

Licensing Sub-Committee

Monday, 24th August, 2020

PRESENT: Councillor J Lennox in the Chair

Councillors B Garner and A Garthwaite

1 Election of the Chair

RESOLVED – That Councillor J Lennox be elected as Chair for the duration of 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 formal late items. However, some supplementary information in relation to Item 6 had been circulated prior to the meeting (Minute 6 refers).

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

6 Application for the grant of a premises licence for The Dockside, Leeds Dock, Hunslet, Leeds, LS10 1EG

The Chief Officer (Elections and Regulatory) submitted a report that advised Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for a new premises licence in respect of The Dockside, Leeds Dock, Hunslet, Leeds, LS10 1EG.

The Legal Adviser to the Sub Committee explained the procedures to be followed and the Senior Licensing Officer outlined the application.

In summary, the application was for:

Sale by retail of alcohol

Monday to Wednesday 10:00 to 23:00

Thursday to Saturday 10:00 to 01:00

Sunday 10:00 to 23:00

Late night refreshment

Monday to Wednesday 23:00 to 23:30

Thursday to Saturday 23:00 to 01:30

Sunday 23:00 to 23:30

Opening hours

Monday to Wednesday 10:00 to 23:30

Thursday to Saturday 10:00 to 01:30

Sunday 10:00 to 23:30

Nonstandard timings

From the start time on New Year's Eve to the terminal hour for New Year's Day.

The application had received representations from West Yorkshire Police in their capacity as a responsible authority. However, measures had been agreed prior to the meeting and incorporated in the operating schedule. Representations from members of the public remained outstanding on the grounds of public nuisance.

The following were in attendance:

- Rebecca Ingram, Applicant's Representative
- Stephen Bickers, Leeds Dock Estate Manager (Allied London Ltd)
- Anthony Ellis, Managing Director (WePop)
- Steve Taylor, Objector

The applicant's representative addressed the Sub-Committee, explaining that WePop would be operating the unit on the grounds. It was considered that Leeds Dock was an area of both commercial and residential use and there were various existing leisure uses nearby the premises. In responding to the representations, Members were advised of the following points:

- The application has been altered so that the standards timings have been reduced;
- The external outdoor seating area would not be used past 10 p.m. and patrons using the outdoor area after 10 p.m. would be smokers only;
- A residents meeting had been scheduled on two occasions to alleviate any of the residents' concerns, and a letter detailing changes had been circulated to the objectors;
- The premises would be in-keeping with the area, and other licenced uses;
- Noise would be expected from a city centre location, and the premises would not contribute to any additional public nuisance. Continuous monitoring of noise would be undertaken along with a noise impact assessment;
- The operator had provided contact details to objectors, and would be happy to further distribute the details to nearby residents;
- The majority of residents living near the premises had not objected to the application and few objections remain outstanding;
- Live and recorded music would be covered by the de-regulation provisions of the Live Music Act.

In responding to Members questions, the following had been confirmed:

- The noise being permitted from the containers, would not be intrusive and was considered to generate what was deemed an average amount of noise;
- The style of seating had not yet been confirmed. However, this was expected to be around 110 inside, and 40 outside;
- The outdoor area would be in accordance with the al fresco dining policy and staff would be trained and briefed, particularly around monitoring customers;

- The Leeds Dock Estate Manager outlined his role in managing the Leeds Dock area from an antisocial behaviour perspective, and the measures in place to control the area;
- The operator confirmed that he and his staff would undertake the Leeds City Council training in relation to sexual harassment.

The objector in attendance, addressed the Sub-Committee. Mr Taylor explained he had been a long standing resident of 8 years, and his residence being within close proximity and overlooking the proposed premises. Concerns were expressed in relation to noise nuisance and fears that appropriate conditions had not been met in regard to managing outdoor noise nuisance particularly on an evening and large parties. Further to this, the objector was of the opinion that conditions relating to external speakers, may not be effective. Mr Taylor feared that although conditions had been regulated to monitor the area, these would not be legally binding nor offer a robust service to manage nuisance and anti-social behaviour and it was noted that there was no commitment from the applicant to surrender the licence they held for other premises known as Dock 29 and that granting a licence could mean two licensed premises would be in a very small area.

In responding to a Members question, Mr Taylor explained his concerns regarding the Noise Control Procedure had been slightly eased due to measures being in place Thursday – Saturday, and for additional events throughout the week.

In summarising, the applicant's representative was of the opinion that a noise survey would not be required due to large events not taking place. It was reiterated that the noise generated from the premises was deemed appropriate for the locality and Ms Ingram confirmed that the prohibition of external speakers would be legally enforceable, and that the applicant would be agreeable to enforce a condition in relation to external speakers. Furthermore, Ms Ingram explained that engagement with residents had been attempted, and a virtual residents meeting had been offered.

The Sub-Committee went into private session to make deliberations. The Sub-Committee had no further questions for either party.

The Chair concluded the open session of the hearing before the Sub-Committee went into private session to make their decision. All parties were informed that the decision would be sent within 5 working days.

The Licensing Sub-Committee carefully considered the report of the Chief Officer (Elections and Regulatory), the Statement of Licensing Policy and the representations submitted and made at the hearing.

RESOLVED – That the premises licence be granted subject to the following conditions:

- a) Late night refreshment would be restricted to the same closing hours as other licensable activities;
- b) Loud speakers shall not be located in external areas of the premises or in entrance lobbies which open directly onto external areas.

