

Licensing Sub-Committee

Tuesday, 24th July, 2018

PRESENT: Councillor N Buckley in the Chair

Councillors B Garner and K Groves

1 Election of the Chair

RESOLVED – To elect Cllr. N Buckley as 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, supplementary information had been received for the following agenda items:

- Agenda Item 6 Application for the grant of a premises licence for Outside Area Harewood / Sidney Street, Leeds, LS2 7JA.
- Agenda Item 7 Application for the grant of a premises licence for Public House 37-41 Aushorpe Road, Crossgates, Leeds, LS15 8BA

All supplementary information had been circulated to all interested parties prior to the meeting.

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

6 Application for the grant of a premises licence for Outside Area Harewood/Sidney Street, Leeds, LS2 7JA

The report of the Head of Elections and Regulatory Services set out an application for the grant of a premises licence, made by New Citizens Limited, for Outside Area Harewood / Sidney Street, Leeds, LS2 7JA.

Members were provided with a summary of the application for:
Plays, Films, Live and Recorded Music, Performance of Dance, anything of a Similar Description of Live and Recorded Music, Performance of Dance and Supply of Alcohol every day 10:00 until 22:00.

It was noted that no non-standard timings for bank holidays or special occasions were proposed.

Members were advised that a representation had been received from West Yorkshire Police in their capacity as a responsible authority. However, negotiations had taken place prior to the hearing and the operating schedule had been amended to include the measures agreed with West Yorkshire Police which were appended to the submitted report at Appendix C.

Members heard that the application was before them as a representation had also been received from a member of the public on the grounds of prevention of crime and disorder, public nuisance, and public safety. The member of the public was not in attendance at the meeting.

Attending the meeting were Mr Butterworth of New Citizens Limited and his representative Mr Whur of Wood Whur Solicitors.

Mr Whur informed the Members that this application was for an events space that would be used a few times a year in an area that was underused space to support the retail section in the area.

Mr Whur said that they had tried to contact the member of the public, who had waived their anonymity on numerous occasions to explain the details of the application but without success.

Mr Whur outlined the proposals for the Outside Area as an events space which would link to events taking place nationally such as Wimbledon and locally such as Leeds Light Night. It was also proposed that the Outside Area would be used to hold a Victorian Christmas Market with stall holders in fancy dress.

Mr Whur explained that these events would not be late night focused but would link to the retail hours in the area. It was proposed to include the sale of alcohol at these events but that was not the focus, the focus was to create footfall in a usually quiet area.

Members noted that the minimum of 1 door staff would be used at the events. However, each event would be flagged up with the Police and the Licensing Authority who would advise if more door supervision was required.

Members were informed that as part of the conditions requested by the Police an incident register would be available for inspection and a facility would be created at each event to address such issues.

Members discussed the following:

- Good use of space which was not currently used
- Events would take place 3-4 times per year
- Partnership events with Leeds Bid and Hammersons
- Event Management Plan

RESOLVED – To grant the application as applied for within the submitted report, to include the agreed conditions with West Yorkshire Police.

7 Application for the grant of a premises licence for Public House 37 - 41 Austhorpe Road, Cross Gates, Leeds, LS15 8BA

The report of the Head of Elections and Regulatory Services presented an application for the grant of a premises licence for Public House at 37-41 Austhorpe Road, Crossgates, Leeds, LS15 8BA.

Members were advised that the applicant was JD Wetherspoon PLC who were applying for:

Supply of alcohol

- Sunday to Thursday 09:00 until 23:00
- Friday and Saturday 09:00 until 00:00

Late night refreshment

- Friday and Saturday 23:00 until 00:00

No non-standard timings for bank holidays or special occasions were proposed.

Members noted that West Yorkshire Police had sent a representation in their capacity as a responsible authority. However negotiations had taken place prior to the hearing and the measures agreed were included within the amended operating schedule which was appended at Appendix C of the submitted report.

Members were informed that representations had also been received from 18 individual letters of objection, an objection from the local neighbourhood community group, who were opposed to the application on the grounds of all four licensing objectives.

It was noted that 2 letters of support had also been received.

In attendance at the meeting were:

Nigel Connor - JD Wetherspoon

Alistair Broom – JD Wetherspoon

David Ritchie – JD Wetherspoon

Members of the public

Members of the Crossgates Watch Residents Association

The Members of the Public and the Crossgates Watch Residents Association elected Mr Ian Howard as their speaker.

The Sub-Committee were informed that JD Wetherspoon PLC had been established in 1979 and now had 890 premises throughout the country.

Mr Connor explained that as well as having a number of premises within the city centre they also operated a number of local premises in areas such as Bramley, Morley, Pudsey and Garforth. Mr Connor said that these premises were successful pubs commercially and worked in harmony with the communities in which they were situated.

The Licensing Sub-Committee were informed of the following points:

- This was to be a standard JD Wetherspoon's
- Open at 7:00am for breakfast with alcohol served from
 - 9:00am until 23:00 – Sunday to Thursday
 - 9:00am until midnight Friday and Saturday with a wind down and dispersal of customers
- No licence was sought for music or entertainment
- Access for families with meals served, children's menu, all children must vacate the premises at 21:00
- Planning permission had been granted and the opening hours were in line with planning conditions granted
- The dental practice was to stay in situ until the end of the lease then would move to other premises
- A layout plan provided to all parties showed that the customer area and bar servery would be located on the ground floor with the kitchen to the rear and toilets and offices to be located on the first floor. Wetherspoons wanted a large premise to accommodate the tables and chairs.
- CCTV coverage in the premises and the garden area
- Deliveries would be taken from Austhorpe Road no deliveries before 7:00am
- Would provide a range of full and part time jobs for local people
- Club night's would offer set menu's with a free drink either alcoholic or non-alcoholic, promotions on drink were only available with food
- Breakfast was the most popular meal and free refills of tea and coffee were offered
- Wetherspoon's pub's had a broad customer base
- All Wetherspoon's pub's had an operating code of conduct
- Premises had 4-5 managers, 2-3 of which would be working at any one time, with clear structure of management
- Extensive training was provided to staff and included behaviour and language
- Wetherspoon's worked closely with the Police and had regular contact with them to ensure that the premises were being managed correctly
- Door supervisors would be used at peak periods

Mr Ritchie who manages the Wetherspoon's at Garforth informed the Members that there had been no issues at these premises.

Mr Connor was of the opinion that with regards to the concerns of residents in relation to the ginnel at the rear of the premises the location of the pub would assist in alleviating anti-social behaviour. He advised the Members that the outside beer garden would only be used by smokers after 10pm. It had been suggested that this area should be roped off and it was noted that this suggestion was agreeable. It was

also noted that the outside area would be monitored by staff during operating hours and CCTV.

The premises do not have parking. However, Mr Connor was of the view that customers would live nearby therefore, would not drive. Mr Connor advised the Members that Wetherspoon's were providing £15,000 to work with the Council to monitoring parking once the premises had opened. This was part of the Planning conditions.

Mr Connor believed that children passing the premises would not see anything different to the advertising that they saw in retail areas such as supermarkets and off licence's.

It was noted that Challenge 21 policy would be used at the premises and anyone being refused would be recorded on the till.

Mr Howard on behalf of the residents spoke to the Sub-Committee saying that the dentist was due to move out due to the likely noise and disturbance from Wetherspoons as a neighbour.

Mr Howard informed the Sub-Committee that the planning consent had been given at appeal and that the Planning Panel had not agreed that this was a good location.

Mr Howard put forward the following concerns:

- A 3 metre acoustic fence would not be sufficient and does not go the whole way round the beer garden
- Deliveries of one lorry per day would cause traffic issues for approximately 1 hour on a busy road close to a well-used bus stop. Traffic would be required to over-take on the busy carriageway
- The proximity of residential properties to the premises with the closest bedroom window only 4 metres from the large beer garden
- Advertising used by Wetherspoon's was in some cases attractive to children and he passed round advertising leaflets used by Wetherspoon's previously to all parties. It was noted that some of the advertising was in a cartoon format which would be especially attractive to children.

Mr Howard provided some measures that in his view would be reasonable:

- One member of staff to be at the front door during times when children might be waiting at the bus stop e.g. at the start and the end of school day to ensure that customers left premises in a reasonable manner
- Smoking area to be roped off after 22:00
- Ventilation machine to be shut down by 10pm each day
- Noise monitor to be installed in the beer garden

Mr Howard also made the point that he was not sure that proper notice of the application had been given as in accordance with S182 Home Office guidance, in that the operating hours had not been included on the blue notice.

Mr Connor in addressing the concerns raised explained that the marketing material presented was historical and in some cases related to local promotions. He said that he would alert the marketing team to the poster using cartoon imagery and the local people's concerns.

Mr Connor expressed the view that Wetherspoon's were a responsible operator who sold drinks at competitive prices.

He went on to say that no representations had been received from the Police and that issues of deliveries and parking had been dealt with by planning.

Mr Connor advised the Members that food was an important part of Wetherspoon's which attracted people to the premises. He said that 45% of sales at the premises in Garforth was for food.

Members carefully considered all the information presented to them including representations made at the hearing and those contained within the agenda pack.

RESOLVED – To grant the premises licence as applied for with the measures as agreed with the Police and the condition sought by residents as agreed, but worded as follows:

There shall be a temporary physical barrier to be erected in the beer garden each day at 22:00 to close of business to prevent customers accessing the beer garden from the smoking shelter.