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Licensing Sub-Committee

Monday, 11th December, 2006

PRESENT: Councillor D Wilson in the Chair

Councillors R Downes and B Selby

- 1 **APPLICATION FOR THE VARIATION OF A PREMISES LICENCE AT ONE STOP STORES, 52 NORTH LANE, HEADINGLEY, LEEDS, LS6 3HU**
Please refer to attached decision letter.
- 2 **APPLICATION FOR THE VARIATION OF A PREMISES LICENCE AT THE CROWN, 118 LOWTOWN, PUDSEY, LEEDS, LS28 9AY**
Please refer to attached decision letter.

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Your reference:
Our reference: A61/hb/onestopstore

20th December 2006

APPLICATION FOR THE VARIATION OF A PREMISES LICENCE AT ONE STOP STORES, 52 NORTH LANE, HEADINGLEY, LEEDS, LS6 3HU

On 11th December 2006 the Licensing Sub Committee heard an application by One Stop Stores Ltd, Apex Road, Brownhills, Walsall, WS8 7TS for the variation of a Premises Licence at the above premises.

The applicant sought the following:

Supply of alcohol (for consumption off the premises)

Monday to Sunday 07:00 hours until 00:00 hours

Hours premises are to be open to the public:

Monday to Sunday 07:00 hours until 00:00 hours

This letter represents the formal decision of the Sub Committee in respect of the application.

Preliminary Procedural Issues

The Sub Committee considered preliminary matters of a purely procedural nature.

Councillor Downes declared a personal interest as he knew two of the objectors to the proposal, although he had not had any discussions with them regarding the application.

The Sub Committee then decided that the procedure for the hearing would not be varied. The Sub Committee also considered if the public should be excluded from any parts of the hearing.



final

The Sub Committee decided to exclude the public from that part of the hearing where Members would deliberate on the application as presented. This would allow them to have a full and frank discussion on all matters put before them and this fact outweighed the public interest in not doing so.

The Sub Committee permitted each party 10 minutes in which to make their case. This time limit was imposed having regard to the relevant Regulations and in the interests of consistency and the efficiency of business.

The Sub Committee then went on to consider the application.

The Hearing

The following parties attended the hearing:

Brian Unsworth, local resident
Poppy Williams, solicitor representing the applicant
Paul Wilson, area manager for One Stop Stores Ltd

The Sub Committee began by considering the verbal representations made by Mr Unsworth, a local resident in objection to the proposals. Mr Unsworth explained that he lived a short distance from the store and that there was an alleyway from the premises that ran behind his property. He currently suffered from noise disturbance caused by the premises and feared that this would be exacerbated if later evening hours were granted. Mr Unsworth informed Members that all local residents and community groups were opposed to the application.

The problems caused by licensed premises and takeaways in Headingley were well documented, Mr Unsworth continued. Residents regularly suffered from disturbance caused by drunken people, with associated vandalism and litter. The Council themselves were aware of the issue, to the extent that the Cumulative Impact Policy (CIP) had been introduced to prevent further licensed premises opening in the area. Mr Unsworth concluded by drawing the Sub Committee's attention to the recent grant of a 24-hour licence for a nearby premises. Mr Unsworth stated that this had been disastrous for the local community and urged the Sub Committee to refuse this latest application.

Members then considered the verbal representations made by Mrs Williams, the applicant's solicitor, in support of the proposals. Mrs Williams began by explaining that the premises had planning permission for later trading hours and now wished to extend their licence to supply alcohol accordingly. The premises had previously traded from 8:00 hours until 23:00 hours and were now seeking to add an additional two hours, one at either end of the day.

Turning to address the points made by Mr Unsworth in his submissions, Mrs Williams pointed out that the Council's CIP for Headingley did not apply to off-licences, only large capacity vertical drinking establishments. Despite this, Mrs Williams assured the Sub Committee that the company did respect the views of local residents and had taken steps to address their concerns. Members heard that there were a number of policies and procedures in place to prevent underage sales, including the Check 21 policy, till prompts for staff and an electronic refusal log.

The Sub Committee were informed that the premises had never failed a test-purchase by West Yorkshire Trading Standards. There were cameras both inside and outside the store and staff were trained to adopt strict policies whereby adults suspected of purchasing alcohol for minors or those already intoxicated were not served. The absence of objections to the variation from the responsible authorities, notably the Police, indicated that there were no

final

major concerns in respect of the premises, Mrs Williams submitted. In light of this, Mrs Williams concluded by urging the Sub Committee to grant the modest application for variation at the well-run premises.

After considering the evidence and submissions the Sub Committee needed to satisfy itself that granting the variation would promote the licensing objectives.

In reaching this decision the Sub Committee had regard to the provisions of the Licensing Act 2003, guidance under Section 182 of that Act and the Council's own Licensing Policy.

In particular the Sub Committee took into account Sections 34 & 35 of the Act because these were the most relevant to the application and Chapter 7 of the Guidance relating to the prevention of crime and disorder, public nuisance and public safety.

The Sub Committee then went on to consider the following paragraphs of the Licensing Policy as the Sub Committee took the view these paragraphs had bearing on the application.

11:05 to 11:10	Crime & Disorder
11:11 to 11:22	Public Safety
11:23 to 11:28	Public Nuisance

The decision

The Sub Committee had regard to the written submissions made by local residents opposed to the application. Members also carefully considered the representations made by the applicant in support of the application. The Sub Committee noted that no representations had been received from any of the responsible authorities in respect of the application. Members felt that the application was for a modest extension and that the evidence presented suggested that the premises were well-run as there was no evidence presented by the Police or West Yorkshire Trading Standards to the contrary. Whilst the representation made by Mr Unsworth was taken into consideration by the Sub Committee, it was felt that there was no evidence linking noise nuisance and disturbance with these premises. Therefore it was decided to grant the application as requested.

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the Sub Committee. You must make this appeal within 21 days of this letter reaching you.

Appeals should be addressed to the Magistrates Court at:
Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP

and accompanied by a copy of this decision letter and the court fee of £75.00.

Yours faithfully,

Hannah Bailey
Clerk to the Licensing Sub Committee

final

Appendix A

R Evans

M Evans

M Charlton

H White

S Unsworth

B Walton

J Kent

B Unsworth

A Beaumont

J Williams

D Marchant

C Dowgill

P Davies

L Jeffries

M Cook

P Bone



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Our reference: A61/hb/thecrown

20th December 2006

APPLICATION FOR THE VARIATION OF A PREMISES LICENCE AT THE CROWN, 118 LOWTOWN, PUDSEY, LEEDS, LS28 9AY

On 11th December 2006 the Licensing Sub Committee heard an application by Mr Herman Anthony Wellington, The Crown, 118 Lowtown, Pudsey, Leeds, LS28 9AY for the variation of a premises licence at the above premises.

The applicant sought the following:

Films, indoor sporting events, recorded music, anything of a similar description, provision of facilities for making music, provision of facilities for dancing, late night refreshment and supply of alcohol (for consumption on and off the premises):

Monday to Sunday 11:00 hours until 00:00 hours

Live music:

Monday to Sunday 11:00 hours until 23:00 hours

The applicant sought permission for the following non-standard timings:

11:00 hours until 01:00 hours on the Friday, Saturday and Sunday of Bank Holiday weekends, Christmas Eve and Boxing Day

11:00 hours until 01:00 hours on up to 10 other event days per annum (consent for to be made in writing to West Yorkshire Police.)

Hours premises are to be open to the public:

Monday to Sunday 11:00 hours until 00:30 hours



final

This letter represents the formal decision of the Sub Committee in respect of the application.

Preliminary Procedural Issues

The Sub Committee considered preliminary matters of a purely procedural nature. There were no declarations of interest made.

The Sub Committee then decided that the procedure for the hearing would not be varied. The Sub Committee also considered if the public should be excluded from any parts of the hearing.

The Sub Committee decided to exclude the public from that part of the hearing where Members would deliberate on the application as presented. This would allow them to have a full and frank discussion on all matters put before them and this fact outweighed the public interest in not doing so.

The Sub Committee permitted each party 10 minutes in which to make their case. This time limit was imposed having regard to the relevant Regulations and in the interests of consistency and the efficiency of business.

The Sub Committee then went on to consider the application.

The Hearing

In determining the application the Sub Committee took into account written submissions from the above responsible authorities contained within the report and the Notices of Hearing. These had been circulated to the Parties prior to the hearing.

After considering the evidence and submissions the Sub Committee needed to satisfy itself that granting the variation would promote the licensing objectives.

In reaching this decision the Sub Committee had regard to the provisions of the Licensing Act 2003, guidance under Section 182 of that Act and the Council's own Licensing Policy.

In particular the Sub Committee took into account Sections 34 & 35 of the Act because these were the most relevant to the application and Chapter 7 of the Guidance relating to the prevention of crime and disorder, public nuisance and public safety

The Sub Committee then went on to consider the following paragraphs of the Licensing Policy as the Sub Committee took the view these paragraphs had bearing on the application.

11:05 to 11:10	Crime & Disorder
11:11 to 11:22	Public Safety
11:23 to 11:28	Public Nuisance

The Sub Committee noted that the following agreement had been reached between the applicant and West Yorkshire Police regarding their suggested conditions:

- Adopt the Check 21 proof of age scheme in accordance with guidance issued by West Yorkshire Police;
- Participate in a local pubwatch scheme or licensing association (where one exists) that is recognised by West Yorkshire Police;

final

- When permission is sought for the sale or supply of alcohol during non standard hours for any Bank Holiday period, an event of national interest or a televised sporting event of national interest, then the following will apply:
- The applicant must give West Yorkshire Police at least 10 clear working days written notice of any Bank Holiday period or any other event of national interest;
- The non standard hours shall only apply to one hour before and one hour after a televised sporting event of national interest and a maximum of two additional hours in any one day to any other event of national interest;
- The applicant must have made no more than 12 such applications relating to either an event of national interest or televised sporting event of national interest in any one calendar year;
- If after the fifth working day commencing the day after the request is received, West Yorkshire Police do not respond, then consent will be deemed granted;
- In relation to any request for non standard hours, West Yorkshire Police retain the right to suggest any reasonable variation in promoting the prevention of crime and disorder objective.

These conditions would be included in the applicant's Operating Schedule, and eventually the licence, should the application be granted.

The Sub Committee began by considering the verbal representations made by Mr Wellington in support of the application. Mr Wellington began by outlining the steps the premises had taken to address the concerns of local residents. He explained that he had approached local taxi firms in order to request that they refrain from sounding their horns when picking up patrons from the premises. A number of signs had been displayed near the exits within the premises asking patrons to leave quietly and show regard for residents living within the vicinity of the pub. It was also proposed to have a 'cooling off' period prior to closing time, where from 11 pm music volume would be reduced and lighting levels turned up to encourage customers to disperse.

Mr Stafford, regional manager for the premises, then addressed Members on the proposals. He explained that the hours applied for were similar to many other premises in the area and were a relatively modest extension. Mr Stafford reiterated the comments made by Mr Wellington regarding the steps taken to reduce the impact of the variation upon local residents. Patrons leaving via taxi would be encouraged to leave by the rear door, which led into a large car park, Mr Stafford continued, to prevent disturbance to those living opposite the premises. The front entrance to the pub consisted of a large lobby area which acted as a further buffer to prevent noise escaping, Members heard. Mr Stafford concluded his submissions by stating that those residents who had objected to the proposals were potential patrons of the premises, and there was no wish to alienate them.

The decision

The Sub Committee had regard to the written submissions made by local residents opposed to the application. Members also carefully considered the representations made by the applicant in support of the application. The Sub Committee noted the agreement made with West Yorkshire Police in respect of the application. Members felt that the application was for a modest extension and that the premises were well-run and steps had been taken to

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address the issue of potential noise nuisance. Therefore it was decided to grant the application as requested, subject to the imposition of the following conditions:

- The lobby doors to be kept closed when entertainment takes place;
- That a 'cooling off' period commence at 23:00 hours.

These conditions were felt to be reasonable and proportionate and were imposed in response to the concerns of some local residents. The Sub Committee also recommended that the licensee ensure that regular discussions take place with residents to try to resolve any issues.

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the Sub Committee. You must make this appeal within 21 days of this letter reaching you.

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and accompanied by a copy of this decision letter and the court fee of £75.00.

Yours faithfully,

Hannah Bailey
Clerk to the Licensing Sub Committee