

## **Licensing Sub-Committee**

**Tuesday, 21st August, 2018**

**PRESENT:** Councillor B Garner in the Chair

Councillors M Harland and G Wilkinson

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

**RESOLVED** – That Councillor B Garner be elected as Chair for the hearings.

### **2 Late Items**

There were no late items. Supplementary information for Agenda Item 7 – Application to vary a Premises Licence held by Upstairs Bar, 28-32 Bridge End, Leeds was published and distributed prior to the hearing.

### **3 Declarations of Disclosable Pecuniary Interests**

There were no declarations.

### **4 Application for the grant of a premises licence for Kirkstall Abbey Ruins, Cloisters, Church & Visitor Centre Abbey Road, Kirkstall, Leeds, LS5 3EH**

The report of the Head of Elections, Licensing and Registration presented an application for the grant of a Premises Licence at Kirkstall Abbey Ruins, Cloisters, Church and Visitor Centre, Abbey Road, Kirkstall, Leeds.

The application was for the following:

- Performance of plays, performance of recorded music, performance of live music, exhibition of films, performance of dance – Everyday 07:00 to 23:00
- Late night refreshment – Everyday 23:00 to 00:00
- Sale by retail of alcohol – Everyday 11:00 to 22:30

The application had received representations from West Yorkshire Police and others.

It was reported that the application was for specific areas within the abbey grounds, namely the Ruins, Cloisters, Church and Visitor Centre. There was already an all-encompassing licence for large outdoor events. This licence, if granted, would be used for smaller and more specific events. It was not anticipated that licensable activities would be held every day. Prior to the hearing, agreement had been reached with West Yorkshire Police subject to conditions and representations from local residents were outstanding.

Elaine Frances-Truett addressed the Sub-Committee on behalf of Kirkstall Abbey. She highlighted the following issues in relation to the application:

- Temporary Event Notices had been used for events at the Abbey and there were too many events planned for the continued use of these.
- The Licence would be more appropriate for smaller events to be held such as markets and theatre performances.

- The main uses of the licence would be for sale of alcohol, performance of films and music.
- The events would generally attract less than 500 customers.
- It was proposed to hold a further 9 theatre events and 5 films before the end of the year.
- When evening events were held, careful planning took place with organisers to reduce any potential impact on residents. A senior sound technician would be on site to control sound levels and regular ambient noise checks would be carried out.
- Work would take place with the Council for traffic management and parking arrangements. It would be made clear to customers of ticketed events which areas were not available for parking. It was not felt that concerns that had been expressed about parking were due to events at the Abbey.
- There were no plans to change current licensed operations at the Abbey.
- The applicant was happy to have conditions to the licence as proposed by West Yorkshire Police.
- In response to questions from the sub-committee, the following was discussed:
  - There would be less than 30 events held annually.
  - Food at events would be street food style – pizzas and burgers.
  - Although the licence was requested until 23:00 it was preferred that events finished earlier.

The Licensing Sub-Committee carefully considered the report of the Head of Elections, Licensing and Registration, the Statement of Licensing Policy and the representations submitted and made at the hearing.

**RESOLVED** – That the application be granted as applied for with additional agreed conditions between the applicant and West Yorkshire Police.

## **5 Application to Vary a Premises Licence held by Upstairs Bar, 28 - 32 Bridge End, Leeds, LS1 4DJ**

The report of the Head of Elections, Licensing and Registration presented an application to vary a Premises Licence held by Upstairs Bar, 28-32 Bridge End, Leeds.

The application was to include a variation of the existing licence to authorise alcohol sales for consumption off the premises.

Representations had been made by West Yorkshire Police and from a local business. Agreement had been reached with West Yorkshire Police with the inclusion of additional conditions to the licence.

Mr Georgiou of the Upstairs Bar addressed the Sub-Committee. Issues highlighted included the following:

- The premises was only a small bar and specialised in gin and craft beers. Ninety percent of trade came from local customers and the variation was to allow them to drink in an outside area overlooking the river.

- The only objection had come from a neighbouring company and was focussed on rights of way and the use of the area for their client's access and parking.
- The land to the rear was also used by other companies and there had not been any objections from them. The landlord of the building occupied by Upstairs Bar was also happy for the use of the outside area as a beer garden
- Many other bars in the area had outdoor drinking areas overlooking the river and it was not felt to be a risk to customers.
- There had not been complaints or objections from residents living in flats that were located above the outdoor area.
- The outdoor area had been used with the use of temporary event notices. There had been no complaints or objections.
- There had not been any objections from West Yorkshire Police or Environmental Health
- In response to questions from the Sub-Committee, the following was discussed:
  - During the use of the temporary event notices, the outdoor area had been used until 21:00. There had been an objection from a taxi company who used the area after 22:00.
  - Use of the outdoor area would take away the use of one parking space.
  - It was anticipated that there would not be any more than fifty people using the outdoor area. Approximately thirty people had used the area while the temporary event notices were held.

Mr P Robson addressed the Sub-Committee on behalf of an objector. Issues highlighted included the following:

- The issues surrounding rights of way were a matter for the county court.
- The applicant needed to demonstrate how he would meet the licensing objectives and made reference to an application in July 2017 which was felt to contain sufficient information on how the licensing objectives would be upheld and resulted in the application being rejected. Following a short adjournment for all parties to examine the current licensing application form, he felt that there was still insufficient information to uphold the licensing objectives particularly with regard to public safety, public nuisance and crime and disorder.
- In summary to his concerns regarding the licensing objectives, Mr Robson made the following representations:
  - Prevention of crime and disorder – The conflict with rights of way – there was potential for blockages and prevention of access – this could lead to conflict and a potential negative impact on public safety.
  - Public safety – the proximity of the outdoor area to the river.
  - Public nuisance – due to the numbers of people using 5th outdoor area there was a significant likelihood of noise disturbance to local businesses and residents and also problems with litter.
  - Further issues highlighted included lack of disabled access and customers having to carry drinks across a public area.

In summary to the application Mr Georgiou informed the Sub-Committee that both West Yorkshire Police and Environmental Health were happy with the application

and satisfied that licensing objectives would be met. He reported that the bar had operated for three years without any incidents. In response to further questions it was reported that there were other bars in the vicinity with outdoor drinking areas and that smokers would use the area outside the front of the premises.

The Licensing Sub-Committee carefully considered the report of the Head of Elections, Licensing and Registration, the Statement of Licensing Policy and the representations submitted and made at the hearing.

**RESOLVED** – That the application be granted as applied for with additional agreed conditions between the applicant and West Yorkshire Police.