

Licensing Sub-Committee

Tuesday, 19th March, 2019

PRESENT: Councillor B Flynn in the Chair

Councillors M Harland and G Harper

1 Election of the Chair

RESOLVED – To elect Cllr. Flynn to the 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 late items.

5 Declarations of Disclosable Pecuniary Interests

No declarations of disclosable pecuniary interests were made.

6 Application for the grant of a premises licence for Stew And Oyster 488 - 490 Roundhay Road, Leeds, LS8 2HU

The report of the Chief Officer Elections and Regulatory requested Members consideration on an application for the grant of a premises licence, made by Stew and Oyster (Trading) Ltd, for Stew and Oyster 488-490 Roundhay Road, Leeds, LS8 2HU.

Members were advised that the premises had previously benefitted from a premises licence. However, owing to the changes within the company which held the licence, the company which held the licence in effect ended and as no application was made to transfer the premises licence during the 28 day period, the premises licence therefore lapsed.

The application was for the following licensable activities:

Sale by retail of alcohol and regulated entertainment

- Monday to Saturday 10:00 – 00:00 Sunday 10:00 – 22:30

Late night refreshment

- Monday to Saturday 23:00 – 00:00

It was noted that no representations had been received from responsible authorities. However, representation had been received from a member of the public opposed to the application on grounds of public nuisance. A redacted copy of the letter was attached at Appendix C of the submitted report.

In attendance at the meeting were:

Mr Whur – of Woods Whur Solicitor

Gemma Welsh – on behalf of Stew and Oyster (Trading) Ltd.

Member of the public who currently owns the Post Office on Roundhay Road and had sent representation.

Mr Whur informed the sub-committee that the Stew and Oyster had been opened for 6 years and was a brand that served good quality food and drink and had a mixed

clientele. He explained that during restructuring, the company had unfortunately let the premises licence lapse, the premises licence holder had not in fact gone into administration.

Members were advised that this application mirrored the premises licence previously held for these premises.

He noted that the only objection received had been from the Post Office next to the premises and he was of the view that the objection was for commercial reasons as the post office also sold alcohol.

Mr Whur informed the Members that his client was a responsible operator who tried to be a good neighbour. He said that the Stew and Oyster did not hold karaoke and that live music had only been played during the celebration for New Year's Eve.

Members noted that there was no evidence to suggest that the cigarette butts and vomit could be attributed to customers of the Stew and Oyster.

He said that if the bins as suggested had been an issue or there had been a noise nuisance, Environmental Health would have been in attendance at the meeting.

Members were advised of the following points:

- The premises was requesting traditional pub opening times;
- There was no significant evidence that they were not able to promote the licensing objectives;
- The conditions set out that bottles should not be emptied between 23:00 and 07:00am;

Ms Welsh informed the sub-committee that it was company policy that bottle bins should not be emptied after 9pm. It was noted that the premises had enough storage for bottle collection.

The member of the public addressed the sub-committee informing the Members of the following points:

- She and her husband owned the post office located next door;
- They had no objection to the premises being used as a pub or selling alcohol;
- Her and her husband did run the Bargain Booze, however this was a separate business and not the issue;
- She has three children who are school age and the noise level from 9pm was an issue and disturbs their sleep;
- Her and her husband have to wake up at 5:15am to attend to the newspaper deliveries;
- Quiz nights on a Tuesday between 8pm and 9:30pm were noisy;
- There is a seating area to the front of the premises and the noise drifts up to the bedrooms;
- Taxi's honk their horns when picking up customers from the premises;
- Calls had been made to the Out of Hours Noise Nuisance team;
- There are residents who live on both sides of the premises as well as above the premises;

- Glasses were left outside, there were cigarette butts to clear and on occasions there had been vomit.

The member of the public provided details of issues with the bins and the barrels at the rear of the premises which had on occasion blocked the fire exit and stopped deliveries of the newspapers to the post office which affected their business.

Members were of the view that the issues particularly in relation to ensuring that the area remained clean and tidy and that bins and barrels were stored in an orderly way was a matter of staff management.

Members were advised that these issue had been noted and would be taken back to the company to address.

The Chair said that he was pleased to see that there was a willingness to have a dialogue between all parties.

Members suggested there should be dialogue between the management of Stew and Oyster and the neighbours to ensure that any issues were addressed.

RESOLVED – To grant the premises licence as applied for.

7 Application to vary a premises licence held by The Pack Horse 208 Woodhouse Lane, Headingley, Leeds, LS2 9DX

With all outstanding matters resolved this application was withdrawn prior the meeting date.