



Report of the Assistant Chief Executive (Corporate Governance)

Report to the Licensing Sub Committee

Date: Monday 2nd August 2010

Subject: Application for the Variation of a Premises Licence for: Barnbow, Austhorpe Road, Crossgates, Leeds, LS15 8EH

Electoral Wards Affected:

Crossgates & Whinmoor



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

This report informs members of an application for the variation of a Premises Licence for premises situated at Austhorpe Road, Cross Gates, LS15 8EH trading as Barnbow

The premises are currently operating with a premises Licence and now intend to vary the Sale of Alcohol, opening times to allow drinking up time and the hours on Christmas Day

The responsible authorities are served with copies of the application by the applicant and Ward Members have been notified of the application.

1.0 Purpose of this Report

To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") for a variation to a Premises Licence in respect of the Barnbow, Austhorpe Road, Cross Gates, LS15 8EH

The Licensing Sub-Committee is required to consider this application due to the receipt of representations.

2.0 History of Premises

An application for the conversion and variation of the former licenses into a Premises Licence was submitted under the name of Manston Hotel in September 2005 by Spirit Group Limited under the Licensing Act 2003. Representations to the variation were received from the responsible authorities and members of the public, the application was heard at a sub committee hearing on the 26th September 2005 where the decision reached was to refuse the variation.

No objection to the conversion application was received and a Premise Licence was duly granted for the existing hours and activities.

On May 15th May 2006 the West Yorkshire Police made an application to review the premises licence on the grounds of crime and disorder and Prevention of Public Nuisance. The review hearing was held on the 30th June 2006 the decision reached was to modify the licence which included imposing additional conditions . A copy of the review decision letter is attached

Members attention is drawn Appendix "A"

During the review consultation period on the 31st May 2006 a DPS change was submitted changing the DPS from Mr Ian Palmer to Mr Stephen David Dixon-Dawson.

A licence transfer was received on the 15th June to transfer the licence from Spirit Group Limited to Orchid Pubs Operations Limited.

On the 11th April 2007 a change of registered office address was received from 107 Station Street, Burton-On-Trent, Staffordshire DE14 1SZ to Park Mill, Burydell lane, Park Street, St Albans, Hertfordshire, AL2 2HB

On 3rd August 2007 an application to vary the premises licence was submitted by Orchid Pubs Operations Limited details were to refurbish the premises in accordance with the plans submitted. In addition the current bar severy was to be reduced by 50% and in its place carvery units and vegetable station to be installed. This was granted as applied for on the 20th September 2007.

On the 5th September 2007 a name change was received changing the name from Manston Hotel to The Barnbow

On the 18th September 2007 a DPS change was received changing Stephen David Dixon-Dawson to Susan Caroline Davies

On the 12th December 2008 a Licence transfer was submitted changing from Orchid Pub Operations Limited to Orchid Pubs (Fifteen)II limited.

On the 15th January 2009 a change of name was submitted changing the name to Orchid Pubs & Dining Limited

On the 11th March 2009 a DPS change was submitted changing Susan Caroline Davies to Kelly Fish

On the 15 June 2009 a DPS Change was submitted changing Kelly Fish to Robert Andrew Dunn

On the 9th June 2010 a Premises Licence Variation was submitted to vary the hours the premises are permitted to sell alcohol to Sundays 10:00-23:00hrs and Fridays and Saturdays 10:00 -00:00hrs. The application is also to vary the opening times to allow 30 minutes drinking up; Sunday to Thursday 10:00hrs to 23:30hrs and Friday to Saturday 10:00 -00:30hrs. The timings currently imposed on Christmas Day to be amended to 11:00hrs to 23:00hrs.

2.1 The premises currently have the benefit of a Premises Licence issued under the Licensing Act 2003 for the following activities:

Sale by retail of alcohol

Monday to Saturday	10:00 -23:00
Sunday	12:00 -22:30

On Christmas Day 12 noon to 3pm and 7pm to 10:30pm

Performance of recorded music

Everyday	00:00 -23:59
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The hours that the premises are open to the public are:

Monday to Saturday	10:00 - 23:20
Sunday	12:00 - 22:50

2.3 A copy of the existing licence is attached as **Appendix "B"** to this report

3.0 The Application

3.1 The applicants are Orchid Pubs & Dining Limited

3.2 The location and the proximity to neighboring premises can be seen on the map provided, Members attention is drawn to **Appendix "C"**.

3.3 A copy of the application and operating schedule are attached as **Appendix "D"** to this report. For the assistance of members, the Operating Schedule shows:

i) Proposed new licensable activities

Sale by retail of alcohol

ii) Proposed new hours of licensable activities

Monday to Thursday	10:00 - 23:00 (as existing)
Friday to Saturday	10:00 - 00:00
Sunday	10:00 - 23:00
On Christmas Day	11:00 - 23:00

iii) **Times when the premises are open to the public**

Monday to Thursday	10:00 - 23:30
Friday to Saturday	10:00 - 00:30
Sunday	10:00 - 23:30

4.0 **Relevant Representations**

4.1 Under the Act representations can be received from responsible authorities or interested parties. Representations must be relevant and, in the case of an interested party, must not be frivolous or vexatious.

4.2 Responsible authorities have made the following representations:-

- **Representations received from Health and Safety Services**

Following discussions between the applicant and Health and Safety Services agreements have been reached. The parties believe that the following proposed measures will promote the Licensing objectives

Member's are invited to consider Appendix "E" of this report

- **Representations received from Environmental Protection Team**

Following discussions between the applicant and Environmental Protection Team agreements have been reached. The parties believe that the following proposed measures will promote the Licensing objectives.

Member's are invited to consider Appendix "F" of this report

Interested Parties have made the following representations:

- **Members of the Public**

Councillor Armitage will be representing Cross Gates Neighborhood Watch and Mr and Mrs Sutcliffe

Member's are invited to consider Appendix "G" of this report
And Appendix "H" for Councillor Armitage representation

4.3 **Letters in support of the application**

Letters of support were received for this application from Members of the Public:

- Mr David White
- Mr Gary Heaton
- Mr Andrew Wilkinson

Member's are invited to consider Appendix "I" of this report

5.0 Matters Relevant to the Application

5.1 Members of the Licensing sub committee must make decisions with a view to promoting the licensing objectives which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

5.2 In making of their decision Members are obliged to have regard to the national Guidance and the Council's Licensing Policy. Members will be aware they must also have regard to the relevant representations made and evidence they hear.

6.0 Options Available to Members

6.1 The licensing sub-committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- Grant the variation as requested.
- Grant the variation while imposing new conditions or altering in any way the existing operating schedule.
- Reject whole or part of the variation application

6.2 Members of the Licensing sub committee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

Background Papers

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

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The Premise Licence Holder
 The Manston Hotel
 Austhorpe Road
 Austhorpe
 LEEDS
 LS15 8EH

Chief Executive's Department
 Governance Services
 4th Floor West
 Civic Hall
 Leeds LS1 1UR

Contact: Helen Gray
 Tel: 0113 397 4355
 Fax: 0113 395 1599
 Email: helen.gray@leeds.gov.uk
 Your reference:
 Our reference: A61/hg/The Manston
 3 August 2006

THE MANSTON HOTEL – REVIEW OF PREMISES LICENCE FOLLOWING AN APPLICATION MADE UNDER SECTION 51 OF THE LICENSING ACT 2003

On 30th June 2006 the Licensing Committee met to consider a Review of the Premises Licence currently held at the premises known as the Manston Hotel, Austhorpe Road, Leeds LS15 8EN. The Review had been necessitated following application made by West Yorkshire Police under Section 51 of the Licensing Act 2003 and with regard to the following licensing objectives:

- The prevention of crime and disorder
- The prevention of public nuisance

The Committee noted that since the advertisement of the Review, further representation had been received from LCC Environmental Health Services and local residents.

The Committee was reminded that this premises had been granted a Premises Licence during the transitional period, however at that time the relevant Sub Committee did not agree to vary the licence. As such, no additional conditions were added to the converted Licence and this premise could only operate "standard pub hours".

This letter represents the formal decision of the Committee in respect of the Review.

Preliminary Procedural Issues

The Committee considered preliminary matters of a purely procedural nature.

There were no declarations of interest made.

The Committee decided that the procedure for the hearing would be varied to allow the parties present sufficient time to make their case.

The Committee also considered if the public should be excluded from any parts of the hearing. The Committee decided to exclude the public from that part of the hearing where Members would deliberate on submissions and evidence presented. This would allow them



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to have a full and frank discussion on all matters put before them and this fact outweighed the public interest in not doing so.

Prior to the hearing the Committee had considered the Licensing Officers Report, which contained a copy of the application as made by West Yorkshire Police (WYP) which included a witness statement, police report on the premises and incident log with details of reported offences related to the premises supplied by WYP in support of the application. Additionally WYP also submitted correspondence between them and Spirit Group (the Premise Licence Holder) detailing proposed measures which had been agreed between both parties prior to this hearing. A copy of these documents had been sent to Members prior to the hearing and these would be considered by the Committee.

The Licensing Officers report also contained a copy of a letter of representation received from LCC Environmental Health Services and copies of letters received from local residents (as detailed in Appendix A of this letter) and in particular members of the local Residents Group Cross Gates Watch.

The Committee permitted each party 30 minutes in which to make their case. This time limit was imposed having regard to the relevant Regulations and in the interests of consistency and the efficiency of business.

The Sub Committee then went on to consider the review of the Premise Licence.

The Hearing

The Committee considered the verbal submissions from Mr Bob Patterson, Licensing Officer for WYP. He was accompanied by Sergeant R Sullivan, a Sergeant within a neighbourhood policing team which covered this premises.

The Committee also considered the verbal submissions of Mr M Phipps, the solicitor on behalf of The Orchid Group – the owners of the Manston Hotel. Mr Phipps was accompanied by Mr M Lamb, (Area Manager for the Orchid Group), Ms T Naylor (Senior Area Manager for the Orchid Group) and Mr S Dixon-Dawson (Manager of the Manston Hotel).

The local residents were represented by Mr & Mrs Macklan; Mr & Mrs Wainwright and Mr & Mrs Naylor (observers) at the hearing.

LCC Environmental Health Services did not attend as the Premise Licence Holder had made agreements to measures proposed by them prior to the hearing.

In considering the Review, the Committee took into account the written submissions contained within the Licensing Officers report plus the submissions made at the hearing by the interested parties.

The Committee also had regard to the provisions of the Licensing Act 2003, guidance under Section 182 of that Act and the Council's own Licensing Policy and in particular paragraph 12

The Committee then went onto consider the following paragraphs of the Guidance as the Committee took the view these paragraphs had bearing on the application:



FINAL

5:99

Reviews

5:107

Powers of a Licensing Authority on the determination of a Review

5:110

the cause or causes of the concerns which the representations identify

5:111

matters to note when considering possible courses of action

Reasons for the review request

The Committee had previously received the submissions provided by WYP contained within the Licensing Officers report. In brief, WYP were concerned that the Designated Premises Supervisor (DPS) at the Manston Hotel was to remain absent from the premises for a period of 3 months and that the nominated persons who remained in charge of the premises were inexperienced and unsure of the authorised licensable activities allowed at the premises. WYP therefore submitted that these individuals were not suitable to supervise the premises in the absence of the DPS. Additionally the premise had historically been associated with incidents of crime and disorder and anti social behaviour and WYP submitted incident logs in support of this statement. Furthermore WYP were gravely concerned that the persons left in charge of the premise had not been properly authorised to do so. Proper authorisation would have afforded WYP and the other relevant authorities the opportunity to properly approve the person in terms of experience, qualifications and character.

Matters arising since the commencement of Review Proceedings

At the start of the hearing the Committee and all present were advised of matters which had been dealt with since the commencement of Review proceedings on 8th May 2006

The Premise Licence/Licence Holder

The legal adviser briefly outlined the history of the Manston Hotel – a former Spirit Group premise. Punch Taverns bought the Spirit Group early in 2006 and therefore acquired the Manston Hotel. On 26 June 2006 Punch Taverns sold 290 former Spirit Group premises to the Orchid Group – this package included the Manston Hotel. As such the Committee noted that the Manston Hotel was in effect “under new management” and an application had been made to change the Premise Licence Holder to reflect this.

The Designated Premises Supervisor (DPS)

The legal adviser explained that an application made to change the DPS had come into effect on 1st June 2006. It was therefore noted that Mr I Palmer, referred to in the Review application, was no longer the DPS for the Manston Hotel.

Mr Patterson, WYP, clarified that the application to change the DPS had not been opposed by WYP.

The Committee received advice that both the applications should be considered as having been granted.

Agreed Measures

The Spirit Group as Premise Licence Holder at the time of the commencement of Review proceedings had come to the following agreements with LCC Environmental Health Services over measures proposed by them in the interests of the prevention of public nuisance:



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- The activities of persons using the beer garden and other external areas shall be monitored and they shall be reminded to have regard to the needs of local residents where necessary. Should activities which may result in disturbance to local residents persist then offending patrons shall be barred from the premises
- Outdoor entertainment activities shall not take place (this to include firework displays, funfair rides, bouncy castles and any other similar activities)

The Spirit Group had also come to the following agreements with WYP about further measures proposed by them in the interests of the prevention of crime and disorder:

- 1) The currently installed CCTV system at the premises shall be operated and maintained to a standard acceptable to West Yorkshire Police. Any consultation on the operation and maintenance of such system will take place with the local crime prevention officer employed by West Yorkshire Police
- 2) The designated Premises Supervisor /manager will participate in a local pubwatch scheme (or similar licensing association) where one exists that is recognised by West Yorkshire Police
- 3) Every on-duty manager will adopt the "Check 21" or a similar proof of age scheme which is recognised by West Yorkshire Police
- 4) Any individual who works at the premises in the capacity of a Door Supervisor shall be licensed by the Security Industry Authority
- 5) The management of the premises will establish a responsible pricing policy for the purchase of alcohol through consultation with the police
- 6) The premise licence holder will use best endeavours to ensure that a personal licence holder is on the premises throughout all operating times and whilst the premises is open to the public.

It was noted that as these measures were agreed, these would now be included as conditions on the licence should they be agreed by the Committee.

Submissions and evidence of West Yorkshire Police

The Committee considered the oral and written representations made by Mr Patterson on behalf of West Yorkshire Police (WYP).

Mr Patterson began by outlining the decision made the Licensing Sub Committee on 26 September 2005 when the application to vary the existing licences to the new style Premise Licence were heard in respect of the Manston Hotel. At that time, WYP had made representation with regards to the history of crime and disorder and violent disorder associated with the premises. The volume of public representations also received supported this case. The Sub Committee had not agreed to vary the Premise Licence and therefore no additional licensing hours had been granted.



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Mr Patterson explained the Sub Committee hearing had been the first opportunity for WYP to convey their concerns about the Manston Hotel to LCC as the new Licensing Authority. Prior to this, the Magistrates Court had dealt with such matters. At the Magistrates Court Mr Patterson had emphasised the need for strong management at the premises and constant monitoring by WYP. Up until 24 June 2006, Mr Ian Palmer had been the Designated Premises Supervisor at the Manston Hotel, as indicated in the application before the Committee. At Magistrates Court Mr Palmer would have been advised of his responsibilities. WYP considered him to be an experienced manager as he had been a licensee elsewhere and were reassured that he was in fact the DPS of the premises when the Spirit Group applied to vary the Licence in 2005. WYP were disappointed when they became aware that Mr Palmer would be away from the premises for a period of three months and concerned that his replacement was inexperienced.

Mr Patterson referred the Committee to Section 19 of the Licensing Act 2003 which dealt with matters related to times when a DPS should be on the licensed premises and those occasions when sales of alcohol are not done with proper authorisation from a DPS or a Premise Licence Holder

) Mr Patterson stated that these matters were of great concern to WYP with regard to this premises.

Mr Patterson stated that if away from the premises for any length of time, a DPS should be easily contactable. Additionally there should be evidence that proper authorisation to sell alcohol had been given to the Personal Licence Holder, at least verbally but preferably written.

Mr Patterson stated that WYP had not been able to establish whether proper authorisation had been given in this case.

) In March 2006 WYP had become aware of problems associated with the DPS being absent from the Manston Hotel as live music was being advertised which was not included within the remit of the Premises Licence. On 12 March Sgt Sullivan visited the premises and advised the staff of this. On 6 April 2006 a "flyer" advertising live bands again plus a disco to be held on 14 April 2006 was seen. Officers from LCC Entertainment Licensing Enforcement Team visited the premises to advise Mr Palmer that the Premise Licence did not include provision for such entertainment. Mr Palmer was not present so another member of staff was advised. Mr Patterson referred the Committee to the letter from Mr N Head, Entertainment Licensing to Mr Forsberg of the Manston Hotel and various e-mails included within the report on the application. Mr Patterson suggested that this correspondence clearly showed Mr Forsberg was not aware of the remit of either the current Premises Licence nor where the proper authorisation to sell alcohol from Mr Palmer as DPS to the manager of the premise was.

On 14 April 2006 WYP visited the Manston Hotel at which point they were informed that Mr Palmer, the DPS, was to be away from the premises for 3 months. WYP had difficulty establishing if proper authorisation had been given to another person to sell alcohol and also who the Personal Licence Holder was as no documentary evidence was found. WYP concluded that there was no Personal Licence Holder authorised to sell alcohol on the premises, nor was there any other suitable person.

Mr Patterson stated that WYP had made 12 visits to the Manston Hotel between 12 March and 4 May 2006. During the last visit, Sgt Sullivan had been informed that Punch Taverns did



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not intend to replace Mr Palmer as the DPS and that Mr Forsberg was now the only Personal Licence Holder associated with the premises.

On 25 May 2006 Mr Forsberg submitted an application to become a Personal Licence Holder which would provide him the authority to sell alcohol and this was granted on 28 April 2006. Mr Patterson commented that Mr Forsberg had previously told WYP that he had a Personal Licence.

Sgt Sullivan confirmed the matters related by Mr Patterson as a true account. Mr Patterson moved on stating that the Review had come about as a result of the following 3 factors

- 1) the absence of Mr Palmer from the premises and the reluctance of Punch Taverns to nominate a new DPS
- 2) the number of incidents of crime and disorder associated with the premises as detailed in the written submission from WYP
- 3) receipt of confirmation from the Force solicitor that this situation was unacceptable.

Mr Patterson additionally reported that a number of nuisance calls had been made to WYP from the premises and this as well as the 3 factors above persuaded the neighbourhood policing team to apply for a Review. WYP felt that all other avenues had been exhausted and the only way to resolve the matter was to bring it to the Licensing Authority attention through a Review. Nevertheless Mr Patterson stated that there had been some reluctance to instigate a Review, and WYP had waited four weeks in order to allow the Company some time to apply for a new DPS. When this did not occur, notice of the Review was served on 8 May 2006

Sergeant Sullivan then addressed the Committee. He began by stating that during the 1990s the Manston Hotel had been a venue which local residents and families would frequent, however the nature of the pub changed over time. Pool tables had been introduced and there had been a number of serious incidents of crime and disorder directly attributable to the pub, including a series of shootings. Sgt Sullivan reported that the neighbourhood policing team received letters of complaint from local residents about the pub on a weekly basis and it was notable that very few local residents now frequented the pub.

Sgt Sullivan stated that the problems associated with the Manston Hotel had not manifested in other local pubs, WYP therefore concluded that this premises was a magnet for crime and disorder. Between October 2005 and April 2006 there had been 14 serious incidents reported to the police. Whilst it was true that some of these had been reported by the staff of the Manston Hotel Sgt Sullivan suggested this actually showed that the management was not strong enough to turn identifiable troublemakers away at the door.

Sgt Sullivan stated that he had advised the Area Manager of Spirit Group (now part of Orchid Group) of his concerns about the lack of intensive management at the Manston Hotel at a meeting held on 1 June 2006. The Area Manager had agreed to make the following changes

- not to offer cheap alcohol/alcohol promotions (i.e. 2 4 1 deals)
- to remove the pool tables
- to reintroduce bar meals

However, problems had still been encountered with the pub, although WYP did accept that the changes would take some time and longer still to impact on the clientele of the premise. Since the 1 June 2006 WYP had received the following reports



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10 June – WYP attended the pub; a group of young males were chanting and threw coins at the police officers. The perpetrators could not be identified, due to this date being a World Cup tie the police had received a number of calls from around the locality and the duty sergeant had felt it best to withdraw as further action might exacerbate the situation

14 June – a group of young men had stolen roof flags

15 June – Section 47 assault

15 June – report of under age drinking

To conclude Sgt Sullivan reiterated that this premises needed strong and intrusive management and the only way the venue could once again attract a decent clientele was to remove some of the fixtures and fittings which attracted the younger customers and therefore fuelled incidents of crime and disorder.

Mr Patterson then spoke again to highlight the case brought by WYP. The application to vary the DPS had been a full seven weeks after the departure of Mr Palmer. He referred the Committee to the additional letters which identified the measures agreed between WYP and the Company but stated those agreements should not influence any course of action the Committee might choose to take.

-) Mr Patterson then dealt with the three courses of action open to the Committee:
- Revocation – WYP had never envisaged this action should be taken however they had advised Orchid Group that the Committee might choose to do so
 - Exclusion of a licensable activity – only two activities were licensed at the premise
 - Removal of the DPS – this option was no longer available as the DPS had now changed

Therefore Mr Patterson urged the Committee to take the required steps to promote the stated Licensing Objectives of the City by ensuring that the agreed measures (as detailed earlier in this letter) were included within the Premises Licence

-) The Committee expressed concern regarding the wording of agreed condition No 6, particularly the use of "best endeavours". Mr Patterson explained that this phrase had been included as it represented the nearest to a full agreement to the condition that could be sought, although he was keen to learn what "best endeavours" the Orchid Group would use. Furthermore Mr Patterson provided some background to the inclusion of the phrase within the condition. He stated that the interpretation of the Guidance usually adopted by pub chains on a DPS /Personal Licence Holder being present at a premise was at odds with the view of the police, therefore this wording appeared to be the best solution.

In answer to a question from the Committee Mr Patterson confirmed that it was the view of WYP that the conditions and measures agreed between WYP and the Spirit Group should be carried across to the Orchid Group as the new owners of the premises.

The Committee were keen to have information on the new Company which had taken over the pub and allowed Mr Phipps, the solicitor for the Premise Licence Holder to provide details at this point. Mr Phipps explained that he was a licensing solicitor who worked for Punch Taverns. When Punch Taverns acquired Spirit Group and its' 1500 premises he had represented the Spirit Group. He attended this hearing as agent for Orchid Group - the new owners, as he had previous knowledge of the premises. Punch Taverns sold 290 premises, all of which had been Spirit Group premises to Orchid Group on 25 June 2006. Mr Phipps explained that under employment law, employees converted to the new company as well as the premises, therefore the DPS was now an employee of Orchid Group.



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Mr Phipps confirmed that it was his understanding that Orchid Group was not linked to Spirit Group in any way, as Orchid Group was a separate Company with a separate Board of Directors.

Submissions of the local residents

The Committee then heard representation from the local residents who attended the hearing.

Mr P Macklan began by explaining that the back garden of his property faced onto the premises' car park. He stated that he regularly heard commentary from football matches shown on the television within the premises and had witnessed fights between patrons of the premises in the car park. Mr Macklan confirmed that he had witnessed the incident described by Sgt Sullivan when the police had been attacked by a group of youths. He also stated that patrons played football in the car park and cars used it as a race track. In response to questions for the Committee, Mr Macklan confirmed that there was a wall around the car park with a gateway, however cars still entered into the car park at speed and he believed something needed to be done to slow down the access point.

Additionally Mr Macklan reported problems with rubbish in the form of glass and glass bottles around the area which was attributable to the pub as he had witnessed patrons leaving the premises and leaving glasses within Manston Park situated nearby. Mr Macklan added that the management had agreed last year to use only plastic glasses and bottles in the external area, but this had not happened

With regards to anti social behaviour, Mr Macklan reported that Fridays, Saturdays and Sundays were the worst days for such behaviour, the weekdays were generally quieter. He went so far as to say in the summer, he prayed for rain at a weekend as this would prevent patrons from using the external areas of the pub. Additionally on Sundays he and his wife went out for the evening, but on their return walk home they would cross the road to avoid walking directly past the Manston Hotel. Mr Macklan explained that there was an external terrace which acted as a beer garden with a few tables, but this area was to the side of the building and therefore always in the shade. He had witnessed patrons moving the tables into the sun, and following the sun around the building until on occasions they were sat in the car park. With regards to supervision of the premises, he had seen doorstaff at the premises during an evening, but the external areas were not supervised. Mr Macklan closed by suggesting that the external areas should be supervised at all times.

The Committee then heard representation from Mrs Wainwright who explained that her garden extended to the car park. She had been a resident for 13 years and knew at the time she had bought her home that the pub was close by and that there would be some associated noise. At that time, she stated the pub had been very nice. With regards to the present day, she stated that the patrons did not use the beer garden, preferring instead to use the car park. Mrs Wainwright explained that she had been greatly affected by the behaviour of the patrons making use of the external areas around the pub, especially at weekends during the daytime when her grandchildren came to stay and they could hear the language and see the behaviour of the patrons. Mrs Wainwright stated that by Saturday lunch time the car park became a race track for cars screeching in and out. She had witnessed two patrons drinking in the car park, and when they had finished their drinks they smashed the empty glasses in the car park. Mrs Wainwright said she believed there was a CCTV system at the premises which covered the terraced area but she did not believe the system covered the car park



Mr Wainwright then addressed the Committee and began by expressing his thanks to WYP for the actions they had already taken, although he believed that their hands were tied by what the pub was allowed to do under its present licence. He reiterated that local residents were affected by the pub and emphasized this by stating that local residents using the nearby Park during the daytime could come across drunken customers from the pub sauntering through. Incidents of patrons who had drunk too much alcohol were particularly bad during the summer months when the weather was sunny as this seemed to encourage them.

Mr Wainwright stated that when he moved there the premises had been a beautiful pub, now it was not. There was a large "Mr Q's" pool room attached to the pub which attracted younger customers. Mr Wainwright stated he felt the pub should encourage a mix of age groups. He felt that it wasn't so much the age group the pub attracted, more the type of clientele who visited it. An older or mixed age range clientele would lead to more responsible drinking. He believed that the pool tables attracted younger people, and where young people and alcohol were, there would always be some kind of problem. He explained that there was another local pub, The Devon, which did not seem to attract as much trouble, therefore it was this premises and its own clientele that made the trouble. In answer to a query from the Committee Mr Wainwright suggested the following measures which residents would want to see

- 1) To close the pub for one hour during the day on Saturdays and Sundays to prevent people being able to drink right through the day at weekends
- 2) To remove the picnic benches from the terraces outside to be relocated in the garden area only
- 3) To prevent patrons from congregating in the car park

In conclusion Mr Wainwright suggested that although WYP did as much as they could to protect local residents, he felt the Committee could do more.

Submissions and evidence on behalf of the premises licence holder.

The Committee then went on to consider the representation made by Mr Phipps, the Solicitor on behalf of the Premise License Holder of the Manston Hotel.

Mr Phipps began by explaining that he had not been the solicitor for the Spirit Group at the time of the hearing to vary the Premises Licence for the Manston Hotel and as such could not enlighten the Committee any further with regard to that application. He asked the Committee to note that this Review hearing was a separate matter to the variation application, and any issues brought up by the representations of the interested parties should not refer to any matters prior to November 2005 when the new licensing regime came into effect. Mr Phipps reiterated that because the application to vary had been refused, the Licensing Authority had lost the opportunity to attach any conditions to the new Licence at that time.

Mr Phipps also stated that the comments made by the interested parties at this Review hearing appeared to be sensible and he had no intention of refuting them nor trying to convince the Committee that Manston Hotel was anything other than what had been reported so far.

Turning to the current position regarding the DPS, Mr Phipps confirmed that Mr Dixon-Dawson now held this post. The DPS vacancy had arisen after Mr Palmer had taken a 3



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month secondment from the Manston Hotel as he was also responsible for a number of other premises. Mr Phipps agreed with the view of WYP that an application to transfer the DPS should have been made at the time, however it had not been. Mr Phipps did explain that although the Committee may have the impression that Mr Palmer had been absent from the premises for some time, this was not altogether true. Mr Palmer lived close to the Manston Hotel and visited it daily and weekends, furthermore his girlfriend worked at the pub. Additionally when WYP had visited the premises on 14 and 21 May 2006 respectively, they had spoken to Mr Palmer.

As explanation, Mr Phipps stated that as the premises did have a troubled past, the management had taken the view that although Mr Palmer would be responsible for other premises, continuity of the DPS at the Manston Hotel would be valued by the customers and seemed at the time to be appropriate. This had proved not be the case and WYP should have been informed of the issue immediately

Turning to the points made by Mr Patterson, Mr Phipps pointed out WYP did visit the premises on 14 April 2006 to check whether the disco advertised on the flyer was taking place – and it was not.

Mr Phipps then referred to the incident log supplied by WYP and commented that these were reports of incidents, rather than crimes which were actually pursued, and the Committee should exercise caution when lending weight to reports which were made to the police by the individuals themselves. Mr Phipps referred to the remarks made by Sgt Sullivan regarding calls made to WYP by the staff of Manston Hotel themselves. He expressed surprise that Sgt Sullivan had appeared to criticise the staff for doing so and his suggestion that this reflected weak management. In response Mr Phipps suggested that this attitude would surely dissuade the management team from ringing again which could lead to a far worse situation

Mr Phipps then directly referred to the 6 proposed conditions already agreed between WYP and the Spirit Group

- 1) CCTV – He confirmed that a CCTV system was already installed at the premises, incorporating 36 cameras, 8 located externally. The entire system would be reviewed and inspected with the appropriate officer, and if WYP were to recommend that additional cameras should be installed, this would be done
- 2) Pub Watch – No Pub Watch scheme existed in the locality, however if such a scheme was established the DPS would join it
- 3) Check 21 – Mr Phipps highlighted that no under age drinkers were found during one of the WYP visits to the premises
- 4) Door Staff – Mr Phipps reported that previously the management would patrol the doors at the end of the evening to remove bottles from patrons leaving the premise. Mr Phipps offered a further condition as follows
"No open bottles or glasses to be removed from the premises"
- 5) Drink Policy – Mr Phipps reported the Company was reviewing drinking promotions such as the 2 - 4 -1 offers or "bucket of beer for £5", however some drinks promotions were cartel lead, and the premises would have to pay due regard to some external pricing policies
- 6) "Best endeavours" – Mr Phipps explained that the Company felt that if the phrase "should always be present" had been included, if the DPS was away from the premises at the cash and carry, the premises would have to close. Mr Phipps did acknowledge that the Committee was at liberty to alter the wording of this condition to include "at all times". He reported that there were now 4 qualified Personal Licence



FINAL

Holders at the premises, and if imposed, although it would be difficult the condition could be met

Additionally Mr Phipps reiterated that the Orchid Group had also agreed measures proposed by LCC Environmental Health Services. He noted the concerns about a firework display held in November 2005 and a bouncy castle erected in April 2006, although these events had not brought about the Review. With regards to the use of the beer garden and proper use of external areas, and the general concern regarding the misuse of the external areas and car park in particular, Mr Phipps offered one further condition which the Orchid Group would agree as follows:

"Alcohol shall not be consumed in the car park"

The Committee then considered the extent of the licensed area of the premises, both internal and external, noting Mr Phipps clarification that a licensed area for a pub would not usually include the car park, although this area had to be shown on the submitted plan of the premises attached to the Premise Licence. It was usual for the entertainments licensed under the Licensing Act 2003 (alcohol and recorded music in the case of the Manston Hotel) to be internal to a premise. The consumption of alcohol was not a licensable activity. Mr Phipps reminded the Committee that use of the external areas, such as the beer garden, could be time limited to close at 22:30 hours if the Committee deemed this necessary and appropriate, however he was not inviting the Committee to condition the beer garden to be closed before the bar closed as this may cause additional friction between customers and staff.

In answer to a query from the legal adviser regarding the offered condition "No open bottles or glasses to be removed from the premises", Mr Phipps confirmed the Manston Hotel did benefit from the provision for off-sales. If it were found that this condition was not being complied with in the spirit in which it was offered and patrons left the premises with closed bottles to then consume alcohol on the car park, then he would expect enforcement proceedings to commence or a further Review.

With regards to rubbish, Mr Phipps stated he understood that the appearance of the area surrounding the premises was a concern to local residents. He confirmed that some clearing did take place however there was an area of land to the front of the pub that was owned by a neighbour. Management had experienced some difficulty in the past when having cleared that area, the neighbour promptly emptied the bag of collected rubbish back onto the land.

In answer to queries from the Committee, Mr Phipps again confirmed that the external areas to the premises were covered by CCTV cameras, additionally he envisaged further monitoring of the external areas to be undertaken by staff, such as glass collectors or bar staff rather than having door staff monitor the area.

Additionally, having regard to the concerns of local residents about the number of young adults attracted to the pub, Mr Phipps informed the Committee that a review of the premises was being undertaken by the new management team. This included consideration of the layout, facilities and structure of the pub, and the re-introduction of food. These measures would in time change the nature and atmosphere of the pub and eventually it was hoped the clientele. Mr Lamb, Area Manager for Orchid, then provided Committee with further details of the pub. He explained that 80% of the space within the pub consisted of dedicated seating area, except around that area with the 8 pool tables. There were no stools at the bar, and "vertical drinking" had never been encouraged. Mr Lamb stated that since the instigation of the Review, the management had considered the comments of the local residents carefully.



FINAL

He estimated that the refit of the premises would cost £100,000.00. The refit had originally included proposals to remove 4 of the pool tables, however the premise had been sold by Punch Taverns before the refurbishment commenced. It was still the Orchid Groups intention to de-brand the pool area from "Q's" and to remove 4 pool tables

In conclusion Mr Phipps ran through additional measures for the Committee to consider that his clients would be willing to accept in order to address the concerns of local residents and to address the licensing objectives for the City

- no alcohol to be taken off the premises and consumed in the car park
- an incident book to be retained at the premises for management purposes and to be produced on request to officers of WYP
- taxi information – to display a notice providing patrons with the numbers of local taxi firms and to provide the means to call taxi firms, this measure could reduce the number of cars mis-using the car park
- to consider the reduction in the width of the gateway entrance to the car park through the erection of a bollard which would slow down cars entering and leaving the car park
- to oblige the Premise Licence Holder to meet with local residents at regular intervals
- to oblige the Premise Licence Holder to provide a direct telephone number of a management representative – this would be a practical step to allow residents to report matters such as doors/windows being left open
- to introduce the use of plastic glasses/bottles only in the external areas
- to secure the tables and chairs used in the designated external seating areas/beer garden to prevent their being used elsewhere

These measures to be over and above those already agreed with WYP and LCC EHO and the additional two offered at the hearing

Finally Mr Phipps closed by stating the imposition of conditions on the Premise Licence would secure the future of the premises due to the good management they would ensure. Referring to a comment from the Committee regarding the same employees being employed at the pub, Mr Phipps emphasized that with additional conditions on the Licence, any management team could run the premises as the conditions would be strictly adhered to.

The Committee in reviewing the Licence considered the verbal and written evidence submitted before them from both parties. In considering this evidence, the Committee felt it first needed to establish if a problem existed at the premises. If the premises was operating in a manner which did not undermine the Licensing Objectives, then the Committee would conclude no problems existed at the premises.

Specific Incidents

The Committee were concerned by the number of incidents of crime and disorder and public nuisance associated with the premises. These had been reported by WYP and local residents, details of which were contained within the written submissions. Furthermore, the solicitor on behalf of the Premise Licence Holder did not refute these reports.

The Committee further concluded action was needed to address this problem. In reaching this decision the Committee identified a number of issues which had caused or contributed to problems at the premises.



Management of the Premises

The Committee felt that the absence of the DPS from the premises for a period of 3 months was unacceptable. Furthermore the failure of the previous owners, the Spirit Group/Punch Taverns, to nominate a new DPS was a serious error given the history of incidents of crime and disorder associated with the premises. The Committee viewed this as a failure of senior management. To this end, the Committee accepted and agreed with the submissions put forward by WYP

Activities at the premises.

The Committee concluded that the "Q's" poolroom was a factor in attracting younger adults to the premises. Committee also accepted the submissions made by local residents regarding the mis-use of the external areas of the premises by customers. Committee also had regard for the submission by Sgt Sullivan who stated that, as other pubs in the locality did not experience the same problems, WYP had therefore concluded that this premises alone was a magnet for crime and disorder and public nuisance.

Recent improvements at the premises

The Committee acknowledged the recent change in ownership of the premises and the Orchid Group's intention to carry forward the proposed changes to the premises and the agreements reached between the previous owners (Spirit Group/Punch Taverns) and WYP and LCC Environmental Health Services.

The Committee acknowledged and welcomed the additional measures that the Orchid Group had considered and offered at the Review hearing for the Committees' consideration.

Decision

Having reviewed the Licence and having had regard to all the representations, the Licensing Act and relevant Guidance, the Committee concluded the Manston Hotel had previously operated in a manner which had undermined the prevention of crime and disorder and the prevention of public nuisance Licensing Objectives.

The Committee considered that action under its statutory powers was therefore necessary. Given the nature of the incidents and the weight of the evidence presented by West Yorkshire Police, which had not been disputed by the Premise Licence Holder, the Committee decided that modification of the Licence would be appropriate.

The Committee however also noted the change in management at the premises and were persuaded by this not to revoke the Licence. The Committee accepted the submission of the representative of the Orchid Group that the imposition of stringent conditions on the Premise Licence would ensure stronger management of the premises and were prepared therefore to give the new management team an opportunity to run the premises and address the concerns of the local residents, WYP and the Committee.



FINAL Conditions

Agreed Measures

- in the interests of the prevention of public nuisance:

- The activities of persons using the beer garden and other external areas shall be monitored and they shall be reminded to have regard to the needs of local residents where necessary. Should activities which may result in disturbance to local residents persist then offending patrons shall be barred from the premises
- Outdoor entertainment activities shall not take place (this to include firework displays, funfair rides, bouncy castles and any other similar activities)

- in the interests of the prevention of crime and disorder:

- 1) The currently installed CCTV system at the premises shall be operated and maintained to a standard acceptable to West Yorkshire Police. Any consultation on the operation and maintenance of such system will take place with the local crime prevention officer employed by West Yorkshire Police
- 2) The designated Premises Supervisor /manager will participate in a local pubwatch scheme (or similar licensing association) where one exists that is recognised by West Yorkshire Police
- 3) Every on-duty manager will adopt the "Check 21" or a similar proof of age scheme which is recognised by West Yorkshire Police
- 4) Any individual who works at the premises in the capacity of a Door Supervisor shall be licensed by the Security Industry Authority
- 5) The management of the premises will establish a responsible pricing policy for the purchase of alcohol through consultation with the police

Imposed Conditions

- The premise licence holder will ensure that a personal licence holder is on the premises throughout all operating times and whilst the premises is open to the public.
- Only bottles/glasses which are closed are to be allowed off the premises
- There shall be no consumption of alcohol in any external area after 22:30 hours
- Only plastic glasses shall be used in all external areas at all times
- There shall be no consumption of alcohol allowed in the car park
- All external furniture shall be secured in order to prevent its movement around the external areas of the premises
- A representative of the Premises Licence Holder shall regularly attend meetings of the local residents' group
- The Personal Licence Holder/manager shall supply a direct telephone contact number to local residents
- Signs shall be displayed in the premises providing information on taxi/private hire firms
- Signs shall be displayed within the premises reminding patrons to have regard to local residents
- An incident book shall be retained and to be made available to West Yorkshire Police on request
- Appropriate traffic claming measures are to be agreed with West Yorkshire Police and LCC Environmental Health Services and to be installed to the entrance to the car park



FINAL

- The Premise Licence Holder will ensure that a daily clean up of rubbish and glass shall be undertaken within the vicinity of the premises
- No more than 4 pool tables are to be allowed at any one time within the premise

Finally the Chair of the Committee expressed his thanks to WYP, the Premise Licence Holder and the local residents for their submissions and highlighted the desire of the Committee to grant the Orchid Group a fresh start for the Manston Hotel. However he emphasised that should the local residents remain dissatisfied with the performance of the premises, they had the right to request a further Review of the Premise Licence after a period of 6 months.

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the Sub Committee. You must make this appeal within 21 days of this letter reaching you.

Appeals should be addressed to the Magistrates Court at:
Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP

Appeals should be accompanied by a copy of this decision letter and the court fee of £75.00.

Yours Faithfully,

Helen Gray
Clerk to the Licensing Committee





**Schedule 12
Part A**

**Premises Licence
Leeds City Council**

Licence Issued By:	On: 28th August 2005
N 25 Jackson. Nicole Jackson Assistant Chief Executive (Corporate Governance)	Ewhite 24.06.09 Ewhite

Premises Licence Number

PREM/00974/V01

Part 1 -- Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code	
Barnbow Austhorpe Road Austhorpe Leeds LS15 8EH	
Telephone number	0113 2645072

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence
Sale by retail of alcohol Performance of recorded music

Times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol

Monday to Saturday	10:00 - 23:00
Sunday	12:00 - 22:30

Performance of recorded music

Every Day	00:00 - 23:59
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The opening hours of the premises

Monday	10:00 - 23:20
Tuesday	10:00 - 23:20
Wednesday	10:00 - 23:20
Thursday	10:00 - 23:20
Friday	10:00 - 23:20
Saturday	10:00 - 23:20
Sunday	12:00 - 22:50

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premises

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Orchid Pubs & Dining Limited
Park Mill
Burydell Lane
Park Street
St Albans
AL2 2HB

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 06754332

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Robert Andrew Dunn
The Highwayman
Great North Road
Doncaster
DN6 7HU

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number: RM1385 Licensing Authority: Rotherham Metropolitan Borough Council

Annex 1 – Mandatory conditions

Mandatory Conditions imposed under the Licensing Act 2003

Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-

- a. unauthorised access or occupation (e.g. through door supervision), or
- b. outbreaks of disorder, or
- c. damage

No supply of alcohol may be made under this licence

- a. At a time when there is no designated premises supervisor
- b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

Embedded Restrictions

Alcohol shall not be sold or supplied except during the hours stated on this licence and:

On Christmas Day, 12 noon to 3 p.m and 7 p.m to 10.30 p.m.

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first thirty minutes after above hours;

the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals.

consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;

the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

the sale of alcohol to a trader or club for the purposes of the trade or club;

the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's Naval, Military or air forces;

the taking of alcohol from the premises by a person residing there; or

the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;

the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Where the number of children attending the entertainment exceeds 100 the licensee shall ensure that the provisions of Section 12 of the Children and Young Persons Act 1933 are complied with.

Annex 2 - Conditions consistent with the Operating Schedule

Not Applicable

Annex 3 - Conditions attached after a review hearing held on 30th June 2006 by the Licensing Authority.

Agreed Measures

The prevention of Public Nuisance

a) The activities of persons using the beer garden and other external areas shall be monitored and they shall be reminded to have regard to the needs of local residents where necessary. Should activities which may result in disturbance to local residents persist then offending patrons shall be barred from the premises.

b) Outdoor entertainment activities shall not take place (this to include firework displays, funfair rides, bouncy castles and any other similar activities).

The prevention of Crime and Disorder

a) The currently installed CCTV system at the premises will be operated and maintained to a standard acceptable to West Yorkshire Police. Any consultation on the operation and maintenance of such system will take place with the local crime prevention officer employed by West Yorkshire Police.

b) The designated Premises Supervisor/manager will participate in a local pub watch scheme (or similar licensing association) where one exists that is recognised by West Yorkshire Police.

c) Every on-duty manager will adopt the "Check 21" or a similar proof of age scheme which is recognised by West Yorkshire Police.

d) Any individual who works on the premises in the capacity of a Door Supervisor shall be licensed by the Security Industry Authority.

e) The management of the premises will establish a responsible pricing policy for the purchase of alcohol through consultation with the police.

Conditions imposed by the Sub Committee

a) The premise licence holder WILL ENSURE that a personal licence holder is on the premises throughout all operating times and whilst the premise is open to the public.

b) Only bottles/glasses which are closed are to be allowed off the premises.

c) There shall be no consumption of alcohol in any external area after 22:30 hours.

d) Only plastic glasses shall be used in all external areas at all times.

e) There shall be no consumption of alcohol allowed in the car park

- f) All external furniture shall be secured in order to prevent its movement around the external areas of the premises.
- g) A representative of the Premise Licence Holder shall regularly attend meetings of the local resident's group.
- h) The Personal Licence Holder/manager shall supply a direct telephone contact number to local residents.
- i) Signs shall be displayed in the premises providing information on taxi/private hire firms.
- j) Signs shall be displayed within the premises reminding patrons to have regard to local residents.
- k) An incident book shall be retained and to be made available to West Yorkshire Police on request.
- l) Appropriate traffic calming measures are to be agreed with West Yorkshire Police and LCC Environmental Health Services and to be installed to the entrance to the car park.
- m) The Premise Licence Holder will ensure that a daily clean up of rubbish and glass shall be undertaken within the vicinity of the premises.
- n) No more than 4 pool tables are to be allowed at any one time within the premise.

Annex 4 - Plans

The plans for these premises are as those submitted with the application. A copy of which is held by Leeds City Council Licensing Authority.

Amended Plan Dated: 24th July 2007
Drawing No: 3382/03B

Premises Licence
Leeds City Council

Licence Issued By:

On: 28th August 2005

N 25 Jackson.
Nicole Jackson
Assistant Chief Executive (Corporate Governance)
EWH 24.06.09
EWhite

Premises Licence Number

PREM/00974/V01

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Barnbow
Austhorpe Road
Austhorpe
Leeds
LS15 8EH

Telephone number 01132645072

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Sale by retail of alcohol
Performance of recorded music

Times the licence authorises the carrying out of licensable activities**Sale by retail of alcohol**

Monday to Saturday 10:00 - 23:00
Sunday 12:00 - 22:30

Performance of recorded music

Every Day 00:00 - 23:59

The opening hours of the premises

Monday 10:00 - 23:20
Tuesday 10:00 - 23:20
Wednesday 10:00 - 23:20
Thursday 10:00 - 23:20
Friday 10:00 - 23:20
Saturday 10:00 - 23:20
Sunday 12:00 - 22:50

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premises

Name, (registered) address of holder of premises licence

Orchid Pubs & Dining Limited
Park Mill
Burydell Lane
Park Street
St Albans
AL2 2HB

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 06754332

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Robert Andrew Dunn

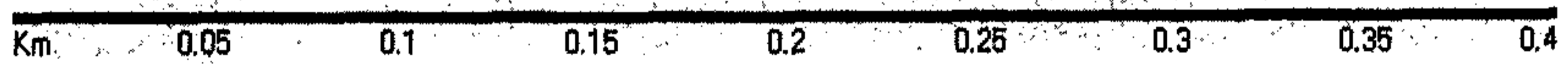
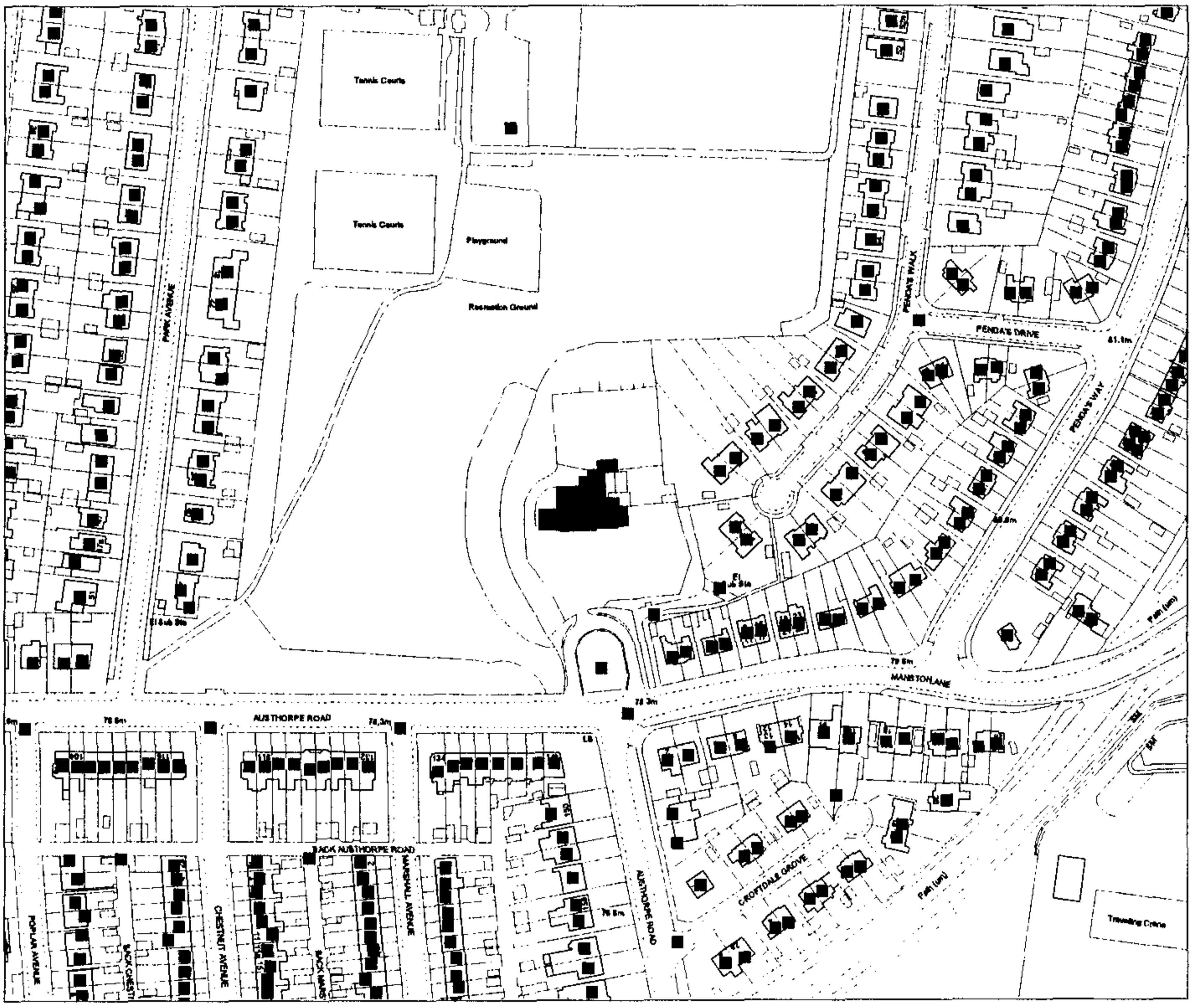
State whether access to the premises by children is restricted or prohibited

None



PREM/00974/V02

Barnbow, Austhorpe Road, Crossgates, Leeds, LS15 8EH



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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Date:	19 July 2010
Scale:	1:2500

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

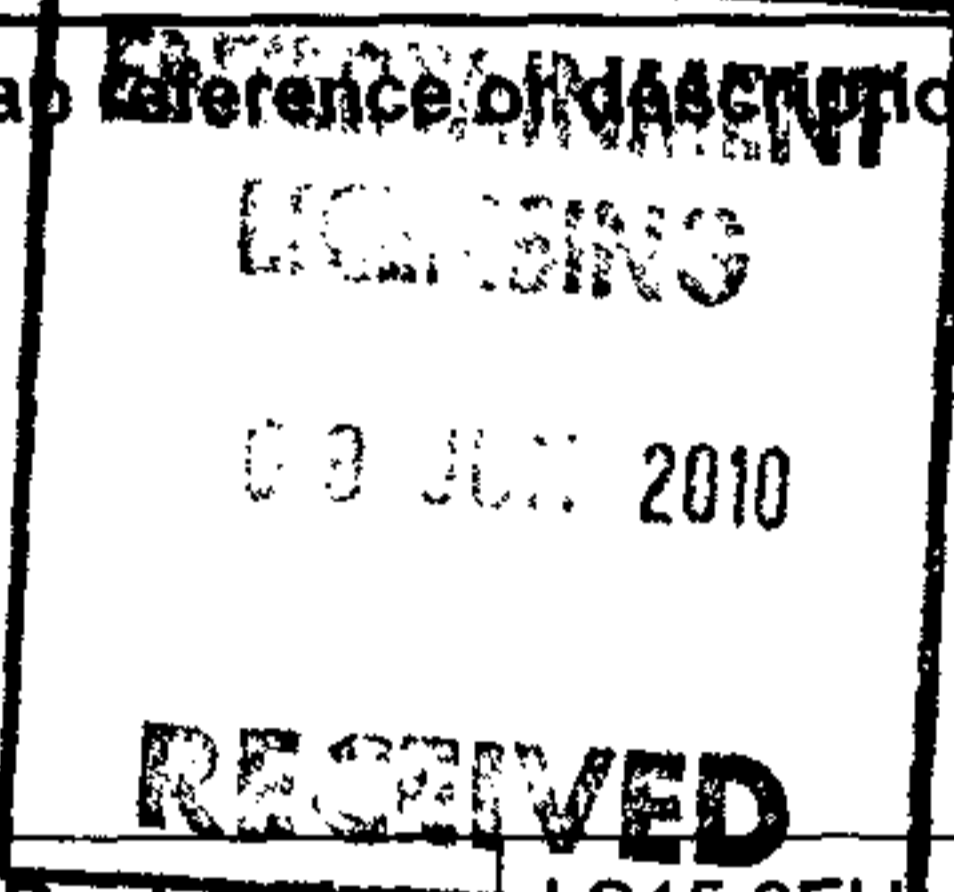
I/We Orchid Pubs & Dining Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PREM/00974/V01
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Barnbow Austhorpe Road Crossgates		
Post town Leeds	Post code LE15 8EH	

Telephone number at premises (if any)	(01132) 645-072
Non-domestic rateable value of premises	£98000

Part 2 – Applicant details

Daytime contact telephone number	01727871100		
E-mail address (optional)	faye.given@orchidgroup.co.uk		
Current postal address if different from premises address	Orchid Pubs & Dining Limited Park Mill Burydell Lane Park Street		
Post Town St Albans	Postcode AL2 2EZ		

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day Month Year

--	--	--	--	--	--	--	--

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To vary the hours the premises are permitted to sell alcohol to 10:00hrs - 23:00hrs on Sunday and 10:00 - 00:00hrs on Friday and Saturdays.

We shall also be varying the opening times to allow for a 30 minute drinking up time all week as follows; Sunday to Thursday 10:00hrs - 23:30hrs and Friday to Saturday 10:00 - 00:30hrs

The timings currently imposed on Christmas Day to be amended to 11:00hrs - 23:00hrs.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue					
Wed			<u>State any seasonal variations for the exhibition of films (please read guidance note 4)</u>		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give a description of the facilities for dancing you will be providing</u>		
Mon			<u>Please give further details here (please read guidance note 3)</u>		
Tue					
Wed			<u>State any seasonal variations for providing dancing facilities (please read guidance note 4)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 3)</u>		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment (please read guidance note 4)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	10:00	23:00			
Tue	10:00	23:00			
Wed	10:00	23:00			
Thur	10:00	23:00			
Fri	10:00	00:00			
Sat	10:00	00:00			
Sun	10:00	23:00			
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on 31 st December) On Christmas Day from 11:00hrs to 23:00hrs		

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)
n/a

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	10:00	23:30	
Tue	10:00	23:30	
Wed	10:00	23:30	
Thur	10:00	23:30	
Fri	10:00	00:30	
Sat	10:00	00:30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on 31st December) On Christmas Day from 11:00hrs to 23:00hrs
Sun	10:00	23:30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking
n/a

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General -- all four licensing objectives (b,c,d,e) (please read guidance note 9)

The premises will respect the Premises Licence Holders Approach to Responsible Retailing policy (a copy is enclosed in support of this application). Our policies change at regular intervals to reflect current trends and it would be inappropriate to standardise them on a permanent basis. The enclosed policies are included for information only and not as suggested conditions or to form part of any other Operating Schedule, other than to affirm a said policy will be in place.

b) The prevention of crime and disorder

Conditions already attached to the licence will continue to be adhered to.

c) Public safety

Conditions already attached to the licence will continue to be adhered to

d) The prevention of public nuisance

Conditions already attached to the licence will continue to be adhered to

e) The protection of children from harm

Conditions already attached to the licence will continue to be adhered to

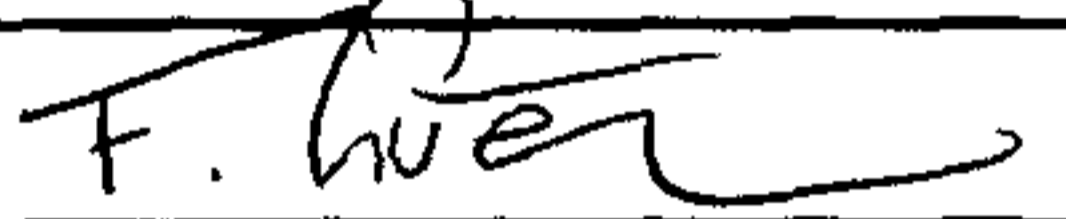
Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

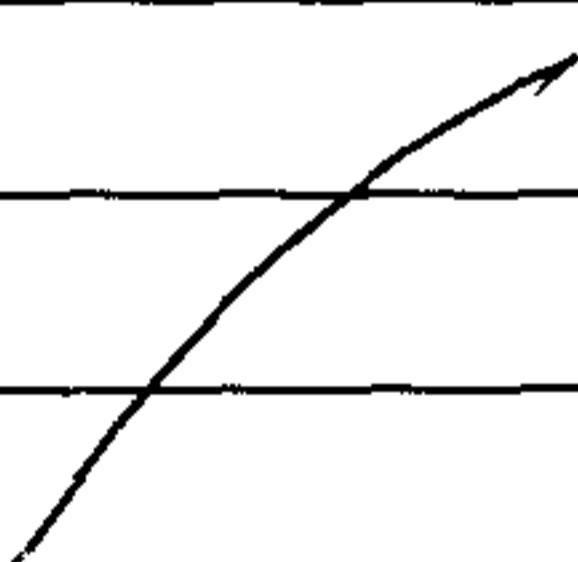
IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	8 th June 2010
Capacity	Licensing & Legal Co-ordinator

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Faye Given
Orchid Group
Park Mill
Burydell Lane
Park Street

Post town	St Albans	Post code	AL2 2EZ
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Telephone number (if any)	01727 871 121
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)
faye.given@orchidgroup.co.uk

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Orchid Pubs & Dining Limited
Faye Given
Orchid Group
Park Mill
Burydell Lane
Park Street
St Albans
AL2 2EZ

Health and Safety Services
Leeds City Council
Millshaw Park Way
Churwell
Leeds
LS11 0LS

Contact: MS C A Copley
Tel: 0113 3950686
Fax: 0113 247 6282
Claire.copley@leeds.gov.uk
Your reference:
Our reference: PREM/00974/V02
23 June 2010

Dear Madam

Licensing Act 2003
Premises : Barnbow, Austhorpe Road, Austhorpe, Leeds, LS15 8EH

Thank you for submitting your application for the above premises.

Health and Safety Services are of the opinion that your application contains insufficient information about how you intend to meet the licensing objective/s.

We therefore confirm that we are submitting a formal representation against your application on the grounds of **public safety**

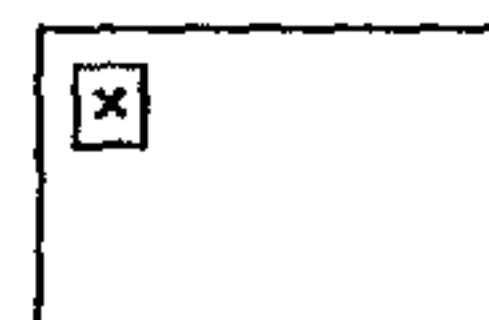
However, Health and Safety Services are of the opinion that the said objectives could be met should you be prepared to incorporate certain identified measures within your operating schedule.

Please find enclosed a document which at Part 1 contains the suggested measures which this authority considers are proportionate and appropriate to the nature of your application.

Should you be in agreement with the suggested measures then please signify this by completing and signing Part 2 of the enclosed form and return the complete document to this office as soon as possible, but no later than 5 July 2010

Upon receipt of your consent at Part 2, it will be taken that you signify your wishes for the licensing authority to amend your operating schedule to incorporate the proposed measures.

Alternatively should you disagree with the proposed measures, then please complete Part 3 and again return the complete document to this office as soon as possible, but no later than the stated date.



PART 1 - to be completed by the Responsible Authority

Health and Safety Service – Proposed controlled measures under the Licensing Act 2003

Name & Address of Premises : Barnbow, Austhorpe Road, Austhorpe, Leeds, LS15 8EH

Having considered the application under the Licensing Act 2003 for the above premises, the Health and Safety Service considers that the following measures are proportionate and necessary in order to promote the following licensing objective/s:

- Public safety

Measures proposed:

No	Potential Control Measures
	Public Safety 3 : Management Arrangements
	Written records of all accidents and safety incidents involving members of the public will be kept. These will be made available at the request of an authorised officer.
	A suitably trained and competent person must ensure regular safety checks of the premises including decorative and functional fixtures, floor surfaces and equipment (including electrical appliances) to which the public may come into contact are undertaken. Records of these safety checks must be kept and made available for inspection by an authorised officer.
	During opening hours the cellar door must be kept locked or adequately supervised to prevent unauthorised access by the public.
	Public Safety 4 : Fire Incident Safety
	Electrical installations will be inspected on a periodic basis (at least every 3 years or at a frequency specified in writing) by a suitably qualified and competent person. If used, any temporary electrical wiring and distributions will also be inspected. Inspection records/certificates will be kept. These will be made available at the request of an authorised officer.
	<p>One of the following protective measures shall be used for all socket-outlets which may be used for the connection for lighting, video or sound amplification equipment and display models:</p> <p>a) Each socket-outlet circuit shall be protected by a residual current device having a rated residual operating current not exceeding 30mA.</p> <p>or</p> <p>b) Each individual socket-outlet shall be protected by an integral residual current device having a rated residual operating current not exceeding 30mA.</p> <p>The current operation of all residual current devices shall be checked regularly by pressing the test button. If the device does not switch off the supply, an electrical contractor should be consulted. At the same time action should be taken to prohibit the use of socket outlets associated with a faulty residual current device.</p>
	Public Safety 6 : General Floor Marking
	Safety glass that is impact resistant should be used wherever possible in all areas where the public may come into contact with it. Where it is not used in public areas, glazing should be shielded to protect it from impact.
	A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner
	Public Safety 7 : Refreshments
	Members of the public will be prevented from accessing hot food and drink preparation areas to prevent risk of scalds or burns to them.

	Public Safety 8: First Aid
	A suitably trained First Aider or appointed person will be provided at all times when the premises are open.
	Adequate and appropriate First Aid equipment and materials will be available on the premises.
	Public Safety 9: Special Effects
	Where strobes, lasers, smoke machines or any other special effects equipment may be used, a written health and safety policy covering all aspects of their use will be provided, and staff will be appropriately trained.
	No strobes, lasers, smoke machines or any other special effects, will be used at the premises unless there is a clearly displayed warning at the entrance to the premises that such equipment is in use.

The Health and Safety Service is satisfied that the proposed measures are not adequately dealt with by other legislation.

By signing the declaration enclosed overleaf the applicant agrees to incorporate the proposed measures as conditions within the Operating Schedule for the said premises.

Upon the satisfactory completion of the declaration the Health and Safety Service will provide notice to the Licensing Authority that our representation is withdrawn in accordance with schedule 10(a) of the Licensing Act 2003 (Hearings) Regulations 2005.

Signed: CA Copley

Dated : 23 June 2010

Please return this document to:
INSPECTOR NAME: C A Copley
Health & Safety Services, Leeds City Council, Millshaw Park Way
Churwell, Leeds LS11 0LS
Fax: 0113 247 6282

PART 2 – to be completed by the applicant or applicant's representative

Consent for proposed controlled measures under the Licensing Act 2003

Name & Address of Premises : Barnbow, Austhorpe Road, Austhorpe, Leeds, LS15 8EH

I/We

confirm that I am / we are the applicant / the applicants representative (delete as appropriate) for the premises as stated above.

In signing this document I/we agree with the measures proposed by the Health and Safety Service, and we provide our consent for the Licensing Authority to incorporate the said measures into the operating schedule for the stated premises.

Signed :

Dated :

Please return this document to:
INSPECTOR NAME: C A Copley
Health & Safety Services
Leeds City Council
Millshaw Park Way
Churwell
Leeds LS11 0LS
Fax: 0113 247 6282

SCANNED

White, Emma

From: Copley, Claire
Sent: 23 June 2010 11:37
To: faye.given@orchidgroup.co.uk; Entertainment Licensing; White, Emma
Subject: Barnbow
Attachments: Barnbow.doc

Dear Madam

Thank you for your application relating to the :
Barnbow, Austhorpe Road, Austhorpe, Leeds, LS15 8EH

Having reviewed the application I found little detail on how the premises intends to operate to safeguard public safety

As such I am putting in a representation. If the company have in-house procedures and audits to cover the aspects in the representation I will be happy to negotiate on the matter

Please don't hesitate to contact me

Claire Copley -
Health & Safety Manager
Health and Safety Service- Leeds City Council
Millshaw Park Way
Churwell
Leeds
LS11 0LS
0113 3950686
claire.copley@leeds.gov.uk



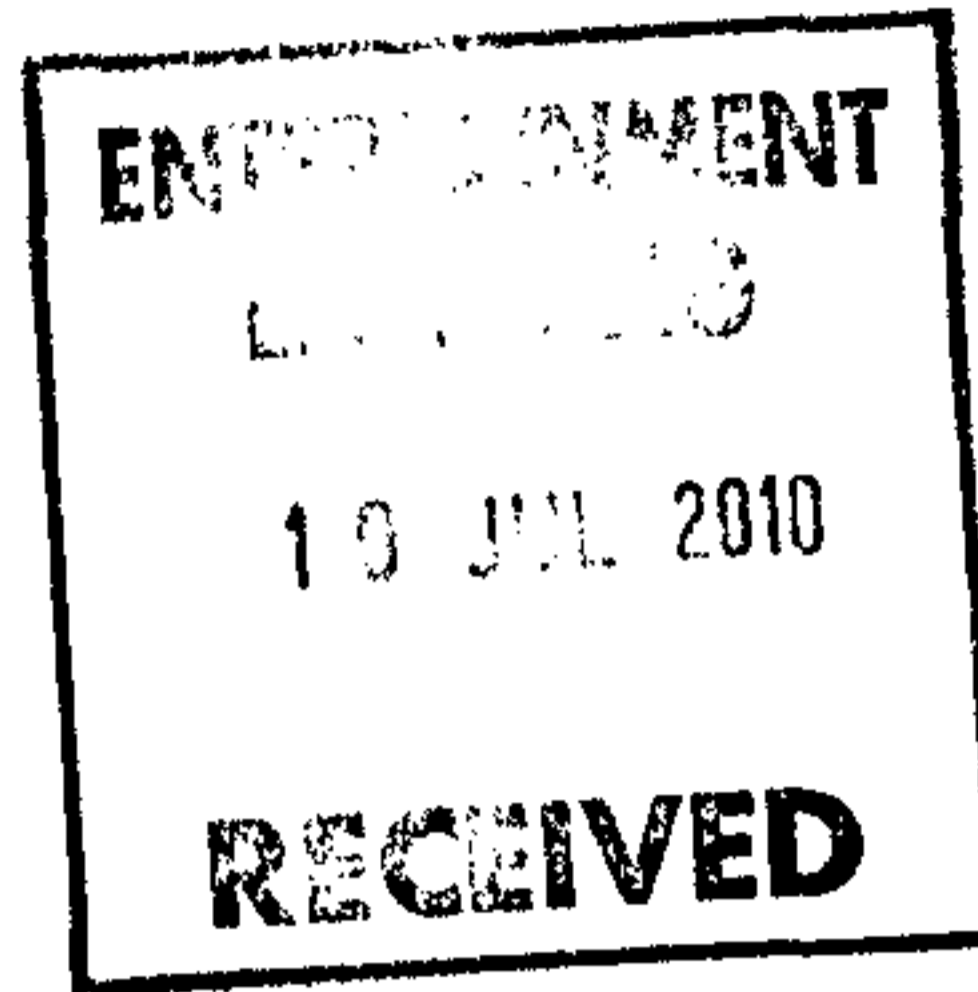
23/06/2010

Nelson, Matthew

From: Copley, Claire
Sent: 19 July 2010 14:44
To: Faye Given
Cc: Entertainment Licensing
Subject: RE: Barnbow, Austhorpe Road, Leeds

Thank you

Claire Copley -
Health & Safety Manager
Health and Safety Service- Leeds City Council
Millshaw Park Way
Churwell
Leeds
LS11 0LS
0113 3950686
claire.copley@leeds.gov.uk



From: Faye Given [mailto:faye.given@orchidgroup.co.uk]
Sent: 19 July 2010 13:16
To: Copley, Claire
Subject: FW: Barnbow, Austhorpe Road, Leeds
Importance: High

Dear Claire,

As discussed today please find attached Part 1 (with the deletion of condition regarding glass) and Part 2 which has been duly signed.

Kind regards,

Faye Given
Licensing & Legal Co-ordinator
The Orchid Group

Tel: 01727 871 121
Email: faye.given@orchidgroup.co.uk

From: Faye Given [mailto:faye.given@orchid-group.co.uk]
Sent: 05 July 2010 11:42
To: 'claire.copley@leeds.gov.uk'
Subject: Barnbow, Austhorpe Road, Leeds
Importance: High

Dear Madam,

We are in receipt of your letter dated 23rd June in respect of your representation against our application.

On reviewing the proposed conditions we would be in a position to agree with the majority aside from:-

'Safety glass that is impact resistant should be used wherever possible in all areas where the public may come into contact with it. Where it is not used in public areas, glazing should be shielded to protect it from impact'.

We are unsure of the relevance to our specific application and that there are currently no issues at the premises in respect of 'glass', the only 'glass' as such is in the windows and as this a listed building to

19/07/2010

make any alterations would cause astronomical costs . We therefore respectfully request that this condition is removed and we would then be willing to agree to the remaining conditions you wish to impose.

We look forward to hearing from you by return.

Yours sincerely

Faye Given
Licensing & Legal Co-ordinator
The Orchid Group

Tel: 01727 871 121
Email: faye.given@orchidgroup.co.uk



FAO Faye Given
Orchid Pubs & Dining Limited
Park Mill
Burydell Lane
Park Street
St Albans
AL2 2HB



Environmental Protection Team
Leeds City Council
Kent Road
Pudsey
Leeds
LS28 9BN

Contact: Mrs Rachael Teale
Tel: 0113 214 6247
Fax: 0113 214 6250
rachael.teale@leeds.gov.uk
Our reference: PREM/00974/V02
24 June 2010

Dear Madam

Licensing Act 2003

Name of Premises: Barnbow

Address: Austhorpe Road, Austhorpe, Leeds, LS15 8EH

Thank you for submitting your application for the above premises.

Leeds City Council's health and environmental action service (HEAS) is of the opinion that your application contains insufficient information about how you intend to meet the licensing objective of the prevention of public nuisance. We therefore confirm that we are submitting a formal objection to your application.

However you could meet this objective by incorporating certain identified measures within your operating schedule. Therefore, please find enclosed a document which at part 1 contains the suggested measures which we consider are proportionate and appropriate to the nature of your application.

If you are in agreement with the suggested measures then please complete and sign part 2 of the enclosed form and return the complete document to me as soon as possible. Once we receive this it will be taken that you wish the licensing authority to amend your operating schedule to incorporate the proposed measures. If you have any questions please do not hesitate to contact me.

If you disagree with the suggested measures, then please complete part 3 and return the complete document to me as soon as possible.



If the opening hours as proposed under this application are different to those on the current planning approval, then you should also make an application for variation of hours to planning services . If you operate without planning permission, this may result in a breach of the relevant planning condition. If you wish to discuss this matter further please contact the development enquiry centre 0113 222 4409.

Yours faithfully

Mrs Rachael Teale
Senior Environmental Health Officer

Encs

PART 1

To be completed by the responsible authority

Leeds City Council's Health and Environmental Action Service Proposed Controlled Measures under the Licensing Act 2003

Name of Premises: Barnbow

Address: Austhorpe Road, Austhorpe, Leeds, LS15 8EH

The premises is situated in a residential area with open park space to the left of the premises. There have been a number of complaints to this department about noise from the car park and loud music from the premises. A review hearing in 2006 addressed the issue of noise from the car park and imposed restrictions on certain activities. In order to protect the nearest residents clearer conditions are proposed to deal with noise issues associated with licensed premises.

Having considered the application under the Licensing Act 2003 for the above premises, the Leeds City Council's health and environmental action service considers that the following measures are proportionate and necessary in order to promote the following licensing objective:

- Prevention of public nuisance

Noise and Vibration

1. Noise from a licensable activity at the premises shall be inaudible at the nearest noise sensitive premises after 11 pm and at all times if entertainment takes place on more than 30 occasions per year.
2. There shall be no external loudspeakers
3. Bottles will not be placed in any external receptacle after 11 pm to minimise noise disturbance to neighbouring properties.
4. Noise from plant or machinery shall be inaudible 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.

Signed:



LICENSING & LEGAL CO-ORDINATOR

Dated:

1st July 2010.

PART 2

To be completed by the applicant or applicant's representative

Consent for Proposed Controlled Measures under the Licensing Act 2003

Name of Premises: Barnbow

Address: Austhorpe Road, Austhorpe, Leeds, LS15 8EH

I/We ... Orchid Pubs & Dining Limited

confirm that ~~I am~~ / we are the applicant / ~~the applicant's representative~~ (delete as appropriate) for the premises as stated above.

In signing this document I / we agree with the measures proposed by Leeds City Council's health and environmental action service, and we provide our consent for the licensing authority to incorporate the said measures into the operating schedule for the stated premises.

Signed: F. P. [Signature] LICENSING & LEGAL CO-ORDINATOR.

Dated: 1st July 2010

Please return this document to:

Environmental Protection Team
Leeds City Council
Kent Road
Pudsey
Leeds
LS28 9BN

Glover, Barry

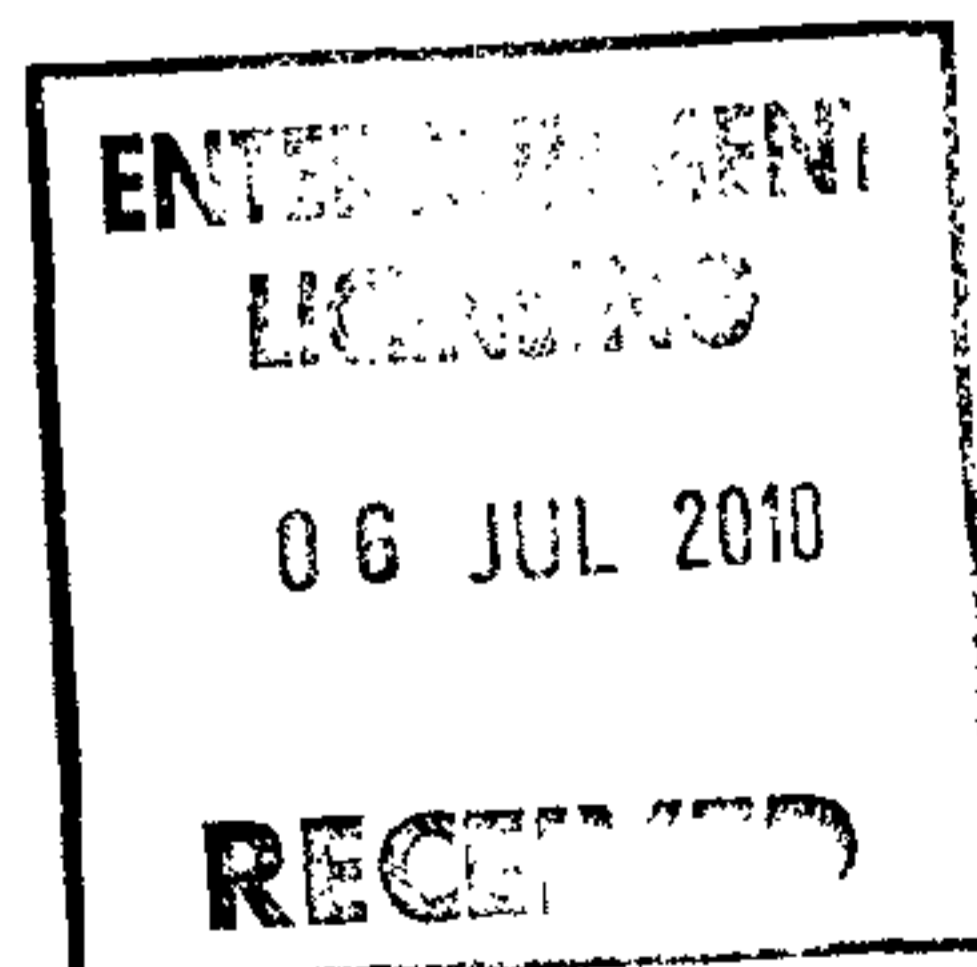
From: Teale, Rachael
Sent: 06 July 2010 10:27
To: Entertainment Licensing
Cc: White, Emma
Subject: Re: PREM/00974/V02

I have received a signed Part 2 for the Barnbow, Austhorpe Road. I therefore withdraw my representation.

Regards,
Mrs Rachael Teale
Senior Environmental Health Officer
Environmental Protection Team
Kent Road
Pudsey
LS28 9BN

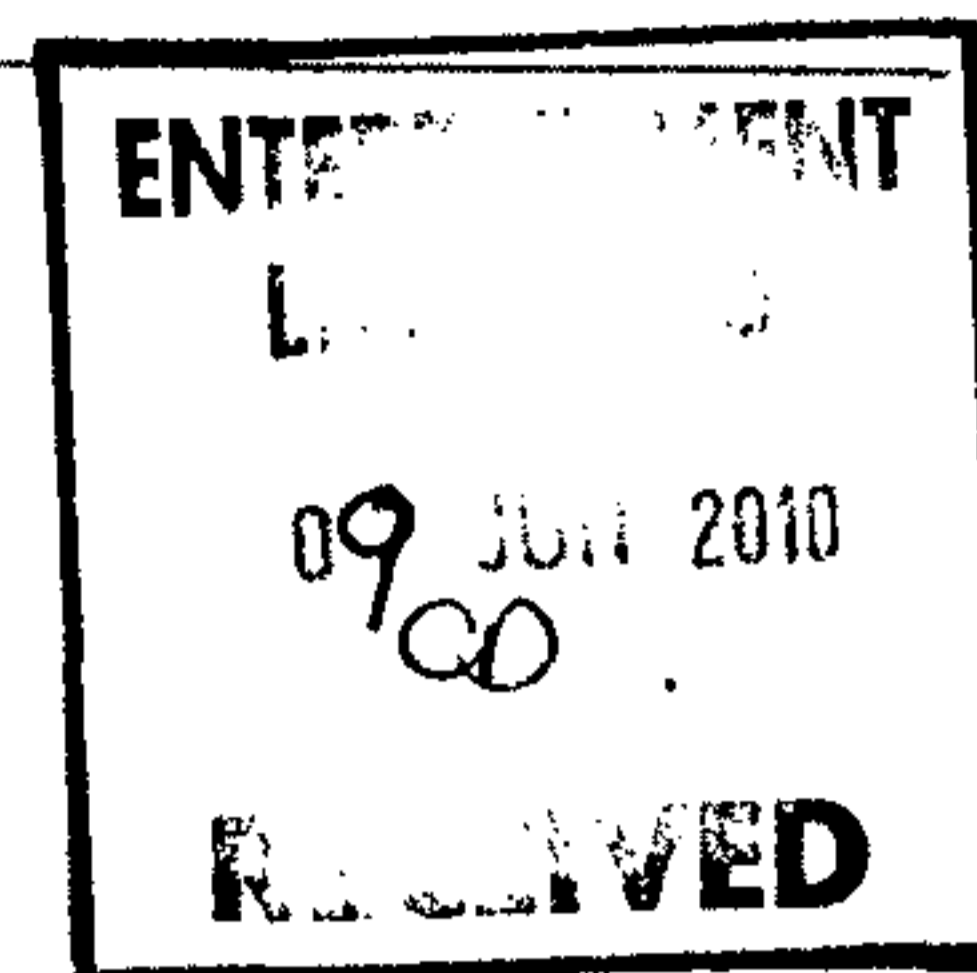
Tel: 0113 2146247

Please note I work Tuesday to Thursday



White, Emma

From: White, Emma
Sent: 09 June 2010 08:56
To: 'GAZEY MELANIE'
Subject: RE: barnbow
Attachments: GN-P LA2003 Making a representation.doc



Dear Ms Gazey

**Licensing Act 2003 - Application for a Premises Licence Variation for:
 Premises: Barnbow, Austhorpe Road, Austhorpe, Leeds, LS15 8EH
 Premises Licence Number: PREM/00974/V02**

I acknowledge receipt of your representation to the above application.

The application for the grant of the premise licence has now been listed for hearing before the licensing sub-committee and you will shortly receive a Notice of Hearing, setting out the date, time of hearing and the procedure to be followed at the hearing.

In the meantime I would like to draw your attention to the enclosed pamphlet. This sets out the process that we will apply to your representation should you wish to proceed with it.

Importantly you should note that a full copy of your representation (including your name and address) will be sent to the applicant.

Should this cause you any concern then it is important that you contact the Licensing Section upon receipt of this letter, but essentially **no later than the 2nd July 2010** ask for your representation to be withdrawn.

After this date a copy of your representation will be despatched to the applicant.

Please do not hesitate to contact the Licensing Section should you require any further assistance.

Yours sincerely

Emma White
 Licensing Officer
 Entertainment Licensing
 Leeds City Council
 Tel: 0113 2474095
 Fax: 0113 2243885
 email: emma.white@leeds.gov.uk
www.leeds.gov.uk

If you would like to offer feedback to Entertainment Licensing on the service you have received please visit our [customer feedback form](#).

From: GAZEY MELANIE [mailto:melanie.gazey@ntlworld.com]
Sent: 08 June 2010 22:11
To: White, Emma
Subject: Re: barnbow

hi emma i am more than happy to include my name and address and happy to address all your comments. I have five children and when the above establishment had extended hours formerly as the manston I had to check my garden for the numerous broken glasses and bottles thrown over my garden hedge every weekend morning!! before i could allow them to play.. I also suffered most evenings as well as my children from noise nuisance and load aggressive fighting and abusive

language outside my garden gate I am not happy at the suggestion that we shall return to these days my address is 61 austhorpe road crossgates leeds LS15 8EQ and my name melanie gazey

On 8 June 2010 09:22, White, Emma <Emma.White@leeds.gov.uk> wrote:
Dear Sir/Madam

**Licensing Act 2003 - Application for the Variation of Premises Licence for:
Premise: Barnbow, Austhorpe Road, Crossgates, LS15 8EH
Premise Licence Number: PREM/ 00974/V02**

I acknowledge receipt of your email of 7th June 2010 representation to the above application.

The application for the variation of a premise licence will be listed for hearing before the licensing sub-committee providing we have valid representations which must be in line with the licensing objectives, namely:-

- a) Prevention of Crime and Disorder
- b) Prevention of Public Nuisance
- c) Public Safety
- d) Protection of Children from Harm

and it must also include the name and address of the sender.

Valid objections along with the personal details of the sender i. e.name and address will be forwarded to the applicant.

I note from your email that you did not include your personal details and consequently we cannot include your representation in this instance.

Should you still wish to proceed with your objection and remain anonymous then I would advise you to contact your local ward councillor requesting them to act on your behalf in relation to your objection.

Again you must contact your ward councillor before the 2nd July 2010 in order for your representation to be valid.

Providing the ward councillor is prepared to act on your behalf they should then contact this office advising that they have been contacted by a constituent and are willing to act on their behalf at the hearing.

I would like to draw your attention to the attached pamphlet which sets out the process that we apply to representations.

Please do not hesitate to contact the Licensing Section should you require any further assistance.

Yours faithfully

Emma White
Licensing Officer
Entertainment Licensing
Leeds City Council
Tel: 0113 2474095
Fax: 0113 2243885
email: emma.white@leeds.gov.uk
www.leeds.gov.uk

If you would like to offer feedback to Entertainment Licensing on the service you have received please visit our [customer feedback form](#).

From: Entertainment Licensing
Sent: 08 June 2010 09:00
To: White, Emma
Subject: FW: barnbow

09/06/2010

Emma White
Licensing Officer
Entertainment Licensing
Leeds City Council
Tel: 0113 2474095
Fax: 0113 2243885
email: emma.white@leeds.gov.uk
www.leeds.gov.uk

If you would like to offer feedback to Entertainment Licensing on the service you have received please visit our [customer feedback form](#).

From: GAZEY MELANIE [<mailto:melanie.gazey@ntlworld.com>]
Sent: 07 June 2010 19:34
To: Entertainment Licensing
Subject: barnbow

as a resident that suffered greatly, with having to check the garden every morning for bottles and glasses having people urinating in my garden and the endless sleepless nights and brawls outside my garden gate i have strong objections to the extended opening hours at the barnbow public house

The information in this email (and any attachment) may be for the intended recipient only. If you know you are not the intended recipient, please do not use or disclose the information in any way and please delete this email (and any attachment) from your system.
The Council does not accept service of legal documents by e-mail.

White, Emma

EW

From: joannehepworth@talktalk.net
 Sent: 07 June 2010 21:51
 To: Entertainment Licensing
 Cc: ej_judge@hotmail.com; Armitage, Suzi; Gruen, Cllr Peter
 Subject: Licensing Hours Extension application at Barnbow Pub (former Manston pub) URGENT!!

Good Evening,

I would like to lodge my objection to extended licensing hours at this pub, whilst I do not live in the immediate vicinity I do live near by and I am disturbed by loud ,drunk individuals walking home on an evening.

What does worry me is that the email I received says that "The apparent justification being made for this application is that there has been no trouble at this pub for some years ". Is this because the pub has not reported any trouble I wonder ?

I had on the 14th May this year witnessed a fight in the car park of this pub with no one intervening and people watching from the door, I could not see any bouncers trying to calm the situation or call the police. I called the police from my mobile who did arrive very quickly but as the trouble was ending, I did not wait to see them arrive as I was on my own but this caused a great deal of worry to witness such a thing in what I once considered a good neighbour hood.

I now consider this area to be on a decline due to the rough pubs we have, the best of which is the Devon which can have its moments and the general lack of up keep of both public and private properties.

Joanne Hepworth
 36 Church Lane
 LS15 8BD

ENTERTAINMENT LICENSING
 07 JUN 2010
 URGENT

EW

White, Emma

From: Nicky MALTHOUSE [n.malthouse@btopenworld.com]
Sent: 07 June 2010 19:44
To: Entertainment Licensing
Cc: Gruen, Cllr Peter; Grahame, Pauleen; Armitage, Suzi; ej_judge@hotmail.com
Subject: Licensing Hours Extension Application at the Barnbow Public House Crossgates

Dear Sir,

Application to extend Friday and Saturday drinking hours to midnight

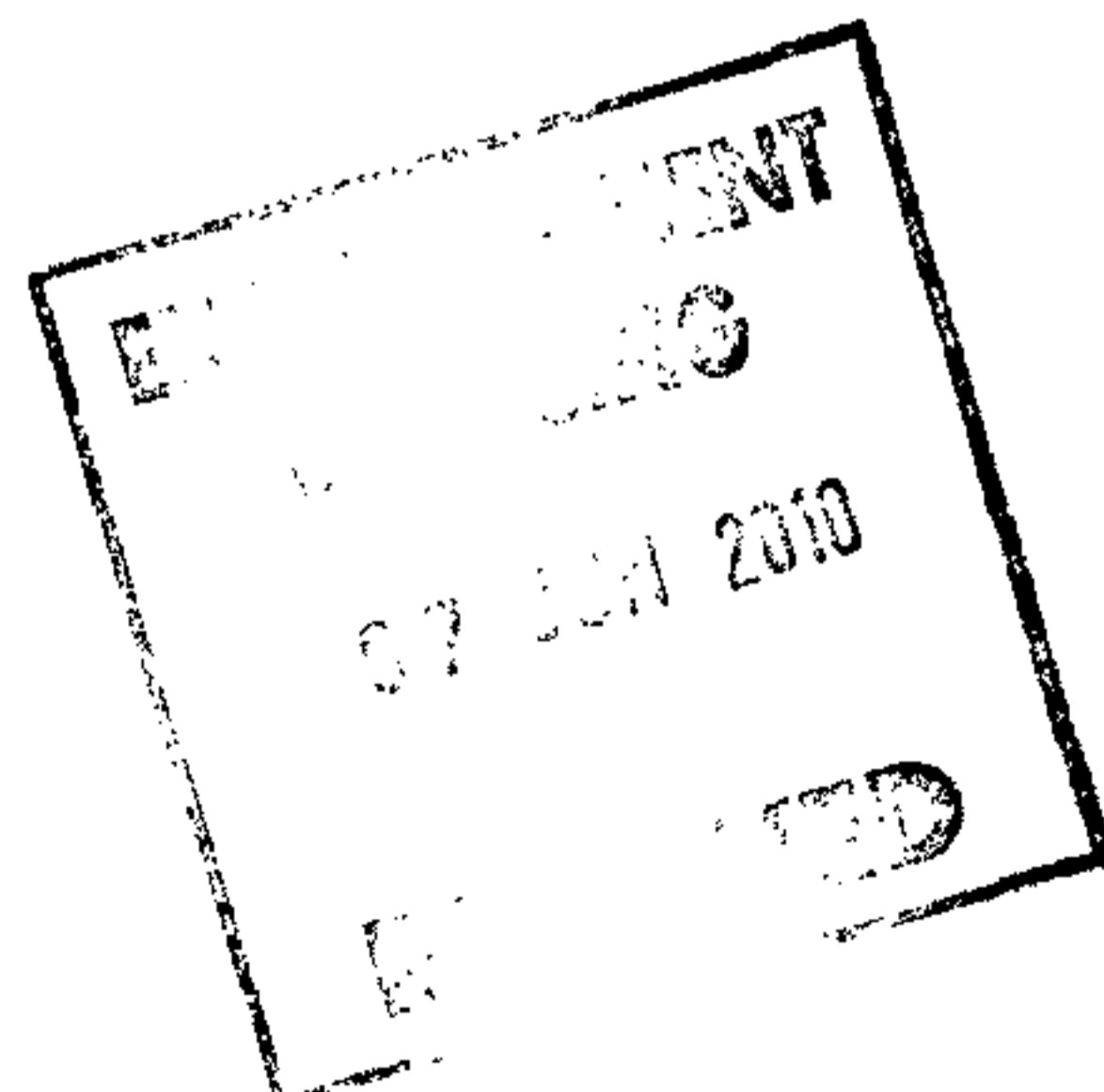
I wish to object to this application as it will undoubtedly cause the return of the noise and disturbance which blighted the area for far too long when a previous licence was approved, this licence was subsequently withdrawn at the request of the police and following complaints by local residents in response to a number of public order offences committed on and around the premises. (One as I recall involving baseball bats at the end of The Drive at 1.00am on a Friday night)

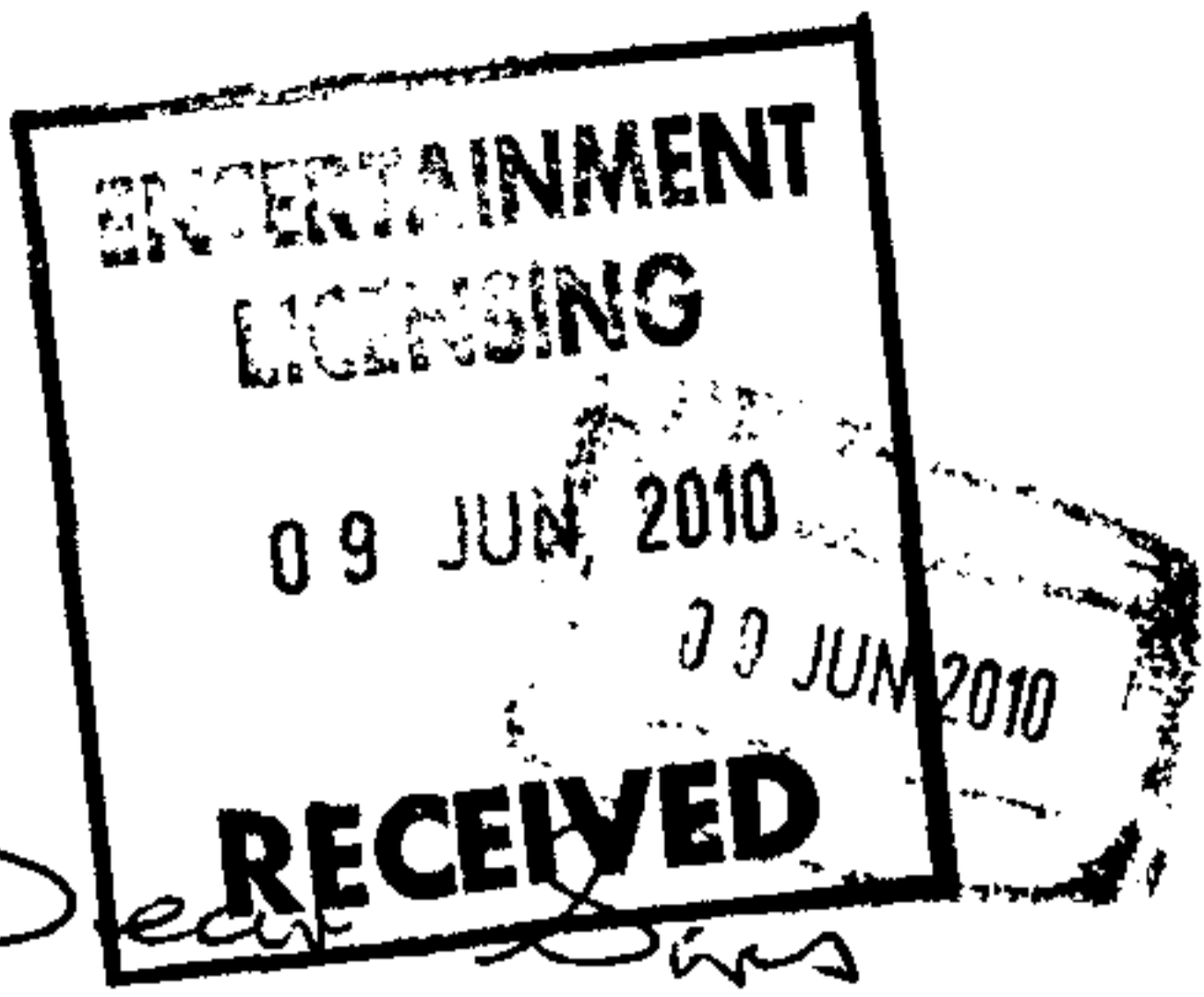
If this extension is granted then more people may be attracted to the pub, and this may lead to a return of the disturbances and crime in the surrounding streets.

This public house is also situated next to a children's park and previously the mornings after late night drinking saw a high number of incidents involving damage to the swings, drinkers using the children's play area as a toilet and the return of empty glasses and bottles strewn over the football pitch.

Yours faithfully,

Nicky Malthouse
20 The Drive
Crossgates
Leeds
LS15 8EP





④

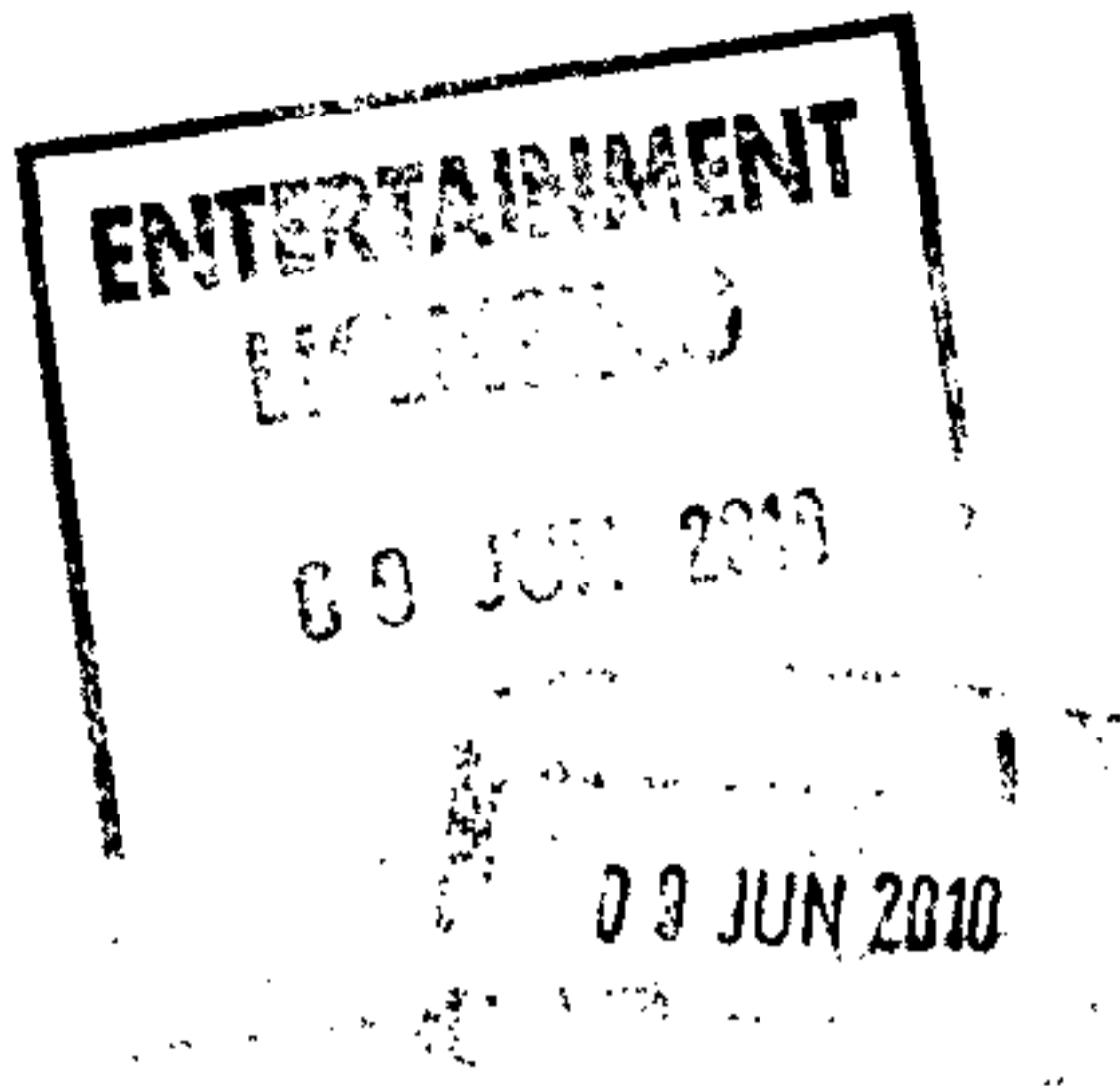
MR & MRS T. WAINWRIGHT
85 PONDAS WALK
CROSSGATES
LS15 8HR.

Dear Sirs

We were very
dismayed when reading a
notice of application for
extending licensing hours
at the Barrow Public house.
Please, Please, don't let us
return to the bad days.

The Barrow has been a
quite Public house & Restaurant
for the last four years,
and are loathed to think
that it could return to the
late nights of shouting
and foul language, laxi
noise, urinating in the
passageways alongside
our garden, plus Police
and ambulance attending.

(5)



MR & MRS F. D. WESTMORELAND
81 PENDAS WALK,
CROSSGATES,

LEEDS.

LS15 8HR.

08 - JUNE - 2010.

DEAR SIR/MADAM.

MY WIFE AND I STRONGLY
OBJECT TO THE LICENSING HOURS BEING
EXTENDED AT THE BARNBOW PUBLIC HOUSE

IN THE PRESENT CLIMATE WHERE GOVERN-
-MENT IS TRYING TO CUT DOWN ON
BINGE DRINKING BY MAKING LAWS
TO CHARGE MORE FOR DRINKS, I DON'T
SEE HOW IT HELPS TO HAVE LONGER HOURS

IF PEOPLE CAN'T GET ENOUGH TO DRINK BY
2300 HRS WE HAVE A REAL PROBLEM.

THE RESIDENTS IN THIS AREA ARE MAINLY
ELDERLY, AND I AM SURE THAT AN EXTRA
HOURS DRINKING TIME WOULD LEAD TO
PEOPLE COMING FROM OTHER PUBLIC HOUSES
IN THE AREA AND CAUSING A NUISANCE
WITH NOISE AND TAXIS ARRIVING & DEPARTING.

"PLEASE CONSIDER THE LOCAL COMMUNITY."

YOUR RESPECTFULLY,

Westmoreland.

6

White, Emma

From: Debra Welch [deb.welch@btinternet.com]
Sent: 09 June 2010 09:53
To: Entertainment Licensing
Subject: Barnbow Pub Crossgates

I would like to voice my objection to the Barnbow's application to extend their opening hours.

I have lived on Austhorpe Road for a number of years now, and seen the difference since the pubs late night drinking was removed. We no longer have the noise of its customers singing and shouting on their way home, and not had any damage to our cars (unlike a few ago). This again could be that since it became more of an eatery than a pub, it has distracted the younger generation from drinking there.

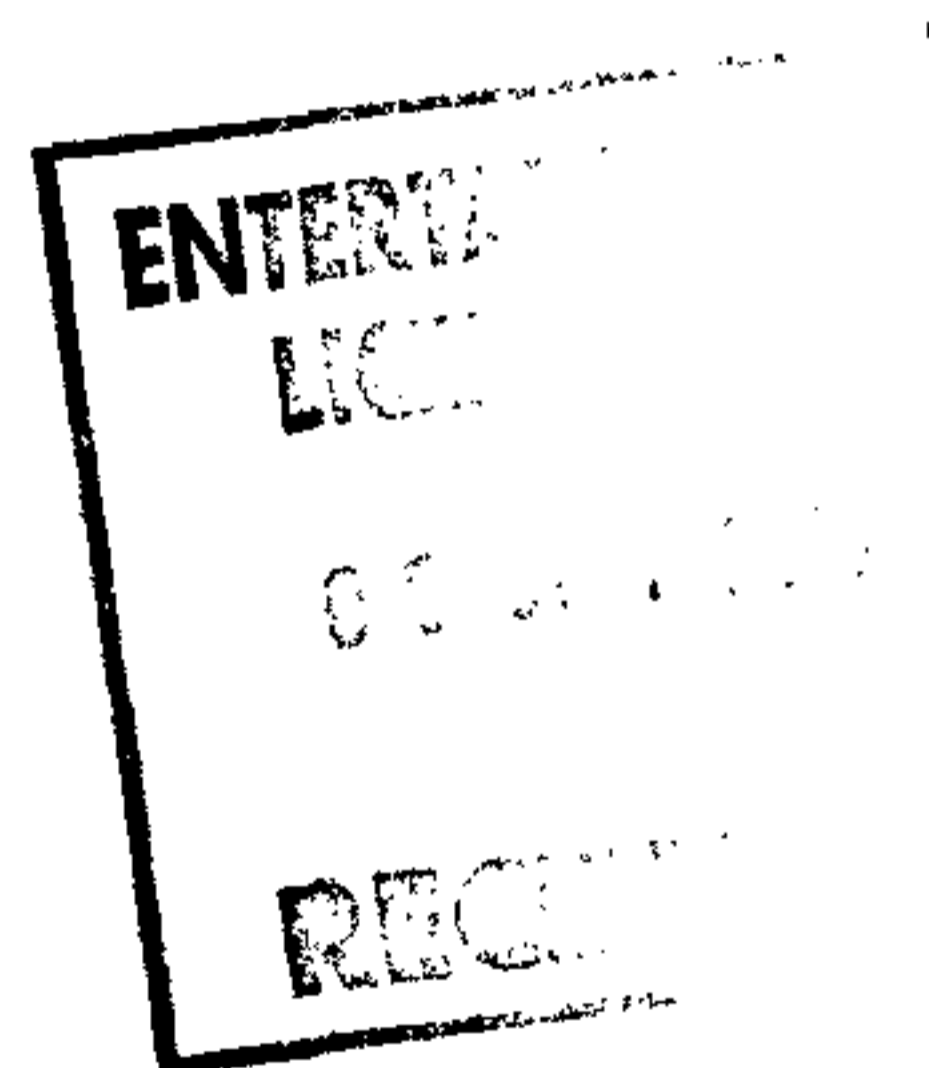
To open til midnight, being the only pub in the area to do so, would be like stepping back in time a few years. We would have the noise of the punters after closing time at other nearby pubs going to the Barnbow, then again after midnight when they leave, even more drunk, loud and oblivious to whom they disturbe.

I hope you are going to give this application carefull consideration, and think about the affect it will have on the lives of the people who live in the neighbourhood.

WOULD YOU WANT THIS ON YOUR DOORSTEP??

Many thanks

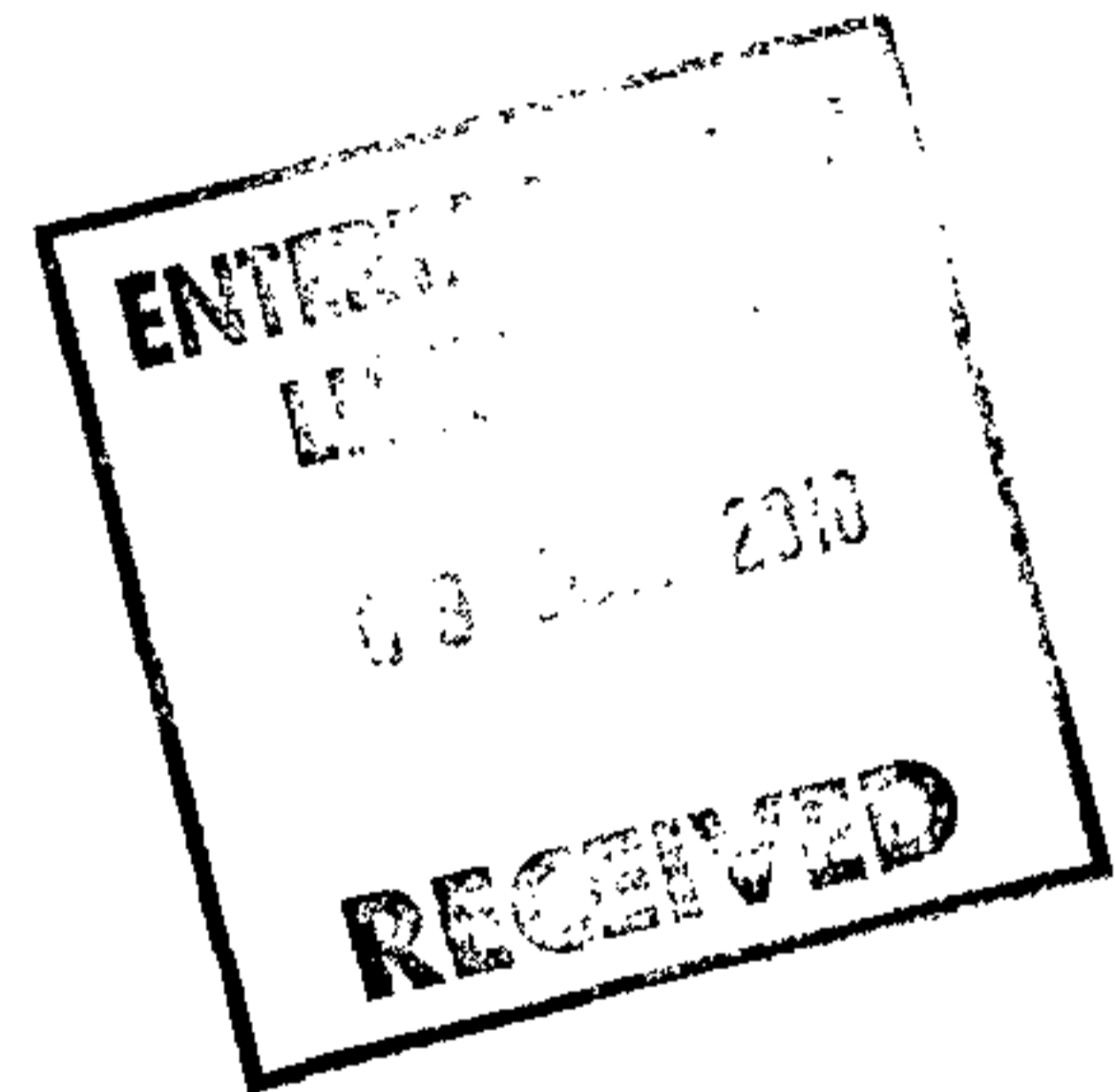
Debra Welch
104 Authorpe Road



7
White, Emma

From: Janet [janetschofield@ntlworld.com]
Sent: 08 June 2010 19:41
To: Entertainment Licensing
Subject: Barnbow public house

Hi,
I am writing to express my objection against the Barnbow public house being granted an extension of its license.
As a local resident who overlooks the park, I have first hand experience of what happened the last time the pub was "popular".
I had my car damaged on more than one occasion by passers by and also there is an increase in noise and traffic (taxis) at closing time.
The exit to the pub was not supervised properly and people would often be finishing their pints whilst walking down Austhorpe road, before throwing their glasses into the park which was also a convenient toilet.
My main concern is that if other pubs are closing at eleven and word spreads that the Barnbow is open until twelve then there will be a rush of people who have been drinking elsewhere descending on the pub for an extra hour. Most of these will not be local people and will not care about or have any respect for the local area.
Since the Barnbow was changed it has become a more pleasant pub and the current management are doing a fantastic job with their range and quality of beers and food, it is noticeable that the pub is a lot quieter and I am sure they would value more trade. However I dont think this is the way to go, what we need to do is educate the Crossgates locals as to how the pub has changed for the better and how it can be their "local" again.
Kind Regards
Alan Schofield
118 Austhorpe Road
LS158EJ



White, Emma

From: MAUREENLEN@aol.com
Sent: 09 June 2010 22:14
To: Entertainment Licensing
Subject: (no subject)

To Case Officer Emma White

We are extremely disturbed by the Barnbow Carvery application to extend the Friday and Saturday closing hours to midnight.

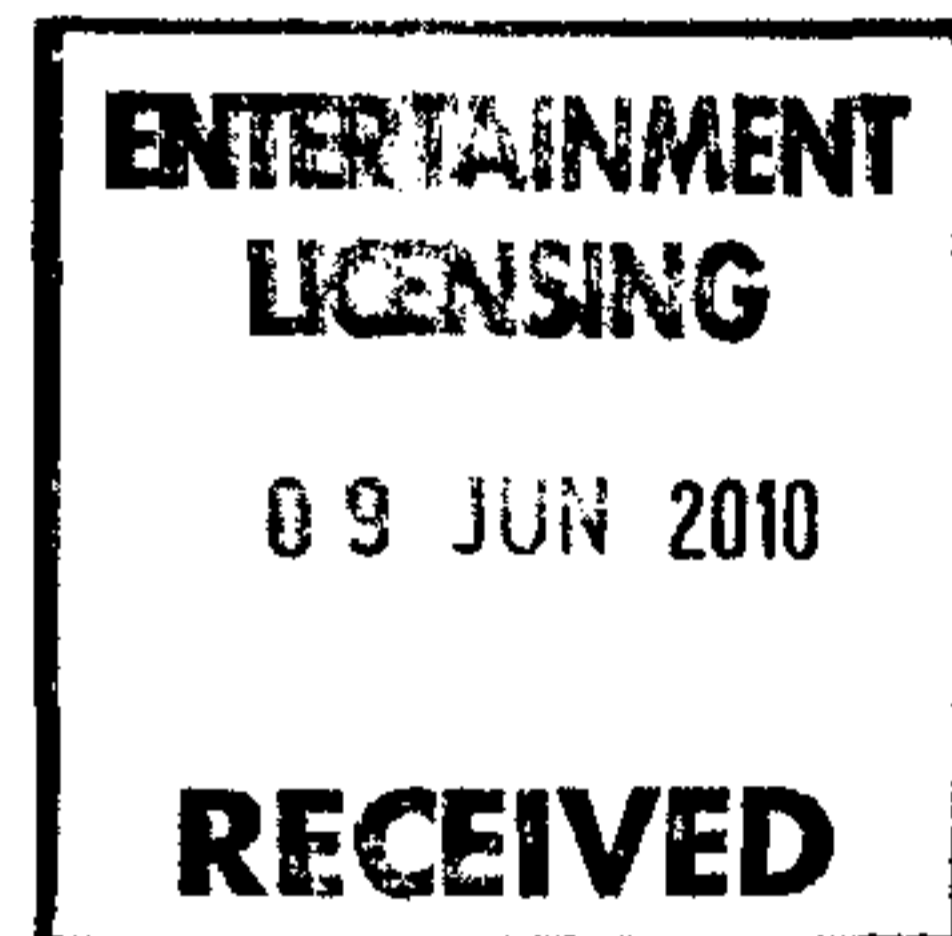
If this application is granted customers will be allowed to finish their drinks upto 12.30, then taxis will be calling in the next 30 minutes creating further disturbance in a residential area. Families in the houses adjacent to the Carvery, many of them elderly, will suffer extreme disturbance well up to 1 am .

We had a long battle to stop this rowdy behaviour several years ago and to allow this extension will re-introduce the disturbance. The rowdy and drunken behaviour will affect the Pendas, Austhorpe and Devon pub surrounding areas aggravated by people dashing from the Devon to the Barnbow for an extra hours drinking.

I trust this application will be rejected

Len Gillan Pendas Walk Neighbourhood Watch LS15 8AG

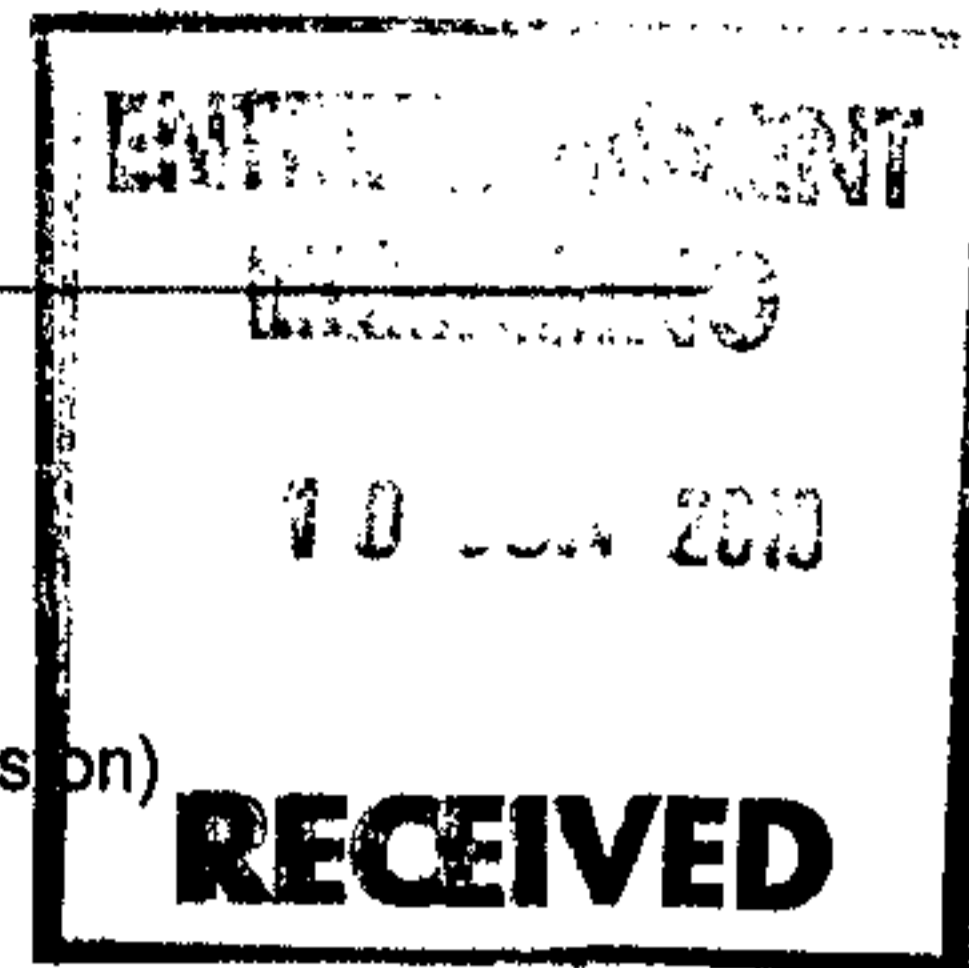
Beth Pemberton 163 Austhorpe Lane LS15 8LZ



9

White, Emma

From: David Rhodes [jdavid.rhodes@ntlworld.com]
Sent: 10 June 2010 14:03
To: White, Emma
Subject: Re: Licensing application for The Barnbow public house (formerly The Mansion)



Thank you for your explanatory e-mail.

I wish to object to the licence application on the following grounds:

a) Prevention of crime and disorder.

The last time these premises had permission for late night drinking there were constant incidents of disorder both inside and outside the building. There was at least one example of public sex and one person was shot.

Vandalism of and urination in gardens was common.

There was more than a suspicion of drug dealing.

b) Most of the above points also amount to public nuisance.

c) An increase in the number of drunks wandering around the streets must result in a public safety problem.

d) The only children involved will be many of the drinkers, and I am not that bothered about protecting them.

My name is John David Rhodes and my address is 120 Penda's Way, Cross Gates, Leeds, LS15 8HP

David Rhodes

To: jdavid.rhodes@ntlworld.com
Sent: Wednesday, June 09, 2010 2:48 PM
Subject: RE: Licensing application for The Barnbow public house (formerly The Manston)

Dear Sir/Madam

**Licensing Act 2003 - Application for Variation of Premises Licence for:
Premise: Barnbow, Austhorpe Road, Austhorpe, Leeds, LS15 8EH
Premise Licence Number: PREM/00974/V02**

I acknowledge receipt of your email of 9th June 2010 representation to the above application.

The application for variation of a premise licence will be listed for hearing before the licensing sub-committee providing we have valid representations which must be in line with the licensing objectives, namely:-

- a) Prevention of Crime and Disorder
- b) Prevention of Public Nuisance
- c) Public Safety
- d) Protection of Children from Harm

and it must also include the name and address of the sender.

Valid objections along with the personal details of the sender i. e.name and address will be forwarded to the applicant.

I note from your email that you did not include your personal details and consequently we cannot include your representation in this instance.

Should you still wish to proceed with your objection and remain anonymous then I would advise you to contact your local ward councillor requesting them to act on your behalf in relation to your objection.

Again you must contact your ward councillor before the 7th July 2010 in order for your representation to be valid.

Providing the ward councillor is prepared to act on your behalf they should then contact this office advising that they have been contacted by a constituent and are willing to act on their behalf at the hearing.

I would like to draw your attention to the enclosed pamphlet which sets out the process that we apply to representations.

Please do not hesitate to contact the Licensing Section should you require any further assistance.

Yours faithfully

Emma White
Licensing Officer
Entertainment Licensing
Leeds City Council
Tel: 0113 2474095
Fax: 0113 2243885
email: emma.white@leeds.gov.uk
www.leeds.gov.uk

If you would like to offer feedback to Entertainment Licensing on the service you have received please visit our [customer feedback form](#).

From: Entertainment Licensing
Sent: 09 June 2010 14:39
To: White, Emma
Subject: FW: Licensing application for The Barnbow public house (formerly The Manston)

Emma White
Licensing Officer
Entertainment Licensing
Leeds City Council
Tel: 0113 2474095
Fax: 0113 2243885
email: emma.white@leeds.gov.uk
www.leeds.gov.uk

If you would like to offer feedback to Entertainment Licensing on the service you have received please visit our [customer feedback form](#).

From: David Rhodes [<mailto:jdavid.rhodes@ntlworld.com>]
Sent: 09 June 2010 14:38
To: Entertainment Licensing
Cc: Armitage, Suzi
Subject: Licensing application for The Barnbow public house (formerly The Manston)

I wish to object to the above application to extend the licensing hours of The Barnbow public house. The last time the above premises had such an extension it resulted in widespread vandalism and hooliganism of every sort. On one occasion some one was shot. The premises are situated in a sub-urban, domestic area which is totally unsuitable for late night drinking. The improvement in behaviour of the pub's customers only dates from the time when it's extended opening hours were stopped, some five years ago. If the owners of the business cannot get enough customers during normal opening hours perhaps they should just go quietly out of business and leave us in peace.

David Rhodes

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please do not use or disclose the information in any way and please delete this email (and any attachment) from your system.
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No virus found in this incoming message.
Checked by AVG - www.avg.com
Version: 9.0.829 / Virus Database: 271.1.1/2927 - Release Date: 06/09/10 07:35:00

White, Emma

From: chrissie.holroyd@talktalk.net
Sent: 11 June 2010 10:05
To: White, Emma
Subject: Re: Licensing Hours Extension Barnbow Pub Austhorpe Road Crossgates

Dear Emma
re our mail 8 June 2006 sorry that we omitted our details see below

Mr Andrew and Mrs Christine Holroyd
44 The Drive
Crossgates
Leeds
LS15 8EP

We hope this will suffice

Yours Sincerely
A & C Holroyd

-----Original Message-----

From: White, Emma <Emma.White@leeds.gov.uk>
To: chrissie.holroyd@talktalk.net <chrissie.holroyd@talktalk.net>
Sent: Wed, 9 Jun 2010 14:29
Subject: RE: Licensing Hours Extension Barnbow Pub Austhorpe Road Crossgates

Dear Sir/Madam

Licensing Act 2003 - Application for Variation of Premises Licence for:
Premise: Barnbow, Austhorpe Road, Austhorpe, Leeds, LS15 8EH Premise Licence Number:
PREM/00974/V02

I acknowledge receipt of your email of 9th June 2010 representation to the above application.

The application for variation of a premise licence will be listed for hearing before the licensing sub-committee providing we have valid representations which must be in line with the licensing objectives, namely:-

- a) Prevention of Crime and Disorder
- b) Prevention of Public Nuisance
- c) Public Safety
- d) Protection of Children from Harm

and it must also include the name and address of the sender.

Valid objections along with the personal details of the sender i.
e.name and
address will be forwarded to the applicant.

I note from your email that you did not include your personal details and consequently we cannot include your representation in this instance.

Should you still wish to proceed with your objection and remain anonymous then I would advise you to contact your local ward councillor requesting them to act on your behalf in relation to your objection.

Again you must contact your ward councillor before the 7th July 2010 in order for your representation to be valid.

Providing the ward councillor is prepared to act on your behalf they should then contact this office advising that they have been contacted by a constituent and are willing to act on their behalf at the hearing.

I would like to draw your attention to the enclosed pamphlet which sets out the

process that we apply to representations.

Please do not hesitate to contact the Licensing Section should you require any further assistance.

Yours faithfully

Mrs Emma White
Licensing Officer
Entertainment Licensing Section
Emma White

Licensing Officer

Entertainment Licensing

Leeds City Council

Tel: 0113 2474095

Fax: 0113 2243885

email: emma.white@leeds.gov.uk

www.leeds.gov.uk

If you would like to offer feedback to Entertainment Licensing on the service you have received please visit our customer feedback form.

-----Original Message-----

From: Entertainment Licensing

Sent: 09 June 2010 09:30

To: White, Emma

Subject: FW: Licensing Hours Extension Barnbow Pub Austhorpe Road Crossgates

Emma White

Licensing Officer

Entertainment Licensing

Leeds City Council

Tel: 0113 2474095

Fax: 0113 2243885

email: emma.white@leeds.gov.uk

www.leeds.gov.uk

If you would like to offer feedback to Entertainment Licensing on the service you have received please visit our customer feedback form.

-----Original Message-----

From: Grahame, Pauleen

Sent: 09 June 2010 09:21

To: chrissie.holroyd@talktalk.net; Entertainment Licensing; suzi.armitage@leeds.gov;
peter.gruen@leedsgov.uk
Subject: RE: Licensing Hours Extension Barnbow Pub Austhorpe Road Crossgates

Dear Chrissie,
Thank you for your response ,I will keep you informed of any futher information or
actions .

Best wishes Pauleen

-----Original Message-----

From: chrissie.holroyd@talktalk.net

[mailto:chrissie.holroyd@talktalk.net]

Sent: 08 June 2010 20:57

To: Entertainment Licensing; suzi.armitage@leeds.gov; peter.gruen@leedsgov.uk;

Grahame, Pauleen

Subject: Licensing Hours Extension Barnbow Pub Austhorpe Road Crossgates

To Whom it may Concern

As long standing residents of The Drive Crossgates we oppose any extension to the
licensing hours of the above mentioned Public House.

This is a residential area not the middle of Leeds if people want to drink until the
wee small hours that's ok but not on our doorstep Thank you Very Much !!
there are plenty of pubs open in the centre of Leeds and plenty of taxis in Crossgates
to take them.

Plus we would get the clientele coming from the Devon Pub to take advantage of the
later opening times who would I'm sure already had enough to drink.

As the hours stand at the moment we get the fall out coming up the street at the
weekend talking and laughing in groups we have children and babies live in the street
plus elderly people.

Also what is this going to do to the price of our property I don't want to live near a
pub with extended hours so I'm sure anybody looking to buy would consider that as well

Please Stop This Now

Chrissie & Andrew Holroyd

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only. If you know you are not the intended recipient, please do not use or disclose
the information in any way and please delete this email (and any attachment) from your
system.

The Council does not accept service of legal documents by e-mail.

974102

Massey, Bridget

From: michael Hainsworth [michaelhainsworth@yahoo.co.uk]
Sent: 11 June 2010 22:13
To: Entertainment Licensing
Subject: Licensing Hours Extension Application at the Barnbow Public House.

Licensing Hours Extension Application at the Barnbow Public House.
I wish to object to the above application.

The last time the hours were extended we had to endure drunken shouting, yobbish behaviour including foul mouthed antics, urinating in manston park, broken glass and violence.

When the opening times were put to normal pub hours these antics ended. The longer opening hours will attract those leaving the other pubs in the area to the Barnbow, which will bring back the past troubles.

Please consider the residents living around the pub when making your decision

Michael Hainsworth
32 Park Avenue
Leeds LS15 8EW



974/V02

White, Emma

From: Nasib Ali [nasibali@hotmail.com]
Sent: 13 June 2010 23:31
To: White, Emma
Subject: RE: Licensing hours extension application at Barnbow Pub {Manston}

Further to e.mail on the 8th June sorry we did not include name and address. As previously mentioned we would hope that if the extra hours are granted that a watch would be kept on the residential area around the Barnbow Pub to see that it remains peaceful.
Nasib and Joan Ali,, 86 Pendas Walk, Crossgates, Leeds LS15 8HS.

From: Emma.White@leeds.gov.uk
To: nasibali@hotmail.com
Date: Wed, 9 Jun 2010 14:41:26 +0100
Subject: RE: Licensing hours extension application at Barnbow Pub {Manston}

Dear Sir/Madam

Licensing Act 2003 - Application for Variation of Premises Licence for:
Premise: Barnbow, Austhorpe Road, Austhorpe, Leeds, LS15 8EH
Premise Licence Number: PREM/00974/V02

I acknowledge receipt of your email of 8th June 2010 representation to the above application.

The application for variation of a premise licence will be listed for hearing before the licensing sub-committee providing we have valid representations which must be in line with the licensing objectives, namely:-

- a) Prevention of Crime and Disorder
- b) Prevention of Public Nuisance
- c) Public Safety
- d) Protection of Children from Harm

and it must also include the name and address of the sender.

Valid objections along with the personal details of the sender i. e.name and address will be forwarded to the applicant.

I note from your email that you did not include your personal details and consequently we cannot include your representation in this instance.

Should you still wish to proceed with your objection and remain anonymous then I would advise you to contact your local ward councillor requesting them to act on your behalf in relation to your objection.

Again you must contact your ward councillor before the 7th July 2010 in order for your representation to be valid.

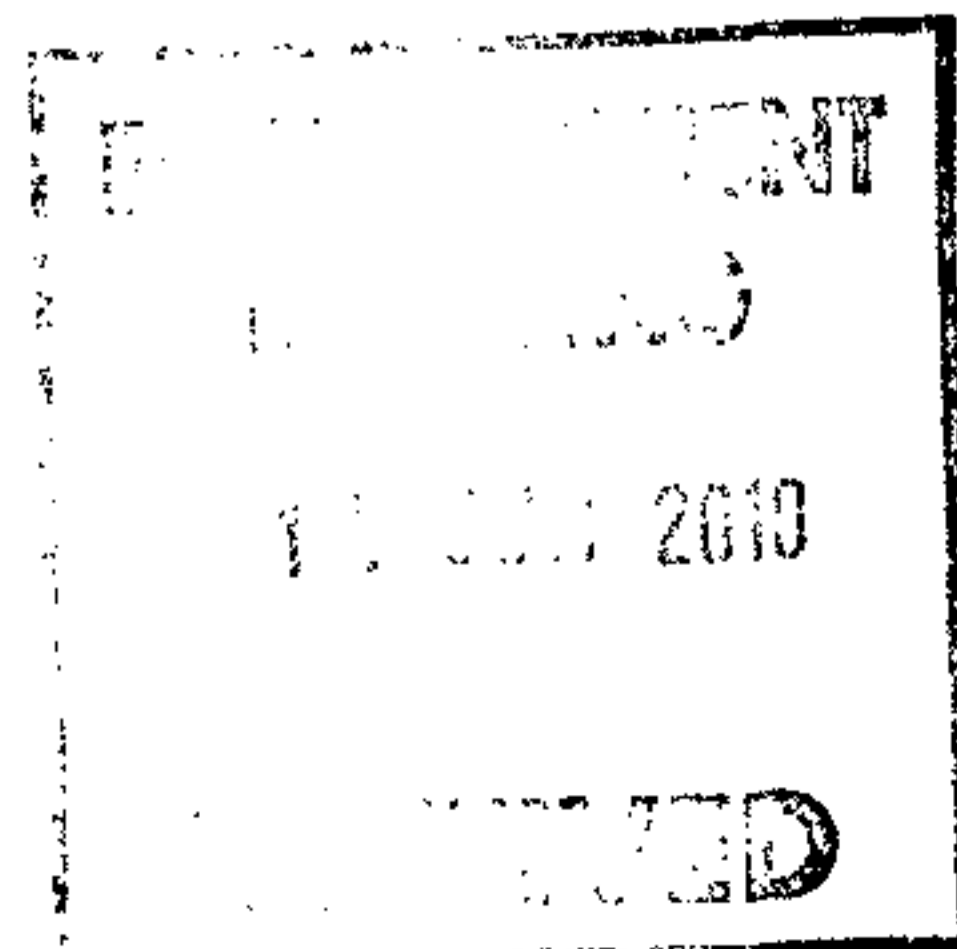
Providing the ward councillor is prepared to act on your behalf they should then contact this office advising that they have been contacted by a constituent and are willing to act on their behalf at the hearing.

I would like to draw your attention to the enclosed pamphlet which sets out the process that we apply to representations.

Please do not hesitate to contact the Licensing Section should you require any further assistance.

Yours faithfully

Emma White
Licensing Officer
Entertainment Licensing
Leeds City Council
Tel: 0113 2474095
Fax: 0113 2243885



14/06/2010

email: emma.white@leeds.gov.uk
www.leeds.gov.uk

If you would like to offer feedback to Entertainment Licensing on the service you have received please visit our customer feedback form.

From: Entertainment Licensing
Sent: 09 June 2010 08:24
To: White, Emma
Subject: FW: Licensing hours extension application at Barnbow Pub {Manston}

Emma White
Licensing Officer
Entertainment Licensing
Leeds City Council
Tel: 0113 2474095
Fax: 0113 2243885
email: emma.white@leeds.gov.uk
www.leeds.gov.uk

If you would like to offer feedback to Entertainment Licensing on the service you have received please visit our customer feedback form.

From: Nasib Ali [mailto:nasibali@hotmail.com]
Sent: 08 June 2010 23:17
To: Entertainment Licensing
Subject: Licensing hours extension application at Barnbow Pub {Manston}

We would just like to comment that the past few years have been quite peaceful living beside the Barnbow Pub, if the hours are extended we would hope that a careful watch would be kept to ensure that peace continues in what is a residential area.

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15

5 MANSTON LANE,
CROSSGATE
LEEDS LS15 8JA

June 11th 2010

Dear Sirs

**RE: Licence Application, PREM/00974/VO2
The Barnbow ,
Austhorpe Road, Crossgates
LS15 8EH**

Further to the above application to vary their licensing, we would like to object to the proposed changes to their licensing hours. Extending their hours will only encourage people to drink more, stay later and may be troublesome upon their departure.

Noise from waiting taxis will increase, people going home after 1am in a residential area is just unacceptable.

This could be the beginning of the return to all the troubles we had in 2003 – 2005.

Are the longer hours a last ditch attempt to get more people into the pub?

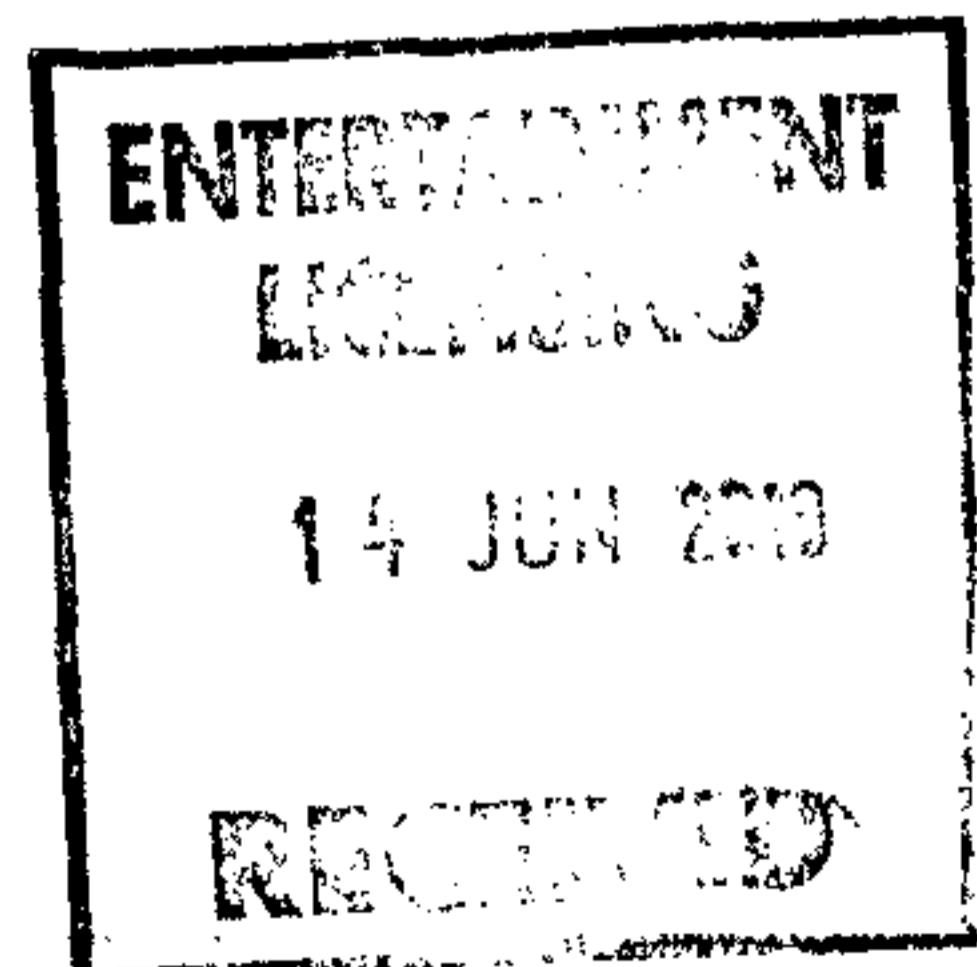
If the licence is granted it could see people from other public houses eg Devon getting taxis and coming for the last hour as the Devon closes at 11.00pm, which would lead to more noise and maybe trouble as they will have been drinking all night. Quite a few people also go from the Devon to the Station as that has longer opening hours.

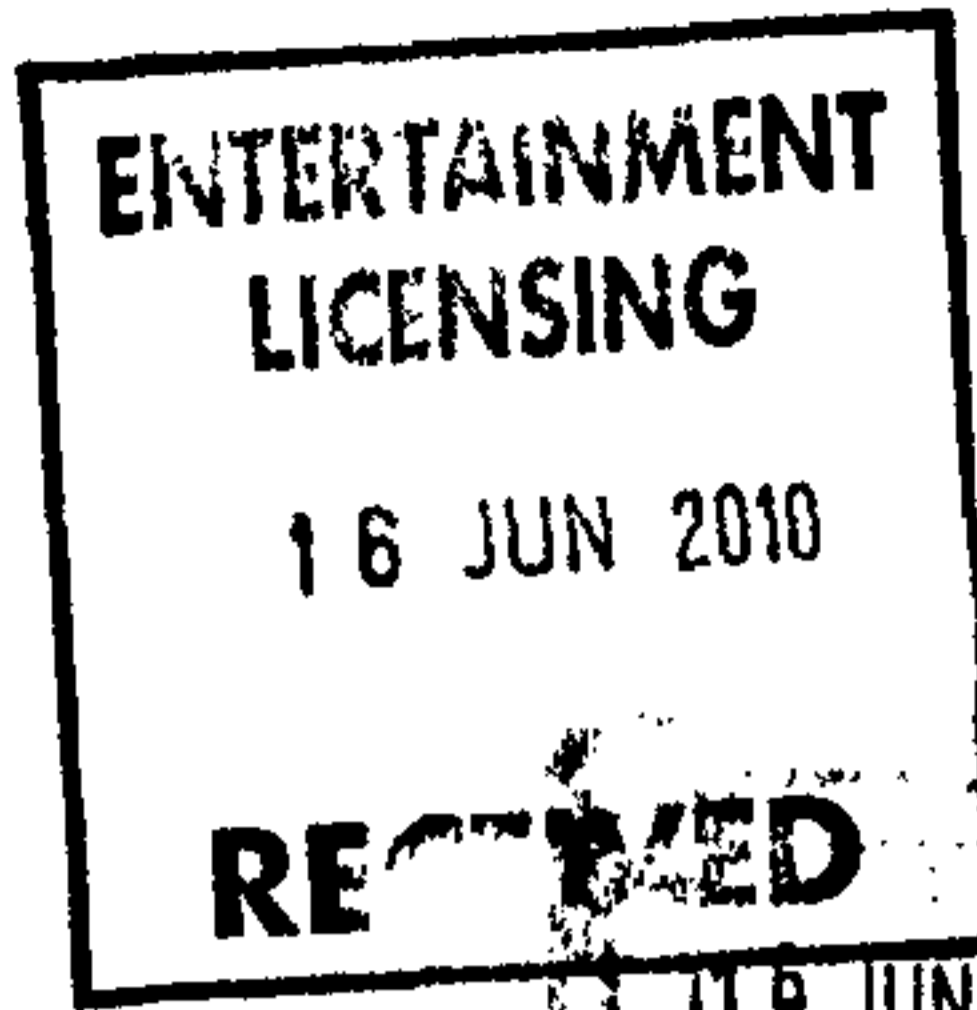
The residents have had 5 years of no trouble and we don't want it to start up again.

Your's Faithfully

Peter Macklam *Carol Macklam*

Peter Macklam & Carol Macklam.





152, Austhorpe Road,
Cross Gates,
Leeds,
LS15 8EF.

14th June, 2010.

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

Dear Sir or Madam,

PREM/00974/V02

Application for licence variation at The Barnbow Carvery, Austhorpe Road, Leeds, LS15 8EH, to extend the licensed hours for the sale of alcohol to 12.00 midnight on Friday and Saturday nights.

I wish to object to the application on the grounds below.

The extension to the licensing hours will result in the following:

- More noise at unsocial hours.
- More traffic, both vehicular and pedestrian at unsocial hours.
- More litter, debris, vomit and smashed glass in Austhorpe Road, Manston Park and other thoroughfares.

The review of the premise licence carried out by the Licensing Committee on 30th June, 2006, at the instigation of West Yorkshire Police, considered evidence presented by West Yorkshire Police and, amongst others, two local organisations (Cross Gates Watch Residents Association and Pendas Neighbourhood Watch) and thirty-nine local residents.

Presentations included evidence of:

- crime and disorder
- antisocial behaviour
- noise
- glasses half-full of liquid left on pavement areas, especially by the postbox at the junction of the short and long legs of Austhorpe Road, on which the unwary can tread, stumble, smash the glass, suffer injury, etc.
- glasses, empty cans, etc. left in Manston Park, including the children's play area

- vomit on footpaths
- broken glass stuffed in hedges and over garden walls
- urination on walls, pavements and street areas
- fighting
- many kinds of unseemly behaviour, especially on the footpath from the junction of Austhorpe Road and Manston Lane to the end of Penda's Walk
- drug-taking on the premises.

None of this evidence was disputed or refuted by the owners/licenseses.

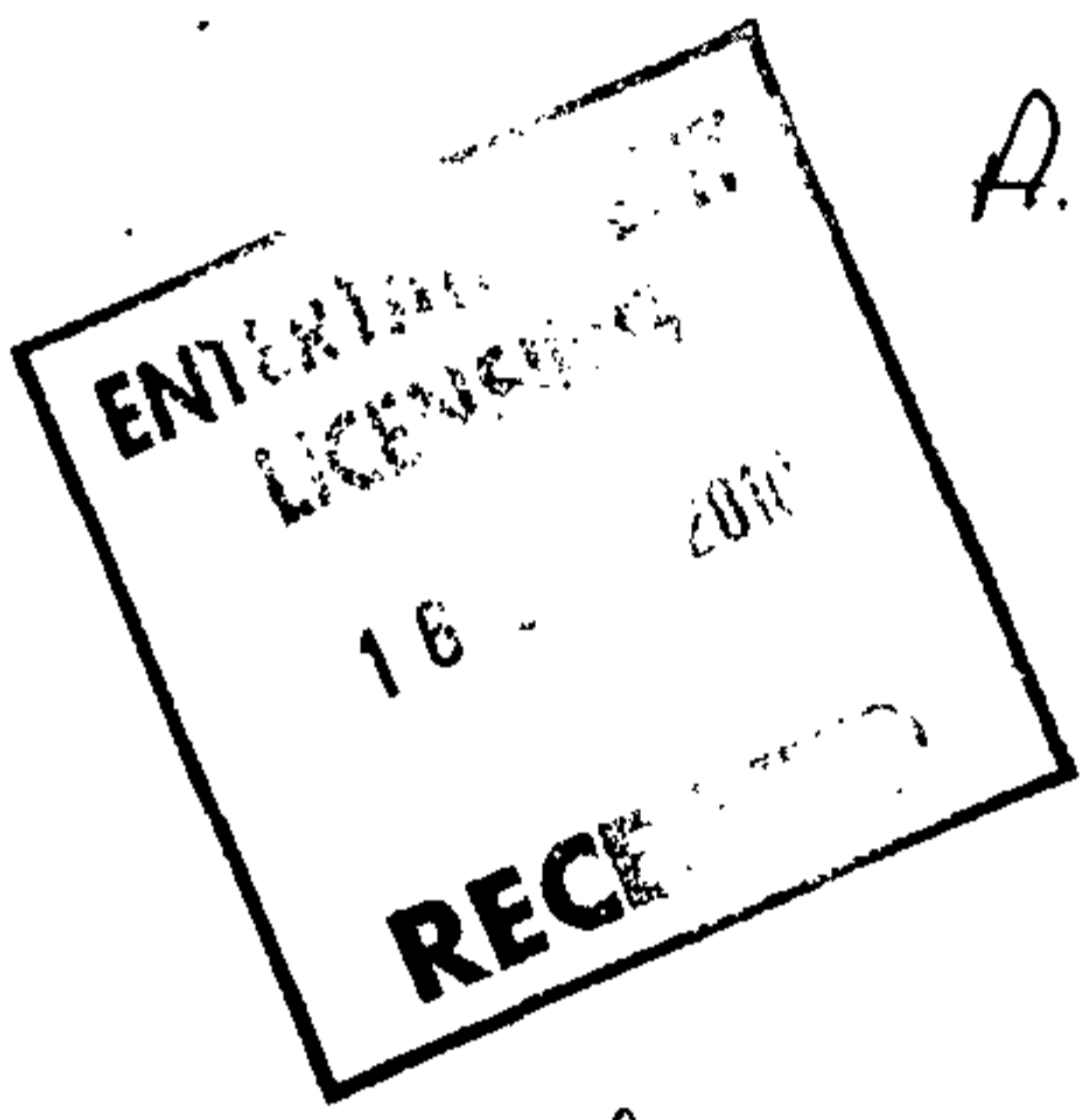
If the extension is granted, customers will be able to buy alcohol until 12.00 midnight and then have half-an-hour's drinking-up time at the premises. With the possibility of drinking outside on long summer evenings, with taxis coming and going, and other traffic, residents will be kept awake half the night. There is also the distinct possibility of drinkers from The Devon, Kingswear Crescent, LS15 8LR, already in an inebriated state, moving on to The Barnbow Carvery to get an extra hour's drinking, with associated potential nuisance at the site and *en route*.

If The Barnbow wishes to increase its profit, then it runs the risk of attracting the 'wrong' type of client with this move and all the problems associated with that. The Barnbow needs to up the quality of its delivery to attract a different class of patron.

Yours faithfully,



D. Bowcock.



A. S. ROUTH
 84 PENDAS WALK
 CROSSGATES
 LEEDS

LS1 8HS
 15/6/10 16 JUN 2010

Dear

I wish to object to any extension of licensing hours at the Barnbow Public House.

Any extension is bound to cause nuisance problems and would surely be against the policy of curbing drinking.

Yours sincerely
A. S. Routh

Massey, Bridget

From: stephen naylor [steveroofer@talktalk.net]
Sent: 20 June 2010 11:46
To: Entertainment Licensing
Subject: barnbow



S W Naylor
88 Pendas Walk
Cross Leeds
LS158HS

Re Licence application Barnbow Austorpe road crossgates
ls158eh

20/06/2010

Dear sir/madam

I am writing to express my utter disappointment on hearing the barnbow has applied for a licence extension considering all the bother and trouble we have had in the past under similar circumstances i e regular police and ambulance visits to the pub loud mouth yobs shouting and swearing bottles and glasses smashed in the ginnel near my home is it beyond comprehension that the pub has been relatively quiet for the past couple of years mainly because the hours have been restricted and it seems to have returned to a decent family pub and any change would mean a return to the bad old days which i find amazing to even be considered

S W Naylor

Glover, Barry

From: tom [tom.harrison4@ntlworld.com]
Sent: 21 June 2010 17:54
To: Entertainment Licensing
Subject: barnbow pub. austhorpe road, crossgates, ls15 8eh

I feel I must object most strongly to the proposed alterations to the working hours and the playing of music. I think it would be a backward step to the old days, rowdy foul mouthed behaviour damage to parked cars wing mirrors torn off and paintwork damaged, litter and bottles thrown in the park and people often urinate in the park.

I was told that the change of name from the MANSTON to the BARNBOW was to build up a better image. my wife and I over 80 YRS OLD and we are very apprehensive about these proposed changes.

TOM HARRISON
138 AUSTHORPE ROAD
LEEDS LS15 8EJ



SCANNED

Glover, Barry

From: Sarah Hatton [shatton71@yahoo.co.uk]
Sent: 25 June 2010 12:58
To: Entertainment Licensing
Subject: Licence Application: Barnbow, Austhorpe Road, Crossgates, Leeds, LS15 8EH

Dear Sir/Madam,

Licence Application: Barnbow, Austhorpe Road, Crossgates, Leeds, LS15 8EH

I have been informed by my Local Councillors, as well as residents living near this pub, that an application has been lodged to extend the Friday and Saturday hours to midnight. This has caused me and my family great alarm and concern. This means that customers will be able to drink until 12.00 and then have half an hour drinking up time. What with the possibility of drinking outside in the long, warm, summer evenings, taxis coming and going and loud singing and shouting, nearby residents, including my family, will be kept awake half the night, which is not acceptable, especially I have a 7 year old daughter. Much of the above happens already, loud singing and shouting and general noise throughout the evenings, we can even hear the pub quiz questions from our living room (none of our windows or doors are open and our television is on - please try to imagine how loud it is)! Also this extension will, if granted, be made worse by people walking down from the Devon Pub to get an extra hour's drinking, incurring more noise and more taxis!

The apparent justification being made for this application is that there has been no trouble at this pub for some years. This is completely bizarre; the reason there has been no trouble is that there have not been extended licensing hours. It is only five years since these were stopped for the Manston Pub and the memories of the period preceding that are still vivid in the minds of residents, even those some distance from the pub. Apart from the noise during the extended hours, the whole area was scarred by brawls, break-ins, bottle dropping and broken glass in the children's play areas in the park, urination in gardens and on the street, public sexual activity, drug taking, you name it! We don't want any return to that thank you.

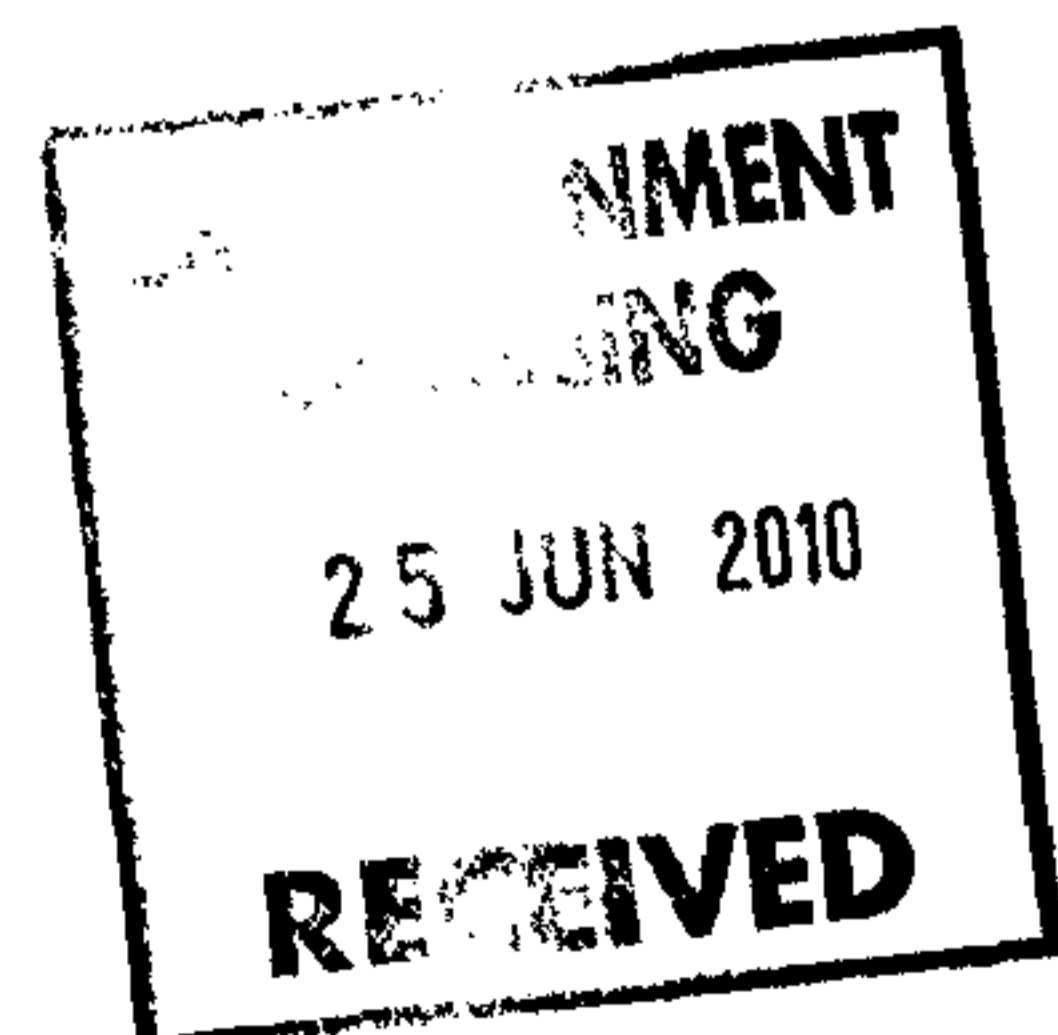
For the record, I would like to vehemently object to the licence application being granted. Please take the above points into consideration when making your decision and consider the residents in the area and how their lives will be affected if this application is granted. Please block the application.

I'll get as many residents as possible to write to you in support of blocking this application.

Many thanks,

Yours sincerely,

Sarah and Darran Holmes
Residents at 144 Austhorpe Road, Crossgates, Leeds, LS15 8EJ



SCANNEL

Glover, Barry

From: Crofton, Pelagie
Sent: 25 June 2010 12:46
To: entertainment.licencing@leeds.gov.uk
Subject: extension at Barnbow pub
Importance: High

As a resident of Chestnut Avenue which is only one street away from the Barnbow, we are already subjected to shouting, screaming and large groups of young men running up and down late in the evening, especially at weekends. It is reasonable to assume this is connected to the Barnbow. Any extension to the opening hours will only increase the noise and cause further disturbance. Bottles and cans are thrown into gardens and left in the street and it is already quite intimidating. I have called the police more than once when I have been really frightened.

Please register my objection to any increase to the opening hours.

Pelagie Crofton
19 Chestnut Avenue
Crossgates
Leeds LS15 8ED



49, The Drive
Crossgates
Leeds
LS15 8ER

To the Licensing Officer
Entertainment Licensing
Civic Hall
Leeds
LS1 1UR

27th June 2010

Dear Licensing Officer

I am writing to object to the following application:-
Licence application: Barnbow, Austhorpe Road, Crossgates, LS15 8EH .

I object on the grounds that these premises are situated in a quiet residential area and that current licensing hours are proper for this. Some years ago there was a good deal of trouble and inconvenience caused to local residents due to rowdy and sometimes violent incidents when the then Manston public house closed especially at weekends. This caused distress to all and elderly residents felt very threatened by gangs of noisy homegoers. There was also a certain amount of vandalism to gardens.

Fortunately there was a change of management who greatly improved the situation. It would be a great shame if the first situation was allowed to re-occur. Extended licensing hours would mean that when other local public houses e.g. the Devon, closed clients would then move on to Barnbow for further drinking time.

Please consider local residents their safety and well-being when making a decision on this application.

Yours sincerely,
Cecily Hanlon

SCANNED

O'Brien, Victoria

From: Grahame, Pauleen
Sent: 27 June 2010 20:06
To: cphanlon@tiscali.co.uk; Entertainment Licensing
Cc: Armitage, Suzi; peter.guren@leeds.gov.uk
Subject: RE: Licence application Barnbow

Thank you
Best wishes Cllr Pauleen Grahame
Chair Cross Gates Forum

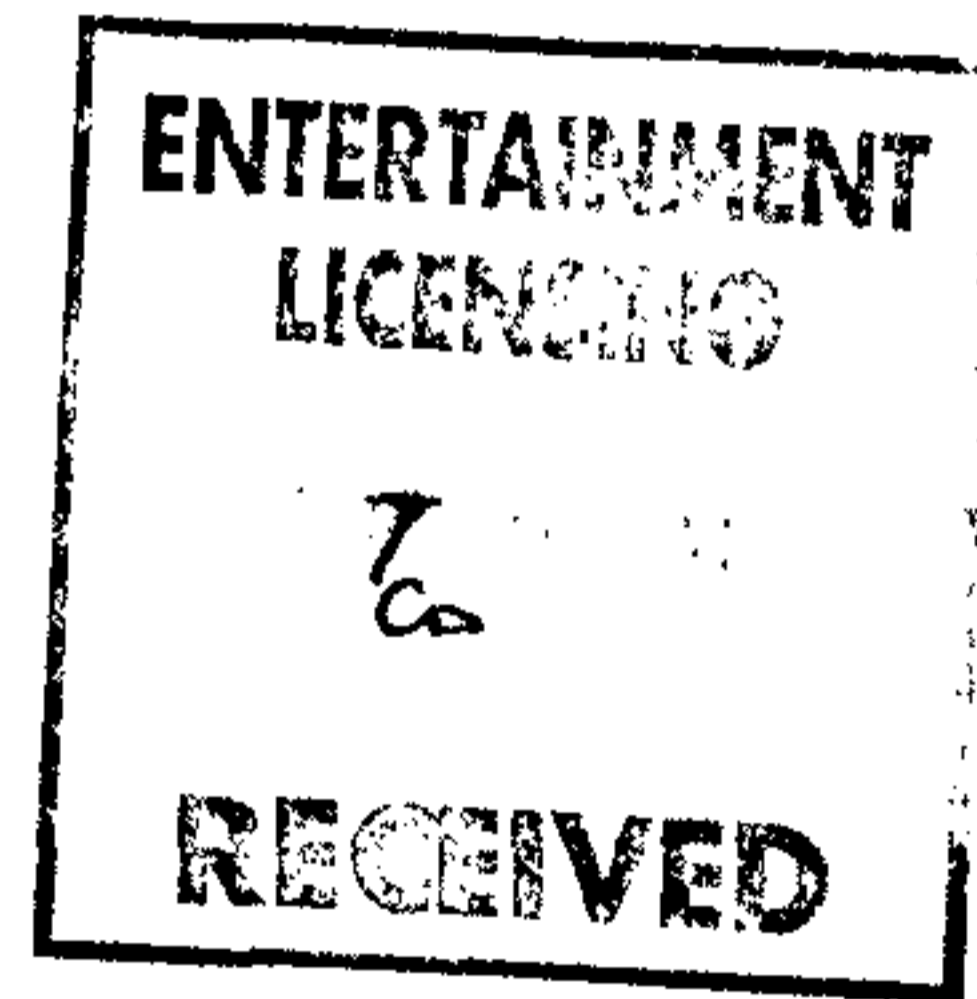
-----Original Message-----
From: cphanlon@tiscali.co.uk [mailto:cphanlon@tiscali.co.uk]
Sent: 27 June 2010 12:21
To: Entertainment Licensing
Cc: Grahame, Pauleen; Armitage, Suzi; peter.guren@leeds.gov.uk
Subject: Licence application Barnbow

To the Licensing Officer.

I attach a letter commenting on this application which contains objections to any extension of licencing hours.

Thank you.

CP Hanlon



O'Brien, Victoria

From: cphanlon@tiscali.co.uk
Sent: 27 June 2010 12:21
To: Entertainment Licensing
Cc: Grahame, Pauleen; Armitage, Suzi; peter.guren@leeds.gov.uk
Subject: Licence application Barnbow

Attachments: Barnbow extended hours June 2010.doc



Barnbow extended
hours June 20...

To the Licensing Officer.

I attach a letter commenting on this application which contains objections to any extension of licencing hours.

Thank you.

CP Hanlon

24

SCANNED

O'Brien, Victoria

From: jennifere@supanet.com
Sent: 28 June 2010 19:45
To: Entertainment Licensing
Subject: The Barnbow - Application to vary licence

Dear Sirs

We wish to object to the application by Orchid Pubs and Dining Limited (PREM/00974/V02) to vary the opening times for the Barnbow on Austhorpe Road. This is a mainly residential area and in the past has suffered anti-social behaviour from people visiting the pub.

The Barnbow was formerly the Manston and in the past has been directly responsible for the anti-social behaviour of its patrons both in the immediate vicinity of the pub and in the surrounding streets off Austhorpe Road. It then reopened as the Barnbow with reasonable opening hours and up to date we have enjoyed relative peace and quiet.

If the extended hours are granted the Barnbow will become a magnet attracting drinkers, especially young ones, looking for a pub with longer drinking hours and the anti-social behaviour will return to Cross Gates. Therefore we wish to object to the application.

Yours faithfully

Mr & Mrs N A Ellis
21 Tranquility Avenue
Cross Gates
Leeds
LS15 8QX

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This message has been scanned by Supanet for viruses and dangerous content using ClamAV and SpamAssassin.



67 Austhorpe Rd
Crossgates
Leeds
LS15 8EQ

28:06:10

Licensing Officer
Entertainment Licensing
Civic Hall
leeds
LS1 1UR

Dear Sir/madam,

**Re: Barnbow, Austhorpe Rd, Crossgates, LS15 8EH
Licence Application**

I am writing to oppose to the extending of licensing for the above establishment.

The 'Barnbow' has for the past few years been a quiet restaurant bar offering a food and a family environment. This has been in keeping with the population of the local area. There are several pubs in the area that are busy and noisy.

This bar was known as the 'Manston' some years ago and under different management. The pub became where the local young people met and drank before heading off into town to night clubs. This meant there was always a line of taxis waiting outside on a Friday and Saturday night and the amount of traffic using Austhorpe Rd at midnight increased significantly.

As a resident of Austhorpe Rd I also have no wish to return back to the days of spending my Saturday and Sunday mornings going out collecting glasses from the pub that had been pushed into my hedge the night before.

The noise and behaviour of intoxicated people leaving the pub regularly disturbed our sleep in the past and often was quite frightening. I am concerned that people will also arrive at the 'Barnbow' from 11pm onwards from the other pubs in the area have closed.

I moved to Crossgates from Headingley after living there for over 20yrs so I am very well aware of how increased licensing hours can impact on the local community.

Yours Sincerely
Lesley Warriner

O'Brien, Victoria

From: lesley warriner [lesleywarriner@hotmail.com]
Sent: 28 June 2010 17:43
To: Entertainment Licensing
Subject: Barnbow.Crossgates
Attachments: License application. Barnbow.doc

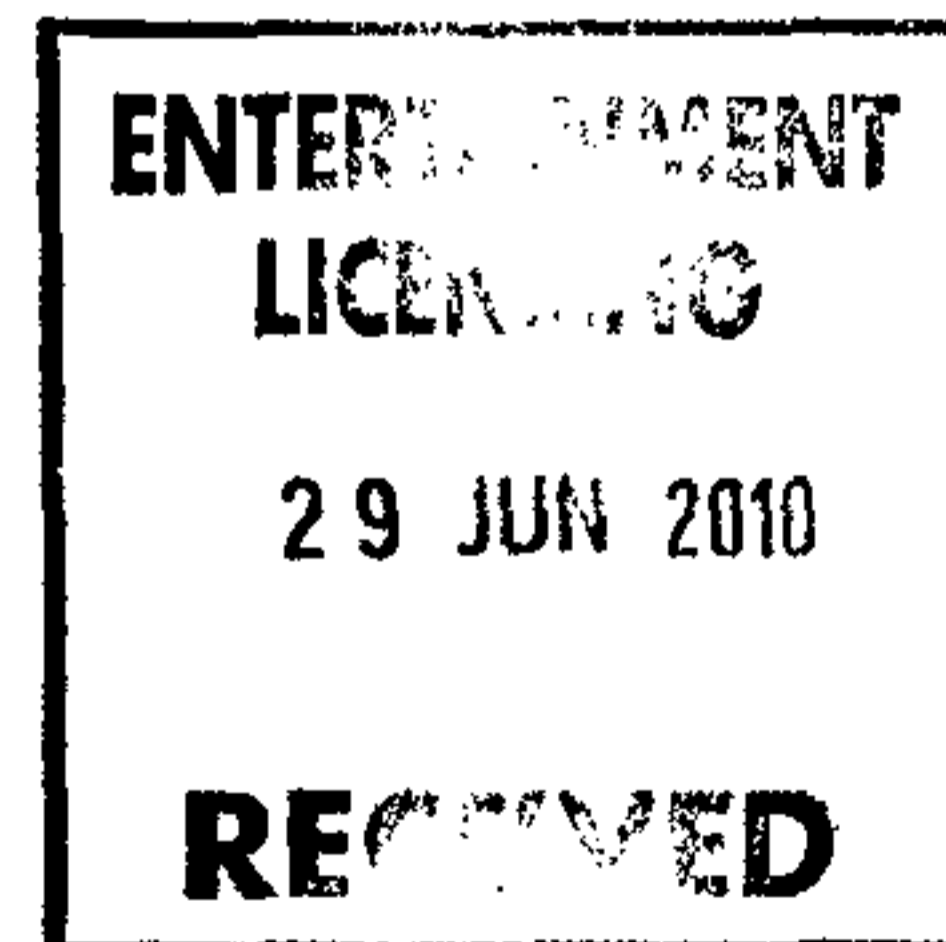
Dear Sir/madam

Please find attached a copy of my letter of objection to the increased licensing hours at barnbow pub in Crossgates.

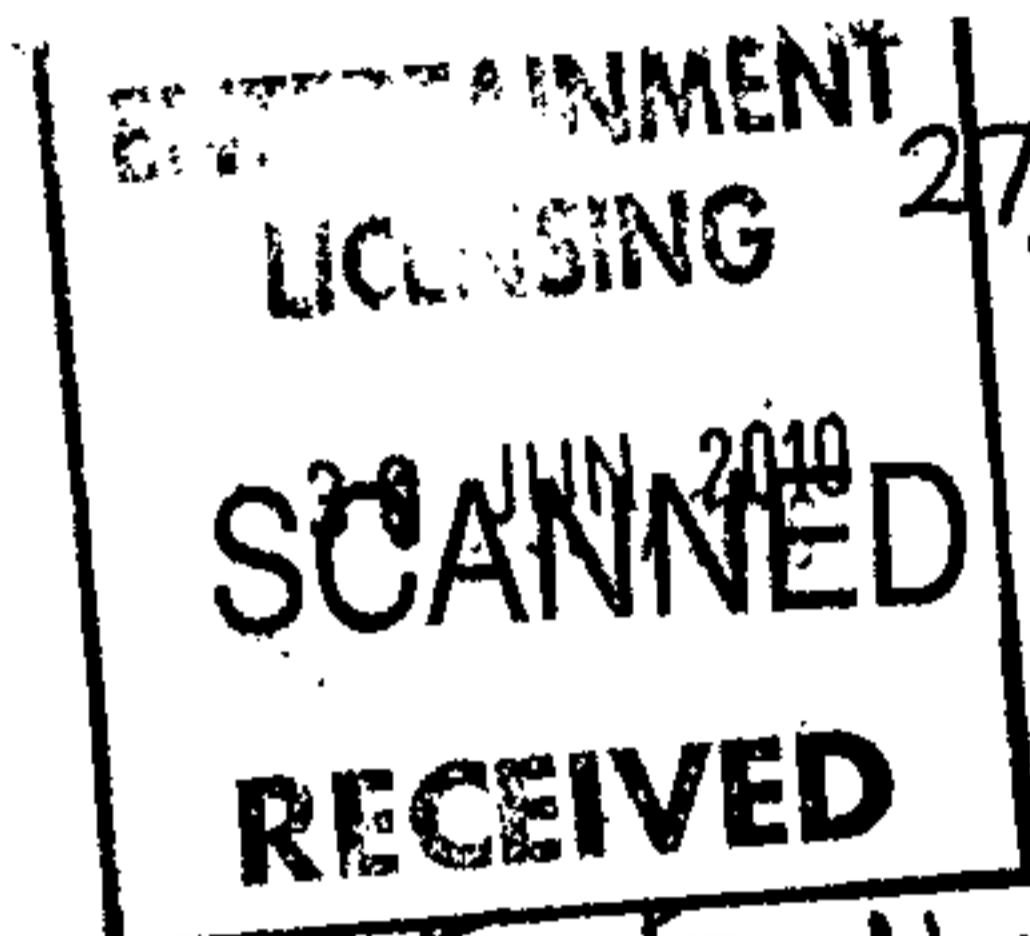
Regards

Lesley Warriner

Get a new e-mail account with Hotmail - Free. [Sign-up now.](#)



27
28/6/10



27, Marshall Ave.
Cross Gables
Seeds LS15 8EE

Dear Sir

I am writing to oppose the extension of licensing hours at the Bambrour Pub, I think that the extra hour would encourage the more dubious elements from the area to once again be attracted to the pub, with its very bad reputation a few years ago I realise the pub managers and team have worked hard to turn the pub around, with great credit to them, I also realise times are hard and many pubs are closing, but think this would be a step too far, and would cause all the old roughness / and all the related affect to re-appear when we have enjoyed a

period of peace and calm with everybody
gone home by 11.30.

Yours sincerely

A. N. Swire

(MR A. N. SWIRE)

BA

- 7 JUL 2010



Interested Party Representation (Form IPR1)

Section 1 - Licence application details

Please indicate as appropriate :
 I wish to object to the following application:
 I wish to support the following application:

Applicant name (if known):

Applicant premises name and address:

THE BARNBOW



Application for a Premises Licence
Club Premises Certificate

Application to vary an existing Premises Licence
Club Premises Certificate

Section 2 - Your personal details

NB : If you are acting as a representative, please go to Section 3.

Title MR Mr Mrs Miss Other _____

Surname SWIRE

First name(s)
ANTHONY

Address (incl postcode):
27 MARSHALL AVE
CROSS GATES LS16 8EE

It is essential that you provide your full residential address (or business address if you are objecting from a business). The Licensing Authority needs to be satisfied that you live or have business on the vicinity of the premises. Without this information your representation will not be accepted.

Please note that a full copy of your representation (including your name and address) will be sent to the applicant and will be a public document at any hearing of this matter.

Please refer to our Guidance Note - GN-M Guidance on making representations for further information and alternative options.

Section 3 - Representative details

If you represent residents or businesses in the vicinity please complete details below

Name of Representative/ Organisation	
---	--

Full postal address (incl postcode)	
--	--

Please indicate capacity :

E.g. Representative of Residents Association

Ward Councillor

Parish Council

MP

Trade Association

Other (please specify) _____

Section 4 - Representation grounds

<p>The representation is relevant to one or more of the following licensing objectives:</p> <p>Please tick relevant box(es)</p>	<p>Prevention of crime and disorder <input checked="" type="checkbox"/></p> <p>Prevention of public nuisance <input checked="" type="checkbox"/></p> <p>Protection of children from harm <input checked="" type="checkbox"/></p> <p>Public safety <input checked="" type="checkbox"/></p>
---	---

Please select :

I object to the application being granted at all

I object to the application being granted in its current form*

*If you choose this option remember to tell us in the next section what changes you would prefer to see.

The grounds of the representation is based on the following:

The pub has greatly improved in recent years, with a huge reduction in noise / disorder, fights etc. This would be completely undone by an extension to midnight, as it would attract the usual, dubious characters from other pubs. In general it would

be a retrograde step when the landlord has been so successful in improving it.

You need to complete this box as fully as possible. If you do not the Licensing Authority may not be able to assess the relevance of your representation.

Please attach supporting documents/further pages as necessary – please number all additional pages.

Try to be as specific as possible and give examples, e.g. on 1 February I could hear loud music from the premises between 10pm and 1am. I am concerned that if the premises open until 2am this will cause a nuisance to me and other residents of the street.

Signed: A. N. Suril

Date:

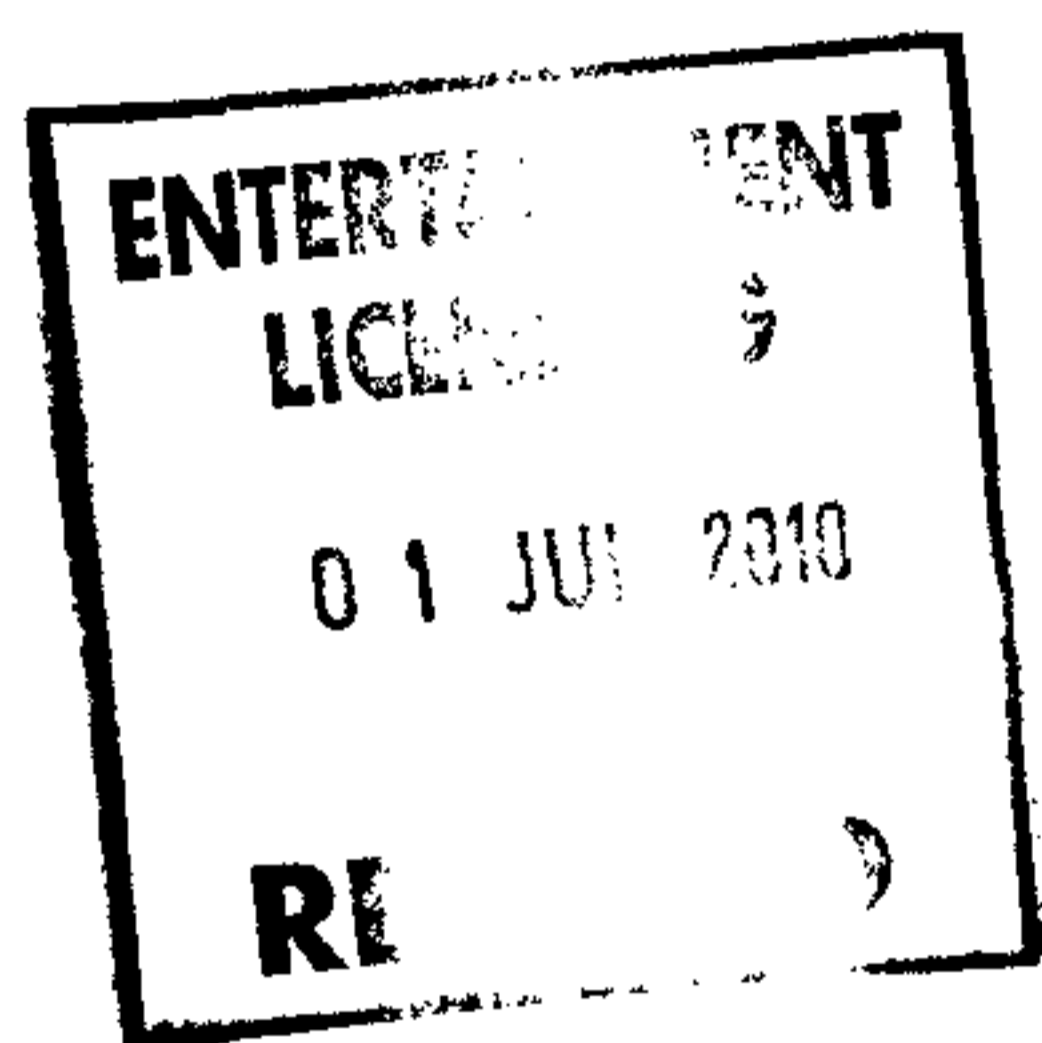
O'Brien, Victoria

From: anne beckett [anne.beckett7@ntlworld.com]
Sent: 01 July 2010 13:31
To: Entertainment Licensing
Subject: Re: Representations regarding the application to extend licensing hours at the Barnbow Carvery

Dear Licensing Officer

We do not agree with the recent application to extend the licensing hours of:

**The Barnbow Carvery
Austhorpe Road
Crossgates
Leeds 15**



Our details are

**Mrs Anne Beckett and Mr David Spence
80 Pendas Walk
Crossgates
Leeds
LS15 *HS**

We are local residents and have been since 1978. This pub has a history of violent crime, drugs, vehicle crime and anti-social behaviour attached to it.

When the previous regime was in charge of this pub the following were nightly occurrences(not necessarily in order)

- 1) Urinating in gardens**
- 2) Noise and loud swearing from drunken revellers (our young son was terrified of the noise and even now at 10 years of age will be frightened once again)**
- 2) Bottles thrown either into gardens, on the road, or through vehicle windows**
- 2) Fighting in the car park and inside the pub as revellers made drunken noise whilst they waited for their taxi to arrive (many fights were not reported to the police)**
- 9) Taxis roaring in and out of the car park late into the night**
- 3) Drunken customers who were neither refused service nor told to leave the premises - the bar staff were totally intimidated by certain individuals and certain groups presumably because the management preferred the revenue rather than protect their staff. They also showed no concern for the safety of local residents. Once the front doors were closed that was the end of the owners' responsibilities - that was obvious**
- 4) I understood that the terms of the current licence needed the company to consult with local residents about any changes - this has not occurred with the current regime - the first I heard of this was through a neighbour who just happened to spot the notices surreptitiously placed on posts at the far perimeters of the large car park**

It is obvious that drinkers are going to flock in from places like the Devon pub to 'top-up' after a heavy session and get an extra hour's drinking - making it more difficult to get them out and away from the area. Then there is the move to go down the road of employing 'bouncers' who are usually neither use nor ornament and failed last time to control the pub.

Why can't the pub try to increase revenue within the hours it is already open - extending

the hours is the 'lazy man's' way of increasing takings?

A decision to increase this pub's opening hours would be a step back into the dark ages when there was a shooting in there.

We definitely do not want this pub to extend its hours because its past record has shown it failing to manage the effects of extended drinking, the drugs culture and public order with the resulting threat to public safety, and an increase in crime.

To extend the opening hours of this pub would be totally against this government's stated policy aim of reviewing the licensing laws with a view to reigning them in due to the increase in crime, effects on health and public order issues that the last 10 years relaxation of the licensing laws has brought.

**Anne Beckett
David Spence**

O'Brien, Victoria

From: arthur hemingway [carrotsoup@talk21.com]

Sent: 04 July 2010 19:16

To: Entertainment Licensing

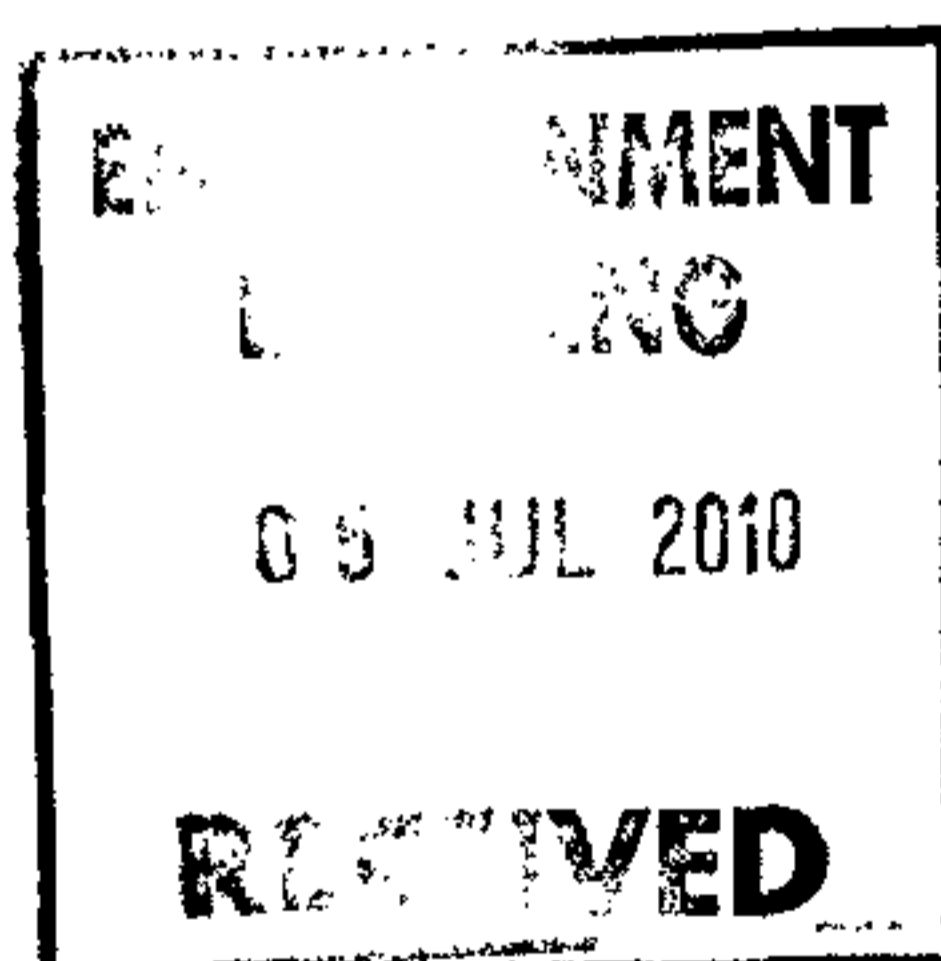
Subject: PREM/00974/V02

A.Hemingway
4 the Drive Crossgates
LS15 8EP
Re PREM/00974//v02

Dear council officer

I wish to object to the proposed extension of opening hours of the Barnbow pub, formerly the Manston, on Austhorpe road. We already know what the consequences of this will be because we have suffered it before - the rowdiness, vandalism, drunken behaviour and shattering of our nighttime peace. It beggars belief that this measure could be entertained after the efforts made by people in the area to bring these disruptions under control.

Yours sincerely , A.Hemingway
B.Hemingway



SCANNED

49 Park Avenue
 Cross Gates
 LEEDS
 LS 15 8EN .
 Tel: 0113 2936750
 e-mail: eal_pal@yahoo.co.uk
 30.06.10

Mrs Emma White
 The Entertainment Licensing Section
 Leeds City Council
 The Civic Hall
 LEEDS
 LS 1 1 UR

Dear Mrs White,

Re application No : PREM/00974/V02

Thank you for your reply - dated 18th June – to our letter expressing our distress at the application to extend the licensing hours of ‘The Barnbow’. Thank you also for the clear instructions which you gave for viewing the application on line.

We are sorry that you felt our previous correspondence was not considered to be a valid objection – we certainly believe that it clearly stated that we are very much against this application. We do however appreciate that certain boxes need to be ticked so hopefully this further representation will do just that.

Our experiences in the not too distant past of similar extended licensing hours of this establishment (then called The Manston) certainly undermined the promotion of all the objectives outlined as bullet points in your letter. The most serious incident involved a shooting which took place (undermining the licensing objective The Prevention of Crime and Disorder). Numerous other undesirable situations took place in the past which we feel will recur should the proposed new licensing hours be granted.

Late night ‘revellers’ on the way home have endangered Public Safety and caused Public Nuisance by :-

Excessive singing, shouting, arguing and swearing,

Dropping litter and smashing glasses and bottles on the pavement, in the local park and in private gardens.

Vandalising the planted areas, children’s play equipment, bins and seating in the park which shares its boundary with The Barnbow.

and

Urinating in public – on the highway, in the park and in private gardens.

Children are potentially at risk because of the dangers posed by many of the above anti-social activities.

Since the instigation of the present licensing hours there has been a significant

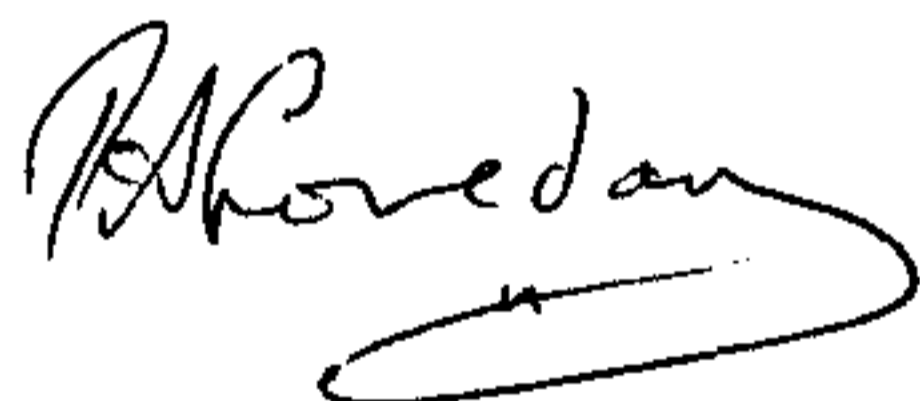
reduction in problems caused by patrons of this establishment. We are hugely concerned that granting the proposed variation to the licensing hours would lead to an increase in crime, disorder and general anti-social behaviour in the area. Hopefully you will feel that we fall into the category of 'interested parties' as we live within a few minutes stroll of The Barnbow and numerous patrons pass our home. We also hope that you will not find this objection 'frivolous or vexatious' – we are generally quite happy with the situation as it stands at the moment and indeed patronize The Barnbow ourselves on occasion.

In conclusion therefore we feel that the application will undermine the promotion of the four licensing objectives noted in your letter and hence we object to the extension of the licensing hours of The Barnbow in the strongest possible manner. This letter should be received by your department before the final deadline of 7th July 2010 and will hopefully be considered valid. Should you have further reservations about our objection please could you e-mail us on the address above so that we can make further objections to the proposals before that deadline passes?

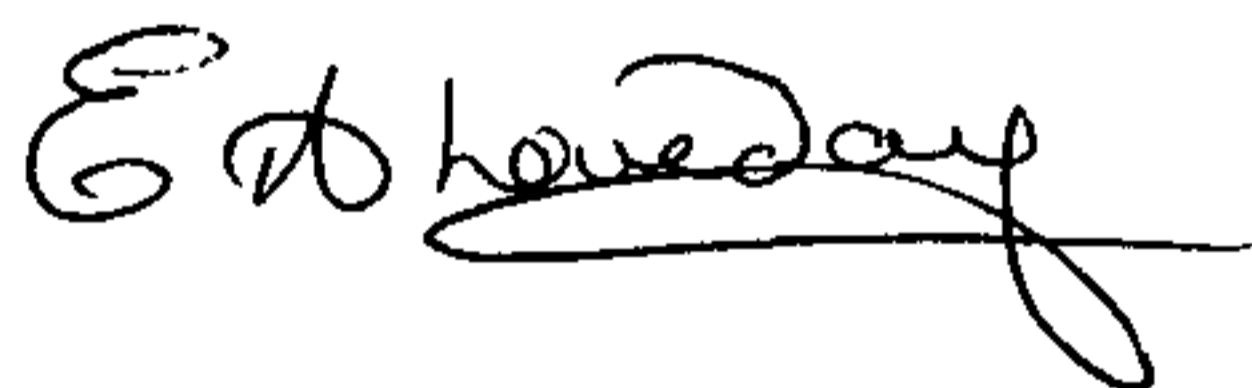
Finally please note that my Christian name is Peter – not Paul as in your letter of 18th June.

Thank you for your continued assistance in this matter.

Yours sincerely



Peter A Loveday



Elizabeth A Loveday

ew

Glover, Barry

From: John Affleck [john.affleck@ntlworld.com]
Sent: 06 July 2010 16:41
To: Entertainment Licensing
Subject: Licence Application Barnbow Austhorpe Road Cross Gates LS15 8EH

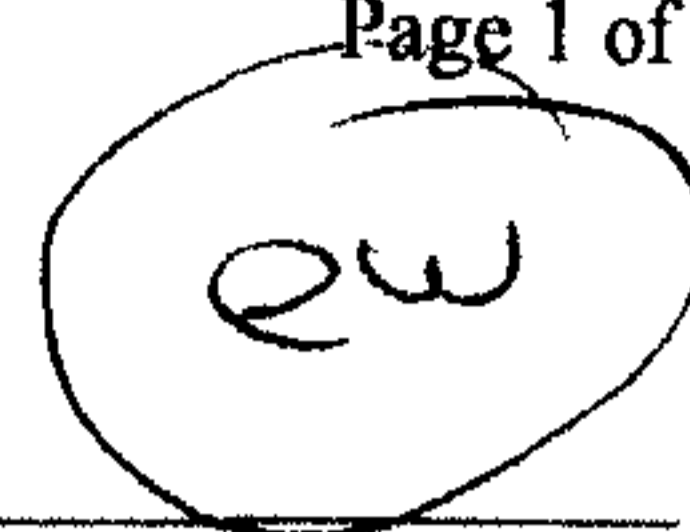
Dear Sirs,

I John Affleck of 45 The Drive, Cross Gates, Leeds LS15 8ER wish to object to the application for a variation of the Premises Licence at the Barnbow Public House given that following a period of relative peace and calm together with the chequered history of the premises I do not wish potential trouble makers to be presented with the opportunity to reignite dampened flames. I would prefer the current licencing hours to remain in situ.

Yours faithfully

John Affleck





Glover, Barry

From: Armitage, Suzi
Sent: 07 July 2010 09:17
To: Entertainment Licensing
Subject: Objections to the Barnbow Public House - Variation to the Premises Licence

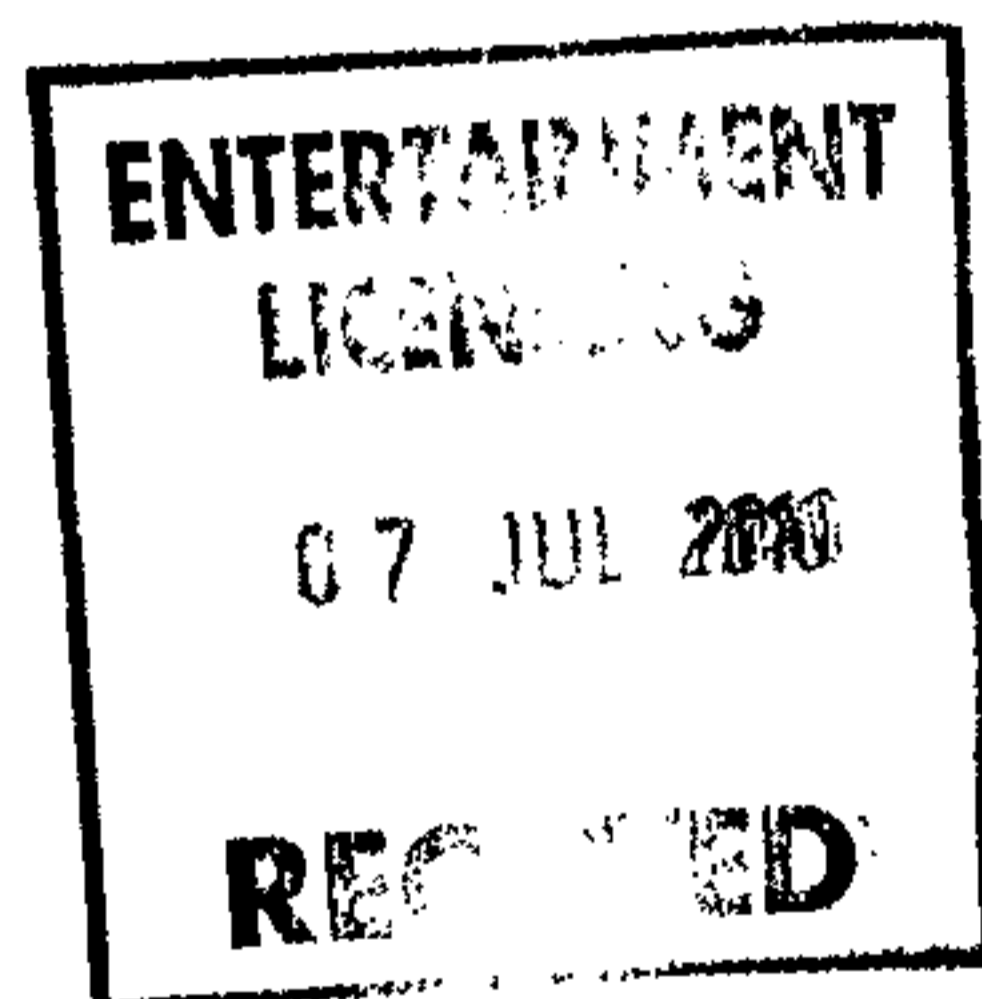
Dear Emma

On behalf of the three Councillor's for the Cross Gates and Whinmoor Ward. I am writing to object to the variation to the Premises Licence at the Barnbow Public House, Austhorpe Road, Cross Gates, LS15 8EH. We have also been asked to speak on behalf of a number of residents living in the vicinity of these premises who are members of the Cross Gates Neighbourhood Watch. On the grounds of Prevention of crime and disorder. Prevention of public nuisance and public safety.

I have also received a letter from Mr & Mrs K.E. Sutcliffe [REDACTED] Wishing to object to the variation to the Premises Licence at the Barnbow Public House, on the grounds of noise nuisance and inconvenience that would be caused to local residents if this Pub was to be allowed to open until Midnight on Friday and Saturday nights and feels that present licensing hours are proper for these premises. The extended licensing hours would mean that when other local public houses e.g the Devon, closed clients would move to the Barnbow for further drinking time. This is a residential area and some years ago local residents had to put with a good deal of trouble and inconvenience caused by this Pub which was known then has the Manston especially at weekends, and they do not wish to go back to those days.

Regards

Cllr Suzi Armitage
Cross Gates/Whinmoor Ward
Leeds City Council
0113 2476922 (Civic Hall)
0113 2732197 (Home)



Andrew Wilkinson
14 Lingfield Gardens
Moortown
Leeds
LS17 6DF

- 5 JUL 2010

01/07/10

Re- Licence alterations to the Barnbow, Austhorpe road, LS15 8EH

To Whom It May Concern...

I am writing to support the application for alteration of licence at the Barnbow pub. Let me introduce myself first, I have been the gardener at the pub for the past several years and I have been doing a quiz here in the past year. As well as providing these services myself and my other half are regular diners here and I would like to share with you, my experiences.

When Caroline the previous licensee had the pub it had very much quietened down then and there was a big focus on food, with drink being a sub concern. The food was enjoyable but I still felt slightly there was a small undesirable crowd coming in. This all changed when rob took over. Now the focus is totally on food and I know the business is doing well as a result. From the point of view of licence alterations I can see doing the weekly quiz how much the clientele has changed. I constantly have people coming up to me saying "we haven't been in for 3 years and its fantastic, not like the Devon or the station, rowdy and over crowded". The pub itself is a fantastic place to sit and enjoy a meal and a good chat with your friends.

Rob has mentioned that some residents have opposed the alterations but have they even read them? I know they probably haven't even been in the pub as customers, if they had they would know how different it is. It seems a shame that a few can spoil a great pub and its plans to grow for the rest of us. Please record my approval and support of the alterations here at the Barnbow, Austhorpe Road, Leeds, LS15 8EH

Kind Regards


Mr Andrew Wilkinson
T. 07952695191



20

SCANNED

Glover, Barry

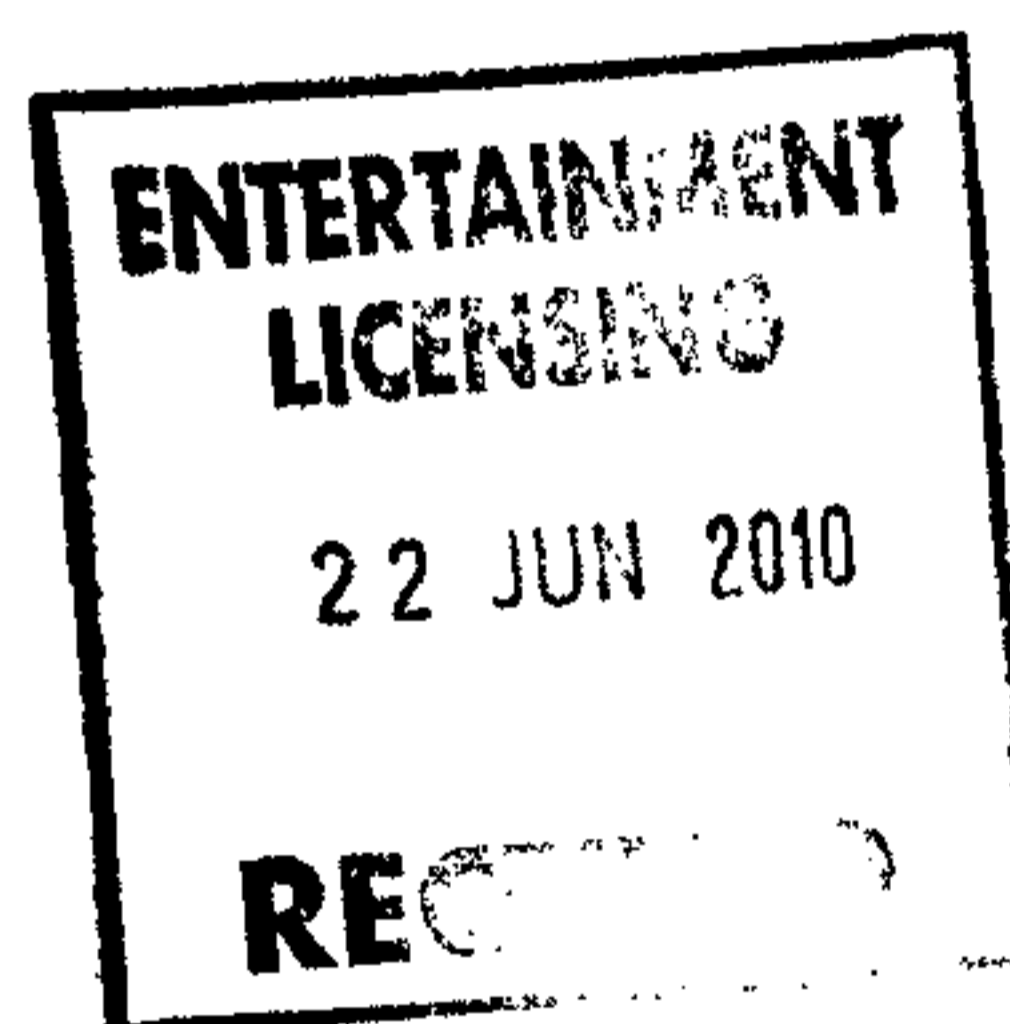
From: Garyheaton001@aol.com
Sent: 22 June 2010 12:29
To: entertainment.licencing@leeds.gov.uk
Subject: Barnbow Austhorpe Road. Variation to Premises Licence

Dear Sir Madam.

I am writing in support for the Changes to the Premises Licence at The Barnbow Carvery Public House. The Landlord has had an uphill struggle to change the business from what it was like, to how it is today. In the past there has been a lot of trouble in and around the Pub. Today, i am happy to say, There is none, the landlord has a zero tolerance to unsocial behaviour, and has on numerous occasions discussed with the local residents as to how things should be done, and handled. The pub now, is a friendly family oriented pub, run by a family themselves.

The extension to the hours can only be good for the business and residents alike as it gives greater scope for entertainment. The variation is only to two days Fri & Sat (+ 2 hours in the morning) which is ideal for Coffee and breakfast, (+1 1/2 hours in the evening) ideal for a weekend. The hours if altered only bring the pubs opening times into line with the Station Pub who already have these opening hours, and is in the middle of a residential area. I really do hope if there are any objections, they are not based on the pub as it was, and hope people can see beyond that and take the pub for what it represents now. I have lived opposite the Barnbow for 17 years, use the pub regularly. Have seen the pub change from something very difficult to control, to a very friendly place to be.

Gary Heaton
136 Austhorpe Road
Crossgates
Leeds
LS15 8EJ



Massey, Bridget

From: David White [DWhite@BlakeNewport.co.uk]
Sent: 18 June 2010 09:25
To: Entertainment Licensing
Subject: Licence Application: Barnbow, Austhorpe Road, Leeds

Dear Sir/Madam,

Further to the application for variation to the premises licence for the above, please could you note that, as a local resident, I have no objections to this; further I would approve this application and encourage the committee to accept it.

Yours,

David White
21 Manston Gardens
Cross Gates
Leeds
LS15 8EY

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