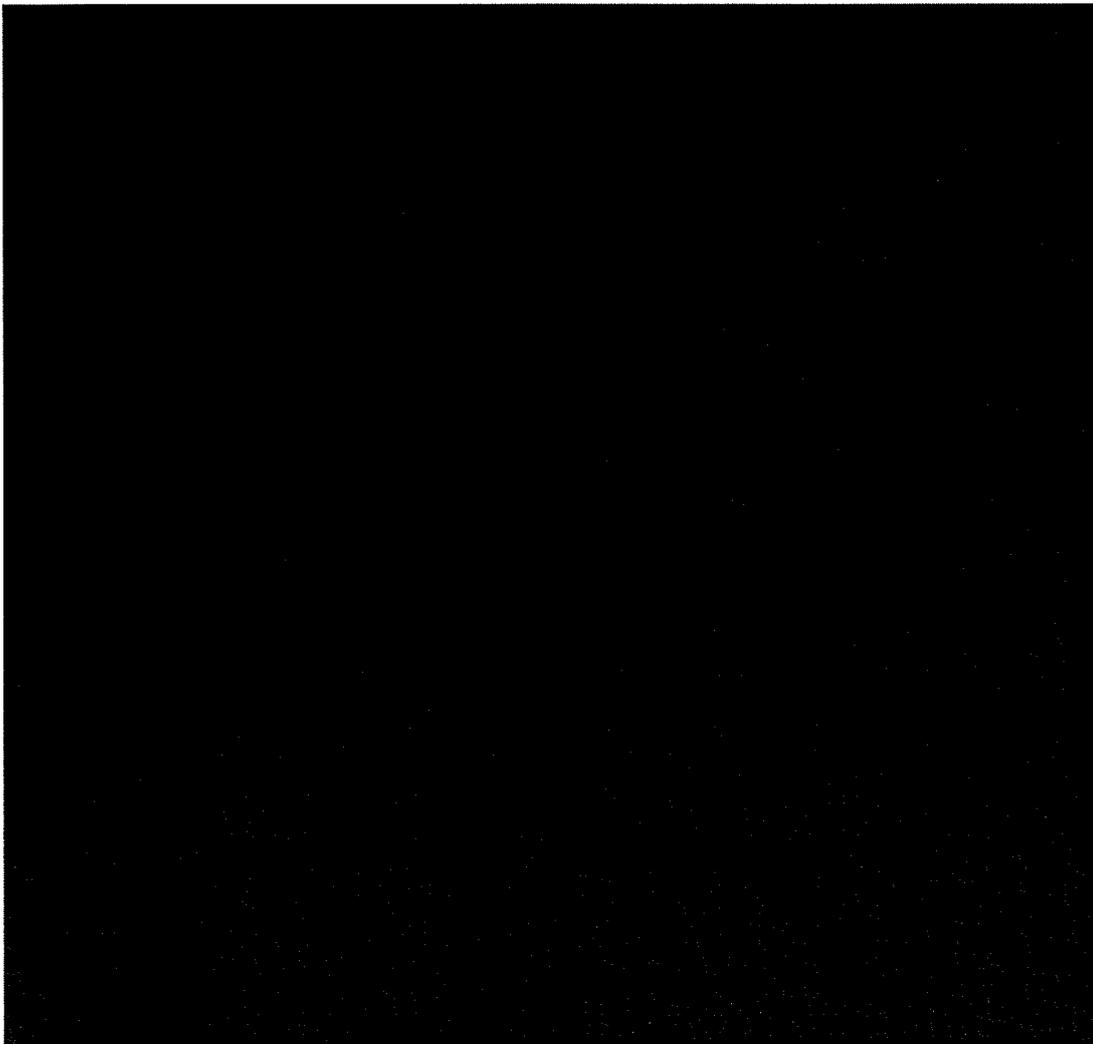
John  
Ryan

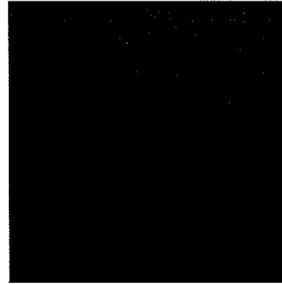
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From: John Ryan  
Sent: Tue, 14 Nov 2017 18:42:57 +0000  
To: Entertainment Licensing  
Subject: Re: objection

The Parish Council have asked if they can add to their objections. They are concerned that the opening hours being suggested by Shell Garage will cause serious disruption to residents close to the garage through noise and light pollution through the night.

Thank you.





22/10/17

Dear Sir

**Re Public notice of an application for a premises licence under section 17 of the licensing act 2003  
Thursday 19<sup>th</sup> October 2017 Wharfedale Observer**

I was dismayed to read in this week's Wharfedale Observer of an application by Shell to yourselves for the *'sale of alcohol for consumption off the premises and the provision of late night refreshments'* at Shell Pool Bridge petrol station in Pool in Wharfedale. The proposed day and hours of licensable activity have been given as every day 00 00-24 00 and late night refreshments from 23 00-05 00. The garage is currently being redeveloped following planning consent on 19/6/17. A condition of this consent was that the *'Hours of opening, deliveries and illumination of signage shall be restricted to 07 00 to 22 00 Monday to Saturday and 08 00 to 22 00 on Sunday In the interests of amenity'* (Application reference 16/05575/FU). This application for late night refreshments and the 24 hour sale of alcohol is therefore in direct contravention of this planning consent, and as such should not be approved by The Licensing Authority.

Pool in Wharfedale is a small village of around 2000 people (2011 census) and although the busy A658 runs through its centre, traffic along this road is negligible after the hours of 10pm. The demand for out-of-hours 'refreshments' (alcohol!), is therefore likely to be minimal. Moreover, any extension in opening hours at the garage will have a direct impact, in terms of noise and light pollution to adjacent residential properties, with the sale of alcohol increasing the risk of unsociable behaviour.

The above-mentioned planning application for the redevelopment (enlargement) of the Shell garage was greatly contested by local residents and Pool Parish Council, and yet none of our concerns (which centred around issues of road safety, noise, light and air pollution) were taken on board. I therefore ask that you consider the above concerns, and do not approve this application. Indeed, your approval of it will be seen to ignore the stipulations of the planning consent.

Yours faithfully



Drs Anne & Moninder Bhogal



## Comments for Licensing Application PREM/04092/001

### Application Summary

Application Number: PREM/04092/001

Address: Pool Road Pool In Wharfedale Otley LS21 1EQ

Proposal: Premises Licence - New Application

Case Officer: Miss Janice Archibald

### Customer Details

Name: Mrs Elaine Clay

Address: [REDACTED]

### Comment Details

Commenter Type: Neighbour response

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 6:47 PM on 24 Oct 2017 We would like to state our strong objection to the planning application on the following points

- 1) It is a small village that does not require 24 hour shops or alcohol sales causing local people untold disruption and distress.
- 2) With a children's play area and a skate park located within 100yards it will become a meeting place for under age drinking and increased litter. The site already attracts boy racers who gather at night when the site is closed!
- 3) Most of the residents of Pool work hard and deserve to get some sleep at night-the noise pollution and disruption will be significant.
- 4) It will have a further detrimental effect on the local village shop.
- 5) There are sufficient local retailers supplying alcohol already.
- 6) For one of the most polluted areas of Leeds a 24 hour service station will hardly improve the air quality.
- 7) The village is a known rat run from the A1 to the airport so it will become an airport drop off/collection point and Taxi waiting area.

I know Shell always get their planning applications passed and I am wasting my time objecting but they don't have homes that face directly onto the soon to be opened all singing and dancing

## Comments for Licensing Application PREM/04092/001

### Application Summary

Application Number: PREM/04092/001

Address: Pool Road Pool In Wharfedale Otley LS21 1EQ

Proposal: Premises Licence - New Application

Case Officer: Miss Janice Archibald

### Customer Details

Name: Mrs frances johnston

Address: [REDACTED]

### Comment Details

Commenter Type: Neighbour response

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 11:44 PM on 29 Oct 2017 When the initial planning application to expand the garage was made, Shell said it was not about extending hours. It seems now that this garage is going to be 24 hours, this will have a significant impact in terms of noise pollution, litter and anti social behaviour in a small village. The village currently can't sustain two pubs successfully therefore there is no local need for extended alcohol sales. My house and my neighbours are in close proximity to the garage and will be directly impacted with car door slamming and cars driving in and out of the garage through the night.

APPENDIX E



The Licensing Officer,  
Entertainment Licensing,  
Leeds City Council,  
Civic Hall,  
Leeds,  
LS1 1UR

26<sup>th</sup> October 2017

Dear Sir

**Re Public notice of an application for a premises licence under section 17 of the licensing act 2003 Thursday 19<sup>th</sup> October 2017 Wharfedale Observer**

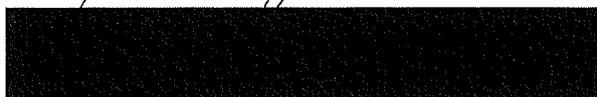
I am shocked to learn that Shell have applied to sell alcohol at Pool Bridge Service Station every day from 00 00 to 24 00, with late-night refreshments from 23 00 to 05 00

The petrol station is currently being refurbished and enlarged, against the wishes of the community A condition of this planning consent was that the opening hours would be as before, whereby 'Hours of opening, deliveries and illumination of signage shall be restricted to 07 00 to 22 00 Monday to Saturday and 08 00 to 22 00 on Sunday'

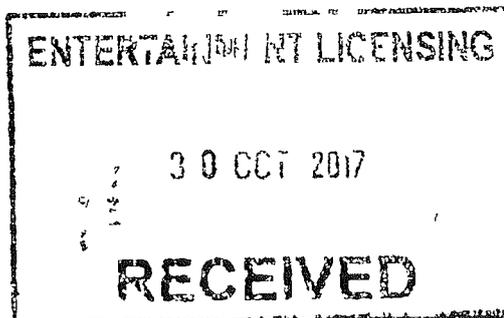
I, along with the Parish Council, opposed the sale of alcohol from the Shell premises in 2011-12 We felt that it was wholly inappropriate to sell alcohol in front of the children's skatepark and playground, encouraging our young people to cross a dangerous main road, either to buy soft drinks or to try to persuade others to buy alcohol for them We also felt that the message being given to our youngsters, namely that alcohol and driving go together, was a dangerous one in terms of road safety and public health

For Shell now to suggest that it would be appropriate to do these things in the middle of the night is simply outrageous Shell must be made to adhere to the conditions of its planning application, restricting its opening times to 07 00 – 22 00 Monday to Saturday and 08 00 – 22 00 on Sundays Any extension of the opening hours, either for fuel or for retail purposes, would have an unacceptable impact on the local community in terms of light pollution, noise, air pollution and anti-social behaviour I beg you to ensure that this cannot happen by granting the alcohol licence only for the hours originally agreed in the planning application

Yours faithfully



Joanna Rowling



APPENDIX E



26/10/2017

Dear Sir/ Madam,

I would like to register mine and my wife's objection to the proposal by Shell UK Oil Products Ltd for any 24 hr operation (Food/ Alcohol and or Petrol) at Shell Pool Bridge LS21 1 EQ

My Objections are for the following reasons

- Noise pollution during the night hours as people stop to purchase alcohol and food or petrol
- Becomes a focal point for large groups leading to anti-social behaviour, and police intervention
- Will become a taxi park for taxi's waiting to pickup from Yeadon airport
- Increased Light pollution from the garage
- Increase in toxic fumes (exhaust gases) in an area that is already over the stated permitted pollution levels

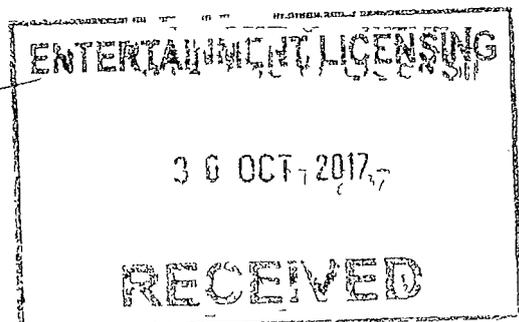
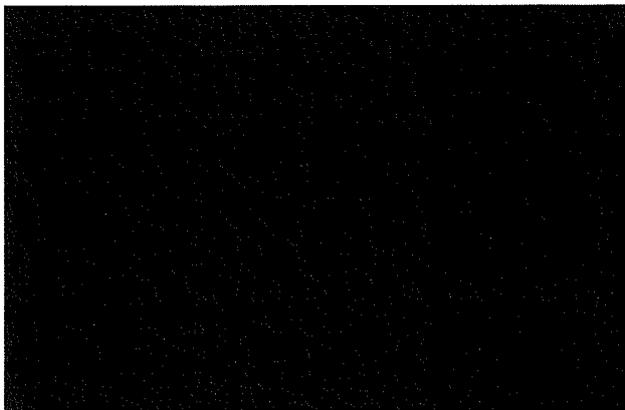
There have already been cases of anti-social behaviour where the police have been called to the garage forecourt at night when closed for

- Teens underage drinking
- Drug dealing
- Groups of Street Racer cars meeting up – driving through village revving engines and then speeding through the village

As we live [REDACTED] the Shell garage these are regular night-time occurrences 7 days a week

It has come to my attention that Morrisons at Yeadon were not permitted a 24hr petrol license because they are classed as a residential area (this was fought rigorously by the local councillor) does Pool a Quiet Rural Village not get classed as residential too It is my hope that the local councillor and Leeds City Council will act as responsibly in rejecting this application

Yours Faithfully



Prem/04092/09



28th October 2017

Dear Sir

**Notice of an application for a premises licence under Section 17 of the Licensing Act 2003**

In a recent article in the Wharfedale Observer it was reported that Shell have applied for a licence to sell alcohol for consumption off the premises from 00 00 to 24 00 hours and also for the provision of late night refreshments from 23 00 to 5 00 hours for their garage in Pool in Wharfedale

This will be a direct contravention of the planning application, reference 16/05575/FU, they made to redevelop the site approved in June of this year. A clause in the approval stated that *hours of opening, deliveries and illumination of signage shall be restricted to 07 00 to 22 00 Monday to Saturday and 8 00 to 22 00 on Sunday*. I urge you please to reject this application on this ground alone.

Besides this there will be the environmental impacts. Already plastic bags supplied by the garage are blown into the adjacent River Wharfe despite strenuous efforts by the villagers to remove it. This has an impact on wildlife and eventually of course the water quality of the North Sea! Then of course there will be an increase in general litter and noise levels affecting adjacent family homes.

The planning application was vigorously contested by local residents and the Parish Council so I very much look forward to you rejecting this application.

Yours faithfully



Mrs M A Sturt



JA



28<sup>th</sup> October 2017

Dear Sirs **Shell Pool Bridge Licence, Pool PREM/04092/001**

We object to the Shell application for 24 hour alcohol sales and late night refreshments between 23-00 and 05-00 Pool is a small village and the Shell site is within the village conservation area Late night opening hours are not appropriate for the village and residents

Planning permission for the redevelopment of the site specifies opening and site illumination between 07-00 and 22-00 Mon to Sat and 08-00 to 22-00 on Sunday

Late night refreshments will be of no benefit to the village/residents at all It will create noise nuisance and light pollution for residents especially for those bordering the site on Pool Road and Main Street All custom would be arriving/leaving by a motor vehicle causing noise disturbance from engines, doors slamming and loud car radios/Hi/F1 etc

It will cause anti-social behaviour from the younger motorist meeting late at night with cars fitted with loud sports exhaust as they arrive and leave the site This is an ongoing problem as they compete to make the most noise through the village

Our property is 20 metres from the site boundary and we will suffer from the noise problems and light pollution throughout the night

Yours faithfully





28<sup>th</sup> October 2017

Dear Sir,

Re Public Notice for an Application for a Premises Licence  
Applicant Shell UK Oil  
Address Shell Pool Bridge

I wish to object to this application for the daily sale of alcohol between the hours of 00 00-24 00 and the provision of late night refreshments from 23 00-05 00 for the following reasons

- 1 I am not aware of anybody in the local community who believes the extension of the current opening hours is necessary, desirable or in keeping with the village
- 2 No locals I have spoken to see any benefit to the residents of Pool On the contrary it is likely to attract additional traffic into the village community at a time when people are likely to be sleeping
- 3 The recent planning application to redevelop the filling station clearly stipulated that there would be no change to the opening hours which I believe to be 0700-2200 Monday-Saturday and 0800-2200 on Sundays This now seems a misleading statement and perhaps more objections would have been made to the original redevelopment had it been known that Shell UK intended to open 24 hours
- 4 Late night opening will inevitably lead to an increase in noise – additional traffic, cars door opening and shutting, engines revving, people talking/shouting etc
- 5 Late night provision of alcohol and fast food brings with it the potential for anti-social behaviour, especially as it is unlikely that the majority of customer<sup>s</sup> will be from Pool itself
- 6 Shell UK have shown no consideration nor taken into account the views of local people in particular those, like myself, who's houses are directly adjacent to the filling station and would be most affected by alcohol and fast food being sold throughout the night This lack of consideration for those directly affected gives me no confidence that Shell UK have any concern for the interests of the local householders in the event of any future issues irrespective of the outcome of this planning application

Yours Sincerely

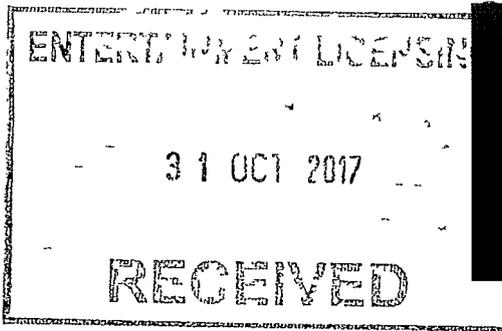
A black rectangular redaction box covering the signature of Mr Neil Reed.

Mr Neil Reed

A black rectangular redaction box covering the signature of Dr Sarah Catesby.

Dr Sarah Catesby





30/10/17

Dear Sir/madam,

With reference to the application for a 24 hour license at the Shell garage in Pool in Wharfedale

As a resident of the local community I object most strongly to this application being past

I feel the garage will become a place for people to take part in all night drinking, the noise level (at night) around the garage will increase as customers will bang car doors, rev up their cars, more conversation noise etc.

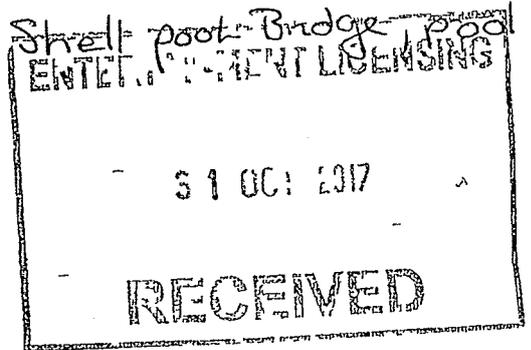
I hope you will accept our  
concerns and revise the application.  
Thank you

27<sup>th</sup> Oct 2017

Dear Sir/madam,

I am writing to object in the strongest possible way regarding the application by Shell UK oil products LTD, to sell alcohol 24hrs a day and late night refreshments from 11pm to 5am at Road, Pool-in-Wharfedale, LS21 1EQ.

My objections are as follows.



### Noise pollution

The area would become a focus for groups and people congregating. Vehicles driving through the village all night long when it becomes known that there is a destination open all night long. Traffic noise is already a problem throughout the day and night and this would greatly add to an already busy main street.

### Air pollution.

Pool main street is already one of the most polluted areas according to Leeds city Council, so having a 24hr destination within the village would create even more pollution and noise. This cannot happen at a time when the council is supposedly trying to tackle the problem.

### Light pollution

We are already subject to light pollution from the garage. This would create even more.

### Anti Social Behaviour and public nuisance

The selling of alcohol 24hrs a day and refreshments

by teenagers is a recipe for disaster and a great cause of concern. We already have had problems where the police have had to attend due to drink and noise related problems. Also gangs of cars and street racers often congregates in the forecourt at night then race through the village, the 24hr selling of alcohol and refreshments would increase this anti social behaviour!

If people wish to buy alcohol they can do so at various places - . Arda on pool road open 7 until 11, A garage in Borley in Wharfedale - 24hr Alcohol Sales -- so there is no need for such a trade in pool, but selling alcohol to people driving cars is tempting fate --- why encourage it!

All these factors contribute to ~~both~~ poor physical and mental health issues for people living within the area, I myself am directly affected!

The planning consent given to the redevelopment of the Service Station clearly states the opening hours to be 7am until 10.00pm (8am on Sundays) and the selling of alcohol and refreshments should be strictly within these hours! If local Supermarkets cannot have 24 opening due to being in a residential area, we should be the same, we are at the end of the day a village not a town!

I personally feel that this 24hr application to sell alcohol and late night refreshments by Shell UK, show underhand tactics, as it was not proposed when planning consent was sought to redevelop the site and under no circumstances should Page 55 application be allowed

plm/04092/001

**Amin, Imtishaam**

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**From** Entertainment Licensing  
**Sent** 01 November 2017 15:22  
**To** Archibald, Janice, Amin, Imtishaam  
**Subject** FW: Shell UK Oil Products Limited, Shell Pool Bridge, Pool Road, Pool in Wharfedale, LS21 1EQ

**From** Di Ball [REDACTED]  
**Sent** 01 November 2017 14:45  
**To** Entertainment Licensing <[Entertainment Licen@leeds.gov.uk](mailto:EntertainmentLicen@leeds.gov.uk)>  
**Subject** Fwd: Shell UK Oil Products Limited, Shell Pool Bridge, Pool Road, Pool in Wharfedale, LS21 1EQ

Sent from my iPad

Begin forwarded message

**From** Di Ball [REDACTED]  
**Date** 31 October 2017 at 15:57:52 GMT  
**To** [entertainmentlicensing@leeds.gov.uk](mailto:entertainmentlicensing@leeds.gov.uk)  
**Subject** Shell UK Oil Products Limited, Shell Pool Bridge, Pool Road, Pool in Wharfedale, LS21 1EQ

Dear Sir/Madam

I am writing to object to the request of a license to sell Alcohol 24 hours a day every day and late night refreshment from 23:00 to 5:00 hours therefore making this 24 hours, at the above. This business is situated in a small village near to residents' homes and a children's play area. The sale of alcohol being available to buy 24 hours a day and refreshments plus I suspect the sale of fuel, will mean more disturbance and noise to local residents and the strong possibility of young under age people acquiring alcohol. This sort of business in a small rural area should be contained to a closing time of 11pm or 23:00 hours and not a 24 hour a day service station. This type of business should be kept to Motorways and large conurbations not small rural villages.

I hope that you will take into account my thoughts and objections with regards to this license.

Yours faithfully

Diana Ball (Mrs)

ENTERTAINMENT LICENSING  
- 1 - 2017  
[Handwritten notes and stamps]



## Comments for Licensing Application PREM/04092/001

### Application Summary

Application Number: PREM/04092/001

Address: Pool Road Pool In Wharfedale Otley LS21 1EQ

Proposal: Premises Licence - New Application

Case Officer: Miss Janice Archibald

### Customer Details

Name: Mr Mike Green

Address: 

### Comment Details

Commenter Type: Neighbour response

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 10:19 PM on 01 Nov 2017 As a resident of pool village I would like to strongly object this application for Shell Pool Bridge to open 24hrs with the sale of alcohol.

I feel there is no requirement for the Shell Pool Bridge filling station to open 24hrs in a small village like pool in wharfedale.

If the filling station was to open 24hrs with sale of alcohol this would bring a lot noise and light pollution to the village which is very quiet and peaceful after 10PM.

As per the current planning consent of 07:00 to 22:00 I feel is most appropriate opening/closing sites for this site as it based in the heart of the village and any longer hours would have an adverse affect on the local residents.

I hope Licencing panel will take on board all the serious concerns/ issues of the local community and make an informed decision for the benefit of the local community.

## Comments for Licensing Application PREM/04092/001

### Application Summary

Application Number: PREM/04092/001

Address: Pool Road Pool In Wharfedale Otley LS21 1EQ

Proposal: Premises Licence - New Application

Case Officer: Miss Janice Archibald

### Customer Details

Name: Dr Sarah Holmes

Address: 

### Comment Details

Commenter Type: Neighbour response

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 7:48 PM on 05 Nov 2017 I write to object to the proposed application to provide 24 hour licensing and late night refreshment at the Shell Garage. The initial proposal to be open from 06:00 to 23:00 was refused and therefore as the opening hours remain 07:00 to 22:00 there is no need for an extended license.

My objections are as follows:

Increased Noise Pollution. As a neighbouring resident, there is already significant noise pollution from the garage up until 10pm. 24 hour sales would cause increased noise through doors banging, car stereos, running engines and general conversation. In addition, the garage staff regularly use the public tannoy system to communicate with drivers on the forecourt, and the use of this overnight would be very disruptive in this quiet area of the village.

Increased light pollution. In order to sell goods during these hours the garage would be permanently lit, which again would be disruptive in this residential area of the village, and would require the purchase of black out blinds.

Increased air pollution. This area in Pool is already being monitored for air pollution and allowing the property to operate 24hrs will inevitably increase traffic and therefore air pollution in this area.

Prevention of Public Nuisance. There have already been a number of instances of antisocial behaviour late at night on the children's play area, with teenagers drinking, leaving litter, damaging the playground and generally behaving in a rowdy manner. Increasing the opening hours risks increasing such undesirable behaviour as the premises will inevitably become a magnet for people seeking late night alcohol supplies.

## Comments for Licensing Application PREM/04092/001

### Application Summary

Application Number: PREM/04092/001

Address: Pool Road Pool In Wharfedale Otley LS21 1EQ

Proposal: Premises Licence - New Application

Case Officer: Miss Janice Archibald

### Customer Details

Name: Dr David Smith

Address: 

### Comment Details

Commenter Type: Neighbour response

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment:6:52 AM on 06 Nov 2017 Further to the comments. Increased Light Pollution - In order to sell goods during these hours the lighting in and around the garage will be permanently lit. The lighting will be directly observable by properties in the street and will require the purchase of black out blinds. This proposal to allow 24h licensing is not a benefit of the residence of Pool, is likely to lead to increased noise, pollution and anti social behaviour. I ask the Shell honour the original proposal, accept the decision of Leeds City Council and submit a revised application covering the existing hours as set out in application number 16/05575/FU.

## Comments for Licensing Application PREM/04092/001

### Application Summary

Application Number: PREM/04092/001

Address: Pool Road Pool In Wharfedale Otley LS21 1EQ

Proposal: Premises Licence - New Application

Case Officer: Miss Janice Archibald

### Customer Details

Name: Dr David Smith

Address: 

### Comment Details

Commenter Type: Neighbour response

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment:6:51 AM on 06 Nov 2017 Further to my other comment. Increased Noise Pollution - 24h sales will result in cars arriving and departing at all hours. The increased noise from doors banging, running engines and general conversation will lead to a nuisance in this quite area of the village. Increased Air Pollution - As you will be aware this area of Pool has been monitored for air pollution in the 2017 Air Quality Annual Status Report. Site D133 adjacent to the Shell garage has recorded levels above the NO2 annual mean objective of 40µg/m for 4 of the last 5 years, D114 further up the main street has recorded levels exceeding 60µg/m in two of the last five years. By allowing this property to operate 24h you will be increasing traffic and air pollution in the area.

## Comments for Licensing Application PREM/04092/001

### Application Summary

Application Number: PREM/04092/001

Address: Pool Road Pool In Wharfedale Otley LS21 1EQ

Proposal: Premises Licence - New Application

Case Officer: Miss Janice Archibald

### Customer Details

Name: Dr David Smith

Address: [REDACTED]

### Comment Details

Commenter Type: Neighbour response

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 6:50 AM on 06 Nov 2017 I am writing to object to the proposed application, to provide 24 hour licensing and late night refreshment at the Shell garage located at LS21 1EQ. The granted planning application for this site was for opening hours between 07:00 and 22:00 (16/05575/FU). This is in line with the opening hours prior to redevelopment and I have no objection to this. On redevelopment, it is worth noting the initial proposal was to be open 06:00 to 23:00 (application form dated the 16 Sep 2016). This was altered to 07:00 and 22:00 in the final full planning permission granted on the 19 Jun 2017. The new proposal of opening 24 hour with the sale of alcohol direct opposes this decision.

# APPENDIX E

**Subject:**FW: Code of Practice for the Determination of Licensing Matters

**From:** Flynn, Cllr Billy

**Sent:** 05 November 2017 12:24

[REDACTED]  
**Subject:** Re: Code of Practice for the Determination of Licensing Matters

John/Philomena

I have learned of an application from the Shell Garage in Pool to extend its opening hours to cover overnight trading. I must have missed the notification. I have written asking when the application will be heard but had nothing back as yet.

In any event I would like to object strongly to application on the following grounds:

This is a rebuild project and planning permission was agreed recently. The hours of opening were also agreed only recently so why have they applied so quickly for a variation in the hours? Was this done to avoid an objection based on hours of opening?

This garage is in a quiet village location. It is located at one end of the village and most of the vehicles using the facility will have to drive through the village Main Street to access it causing noise and nuisance and a loss of amenity.

Billy

## Issued premises licences and club certificates within an area



### **PREM/00041/012 - White Hart, Main Street, Pool In Wharfedale, Otley, Leeds, LS21 1LH**

Sale by retail of alcohol	
Thursday to Saturday	10:00 - 00:00
Sunday to Wednesday	10:00 - 23:00
Provision of late night refreshment	
Thursday to Saturday	23:00 - 00:00
Performance of recorded music	
Thursday to Saturday	10:00 - 00:00
Sunday to Wednesday	10:00 - 23:00

### **PREM/02145 - Pool In Wharfedale Village Memorial Hall, Arthington Lane, Pool In Wharfedale, Otley, Leeds, LS21 1LG**

Performance of live music	
Monday to Saturday	08:00 - 01:00
Sunday	18:00 - 22:30
Performance of recorded music	
Every Day	00:00 - 23:59
Performance of dance	
Monday to Saturday	08:00 - 01:00
Entertainment similar to live music, recorded music or dance	
Monday to Saturday	08:00 - 01:00

### **PREM/00325/009 - Half Moon Inn, Main Street, Pool In Wharfedale, Otley, Leeds, LS21 1LH**

Sale by retail of alcohol	
Sunday to Thursday	10:00 - 00:00
Friday & Saturday	10:00 - 01:00
Exhibition of a film	
Sunday to Thursday	10:00 - 00:00
Friday & Saturday	10:00 - 01:00
Indoor sporting events	
Sunday to Thursday	10:00 - 00:00
Friday & Saturday	10:00 - 01:00
Performance of live music	
Every Day	10:00 - 00:00
Performance of recorded music	
Sunday to Thursday	10:00 - 00:00
Friday & Saturday	10:00 - 01:00

### **PREM/03067/002 - Shell Pool Bridge, Pool Road, Otley, LS21 1EQ**

Sale by retail of alcohol	
Every Day	06:00 - 22:00

### **PREM/00779/003 - Post Office Store, Main Street, Pool In Wharfedale, Otley, Leeds, LS21 1LH**

Sale by retail of alcohol	
Monday to Saturday	08:00 - 23:00
Sunday	10:00 - 22:30

**CPREM/00217/V01 - Pool Sports & Social Club, Arthington Lane, Pool In Wharfedale, Leeds, LS21 1LG**

Supply of alcohol	
Monday to Thursday	10:00 - 23:30
Friday & Saturday	10:00 - 01:30
Sunday	10:00 - 00:00
Indoor sporting events	
Monday to Thursday	10:00 - 23:30
Friday & Saturday	10:00 - 01:30
Sunday	10:00 - 00:00
Performance of live music	
Monday to Thursday	10:00 - 23:30
Friday & Saturday	10:00 - 01:30
Sunday	10:00 - 00:00
Performance of recorded music	
Every Day	00:00 - 23:59
Performance of dance	
Monday to Saturday	11:00 - 23:00
Sunday	12:00 - 22:30
Entertainment similar to live music, recorded music or dance	
Monday to Saturday	11:00 - 23:00
Sunday	12:00 - 22:30