

Licensing Sub-Committee

Tuesday, 14th May, 2024

PRESENT: Councillor E Carlisle in the Chair

Councillors D Seary and S Hamilton

1 Election of the Chair

RESOLVED – That Cllr E Carlisle 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 were no exempt items.

4 Late Items

There were no formal late items.

5 Declaration of Interests

Members did not declare any interests.

6 Application for the grant of a premises licence for Catch Headingley 9 Weetwood Lane, Weetwood, Leeds, LS16 5LT

The report of the Chief Officer (Elections and Regulatory) presented an application for the grant of a premises licence, for Catch Headingley, 9 Weetwood Lane, Weetwood, Leeds, LS16 5LT.

The following were in attendance for this item:

- Paddy Whur (Woods Whur) – Applicant's Representative
- Edward Mason (Director of Mason & Co Ltd) – Applicant
- Councillor Wilson – Interested Party / Objector

The Legal Adviser outlined the procedure for the hearing.

The Licensing Officer provided the following information as per the submitted report:

- In summary the application is for: *sale of alcohol both on and off the premises and Recorded music*: - Monday to Saturday – 10:00 until 00:30 and Sunday – 10:00 until 00:00. *Late night refreshment* Monday – Saturday – 23:00 until 00:30 and Sunday – 23:00 until 00:00.
- The premises is located within an area covered by a cumulative impact policy for Headingley and Hyde Park.
- Representations have been received from responsible authorities including West Yorkshire Police (WYP) and Leeds City Councils Environmental Protection Team (EPT). Agreements have been reached with both, and the operating schedule will be amended to include additional measures.
- Representations remain outstanding from members of the public and a Ward Councillor.

The applicant's representative informed the Sub-Committee of the following:

- Mr Whur has represented the applicant since 2000, where he first started investing in the hospitality sector in Leeds. The applicant is a local family man.
- The applicant has invested heavily into a number of premises in Leeds, including Whitelock's Ale House and Meanwood Tavern. The applicant has also just signed a lease on the former Brewdog site near the Corn Exchange.
- The applicant has an excellent track record over the last 20 years, and has had no issues associated with his premises, or had any issues regarding the authorities, businesses, or residents.
- Catch Headingley, formerly known as Bryan's, has been closed for a long period of time and the building has become derelict.
- The premises is intended to provide a space for families and the wider community. The function room will provide a space for families to host parties and events, and the applicant believes Headingley is missing this type of premises.
- The applicant has agreed additional conditions with the police as set out in the submitted report, however, with the omission of the condition which reads 'the sale/supply of alcohol shall only be made to accompany the sale of food. This does not preclude the sale/supply of alcohol to a person waiting to be seated in the restaurant or at the conclusion of a meal'. The police confirmed in writing that they were content with the removal of this suggested measure.
- The premises will remain food led, and there will be a minimum of 18 tables in the restaurant.
- Conversations with local ward councillors discussed their concerns, and matters remain outstanding regarding the 'Otley Run'. The applicant is proposing an additional condition that does not allow large groups in fancy dress to enter the premises. The applicant does not want to attract this type of custom and would deter from his proposed business model.
- The applicant will consider the possibility of having electric vehicles for his deliveries and he has confirmed he will work with the local community and ward councillors to ensure that the premises is an asset to the community.
- The applicant confirmed that he is keen to offer a 'hybrid' offering to the community, that will appeal to the wider diverse nature of the community. In Meanwood Tavern, he confirmed that kids eat free between 12-3pm every day, and there are crafts for kids on Sundays.
- The applicant confirmed he has also applied a lease on the former Brewdog site, where small independent businesses will be based, offering a diverse drinks and food offer.
- The applicant has many years' experience working in the city centre, and over the last 25 years, has had no issues associated with anti-social behaviour.
- A comprehensive operating schedule has been agreed, including measures suggested from responsible authorities, and if granted, it is believed that the premises licence will be much better than the previous premises licence.
- The applicant is keen to keep contact with residents and ward councillors moving forward.

In responding to questions put forward by the Sub-Committee, the following was confirmed:

- It is not a sole application for a restaurant, and the applicant wishes to have flexibility in being able to offer customers a drink without the need to purchase food. The applicant is not applying for anything different than the previous premises licence, and food is an integral part of the offer.
- The premises has always had a takeaway element. The applicant envisages the sale of takeaway will be low, and people usually order takeaway at home online or via an app. There will be an element of takeaway and home deliveries. This also includes alcohol.
- A condition has been agreed with EPT to not allow use of the external area after 10pm. It is believed this is in-line with other venues nearby, and a condition the responsible authority is content with.
- There is known issues associated with traffic congestion and the school nearby with pick-up and drop-offs. The applicant has agreed for parents to use his carpark during these hours.
- It will be the responsibility of staff at the premises and the police to enforce the condition regarding concerns raised with the Otley Run. Robust training will be in place and people will firmly, but friendly be turned away. The applicant will be seeking advice of local ward councillors and businesses who adopt this approach, in how best to manage that condition.
- In comparing Bryan's, it was confirmed that the operation will be similar, and the only difference is the type of food offering. There will be waiter/waitress service and a minimum number of tables in the restaurant. The alcohol offering will also be similar. The function room is to the rear of the premises and surrounded by thick walls. The premises will have the same impact as the previous premises but with a different food offer.
- The applicant is applying for slightly more hours than the previous premises licence.
- Further to concerns regarding future occupiers, should the licence holder transfer the licence, it was confirmed that to substantially change the licence, the licence would need to be varied and it was believed this type of application would attract representations from the local community and/or responsible authorities.
- It is considered sensible to look at implementing a patrol regarding litter.

Councillor Wilson attended the meeting as an objector, and provided the following information:

- His key concerns are also reflective of his constituents. Main concerns relate to issues associated with the Otley Run, littering and the impact of noise on residents.
- Otley Run is considered problematic, and the Cumulative Impact Policy area has recently been extended into the Weetwood area to deal with some issues associated with the Otley Run. Police operations have also been carried out to deal with such issues.
- It is not just students participating in the Otley Run.
- The premises is situated where it is considered the start of the Otley Run.
- Other premises in the area are operating successfully with conditions attached to their licence with not permitting people perceived to be participating in the Otley Run. Cllr Wilson suggested that the wording of the

condition attached to The Golden Beam (JD Wetherspoon) licence be considered and looked at.

- Regarding the element of takeaways, the premises is in a congested area with pedestrians and traffic surrounding it. The immediate premises also has narrow pavements and concerns are with large groups congregating near the premises.
- The conditions to alleviate noise and conditions associated with a limit on the restriction on the outdoor area seem sensible.

Further to additional questions from Sub-Committee Members, the following was confirmed:

- Cllr Wilson is not aware of any litter issues near the premises but there are issues associated with the Otley Run, particularly with broken glass. Concerns also remain outstanding regarding large groups of people congregating at a busy junction and obstructing the pavement from residents walking past the premises.
- The applicant's representative confirmed the premises will not be open late, for 'late night revellers. There is also a condition included regarding the need for SIA door staff, which will be risk assessed.
- The Legal Adviser confirmed the condition attached to The Golden Beam licence alluded to not allowing anybody they reasonably believed to be participating in the Otley Run. Further to a question to the applicant whether he would accept this as a condition on his licence, it was confirmed that the condition they are offering is considered reasonable and is legally enforceable.

In summarising, the applicant's representative concluded by explaining the premises offers a similar operation to the previous licence and will be offering high quality pizza, with waiter/waitress service. The premises replaces the highly successful Bryan's Fish and Chip premises, and it is strikingly like how the applicant wishes to operate. Conditions include relate to the provision of litter bins, and supervision of outside areas. The applicant is investing in a derelict building and will create 20 local jobs. It is considered that the applicant is a local independent businessman, with a track record who has never had any regulatory concerns. The applicant wants the local community to be his customers and create an environment where people can enjoy the facilities.

The applicant has included a range of extensive measures and offered a carefully worded condition regarding the management of participants of the Otley Run. Responsible authorities are also not objecting following the incorporating of additional measures. It is also considered that the licence has been future proofed, and amendments to the premises licence would be subject to a variation application.

At this point in the meeting, the Sub-Committee went into private session to deliberate on the application.

On returning to the meeting, the Sub-Committee put forward some concerns regarding the wording of the Otley Run condition, as well as one which relates to litter patrols.

The applicant and his representative confirmed they were keen to explore a condition which is enforceable and one which is clear to enable staff to be trained on. The applicant highlighted the importance of operational management and explained he was happy with the condition he originally offered regarding Otley Run.

Suggestions were put forward to the applicant regarding the display of a sign to discourage Otley Run participants entering the premises. In responding to this, the applicant raised some concern with conveying the message of not allowing people into the premises and believe the condition alone is sufficient.

At this point in the meeting, the Sub-Committee went back into private session to deliberate on the application.

Upon returning into public session, the Sub-Committee unanimously **RESOLVED** – To grant the licence, subject to the incorporation of the additional measures agreed with West Yorkshire Police and Leeds City Council's Environmental Protection Team, as well as the inclusion of the following conditions:

- No adult fancy dress Otley Run participants will be entered in the premises.
- At the end of business and the start of a new trading day, the premises licence holder and/or Designated Premises Supervisor shall ensure inspections and litter collections will take place on Otley Road, Weetwood Lane and Chads Road, which forms the triangular road.