

Licensing Sub-Committee

Tuesday, 1st October, 2024

PRESENT: Councillor J Gibson in the Chair

Councillors S Hamilton and T Hinchcliffe

1 Election of the Chair

RESOLVED – That Councillor J Gibson be elected as Chair for the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals.

3 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information.

4 Late Items

There were no late items. Supplementary information was submitted for Agenda Item 6, Application to vary a Premises Licence held by Gardeners Arms, 383 Leeds Road, Lofthouse, Wakefield and Agenda Item 7, Application for the grant of a Premises Licence at Blayds Bar, 3-5 Blayds Yard, Leeds. This information was published and distributed prior to the meeting.

5 Declaration of Interests

There were no declarations.

6 Application to vary a premises licence held by Gardeners Arms 383 Leeds Road, Lofthouse, Wakefield, WF3 3QE

The report of the Chief Officer, Elections and Regulatory presented an application to vary a Premises Licence held by Gardeners Arms, 383 Leeds Road, Lofthouse, Wakefield, WF3 3QE.

The following were in attendance for this item:

- George Domleo, Flint Bishop LLP – Representing the applicant
- Matthew Kelly - Designated Premises Supervisor
- Claire Richardson – Business Development Manager
- Councillor Stephen Holroyd-Case – Local Ward Councillor

The Legal Officer explained the procedure to be followed and the Licensing Officer presented the application.

The variation applied for was to:

- Extend the terminal hour for the sale of alcohol on Monday to Wednesday to midnight, on Thursday to Saturday until 01:00 the following day, and on Sunday to 23:30

- Extend the opening hours to allow the premises to close on Monday to Wednesday at 00:30 the following day, on Thursday to Saturday at 01:30 and on Sunday at midnight.

Responsible authorities and Ward Members had been notified of the application and representations had been made by the Environmental Protection Team and other persons. Prior to the meeting, an agreement had been reached with the Environmental Protection Team and their representation had been withdrawn.

The applicant was invited to address the Sub-Committee. The following was highlighted:

- The current Licence had been held since 2003 and the Designated Premises Supervisor had been there since July 2023.
- The premises were visited by an Area Manager every four weeks.
- The application for an extra hour each day was to allow flexibility and to allow customers to continue drinking in a safe and enjoyable environment.
- There would be no change to the style of operation at the premises.
- The application was to accommodate dates for sporting events on an evening.
- There would be no increase in the times for other licensable activities.
- Details were provided explaining 8 Temporary Event Notices had been used at the premises during the past 2 years. These had not been objected to and there had not been any complaints that were known about during these events.
- Conditions had been agreed with regard to the emptying of bottle bins and staff supervision during the dispersal of customers at closing times.
- The applicant had a good working relationship with local police and was also Chair of the Rothwell Pubwatch Scheme.
- The applicant appreciated the anxiety expressed by local residents but was confident with the conditions offered that there would be no issues going forward.
- The lack of representations from responsible authorities was important. If there were concerns from the place it was expected that an objection would have been submitted.
- The applicant offered the following two conditions in addition to those agreed with the Environmental Protection Team:
 1. A dedicated telephone number or email address for the DPS or manager will be given to any resident upon request to allow complaints to be made directly at all times the premises is open.
 2. A record of complaints to be maintained to record details of any complaints received. The information to be recorded shall include the date and time of complaint and subsequent remedial action undertaken and (where disclosed) the complainant's name and location. The record of complaints shall be kept for a minimum of 12 months from the date of the last record made and shall be available to the Licensing Authority or responsible authorities on request.

It was reiterated that TENs had been used at the premises on numerous occasions without incident and it was hoped that the premises could continue to operate as a

community asset. It was a difficult time for the hospitality sector with spiralling costs and economic uncertainty and the right kind of premises needed to be supported. It was requested that the application be granted.

A local Ward Councillor addressed the Committee on behalf of local residents. The following was highlighted:

- The premises was in a built-up residential area with no other late night premises such as takeaways or restaurants nearby.
- There were other local premises which showed sports but they had not requested later opening hours.
- If residents wished to continue drinking, the city centres of Wakefield and Leeds were accessible.
- Residents had concerns regarding anti-social behaviour in the area and this could be exacerbated by extended hours. This was a village pub in an area surrounded by families with young children.
- Local residents had been disturbed by people leaving the premises through a residential parking area.
- The offer of a dedicated number for complaints was appreciated, this had not been available before.
- There would be increased disturbance with late night opening as the premises could be used as a meeting point.
- Police response to issues was quite low and would potentially be the same with extended hours.
- Resident had raised concern when TENs had been used at the premises but did not know how or who to complain to.

In response to questions from the Sub-Committee, discussion included the following:

- Although it was acknowledged that sporting events had usually finished by 23:00, there was an organised bus to and from the premises to Leeds United matches. The premises were usually closed by the time the bus returned after evening kick-offs and this extension would give the opportunity for extra trade. It would also give customers the opportunity to watch South African rugby which kicked off later. It was not proposed to use the additional hours every day.
- The applicant had agreed additional conditions with Environmental Protection and offered conditions of their own to address the concerns of residents.
- The applicant would be willing to install new fencing to prevent customers from disturbing residents when leaving the premises. There was also a dedicated company that carried out maintenance and cleaning of the exterior of the premises.
- Door staff had only previously been employed on Mad Friday, Christmas Eve and New Year's Eve. An objection would have been submitted by the police if it was felt that door staff were required.
- The application had been submitted to allow for flexibility. TENs were not always suitable when sporting fixtures were announced at short notice due to changes made for television.

- Concern that local residents had not been aware of the proposals and had only discovered them by chance. It was reported that all statutory notices had been published and displayed as required.
- The applicant was willing to give their contact details directly to the local residents who had submitted objections and indicated that they would be happy to continue with the current hours permitted on Monday and Thursday.

The applicant was invited to summarise. They reminded the Sub-Committee that they wished to continue as a local community pub with the flexibility for later opening to satisfy customer requirements during sporting events. There was no need for door supervisors at the premises and the applicant was willing to accept the conditions agreed with Environmental Protection and the conditions proposed with regards to providing contact details and incident reporting.

The Sub-Committee went into private session to make their deliberations and carefully considered the report of the Chief Officer, Elections and Regulatory, the submissions made in writing and at the hearing, and also the Statement of Licensing Policy.

RESOLVED – That the application be granted as follows:

- Extend the terminal hour for the sale of alcohol as applied for on Tuesday and Wednesday to midnight, on Friday and Saturday until 01:00 the following day, and on Sunday to 23:30 (timings on Monday and Thursday to remain as existing)
- Extend the opening hours to allow the premises to close on Tuesday and Wednesday at 00:30 the following day, on Friday and Saturday at 01:30 and on Sunday at midnight (opening hours on Monday and Thursday to remain as existing)

And to attach the conditions as agreed with the Environmental Protection Team and those offered by the applicant relating to a dedicated contact telephone number/email address and incident reporting.

7 Application for the grant of a premises licence for Blayds Bar 3 - 5 Blayds Yard, Leeds, LS1 4AD

The report of the Chief Officer, Elections and Regulatory presented an application for the grant of a Premises Licence at Blayds Bar, 3-5 Blayds Yard, Leeds, LS1 4AD.

The following were in attendance for this item:

- Ed Smith, Levi Solicitors LLP – Applicant's Representative
- Duncan McCallum – Applicant
- Paul Evans – Supporting the Applicant
- Gillian Dobson – Supporting the Applicant
- Sue Duckworth – Entertainment Licensing

The Legal Officer explained the procedure to be followed and the Licensing Officer presented the application.

The application was for:

Sale by retail of alcohol, performance of live and recorded music, performance of dance and entertainment of a similar description

Monday – Saturday 11:00 to 01:00
Sunday 12:00 to 00:30

Non standard timings

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

The premises was previously licensed and the licence had lapsed due to the dissolution of the holding company. The application mirrored that of the lapsed licence.

Representations had been received from other persons and a responsible authority.

There had been 47 letters of support and 1 objection. There had also been a petition in support of the application. A representation had been received from the Licensing Authority as the premises were within a designated red zone of the City Centre Cumulative Impact Area.

The applicant's representative addressed the Sub-Committee. The following was highlighted:

- The application mirrored the historical licence at the premises and had an extensive schedule of conditions.
- The applicant has operated the premises for eighteen years and it was an important part of the LGBT community.
- The applicant's husband had passed away and following this, the company that held the licence was dissolved and the licence lapsed accordingly. The premises had been operating with the use of Temporary Event Notices since. An application had been made to restore the dissolved company which would also restore the lapsed licence. Granting this application would effectively enable the premises to trade until December when the previous company was restored.
- The licence applied for was on the exact same terms of the lapsed licence. The premises had operated with TENS since the lapse of the licence without incident. The applicant was a highly respected member of the trade and the only issue was the premises location within the Cumulative Impact Area.
- The application would satisfy the requirement that the licence would not increase the impact of licensed premises in the area. There had not been any objections from Environmental Protection or West Yorkshire Police.
- There had only been one objection and that lacked any real evidence and it was questioned whether the objection made was valid.
- There had been 47 positive representations and a petition that had gained over 2,600 signatures within a week.

- Should the company that previously held the licence be restored then the licence would be reinstated. Should the licence be granted today and the company be restored, one of the licences will be surrendered.

Supporters of the application addressed the Sub-Committee. The following was highlighted:

- The premises was an iconic bar for the LGBT community and provided a safe place for everyone.
- The applicant ensured the premises were operated in a safe manner and the refusal of a licence would have a massive impact on the LGBT community.
- The bar was a safe place and suitable to visit alone. It had never known for any of the emergency services to be called.
- The bar assisted people in getting home and was also suitable for the older community as well as the LGBT community.
- The bar provided space for community groups and was a community hub. People would lose a safe place to meet if the application was not granted.
- With regards to objections regarding noise, the nearby properties were operated as Air BnBs and weren't always occupied.

A representative of the Licensing Authority addressed the Sub-Committee. The following was highlighted:

- The area was suffering from high levels of crime and disorder due to the high density of licensed premises. This was generally due to the high level of people in the area late at night and not necessarily relatable to one premise.
- Members were asked to consider the application as a new licence with the sale of alcohol at peak hours and would there be an impact on the Cumulative Impact Area. Members were also asked to consider:
 - That this was a replacement licence.
 - The hours applied for were moderate.
 - That although it was in the Cumulative Impact Area, the premises were away from the main street and away from the main footfall.
 - If it was considered that the application would have a negative impact, it should be refused.

The applicant's representative was asked to summarise. It was reiterated that though the premises fell within the Cumulative Impact Area, this was to replace a lapsed licence which would be reinstated upon the restoration of the dissolved company that previously held the licence. The applicant had a successful track record operating from the premises, there were no representations from the Police or the Environmental Protection Team and it was felt that the criteria for granting a licence in the Cumulative Impact Area had been demonstrated.

The Sub-Committee went into private session to make their deliberations and carefully considered the report of the Chief Officer, Elections and Regulatory, the submissions made in writing and at the hearing and also the Statement of Licensing Policy.

RESOLVED – That the licence be granted as applied for.