

Licensing Sub-Committee

Tuesday, 4th October, 2022

PRESENT: Councillor A Hutchison in the Chair

Councillors N Buckley and A Forsaith

1 Election of the Chair

RESOLVED – Councillor Hutchison was elected Chair of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents.

3 Exempt Information - Possible Exclusion of the Press and Public

The agenda contained no exempt information.

4 Late Items

No formal late items of business were added to the agenda, however the following supplementary had been circulated prior to the meeting:

Agenda Item 6 Swillington Miners Welfare Scheme, Wakefield Road, Swillington – additional submission from the Premise Licence Holder (minute 6 refers).

5 Declaration of Interests

There were no declarations of interest.

6 Application to vary a premises licence held by Swillington Miners Welfare Scheme, 9 Wakefield Road, Swillington, Leeds, LS26 8DT

The report of the Chief Officer Elections and Regulatory presented an application to vary a premises licence made by Swillington Miners Welfare Scheme for Swillington Miners Welfare Scheme, 9 Wakefield Road, Swillington, Leeds LS26 8DT.

The premises currently operates as a sports club and holds a premises licence with the licensable activities of sale by retail of alcohol (for consumption on the premises) and regulated entertainment. The application sought to include the additional area of the pavilion within the licensed area, to amend sale by retail of alcohol for the consumption both on and off the premises and to increase the hours for the provision of live music, recorded music and the performance of dance.

The current licence includes the following hours for licensable activities:

Sale by retail of alcohol (for consumption on the premises) Every Day 11:00 - 00:00

Performance of a play Saturday & Sunday -11:30 - 17:00

Exhibition of a film - Every Day 12:00 - 23:00

Indoor sporting events - Every Day 12:00 - 23:00

Performance of live music - Every Day 19:00 - 00:00
Performance of recorded music - Every Day 12:00 - 00:00
Performance of dance -Every Day 12:00 - 22:00
Entertainment similar to live music, recorded music or dance - Every day 19:00 - 00:00
The premises currently opened to the public between 11:00 - 01:00 hours every day.

The application had attracted representations from local residents and local ward Councillors. LCC Environmental Protection Team (LCC EPT) had also submitted a representation, but agreement had been reached with the applicant over measures to address the public nuisance licensing objective and that representation had been withdrawn subject to the measures being included on the premises licence, should the application be granted.

In attendance at the hearing were:

The Applicant	Objectors
Mr D Godley – Assistant Club Secretary	Mrs J Smith
Mr B Radcliffe – Club Steward	Mr A Nall
	Councillor M Dobson

The Legal Officer set out the procedure for the hearing and at this point Mr Godley referred to an email received by the Club Secretary from Ms L Fiddes, LCC Licensing Officer, which he felt provided advice to the Club on the content and presentation of the application. Mr Godley was advised to refer to the contents of the email in his submission whilst clarifying the activities and timings applied for.

The Licensing Officer presented the application. Prior to the meeting the Licensing Authority had received an additional submission from the Premises Licence Holder – an email to members of the public who had made a representation. Additionally Members noted that not all members of the public who had submitted a representation were in attendance and resolved to consider their written representations in their absence.

The Sub Committee heard first from Mr Godley on behalf of Swillington Miners Welfare Scheme (the Club) who provided the following information in support of the application:

- The Club had secured a £350k grant from Sport England and the Football Foundation to renovate the Pavilion which sits within 8 acres of sports ground.
- The Club runs junior and open age football and rugby teams, bowling teams and ladies rounders teams and intended the refurbished Pavilion to provide a comfortable space for the friends, family and supporters of the various teams.
- The pavilion now included 3 changing rooms and a referee room on the upper floor, with 2 changing rooms and social room to the ground floor.
- The proposed 12 midnight closing at the pavilion would mirror the closing time of the main clubhouse, however the pavilion would not be used after 21:00 hours and everyone would be cleared from the pavilion and sports grounds by 22:00 hours and Mr Godley confirmed the Club would accept those hours as a condition on the operating schedule.

- Substantial costs were associated with running a sports ground and the Club received no other support except that which it could self-generate through hosting gala events. It was hoped the use of the pavilion would encourage families and team supporters to remain a little longer at the venue and generate funds for the Club. It was also hoped the pavilion could host children's parties.
- The pavilion included a balcony area where spectators could sit and the external speakers there would provide background music only, it was not intended that loud, live music would be played late at night and he appreciated that local residents would be concerned if that was proposed.

Mr Godley confirmed that galas were currently hosted for the Colton and Garforth Junior teams, but that no refreshments would be served after 21:00 hours from the pavilion. Mr Godley noted that the pavilion itself was quite a distance from the nearest residences and he closed by hoping his comments had allayed residents' concerns as the Club did not want to be in conflict with the local community.

The Sub Committee then asked questions of Mr Godley, and the following matters were discussed:

- External speakers. Members noted that the agreement reached with LCC EPT prevented the use of external speakers at the club and pavilion premises and the current licence already incorporated a condition prohibiting the use of external speakers. However, Mr Godley had referred to external speakers being used at the pavilion and Members sought to clarify this and the positioning of the speakers. Additionally, some form of speaker would be required for sporting events/galas. Mr Godley responded the application initially sought background music for the main club building, but that part of the application had been withdrawn. External speakers for background music were still intended for the pavilion but they would not impact on residents as they are 100 yards away. The background music was not intended for people to hear on the pitch.
- Access to the pavilion and how patrons would gain entry later in the evening after a sports event. Mr Godley detailed the access to the pavilion via an access road to the side of the main club building which led to the sports pitch. The access road was gated, but it did also run past a children's playground which lay between the main club building and the pavilion, adjacent to the pitch. The Club also had secondary access via a Public Right of Way and on busy gala days, the Club used both to provide a one way system around the whole site.
- Remit of initial application. Mr Godley explained he was not certain whether the initial application included the whole pavilion, however it did cover the kitchen and lounge area which were essential to generate revenue.
- Childrens parties. Mr Godley confirmed that alcohol would be sold when the Club hosted children's parties at the pavilion, as it did now in the main club building. No 18th or 21st birthday parties were hosted. He added that the Secretary was Chair of the local Neighbourhood Watch and maintained a high standard when serving alcohol during the parties.

- Pavilion closing time – Mr Godley confirmed that sales of alcohol and provision of music at the pavilion would cease at 21:00 hours, with patrons leaving by 22:00 hours.

Members then heard from Garforth and Swillington ward Councillor Mark Dobson, on behalf of the three ward Councillors. Councillor Dobson began by stating he was pleased the Club had secured grant funding to refurbish the pavilion, he did however find the application confusing. Councillor Dobson's representation include the following comments:

- Concern that the premises licence would allow licensable activities in the pavilion until 12 midnight, he noted that although Mr Godley had confirmed there was no intention to use the pavilion later in the evening, personnel and committee membership of the Club could change and, in the future, the main building and pavilion could be used until 12 midnight.
- A premises licence until 12 midnight was not necessary to host children's parties or for sports training.
- The Club Secretary in his email to residents had stated that the Club asked for 12 midnight to mirror the main club building, but Councillor Dobson did not think the hours needed to correlate and he was not aware that 12 midnight was currently operated in the main building.
- Councillor Dobson felt that the use of Temporary Event Notices would be more appropriate for the outdoor activities and children's parties.
- He reported that the premises had been subject to incidents of anti-social behaviour and crime and disorder for some time and that he had received emails from Mr Turnbull, the Club Secretary stating that anti-social behaviour in the locality was out of control, so he was surprised that Mr Turnbull had submitted the application seeking supply of alcohol until 12 midnight and that West Yorkshire Police had not submitted a representation.
- The sale of alcohol until 12 midnight would have an impact on residents of Astley Avenue and St James's Walk.
- The applicant should have undertaken consultation with residents prior to making the application.

The Sub Committee then heard from Mrs J Smith, a local resident, who explained that she lived 100 m away from the pavilion. Mrs Smith provided the following details:

- When gala events were held at the Club, due to the noise and number of people attending, she could not use her outdoor space. The current background music at the club during gala events already prevented neighbours from using their back gardens or from opening their windows. As the gala events are infrequent, neighbours were willing to put up with it, but if it was a daily occurrence that would be very different and cause more disturbance.
- In respect of the email from Mr Turnbull, she did not doubt his integrity, but once the application was granted and the new licence in place, the Club committee could change and there would be nothing to stop the next user from operating until 12 midnight.

- The playground land was gifted for the benefit of the community, not directly to the Club
- This application had been submitted simply to make money
- Her main concern was the hours the Club could use in the future, with parties and music every night of the week. Her house overlooked the pavilion with no barrier between and she could hear the music now under the current licence.

The Sub Committee then moved to ask further questions and the following matters were discussed:

External speakers – Members referred again to the representation made by LCC EPT which stipulated there would be no external speakers, and those measures had been agreed by the applicant. Additionally Condition 41 of the existing premises licence stipulated “There will be no external loudspeakers”. Mr Godley responded that this did not refer to the main building, the EPT officer had had concerns about speakers on the main building facing the main road so that element of the application had been withdrawn but the Club still hoped to use external speakers at the pavilion.

Members commented that speakers would be required for sporting and gala events on the sports ground, but extension of the current licence would prevent their use.

Application – Members noted that part of the application form which asked applicants to indicate any conditions currently imposed which the applicant believed could be removed as a consequence of the variation had not been completed. Members felt they had to conclude that the application before them was seeking simply to extend the existing premises licence to cover the sports ground and the pavilion and that would therefore extend existing conditions, including no external speakers, to the sports ground and pavilion.

Mr Godley stated the initial application was for 21:00 hours terminal hour at the pavilion, however the Club had received advice from the licensing officer to seek 12 midnight as per the existing premise licence. In discussions Mr Godley confirmed the club would accept a terminal hour of 21:00 hours at the pavilion.

Members sought the views of the local residents in attendance. They confirmed that 21:00 hours terminal hour for the Pavilion would be preferable to 12 midnight but commented that extending the existing premises licence would appear to prevent the Club from hosting the events they currently held, especially the condition preventing the use of external speakers which would be detrimental to the gala and sporting events.

Licensed area – Members sought to confirm whether the application was required for the sports ground area and whether the applicant would consider the amending application. Mr Godley confirmed there was no intention to play music in that area. The Licensing Officer clarified that only the pavilion and the existing main club building were to be licensed for licensable activities.

Gala events – Members noted gala events were associated with sporting events/football and currently there had been no requirement for more than 499 attendees. Mr Godley confirmed again there was no intention to host music festivals, however on Gala days, there may be more that 499 attendees.

Anti-social behaviour and noise complaints – Mr Godley noted that Councillor Dobson had referred to anti-social behaviour and damage to the children's playground and local skatepark but stated they were not linked to the Club. Representatives of the Club had met with West Yorkshire Police regarding anti-social behaviour, following which the skatepark facility had been removed. Most anti-social behaviour was associated with the children's playground, not the Club's sports ground and the Club itself rarely had any incidents. The Club kept the gates locked when the ground was not in use, today the gates were locked until the evening training session started and would be locked once it finished – usually 20:00 hours. If the application was granted, the gates would be closed at 22:00 hours. Mr Godley did confirm that the Club's fencing was constantly being damaged.

Mr Radcliffe, Club Steward, explained that most anti-social behaviour was caused by young people under the age of 18 years and not associated with the Club. He was Chair of the local Pubwatch but felt that there was little he could do about anti-social behaviour caused by children. No complaints regarding noise had been received and events were held every week. The Licensing Officer confirmed that no noise complaints had been received since 2016.

In summing up, Mr Godley explained the purpose of the application was to make best use of the refurbished pavilion when sports matches and training sessions took place 4 times per week, to make it available for socialising. Usually 30 people attended. If the gala events had to cease, that would have a significant impact on the viability of the Club, but he did not agree with comments that the variation of the premises licence would disadvantage the Club, the use of the pavilion to 21:00 hours would be of great benefit to the Club.

Noting those comments, before they adjourned to deliberate, Members again confirmed with Mr Godley that he understood the implications of extending the existing licence and also discussed whether the use of Temporary Event Notices for specific events would be more appropriate for the use of the pavilion. The Licensing Officer reported that a premises could apply for up to 20 TENs per year, with a limit of 499 attendees. Members also considered whether the application could be varied to alter the size of the licensed area.

The Sub Committee adjourned to consider the application and representations received so far. Members requested the Licensing Officer to liaise with the applicant to clarify the options available to the Club to progress the application and future use of the pavilion. Having received further advice, Mr Godley indicated his wish to pursue the application as submitted.

The Sub Committee deliberated in private and in reaching its' decision, considered the report of the Head of Elections, Licensing and Registration, including the written representations opposing the application and the supplementary information. The Sub Committee also had regard to the relevant provisions of the Licensing Act 2003, the Guidance issued under Section 182 of the Act and Leeds City Council's Statement of Licensing Policy. The Sub Committee also considered the oral representations, contributions and explanations from the applicant's representatives and from Councillor Dobson, Mrs Smith and Mr Nall.

RESOLVED – That the application be granted in part, as follows:

1. In relation to the Clubhouse area which already has the benefit of a premises licence, the variation to the hours during which regulated entertainment may take place is granted.

2. (a) The premises licence is varied so as to permit the sale of alcohol for consumption both on and off the premises.

2. (b) Condition 19 of the current licence is removed and replaced by the following condition:

“The premises licence holder and/or designated premises supervisor will ensure that periodic litter checks are carried out and all litter, including glasses and bottles, arising from people using the premises is cleared.”

3. That part of the application which sought to incorporate the Pavilion into the licensed area is refused.

4. That part of the application which sought to extend the area for licensable activities to include the beer garden to the front of the Clubhouse and the sports field is refused.

7 Application for the grant of a premises licence for The Mardini Café, Bistro, 29 - 31 Kirkgate, Otley, LS21 3HN

The report of the Chief Officer Elections and Regulatory presented an application for the grant of a premises licence at The Mardini Café Bistro, 29-31 Kirkgate, Otley LS21 3HN. In summary the application sought:

Sale by retail of alcohol (for consumption on the premises) and Recorded Music: Monday to Sunday 10:00 until 22:00.

Mr A Arik, the applicant attended the hearing.

The application had attracted representations from West Yorkshire Police (WYP) and the LCC Environmental Protection Team (LCC EPT) and one member of the public. Prior to the hearing, the applicant had agreed measures to address issues of crime and disorder and prevention of public nuisance and the measures would be included within the operating schedule for the premises, should the application be granted. Members noted the member of the public who had submitted a representation was not in attendance and agreed to consider their written submission in their absence.

The Legal Officer set out the procedure for the hearing and the Licensing Officer presented the application.

The Sub Committee heard from Mr Arik the applicant and proposed Designated Premises Supervisor for The Mardini Café Bistro. Mr Arik explained the reason for the application and provided the following information:

- The premises had been open approximately one month from 10:00 until 22:00 hours and served Mediterranean cuisine.

- 90% of customers when booking a table or attending asked whether the bistro served alcohol and he had found that when he explained that no alcohol was served, some customers chose not to book a table.
- Additionally although customers could bring their own alcohol to consume with a meal, he was aware that the shops nearby closed early so there was nowhere for customers to buy alcohol from later in the evening. He also felt that bringing bottles of alcohol to the restaurant could be a safety issue.
- He added that explaining there was no bar took his time away from preparing food for customers.
- Mr Arik reasoned that consuming alcohol with a meal was part of life now, part of the evening meal.
- He felt he was losing trade because he didn't have a licence to sell alcohol and may have to reduce the number of staff he employed as customers were eating elsewhere.
- He found this very stressful, the area of Kirkgate was dead after 18:00 hours and he had wanted to bring some life to the area. Local people travelled to Harrogate to dine out and he wanted his bistro to encourage people to stay local.
- There was nothing in the vicinity like his bistro, the three local bars did not serve food. He felt that patrons of the bars drank more and were noisy, noisier than his patrons. His patrons would attend his bistro primarily for the meal, listen to dinner music and meet with family and friends.

In response to a query, Mr Arik confirmed that he had agreed to the measures proposed by WYP and LCC EPT to address the licensing objectives.

The Sub Committee deliberated in private and carefully considered the report of the Chief Officer, Elections and Regulatory, the Statement of Licensing Policy and the representations submitted prior to the hearing. The Sub Committee noted the agreements reached with WYP and LCC EPT.

RESOLVED – To grant the application as applied for.

8 Application for the grant of a premises licence for Woodhouse Charcoal BBQ, 14 The Crescent, Woodhouse, Leeds, LS6 2NW

The report of the Chief Officer Elections and Regulatory presented an application received from LBA Chinese Cuisine LTD for the grant of a premises licence for Woodhouse Charcoal BBQ, 14 The Crescent, Woodhouse, Leeds, LS6 2NW.

In summary the premises would operate as a restaurant and take-away and the application sought the following:

Sale by retail of alcohol (for consumption both on and off the premises) -

Sunday to Thursday 12:00 until 01:00

Friday & Saturday 12:00 until 02:00

Late night refreshment and recorded music -

Sunday to Thursday 23:00 until 01:00

Friday & Saturday 12:00 until 02:00

Mr L Wang, the General Manager and Designated Premises Supervisor of the premises attended the hearing.

The application had not attracted representations from the responsible authorities; however two representations had been received from local neighbourhood groups. Following discussions with the applicants agent, one representation had been withdrawn. Members noted that no one was in attendance to speak to the remaining representation from the North Hyde Park Neighbourhood Association and agreed to consider the submission in their absence.

The Legal Officer set out the procedure for the hearing and the Licensing Officer presented the application.

The Sub Committee heard from Mr Wang, who provided the following information:

- The premises lay within the route of “Otley Run” but its location meant it would not attract the groups who drank in the licensed premises on the route.
- The patrons were mainly from the Chinese Community who generally did not follow the Otley Run.
- Mr Wang confirmed that patrons would not be allowed to take open alcohol containers out of the premises.
- For customers who attend just before 12 midnight he would take their food order, but he wouldn’t take a food order after 12 midnight.
- He didn’t believe that the premises would add to the rubbish in the area.

In response to queries from the Sub Committee, Mr Wang provided the following:

- The applicant’s agent had liaised with the residents’ associations. The remaining representation was concerned about noise on Friday and Saturday nights; but not many customers actually ate in, students tended to collect and go.
- Noting that most nearby premises operated until 01:00 on Friday and Saturday, Mr Wang confirmed his intention to reduce the terminal hour to 01:00 or 12 midnight – after 12 midnight he would not accept new orders for food, but patrons could remain in the premises to eat their food. In response to a query, Mr Wang confirmed that he would accept a condition to reduce the terminal hours on Friday and Saturday to 01:00 for the provision of licensable activities, in line with the rest of the week, with the premises to close at 01:30 am.
- In response to a comment that many people who undertook the Otley Run didn’t complete it and would break off to eat, Mr Wang stated that the premises had been open for two weekends so far and he hadn’t experienced anything like that.
- The premises was only 20 sq. metres with seating at 6 tables. During the last two weeks, only students from the Chinese Community had eaten in. He also added that most of the literature in the premises was presented in Chinese.

The Sub Committee deliberated in private and carefully considered the report of the Chief Officer, Elections and Regulatory, the Statement of Licensing Policy and the representations submitted prior to the hearing. The Sub Committee noted the agreements reached with WYP and LCC EPT.

RESOLVED – To grant the application as amended at the hearing.
To clarify:

Sale by retail of alcohol (for consumption both on and off the premises) -
12:00 until 01:00 hours every day
Late night refreshment and recorded music -
23:00 until 01:00 hours every day

The premises to close at 01:30 hours