

## **Licensing Sub-Committee**

**Wednesday, 28th April, 2021**

**PRESENT:** Councillor A Hutchison in the Chair  
Councillors J Lennox and L Richards

### **1 Election of the Chair**

**RESOLVED** – That Councillor A Hutchison be elected as Chair for the hearing.

### **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.

### **5 Declarations of Disclosable Pecuniary Interests**

There were no declarations.

### **6 Application to vary a premises licence held by Rawdon Moustache, 9 Harrogate Road, Rawdon, Leeds, LS19 7BP**

The report of the Chief Officer, Elections and Regulatory presented an application for the variation of a Premises Licence held by Rawdon Moustache, 9 Harrogate Road, Rawdon, Leeds.

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

The application was as follows:

- Vary the hours for sale by retail of alcohol as follows:

Monday to Wednesday 14:00 to 22:30 (as existing)

Thursday to Sunday 12:00 to 22:30

- Vary the hours the premises is open as follows:

Monday to Wednesday 14:00 to 22:30 (as existing)

Thursday to Sunday 12:00 to 22:30

- The addition of an outdoor seating area to be used for the consumption of alcohol only.

The following were in attendance:

- Mr C Churm – Rawdon Moustache

- Mr G Holmes – Rawdon Moustache
- Mrs M Thompson – Local resident

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

- Additional outdoor seating would be provided for twelve people across two tables. Social distancing could be applied. Photographs of the outdoor area had been submitted with the application. The outdoor seating area would be screened from neighbouring premises and would have a perimeter fence.
- Noise levels would be monitored at all times and there would not be any music played outside.
- The premises were situated in a commercial zone.
- The outdoor area would be of a high specification design.

A local resident addressed the Sub-Committee with concerns regarding the application. These included the following:

- The area was mixed commercial and residential.
- There was a need to prevent noise and public nuisance for people who lived and worked in the area.
- Granting this application would add to the noise created by other licensed premises in the area.
- There were noise sensitive properties nearby which had meant other licenses had been restricted to 8.00 p.m. There had also been a previous application for the change of use of a nearby shop premises to a public house that had been refused by the Planning Inspector due to potential for noise and disturbance.
- There were problems with car parking in the area.
- Should the licence be granted it was requested that tables and chairs would be removed after operations had ceased. It was also felt that 8.00 p.m. would be a more suitable time to end outdoor serving.

In summary, the applicant acknowledged that there were problems with parking, but their custom was from local people who were not encouraged to drive to the premises. The premises had a café style operation and reference was made to food offers. The applicant informed the Sub-Committee that they would be willing to close the outdoor area at 8.00 p.m. There had not been any previous noise complaints associated with the premises.

In response to questions from the Sub-Committee, the following was discussed:

- Alcohol would only be served with food. The Licensing Officer confirmed that this was a condition of the licence and would apply to both the indoors and outdoors.
- Customers had stated a desire to stay outside.
- The premises would initially only be open to customers who had pre-booked. This may change as restrictions due to the pandemic changed.

- There would be screens outside to prevent noise disturbance. It was not anticipated that the customers attending the premises would create a noise disturbance.
- The applicant was willing to close the outdoor operation at 8.00 pm. The tables would be available for two-hour slots and the last booking would be at 6.00 p.m.
- There had not been any consultation with local residents and Ward Councillors.
- There were 24 covers inside with social distancing. This would increase to between 30 and 35 without social distancing measures.

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 application be granted as applied for with a condition to cease operating in the outdoor area at 8.00 p.m.