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SUPPLEMENTARY INFORMATION

Licensing Sub Committee
18 August 2020

Item 6 – Application for the grant of a premises licence for The Crown 128 High Street,
Boston Spa, Wetherby, LS23 6BW.

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Agenda Item 6

ON BEHALF OF THE APPLICANT
STATEMENT OF JOSEPH PINDER
FIRST STATEMENT
NO. OF EXHIBITS: 2
DATED: 14 August 2020

Further Afield Pubs Limited
Applicant

Licensed Premises: The Crown 128 High Street Boston Spa Wetherby LS23 6BW

WITNESS STATEMENT OF
Joseph Pinder

I, **Joseph Pinder**, make this statement in the knowledge that it will be placed before the Leeds City Council Licensing Committee as my evidence and that the contents of this statement are true to the best of my knowledge and belief.

1. My name is Joseph Pinder and I am one of the owners of the hopefully soon to be reopened premises known as the The Crown 128 High Street Boston Spa Wetherby LS23 6BW.
2. The Hotel was built in 1753 by Joseph Taite.
3. The Crown Hotel closed its doors in 2012, an unfortunate part of a national trend. The Office for National Statistics (ONS) suggests that the number of pubs has fallen from 52,500 in 2001 to 38,815, with landlords on the outskirts of major cities most likely to have called last orders for the final time.

4. The building has been unoccupied since it ceased trading in 2012 and has recently been subject to two controversial planning applications by both Co-op and Tesco supermarkets.
5. In September 2015 local residents registered the building as an Asset of Community Value (ACV). As an ACV the building has been recognised as being of importance to the local community and as such is subject to additional protection from future development.

The new licence application

6. This application was submitted on the 13 February 2020 so has been delayed in progressing due to the Covid pandemic.
7. The initial application was simply submitted on the same terms as the license that lapsed in 2012. When we received representation at the end of the consultation period that the previous hours caused concern to some of our local neighbours and intended customers we notified the local authority that we wished to amend the application, and it is those amended hours that you are being asked to consider at this hearing.
8. It is not our intention to run a late night premises that would cause noise or disturbance to local residents, the local residents are the intended customers and we need them to embrace the new premises when it finally opens.
9. The amended the licence application is for now for the operating hours of Sunday to Thursday to 11pm, and midnight on Friday and Saturday only. Please see letter of **15 April 2020** forward to the Council licensing officer for distribution. Attached as **JP01**.

Licensing Policy

10. The premises application was submitted in line with the Council's licensing Policy. The application is not in any of the Council's designated cumulative impact zones.

Crime and disorder

11. As part of the application we have offered an extensive operating schedule of legally enforceable licence conditions.

12. Furthermore we have agreed additional conditions with the local licensing Police to provide reassurance. The Police are therefore satisfied that the application promotes the licensing objectives and have no representation to this application.

13. We will have an extensive CCTV system operating that will not only cover our premises, but also the external areas, and we will work closely with the police and local authorities to identify and prosecute trouble makers.

14. We will be more than happy to set up a regular residents licensee forum with the other business to ensure that any issues you have been experiencing are addressed permanently going forward.

15. We will have state of the art CCTV system with camera positions and digital recording system in line with the highest Police standards.

16. Public Nuisance

17. As part of the application we have offered an extensive operating schedule of legally enforceable licence conditions.

18. Furthermore we have again agreed additional conditions with the Council Environmental Health Team to provide reassurance. The Environmental Health are therefore satisfied that the application promotes the licensing objectives and have no representation to this application

Public Safety

19. The premises have been purposely being renovated to the highest standards and are fully compliant with all health and safety and current Fire Safety Legislation.

20. The premise is being completely refurbished to the highest standard and will be subject to further approval as part of the building control and planning approvals that are in the process of being approved.

21. Protection of children from harm

22. The premises already operate a robust set of conditions in respect of the protection of children from harm, including a Challenge 25 policy.

Representations

23. The application submitted received 16 letters of representation, one from the Metropolitan Police and the second from the Environmental Health Team.

24. As explained the Police representation was withdrawn after agreeing to conditions.

25. It should be noted the premises application has not received any objections from local neighbours, and importantly given the sole representation is no on public nuisance the Council's own Noise officers in the Environmental Health Team are happy for the application to be granted.

26. We supplied a letter for forward to all the local residents on the 15 April 2020, unfortunately due to officers working from home this letter was forwarded to persons who had supplied e-mail addresses.

27. When we were made aware that the residents hadn't received this correspondence, when then posted a second letter directly to residents to reassure them of our intentions.

28. In a non Covid environment we would have had residents meeting with everyone and been able to engage with our neighbours directly.

29. In respect of the concerns raised about regulated entertainment we only ever want to host live music that is in keeping with the local area, so the occasional jazz or folk band and even these would be limited to a couple of times a month in practice.
30. We have a lot of experience of running licensed premises and one of our main priorities is to establish a link to the local community.
31. The manager who will be running the premises has a young family and will be living on site. So they will be part of the community themselves.
32. It is key to us as an independent business that our impact on the village and the residents that live within close proximity of us is as positive as we can possibly make it.
33. We wrote to elected members who raised concerns and they have responded that the changes proposed were noted and very much appreciated, and that seeing The Crown back open and thriving will be a very welcome addition to Boston Spa High Street.
34. They have both subsequently withdrawn their representation. A copy of this e-mail is attached as **JP02**.
35. They were very supportive of the application when withdrawing their representations and said; "we have written to the licensing department to withdraw our objection. As I've said previously, we really hope you're able to make a great success of The Crown, it's great to have people willing to invest, particularly at this time. If we can do anything to support you, please don't hesitate to ask."
36. This support is certainly extremely welcome in this difficult time for everyone.
37. We appreciate the balance of running a licensed business in a local neighbourhood and feel that with the 25 conditions proposed in our amended operating

schedule and the reduced hours offered that we can achieve this balance and again have the Pub at the heart of the community.

Planning application

38. For the Sub Committees further consideration the planning application for listed building application to carry out alterations involving conservation and restoration of public house submitted concurrently with this application on the 13th January 2020, was granted in full by your Council Planning officers on the 24th July 2020. Therefore members should also be satisfied that the plans for redevelopment of the premises have been fully scrutinised in respect of planning regime and also in respect of protecting residential amenity.

Summary

39. Due to Covid-19 the whole industry it is on course to lose millions over the year. Therefore we would hope that members would be supportive of our still wanting to open a new premises during these difficult times.
40. We have acknowledged residential concerns and greatly reduced hours and activities applied for. Due to social distancing and the uncertainty of how long these will be required we need the full hours and activities proposed in our amendments to be able to operate a successful business in this location.
41. During these difficult times we have been patient with the slow process and have tried to engage with all the local residents to reassure them of our intentions.
42. That the resident representations to this application are still supportive of the premises re-opening and merely sought to be reassured of our intentions and how we would manage this process.

43. For all of the above reasons, the Sub-Committee is respectfully requested to grant this new licence as applied for, subject to the further conditions offered by us in our application and additional ones agreed with the Police and Environmental Health Officer.

STATEMENT OF TRUTH

THE CONTENTS OF THE STATEMENT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Joseph Pinder

Dated this 14 August 2020

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The Crown Hotel Est1842
No.128 High Street, Boston Spa, Wetherby, LS23 6BW

15TH April 2020

Individual address

Dear (residents name),

Thank you for expressing interest in our licence application. I'm writing to introduce myself and hopefully you to our new business.

Unfortunately due to current difficult times we are unable to meet you in person to reassure you of our intentions in respect of the re-opening of the Crown.

Firstly in respect of the hours we were simply reapplying for the hours and activities that were held by the previous licence holder.

It is not our intention to run a late night premises that would cause noise or disturbance to local residents, you are our intended customers and we need you to embrace the new premises when it finally opens.

Therefore in order to offer reassurance we are happy to amend the licence application so that the operating hours are Sunday to Thursday to 11pm, and midnight on Friday and Saturday only, as it was never our intention to use the later hours on the original application.

In respect of the concerns raised about regulated entertainment we only ever want to host live music that is in keeping with the local area, so the occasional jazz or folk band and even these would be limited to a couple of times a month in practice.

We have a lot of experience of running licensed premises and one of our main priorities is to establish a link to the local community. The manager who will be running the premises has a young family and will be living on site.

It is key to us as an independent business that our impact on the village and the residents that live within close proximity of us is as positive as we can possibly make it.

As part of the application we have offered an extensive operating schedule of legally enforceable licence conditions these are copied at the end of this letter offered as part of the application for your information.

Furthermore we have agreed additional conditions with the local licensing Police and the Council Noise service to provide reassurance.

We will have an extensive CCTV system operating that will not only cover our premises, but also the external areas, and we will work closely with the police and local authorities to identify and prosecute trouble makers.

We will be more than happy to set up a regular residents licensee forum with the other business to ensure that any issues you have been experiencing are addressed permanently going forward.

Thank you for giving me this opportunity to contact you, I apologise for writing to you personally but we wanted to reassure you of our intentions and really want the opportunity to be able to finish the renovation works when this crisis is over and build a local public house for all the community to enjoy.

If you have any question feel free to contact me on if you have any questions about our application.

If you are happy with the amended application if you could please let the Council licensing officer know by e-mailing them on Jane.Wood@leeds.gov.uk.

If we can reach a compromise agreement with you all on the application, it would avoid the necessity for a licensing Committee meeting which given the current circumstance is a difficult matter for the Council to arrange.

Regards

Joe Pinder
joseph.pinder@pindercm.co.uk

- The suggested conditions offered as part of our application are copied below.
- An incident book shall be used to record all instances of public disorder and incidents at the premises.
- The holder of the premises licence shall subscribe to and participate in the local pub watch scheme.
- Clear and prominent notices shall be displayed on the premises warning customers of the need to guard their property and to be aware of the operation of thieves, etc. The notices shall advise customers to report concerns to the designated premises supervisor or the person in charge of the licensed premises.
- All exit routes shall be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified.
- All exits doors shall be maintained easily operable without the use of a key, card, code or similar means.
- Exit doors shall be regularly checked to ensure that they function satisfactorily, and a record of the check shall be kept.
- Adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times.
- In the event of complaints of noise received and substantiated by the council's noise officers, the licensee shall cease the activity of live music and appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of further sound insulation and noise control measures, which may include the recalibration of the noise

limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music, including live music and amplified music. The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, before live music and dancing can resume at the premises.

- Where a noise limiting device is installed, the system must be set by the appointed noise consultant to maximum music noise levels approved by, and in conjunction with, the Council's Pollution Team. The noise limiting device shall be checked and calibrated to the agreed sound levels by the Acoustic Consultant annually and the calibration certificate submitted to the Licensing Team.
- Doors and windows to the premises will be kept closed, so far as practicable, at all times when noise generating regulated entertainment is taking place i.e. live and recorded music.
- A dedicated licensed taxi/mini cab service shall be available with the premises for customers.
- Bottling out from the premises is prohibited between 23:00 hours and 08:00 hours.
- Refuse such as bottles must be placed into receptacles outside the premises at times that will minimise the disturbance to nearby properties.
- The contact telephone number for the premises' duty manager shall be displayed inside the premises or immediately outside the premises such that it is clearly visible from outside without the need to enter the premises.
- The licensee shall adopt the Challenge 25 and the BII National Standards Proof of Age Scheme
- The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The licensee shall keep records of training and instruction given to staff.
- No persons under the age of 16 shall be admitted on the premises after 21:00, with the exemption of a private pre booked party.
- The licensee should regularly monitor staff to check how they are dealing with young people who ask for alcohol and other age restricted products.
- The licensee shall put arrangements in place to ensure that before serving alcohol to young persons, staff ask to see accredited proof of age cards e.g. Citizencard, a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.
- The licensee and staff should note any refusals to sell to young people in the incident book. The incident book shall be made available for inspection by the licensing team, police or trading standards.
- Conditions agreed with the Environmental Health Officer.
- Licensable activities shall be conducted and the facilities for licensed activities shall be designed and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties.

- Noise from a licensable activity at the premises will not be audible at the nearest noise sensitive premises.
- There shall be no external loudspeakers.
- The PLH/DPS will ensure patrons use beer gardens, external areas and play areas in a manner which does not cause disturbance to nearby residents and business In the vicinity Patrons will not use such areas after 10 pm except for smoking.
- The activities of persons using the external areas shall be monitored after 10 pm and they shall be reminded to have regard to the needs of local residents and to refrain from shouting and anti-social behaviour etc when necessary.
- Conditions agreed with the Police
- A suitable closed circuit Television (CCTV) system will be in operation at the premises at all times when it is being used for the provision of licensable activities and/or when members of the public are permitted to be on the premises. The CCTV system will record images to cover all areas of the premises to which the public have access (save for toilets), including any external areas of the premises such as car parks and beer gardens. The CCTV system will be capable of retaining images for a minimum of 31 days, will be of good quality and will contain the correct time and date stamp information. The CCTV system and images will be kept in a secure environment to which members of the public will not be permitted access. At least one member of staff will be on duty at the premises who is capable of operating the system and downloading images recorded by it. These images will be downloaded and provided, on request, to an officer of a responsible authority.
- The premises licence holder and/or designated premises supervisor will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti social behaviour, admissions refusals and ejections from the premises. The Incident Report Register will contain consecutively numbered pages, the date time and location of the incident, details of the nature of the incident, the names and registration numbers of any door staff involved or to whom the incident was reported, the names and personal licence numbers (if any) of any other staff involved or to whom the incident was reported, the names and numbers of any police officers attending, the police incident and/or crime number, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident. The Incident Report Register will be retained for a period of twelve months and produced for inspection immediately on the request of an authorised officer.

Re: Licensing Act 2003 - Notice of Hearing relating to The Crown,128High Street Boston Spa Wetherby LS23 6BW

From: Lamb, Cllr Alan <Alan.Lamb@leeds.gov.uk>
Sent: Tue, Aug 4, 2020 at 6:44 pm
To: Joseph Pinder
Cc: Harrington, Cllr Norma, niall@musicvenue trust.com

Dear Joe,

Apologies for not getting back sooner, it's very hectic at the moment. We have written to the licensing department to withdraw our objection. As I've said previously, we really hope you're able to make a great success of The Crown, it's great to have people willing to invest, particularly at this time. If we can do anything to support you, please don't hesitate to ask.

Many thanks,

Alan.

Cllr Alan Lamb
Wetherby Ward (Conservative)
Chair of the Children and Families Scrutiny Board
Deputy Leader of the Conservative Group
0113 3785851
@Alan_Lamb17

On 4 Aug 2020, at 17:39, Joseph Pinder <joseph.pinder@pinder cm.co.uk> wrote:

Evening Councillors,

I am just chasing up a response to the email below, wondered if you had a chance to discuss it with your colleagues yet? I believe Niall has also contacted you.

Look forward to hearing from you shortly

Regards

Joe Pinder

joseph.pinder@pinder cm.co.uk
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0113 212 7857

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