

## Licensing Sub-Committee

Monday, 22nd November, 2021

**PRESENT:** Councillor N Buckley in the Chair

Councillors B Flynn and L Martin

**1 Election of the Chair**

**RESOLVED** – That Cllr Neil Buckley be elected to the Chair for the duration of the meeting.

**2 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal of inspection of documents.

**3 Exempt Information - Possible Exclusion of the Press and Public**

There were no exempt items.

**4 Late Items**

There were no late items.

**5 Declaration of Interests**

There were declarations of interests made at the meeting.

**6 Application for the Grant of a Premises Licence for Burley Conservative Club 4 Bankfield House, Bankfield Gardens, Burley, Leeds, LS4 2JS**

The report of the Chief Officer Elections and Regulatory requested Members' consideration on an application for the grant of a premises licence for the Burley Conservative Club 4 Bankfield House, Bankfield Gardens, Burley, Leeds, LS4 2JS.

In attendance at the meeting were:

- Paul Owen – Representing Burley Conservative Club
- Dougie Smithson – Burley Conservative Club Committee Member
- Denise Heath – Burley Conservative Club Committee Member
- Objector to the application

The Legal Officer set out the procedure for the meeting.

The Licensing Officer advised the Sub-Committee of the application as follows:

- This application was for the grant of a premises licence in respect of Burley Conservative Club, 4 Bankfield House, Bankfield Gardens, Burley, Leeds, LS4 2JS. This application was made to replace a club premises certificate, to allow the club to change the way it operates. Members were advised that it was the applicant's intention to allow members of the public, in addition to club members, associates members and their guests to use the club facilities without the need to apply for Temporary Event Notices.
- A redacted version of the application was appended to the report at Appendix A and was for:

- Sale by retail of alcohol, performance of a play, exhibition of a film, indoor sporting events, performance of live music and performance of recorded music
  - Sunday to Thursday 09:00-00:00
  - Friday and Saturday 09:00 – 01:00
- Performance of dance and entertainment similar to live music, recorded music or dance
  - Monday to Saturday 09:00-23:00
  - Sunday 09:00-22:30
- The applicant had proposed to promote the licensing objectives by taking steps identified in the pro-forma risk assessment which was attached at Appendix B.
- An additional pro-forma had been provided by the applicant expanding on non-member usage of the premises. This was attached at Appendix C.
- Emails had been exchanged between the applicant and West Yorkshire Police, clarifying the condition offered in relation to CCTV. It was noted that the Police had no further observations. The emails were appended to the report at Appendix D.
- No representations had been received from responsible authorities in relation to the application. However, the application had attracted a representation from a member of the public opposing the application on grounds of public nuisance. The report had advised Members that the objector wished to remain anonymous. However, the objector was at the meeting to present his reasons for objecting. A redacted copy of his letter was attached to the report at Appendix F.
- Members were provided with a list of premises in the local area and their licenced hours and activities which was attached at Appendix G.

Mr Owen addressed the Licensing Sub Committee and provided the following information:

- In May 2021 a complaint had been received by Licensing in relation to noise at the club. It was after the lockdown and Club members were drinking outside in the carpark area. It was at this time that the club were advised that they were not licensed for drinking in the external areas.
- It was the view of Mr Owens that if objector had not put in an objection the premises licence would have been approved as there were no representations received from the responsible authorities.
- Mr Owen said that they had asked for discussions with the Environmental Health Officer. However, the officer was not forthcoming.
- Due to the restrictions imposed by Covid, as part of the initial move away from lockdown club members had moved outside to enjoy their drinks. This had posed challenges for the club.
- It was the view of Mr Owens that the objector had only recently moved into the area and had only seen the club during lockdown. During this period residents may have become used to the area being tranquil. However, now with restrictions lifted people wished to meet and be sociable with friends. He explained that it was important that club members were able to drink outside and for this to be done legally. He said that since the pandemic the club had

lost a lot of revenue. He said that the club wished to trade as they had done previously but required the right certification for external drinking.

- The Licensing Sub Committee were informed that the club opens at 3pm, most of its club members are elderly and smoke and use the outside area. It had also been noticed that most people since Covid preferred to sit outside. Mr Owen said that the club had been in that location and part of the community for a lot of years.
- Mr Owen informed the Members that the club had acted as good citizens and had a good track record.
- Mr Owens' view of the letter from the objector was that it was vexatious and was disappointed that the objector had not reached out to the club.

All parties were made aware of a video provided by the objector which showed club members drinking, shouting and singing.

Responding to questions from the Licensing Sub Committee the following information was provided:

- The club has a club premises certificate and committee club members were surprised when they learnt that they were in breach of their licence by drinking outside.
- Mr Owen said that they had tried to reach out to the Environmental Officer, but he didn't want to know. Now that the club had reviewed the club certificate and were aware of the licensing objectives and wished to address any issues.
- Mr Owen was of the view that the video footage had been taken on the first date that the club had been able to open after the last lockdown. He said that the footage they had seen was not representative of the club.
- Mr Owen clarified that the club does not open until 3pm and that the committee club members wished to use the opening times they had previously had with the club certificate.
- On reflection Mr Owen thought that it would have been good to advise neighbours that the club intended to open and would be using the outside area for drinking.

The objector informed the Licensing Sub Committee of the following points:

- He had moved into the area in 2020 in the middle of the pandemic, he had thought that this was a quiet suburban street.
- He said that since April the club had been using the external areas for drinking and the noise from the club was clearly audible from within his house.
- The video had been recorded during June, 2 months after the restrictions had been lifted.
- He said that in hindsight the letter he had sent may seem vexatious and if he had been aware that it would be published as part of this application, he would have worded it differently.
- When he had been contacted by officers, he was advised to complete a noise diary. It was not until he submitted the video that licensing officers had realised that people were drinking outside the club and that this was a breach of the licence.

- The objector was of the view that even if notices were put up requesting that club members respect neighbours whilst in the external areas, this would not address the issues.
- He was unsure how many people in the area were aware of the changes being proposed.
- He requested that the Sub Committee consider his proposals for compromise with the club only able to use the outside areas until 7pm not 10pm.

Responding to questions from Members the Sub Committee were provided with the following information:

- The objector had been in the process of completing a noise diary, but after a visit from the Licensing Officer it was realised that this was not a noise issue but a licensing issue.
- The objector recognised that as we go into winter not many club members would be wanting to use the outside area. However, he had concerns that when summer returned club members would once again be wanting to use the outside area.
- It was noted that the video sent by the objector was not an incident but an example of how it was 5 days out of 7.
- The objector said that he did not want the club to shut down but did not want the residents to be subjected to noise from the club whilst its patrons were using the outside area. He was of the view that it would be acceptable for the outside area to be used until 6pm Sunday to Thursday and 7pm Friday and Saturday.

Mr Owen in summing up informed the Sub Committee that he understands that there may have to be a compromise. However, it was important to the club to be granted the hours requested and they were of the view that 10pm was acceptable. They recognised that outside drinking did had caused noise and they had put measures in place to reduce the noise. Due to the club not opening until 3pm they would not be able to make the club viable if they were to close the outside area earlier. He said that due to Covid some Members still wished to use the outside area even in the winter months.

Mr Owen reiterated that the history of the club had been good and if they had expected any representation from responsible authorities these would have been from Environmental Health, but there had been none.

The club acknowledged that they could have done more to inform residents that they would be using the outside area when they re-opened after restrictions. Mr Owens informed the Members that the application had been advertised in the local paper.

Mr Owen advised the Sub Committee that the members of the club's committee had thought hard about the hours requested and were now more aware of the licensing objectives. They realised that there was a need for a strong DPS and a strong committee. After viewing the video, he said that this was not a reflection of how the club operates and thought it was due to a surge of excitement after being in lockdown for 6 months.

Members' discussions included:

- Reasons why the application had got to this stage and why the club had not contacted the residents prior to re-opening.
- Previous lack of understanding of the club premises certificate and the licensing objectives.
- The valid complaint received and the presumption that residents should have gone to them prior to sending in a complaint.

**RESOLVED** – To grant the premises licence as requested with additional conditions to ensure the external area is not used for the consumption of alcohol, other drinks and food beyond 22:00 hours, the external area is used in a manner which does not cause disturbance to nearby residents and business in the vicinity and that all empty glasses and glass receptacles are cleared from the external areas regularly throughout the day.

*The meeting concluded at 11:25*