

## Licensing Sub-Committee

Tuesday, 4th June, 2024

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

Councillors S Hamilton and K Haigh

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

**RESOLVED** – To elect Cllr Neil Buckley 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 formal late items. However, there was supplementary information in relation to Agenda Item 7 - Application for the grant of a premises licence for Calverley Post Office and Village Store 38 Carr Road, Calverley, Pudsey, LS28 5RH. This had been circulated to all parties prior to the meeting.

### **5 Declaration of Interests**

No declarations of interests were made at the meeting.

### **6 Application for the grant of a premises licence for Treehouse Bar And Kitchen 40 Bondgate, Otley, LS21 1AD**

The report of the Chief Officer Elections and Regulatory requested Members consideration on an application for the grant of a premises licence, made by Treehouse Bars Otley Limited, for Treehouse Bar and Kitchen 40, Bondgate, Otley, LS21 1AD.

Present at the meeting were:

- Frank Stott – Director of Treehouse Bars Otley Limited
- Benjamin Comstive – Proposed DPS
- Cllr Colin Campbell – Objector
- Cllr Sandy Lay - Objector

The Legal Officer set out the procedure for the hearing.

Mr Comstive requested that the following documents be tabled:

- Door Etiquette Policy
- Dispersal Management Policy
- Smoking Policy
- Noise Maintenance Policy

It was agreed by all parties that the documents could be tabled, and a five-minute adjournment was given for all parties to read the documents.

The Licensing Officer presented the application providing the following details:

- Members were advised of the following errors in the report:
  - The representations from both the Environmental Protection Team and West Yorkshire Police had been negotiated and agreed prior to the hearing.
  - Five other representations had been received from Otley Town Council, two local residents and 2 Local Ward Councillors.
- It was noted that the premises had previously been licensed for the sale of alcohol, live music, recorded music, performance of dance, and entertainment similar to live, recorded music or dance. However, this premises licence could not be utilised at this current time, due to the extensive refurbishment that the premises has undergone, hence the application for the grant of a new premises licence with similar hours to those already granted.
- The applicant's name was Treehouse Bars Otley Limited, and the proposed designated premises supervisor was to be Benjamin Comstive.
- A summary of the application was set out at Paragraph 3 of the report and a copy of the application was appended to the report at Appendix A.
- Members were advised that the applicant proposed to uphold the licensing objectives by taking steps outlined in a document which had been received with the application and this was attached as Appendix B.
- A map identifying the location of the premises was attached at Appendix C.
- Members were informed that two representations had been received from responsible authorities, namely Environmental Protection Team and West Yorkshire Police. Prior to the hearing Environmental Protection had negotiated with the applicant and measures for the operating schedule had been agreed. A copy of this agreement was appended to the report at Appendix D. It was noted that the representation from West Yorkshire Police had also been negotiated and agreed prior to the hearing and the email trail for this was attached at Appendix E.
- Representations had also been received from two members of the public, two Local Ward Councillors and the Otley Town Council, these were appended to the report at Appendix F.
- A list of premises in the local area and their licensed hours and activities was provided at Appendix G for Members information.

Mr Comstive addressed the Sub-Committee providing the following information:

- The Treehouse Bar and Kitchen has been operational in Haworth for 3 years. Otley would be the second venture. They wanted to create a city centre style venue in Otley, for all demographics in the area.
- The applicant had not realised that with the number of changes made to the premises that they would require a new premises licence.
- The premises had living accommodation above which would house the DPS, and his 3-year-old son, and the house next door would be the applicant's parents who were in their seventies.
- The operating schedule would be for
  - Monday - Wednesday 10:00 – 23:00
  - Thursday 10:00 – 00:00
  - Friday and Saturday 10:00 – 01:00
  - Sunday 12:00 – 22:30

- Food would be served seven days a week and it was the intention that breakfast would also be served, but they would wait and see if there was a demand for this. The food menu would include:
  - Lite bites
  - Main menu
  - Childrens menu
  - Sunday Roasts
- They would be selling cocktails, wines and local beers.
- It was proposed that there would be live acoustic sessions Mondays 19:00 – 21:00, Thursday – Saturday 18:00 – 22:00 and Sunday 16:00-18:00. There would also be controlled recorded background music, which would be played through an internal system and would type of music played would appeal to all age groups.
- The premises would have SIA door staff from 19:00 till close to ensure that people felt safe and were respectful to neighbouring properties when leaving the premises.
- External areas to the rear would only operate until 22:00 and the doors would be locked and monitored by door staff and only used as a fire exit. It was proposed that anyone wishing to smoke after 22:00, would use the front of the premises and this would be monitored by door staff.
- Noise would be monitored with hourly checks, and it was noted that the closest properties would be owned by the applicant and lived in by family members.
- Environmental Protection Team and West Yorkshire Police had visited premises and all measures proposed by them had been agreed with the applicant.
- It was not the intention of the applicant to exercise the use of the off-licence sales.
- Staff training would be provided on all aspects of the premises licence.
- The applicant was aware of issues in running this type of business as they have the premises in Haworth and had strong principles and knew the importance of working with neighbours. They would offer neighbours contact numbers should an issue arise. They would also be living in the community and wanted to be part of the community.
- The premises would employ 50 people to include front of house and kitchen staff.

In response to questions from Members the following points were noted:

- The applicant was aware that there had been dispersal issues at the previous premises called Korks. This had been through discussions with neighbours.
- It was noted that smoking would be outside the front of the premises when the external areas to the rear were closed. Door staff would monitor this and if not smoking would be asked to return inside. No drinks would be allowed outside to the front of the premises. It was also noted that there would be no shelter or seating provided to the front of the premises so would not be an area where people would want to be if it was raining.
- Members were informed that the applicant had attempted to copy the activities/hours of the existing licence for Korks. However, they would not be operating some of the hours or activities on the submitted application, and for

clarity they confirmed the proposed hours and activities that they would be operating.

- They had inherited the Korks application and in their naivety had not realised that the refurbishments were substantial enough to warrant a new application.
- It was not their intention to use the extended operational hours till 2:00am unless it was for New Years Eve.
- The Off Sales Licence would only be used where a bottle of wine had been purchased with a meal and not finished, then the customer would be allowed to take this with them.
- The outside area to the rear would be closed at 10.00pm. Members noted that the proposed sound system for the premises was measured at 90 decibels, which was lower than the decibels from the car garage beyond the premises outside area. However, it was acknowledged that the garage would not be operating late into the evening.
- To create the outside area and extra space for diners, the Moonlight Nightclub which had been part of Korks had been demolished.

Councillor Campbell provided the following information to the Sub-Committee:

- These premises were listed, and he welcomed that they had been brought back into use.
- There had been concerns about the use of the outside area opening until 2.00am as Korks had not had an outside area, but this concern had been alleviated after hearing the applicant.
- Although this is a town centre location there were still residential properties in the area and there were still some concerns about noise and nuisance to neighbours.
- It was the view of the Councillor that if more information had been provided about the operating hours and activities then most of the comments and concerns would not have been made.
- It was the view that the closure of the external area at 10.00pm was a reasonable compromise and it was requested that this be conditioned as part of the licence.
- It was the view of Cllr Campbell that Thursday in Otley was the same as any other day of the week, with only Friday and Saturday being the busiest days of the week.
- The Councillor was agreeable to the music as described by the applicant but asked that it should not be audible at adjacent properties.
- There had been issues with Korks due to unruly behaviour at closing time. However, it was the view that the Door Etiquette Policy from the applicant would address these issues. It was the view that those smoking outside should be managed effectively, so as not to cause issues for neighbouring properties.
- Concern was raised that there was the potential for noise nuisance whilst customers waited for taxis', and it was requested that customers were asked to remain inside whilst they waited.
- Cllr Campbell appreciated that the applicant had taken onboard the comments made and had tried to work with the community.

Cllr Lay made the following comments:

- If all the information provided in the tabled papers had been known before the meeting, then the concerns would have been mitigated.
- Cllr Lay agreed with the request for conditions as set out by Cllr Campbell.
- He welcomed the investment made into the premises.
- Acknowledged that the DPS and his son and the applicant's parents would be living on site and within close proximity, so would ensure that noise nuisance was managed.
- He was pleased that there was to be no music in the outside areas.
- It was accepted that smoking after 10.00pm would be better outside the front of the premises so as not to disturb neighbours. However, it was requested that the cigarette butts were disposed of in a litter bin and that the area was kept clean and tidy.

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

- There would be a taxi pick/ drop off point. Local firms would be asked to pick up customers as quickly as possible.
- The applicant said that they would be willing to agree with all suggested conditions.
- Any off-licence sales would stop as soon as they stopped serving food.

The applicant in summing up said that they were agreeable to all proposed conditions, and they had taken onboard all the comments made. They acknowledged that the front of the premises was not an ideal place for smoking but were of the view that this was the best solution to avoid noise breakout from doors opening onto the rear outside area. They needed to be part of the community and work with the authorities if the venture was to be successful.

Members discussions included:

- Agreed conditions with Environmental Protection Team and West Yorkshire Police.
- All agreed that alcohol sold for consumption off the premises should be until 11.00pm.
- The Applicant have made clear the operating schedule the hours, activities and provided the tabled papers earlier, which would have reduced concerns from residents and Councillors.
- The Applicant had offered to provide a litter bin for the disposal of cigarette butts and maintain the cleanliness of the front of the premises.
- This is a family run business with the DPS having a young son and family members living close by.

**RESOLVED** – To grant the premises licence with the following amendments to the operating schedule and conditions:

- Licensing Hours to be as follows with the premises closing 30 minutes after the licensed hours:
  - Monday to Thursday 10:00 – 23:00
  - Friday and Saturday 10:00 – 01:00
  - Sunday 12:00 – 22:30

- Off licence sales until 23:00

Additional condition:

- The licence holder/designated premises supervisor shall provide litter patrols and litter generated by customers shall be cleared away in front of the premises regularly.

Condition agreed with the Environmental Protection Team to read:

- No use of the rear external area or of speakers after 22:00.

## **7 Application for the grant of a premises licence for Calverley Post Office and Village Store 38 Carr Road, Calverley, Pudsey, LS28 5RH**

The report of the Chief Officer Elections and Regulatory presented an application for the grant of a premises licence, made by Calverley Village Store Ltd, for Calverley Post Office and Village Store 38 Carr Road, Calverley, Pudsey, LS28 5RH.

Present at the meeting were:

- Nick Semper, The Licensing Guys – Applicant’s Representative
- Milad Karimi, Director of Calverley Village Store Ltd. – Applicant

The Legal Officer outlined the procedure for the meeting.

The Licensing Officer presented the application providing Members with the following points:

- The applicant’s name is Calverley Village Store Ltd. And the proposed designated premises supervisor is Milad Karimi.
- This premises was previously licensed under the Licensing Act 2005 for the sale by retail of alcohol every day from 07:00 to 23:00. The licence lapsed due to the dissolution of the company that held the licence. The company was dissolved on 28th June 2022.
- This application was for sale by retail of alcohol every day 07:00 – 23:00. A redacted version of the application had been attached at Appendix A.
- The applicant was proposing to promote the licensing objectives by taking the steps identified in the document which was attached at Appendix B.
- A map which identifies the location of this premises was attached at Appendix C.
- It was noted that the application had not attracted representation from any of the responsible authorities. However, representations had been received from a member of the public and a redacted version of their representation was appended to the submitted report at Appendix D, which opposed the application on the grounds of crime and disorder, public nuisance, the protection of children from harm and public safety.
- A list of premises in the local area and their licensed hours and activities was attached to the report at Appendix E.

Mr Semper addressed the Licensing Sub Committee on behalf of the applicant and informed them of the following points:

- The premises are currently closed, but the applicant is wanting to open the premises as a post office and village store selling alcohol between 07:00am and 23:00 hours.
- A composite operating schedule has been submitted and there are control measures proposed so that none of the licensing objectives are undermined.
- No representations had been received from any of the responsible authorities.
- A representation had been received from a member of the public who lives near to the premises. The applicant had tried to contact them through a letter, but no response had been received. In trying to address the concerns of the representation made by the resident the following was noted by the Sub-Committee and Mr Semper had provided statistical evidence, as supplementary information.
  - There is minimal anti-social behaviour in this area.
  - There is a bench outside the premises, but this had not caused any issues when the premises were open previously.
  - Delivery vehicles would be delivering goods whether the premises were selling alcohol or not.
  - The premises has been a village shop for a number of decades.
  - There were no reported issues of young people congregating and making noise.
  - Young people do wait at the bus stop across the road for the bus to school. The applicant has no intention of selling restricted items to underage persons. Therefore, it was reasonable to assume that there were no issues.
  - It was the view that any illegal parking on the pedestrian cross could not be attributed to the applicant's premises.
  - The applicant acknowledged that the premises was in a conservation area but had no plans to change the building.
  - The applicant had offered to ensure that the front of the premises was kept clean and offered to provide a bin.
  - The previous owners of the premises had sought a premises licence in 2021, but it was unclear if this had ever been used.
  - It was the view that people were fearful of speculation if the licence was granted.
  - There had been no issues at the premises previously.

Responding to questions from the Sub-Committee it was noted that:

- The premises were currently not operating as the premises had been undergoing a refit.
- The layout of the premises had been changed slightly from the layout provided, the fridge to be used for the display of alcohol was closer to where staff would stand, so it was visible to them. The shop also had CCTV in place.

Members considered all the information provided to them in the agenda pack and from information provided to them at the meeting.

**RESOLVED** – To grant the premises licence as applied for.

**8 Application for the grant of a premises licence for Hyatt Hotel 2  
Sovereign Street, Leeds, LS1 4BT**

In relation to the Hyatt Hotel, agreements had been reached between the Applicant and the Environmental Protection Team prior to the date of the meeting, resulting in the withdrawal of the representation. With no matters outstanding the licence was granted and no longer required the consideration of the Sub Committee.

*The meeting concluded at 12:40*