

Licensing Sub-Committee

Monday, 23rd May, 2011

PRESENT: Councillor D Wilson in the Chair

Councillors C Townsley and G Wilkinson

253 Election of the Chair

Councillor Wilson was elected Chair of the meeting.

254 Late Items

No formal late items of business were added to the agenda

255 Declarations of Interest

There were no declarations of interest.

256 "Cafe Liqueur" - Application for the grant of a premises licence for Cafe Liqueur, 10 Lowtown, Pudsey LS28 7AA

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy considered an application for the grant of a Premises Licence in respect of Café Liqueur, 10 Lowtown, Pudsey.

Representations containing measures proposed to address the relevant licensing objectives had been submitted by LCC Health & Safety Team (LCC H&S) and West Yorkshire Police (WYP) and had been agreed by the applicant prior to the hearing. Representations had also been received from LCC Environmental Protection Team (LCC EPT) and LCC City Development Department.

Mr C Sanderson addressed the Sub Committee on behalf of LCC Department of Development regarding the current permitted use and hours of operation of the premises. He stated it was unlikely that a current planning application for change of use of the premises to café/bar would be successful as the Department maintained concerns over its impact on and close proximity to residences.

Mr B Kenny then addressed the hearing on behalf of LCC EPT who suggested this premises was not suitable for the provision of live/recorded music due to its location within a predominantly residential area and noted that the application suggested a drinking establishment, rather than a café. There was also the possibility that noise and disturbance would be caused by smokers congregating on the pavement to the front of the premises. Mr Kenny requested the Sub Committee consider adding the LCC EPT measures as conditions on the premises licence should the application be granted.

The Sub Committee then heard from Mr B Thompson who was accompanied by Mr D Wilford, the applicant. Mr Thompson outlined the licensed history of the premises; the experience of the applicant and the proposed style of

operation of the premises. The applicant now offered to reduce the proposed hours and activities having regard to the representations received and would also accept the measures proposed by LCC EPT should this application be granted.

Mr Thompson stated the applicant did not seek to operate a bar. Seating would be provided throughout; the premises had a small capacity of 75 – 90 patrons which was unlikely to generate a large number of smokers congregating outside at any one time.

The Sub Committee heard that the premises was in a unique location as it lay within Pudsey town centre with 17 other licensed premises, some of which currently operated later hours, but was also surrounded by residential properties.

The Sub Committee carefully considered all the written and verbal submissions before them. Members noted the agreements reached with WYP and LCC H&S; the measures proposed in Box P of the application form and the amendments offered at the hearing by the applicant.

The Sub Committee was concerned that there was potential for noise to be generated from the operation of this premise as a café/bar but felt that if additional steps were taken, this premises in this location would not undermine the prevention of public nuisance licensing objective.

RESOLVED – To grant the application in the following manner:

Hours and activities – granted as amended

Provision of recorded music and Supply of alcohol (for consumption both on and off the premises)

Sunday to Thursday	11:00 until 22:30 hours
Friday & Saturday	11:00 until 00:00 midnight

Provision of late night refreshment

Friday & Saturday only	23:00 until 00:00 midnight
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Hours the premises shall be open to the public

Sunday to Thursday	11:00 until 23:00 hours
Friday & Saturday	11:00 until 00:30 hours

Conditions

Members felt it necessary and proportionate to impose the following:

- Tables and chairs for use by the patrons must be provided at all times the premises are open.
- Those measures proposed by LCC EPT and agreed by the applicant at the hearing will appear as conditions on the Premises Licence
- Those measures offered in Box P of the application form shall also appear on the Premises Licence as conditions
- The measures previously agreed between the applicant and WYP and LCC H&S will appear as conditions on the Premises Licence

The Sub Committee took the opportunity to remind the applicant to regularise the planning use for the premises.

257 "Albert Inn" - Application to vary a Premise Licence for Albert Inn, High Street, Yeadon, Leeds LS19 7TA

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy considered an application to vary the existing Premises Licence held at the Albert Inn, High Street, Yeadon.

Representations had been received from LCC Environmental Protection Team (LCC EPT) and from R Oddy, a local resident. The following were in attendance:

Mr J Coen, solicitor for the applicant and Mr D King observing
Mrs C Kingston and Mr J Kingston - applicants
Mr B Kenny – LCC EPT

The Sub Committee dealt with two preliminary matters prior to the substantive hearing relating to the late submission of written representation from local ward Councillor C Campbell on behalf of a local resident who wished to remain anonymous and three letters of support for the application from the applicants solicitor.

The Sub Committee noted that the applicant objected to the late written submission from Councillor Campbell and went onto hear representations from both parties on this matter. Having received legal advice, the Sub Committee considered that a valid representation had been made within the timescales by Councillor Campbell, however that paperwork had not been included in the Licensing Officers report. Members concluded that it would be unfair to that local resident to reject the paperwork at this hearing; equally it would be unfair to the applicant to proceed without the applicant having had the opportunity to prepare a response. The Sub Committee therefore resolved to adjourn the hearing to allow for all relevant paperwork to be presented to a future hearing.

On receipt of this decision, the applicant indicated their preference to continue the hearing rather than defer. The Sub Committee accepted that offer, and agreed to adjourn for a short while to enable all parties to read the additional submissions.

On recommencement of the hearing, the Sub Committee heard the submissions of Councillor Campbell on behalf of a local resident regarding noise and disturbance already caused by activities held at the premises through open windows and doors; patrons leaving the premises late at night, parking their cars in nearby residential streets and congregating to the front of the premises to smoke. Councillor Campbell also stated that staff at the premises had been unhelpful when issues had been raised with them.

The Sub Committee then heard from Mr B Kenny on behalf of LCC EPT who stated that no complaints about noise had been made to the Department

since 2006; however the department was concerned over the potential for noise and disturbance to be caused to residents in the surrounding area. He requested that the measures proposed by LCC EPT be included on the Premise Licence should this application be granted

Mr J Coen on behalf of the applicant then outlined the licensing history of the premises, the current and proposed style of operation and the managerial experience of the applicants. Mr Coen confirmed that drinking on the pavement was not allowed, however those patrons who did slip outside were requested to go back inside. Signs were displayed to remind patrons not to take drinks outside. Mr Coen stated that neither the residents nor Councillor Campbell had contacted the premises directly with their concerns. To conclude, he suggested an amendment to the requested inaudibility condition to specify those local streets the measure was intended to protect. He suggested it would be sufficient to seek the inaudibility clause after 19:00 hours and to condition doors and windows being kept shut. He added that a Temporary Event Notice had been held at the premises without objection.

The Sub Committee carefully considered all the written and verbal submissions before them. Members were concerned that there was a potential for public nuisance to be caused to local residents from noise generated by the new activities offered through the granting of this application. Members emphasised the need for tight controls to manage any noise and as such they felt there were steps which could be taken to ensure that this premises did not undermine the prevention of public nuisance licensing objective.

RESOLVED – To grant the application in the following manner:

Hours and activities – granted as requested with the following

Conditions: Members felt it necessary and proportionate to impose the following

- Doors and windows must be kept closed at all times when live music and/or karaoke are in operation
- Measures 1, 3, 4, 5 & 6 proposed by LCC EPT will appear as conditions on the Premises Licence
- Measure No. 2 is amended and will be imposed as follows:
 - 2) Noise from licensable activities at the premises will be inaudible at the nearest noise sensitive premises at Rockfield Terrace, Alma Street, Back Alma Street, Club Row and Albert Terrace (the streets nearest to the premises)