

## Licensing Sub-Committee

Monday, 31st October, 2011

**PRESENT:** Councillor R D Feldman in the Chair

Councillors J Dunn and P Latty

### 117 Election of the Chair

Councillor Feldman was elected Chair of the meeting.

### 118 Exempt Information - Possible Exclusion of the Press and Public

**RESOLVED** – That the public be excluded from the meeting during consideration of that part of the agenda designated as exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:

- (a) Appendices A and B of the report referred to in Minute 122 both in terms of Regulation 14 of the Licensing Act 2003 (Hearing Regulations 2005) and the Licensing Procedure Rules, and on the grounds that it is not in the public interest to disclose the contents as the report contains information relating to an individual and that person would not reasonably expect their personal information or discussions thereon to be in the public domain.

### 119 Late Items

No formal late items of business were added to the agenda for the meeting, however the Sub Committee received additional information prior to the meeting in respect of Agenda item 6 (Minute 122 refers), comprising:

- a revised copy of the letter from Leeds City Council Environmental Protection Team;
- letters of support and a petition submitted by the applicant, which were referred to and tabled on the day of the initial hearing held on 26<sup>th</sup> September 2011.

### 120 Declarations of Interest

Councillor Dunn declared a personal interest in agenda item 7 (Minute 122 refers) as his wife is a distant relative of the applicant.

### 121 "High Farm" - Application to vary a Premises Licence in respect of High Farm, Farrar Lane, Adel, Leeds LS16 7AQ

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 an existing premises licence in respect of the High Farm, Farrar Lane, Adel, Leeds, LS16 7AQ.

The hearing had been adjourned from an earlier meeting held on 26<sup>th</sup> September 2011 to allow all parties to have a further discussion and try to reach agreement with regard to a closing time earlier than the requested

02:00 hours, or for activities to take place on Saturday nights only rather than Fridays and Saturdays.

Representations had been submitted by local residents and local ward Councillors. Not all of the local residents attended the hearing and the Sub-Committee resolved to consider their written representations and proceed in their absence. The hearing was attended by the following:

Ms Christina Groves - the applicant

Councillor Anderson – Adel and Wharfedale ward Councillor

Councillor Bentley – Weetwood ward Councillor

Mr M Brain; Mr B King; Mr P Brewer and Mrs L Brewer – local residents.

A representation had also been submitted by LCC Environmental Protection Team, however the measures proposed had been agreed by the applicant and the representation subsequently withdrawn on the understanding that those measures would appear on the Premise Licence as conditions should the application be granted.

The Sub-Committee first heard from Ms Groves who explained that a meeting had been held with residents at the premises on 11<sup>th</sup> October 2011. She had offered a number of alternative options, including closing at 01:30 on a Friday and Saturday, only opening until 02:00 on a Saturday, or only opening the function room until 02:00 on a Friday and Saturday, however none had been agreed and the residents had requested the use of Temporary Event Notices (TENs) instead. Ms Groves explained that she didn't want to use TENs as this would prevent being able to hold a function at short notice.

During questions from the Sub-Committee, it was confirmed that the request to add one hour to the finish time of all licensable activities on the commencement of British Summertime had been included in error, and was therefore agreed that it would be removed. Ms Groves also confirmed that she would be happy not to extend the hours for the exhibition of films and indoor sporting events, and she would be happy for performances of live music to finish at 0:00 hours on a Friday and Saturday.

Members then heard from Councillor Anderson who explained that his residents' main concerns were that the premises is close to older peoples' accommodation, and the noise which would be caused by cars and taxis which would be more noticeable in the early hours of the morning. There were also concerns in relation to the noise from the smoking area. Councillor Anderson acknowledged that Ms Groves had been successful in improving High Farm, but was concerned that issues may reoccur if another Designated Premises Supervisor was appointed. The residents had requested that the application be refused and that TENs be used instead, and that licensed door supervisors be appointed. Councillor Bentley added that the area around the premises is very open, therefore any noise is not absorbed, and there are many children in the area who would be affected by the noise.

Bearing in mind the representations made by both parties, and particularly noted the compromises which had been offered by the applicant.

**RESOLVED** – To grant the application in the following manner:

- Exhibition of films, indoor sporting events and performance of live music – no variation to current licence;
- Playing of recorded music, performances of dance, provision of facilities for making music, provision of facilities for dancing, late night refreshment and supply of alcohol – hours extended to 01:00 on Fridays and Saturdays only;
- Hours premises are open to the public – hours extended to 01:30 on Fridays and Saturdays only; and
- The following conditions are applied – no entry to new patrons and no bottles or glasses allowed outside after 23:00 hours on all days, and the measures proposed by LCC Environmental Protection Team to address the public nuisance licensing objective and previously agreed by the applicant shall be included as conditions on the premises licence.

**122 Mr R Hainsworth - Application for the Grant of a Personal Licence**

The Sub-Committee, having regard to the Licensing Act 2003, the Statement of Licensing Policy and the Statutory Guidance, considered the application and the written submissions before them relating to an application for the grant of a Personal Licence in respect of Mr R Hainsworth.

West Yorkshire Police (WYP) had submitted representations which necessitated a hearing. All of the hearing was conducted in private due to the nature of business to be discussed and the evidence before the Sub-Committee.

Mr Hammond (Mr Hainsworth's solicitor) addressed the Sub-Committee and provided details of Mr Hainsworth's background. He went on to explain why he believed granting Mr Hainsworth a personal licence would not undermine the licensing objective of the prevention of crime and disorder.

PC Dobson attended the hearing on behalf of WYP. PC Dobson provided an overview of the concerns held by WYP regarding Mr Hainsworth.

Mr Hainsworth was in attendance at the hearing and addressed the matters raised by WYP and answered queries from the Sub-Committee.

The Sub Committee carefully considered the documents before them and the verbal submissions made at the hearing. Members shared the concerns of WYP, however they were also persuaded by Mr Hainsworth's case and agreed that he deserved a chance to prove that he could be a responsible licence holder.

**RESOLVED** – To grant the application.