

Licensing Sub-Committee

Tuesday, 3rd July, 2018

PRESENT: Councillor Flynn in the Chair

Councillors M Harland and G Harper

1 Election of the Chair

RESOLVED – That Councillor B Flynn be appointed 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 late items.

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

6 Application to Vary a Premises Licence held by Tom Foolery 179 High Street, Boston Spa, Wetherby, LS23 6AA

The report of the Head of Elections, Licensing and Registration informed Members of an application to vary a premises licence made by Tom Foolery, 179 High Street, Boston Spa, Wetherby, LS23 6AA.

Members noted that the purpose of the variation was to change the current licensable activities operating hours to the following:

Supply of alcohol

Sunday to Thursday: 09:00 - 00:00

Friday & Saturday: 09:00 - 01:00

Late Night Refreshment

Sunday to Thursday: 23:00 - 00:00

Friday & Saturday: 23:00 - 01:00

Live Music

Monday to Thursday: 16:00 - 00:00

Friday & Saturday: 12:00 - 01:00

Sunday: 12:00 - 00:00

Recorded Music

Monday to Wednesday: 09:00 - 00:00

Thursday: 09:00 - 00:30

Friday & Saturday: 09:00 - 01:30

Sunday: 09:00 - 00:00

Hours the premises are open to the public

Monday to Thursday: 09:00 - 00:30

Friday & Saturday: 09:00 - 01:30

Sunday: 09:00 - 00:30

Members were advised that the application had attracted representations from local residents, both in support and objection of the application, none of whom were in attendance. The application also received an objection from Leeds City Council's Planning Department. Mr Chris Sanderson was in attendance on behalf of the Planning Department, and was supported by Mr Carlton McKenzie.

Mr Marcus Zol Emadi, the Premises Licence Holder, was in attendance along with his wife, Mrs Emadi. Mr Emadi provided a brief history of the premises since the increase in licensable activities, which were agreed at Sub-Committee on 29th June 2016. Mr Emadi informed Members that the establishment had never attracted any complaints from local residents prior to the objections received in response to this application. Members also heard that there had not been any incidents involving the Police or concerns raised by the Environmental Protection Team, and that the owners have a CCTV system with 17 cameras installed, which records for 45 days as opposed to the 31 days which is a condition on the premises licence. Mr Emadi informed the Sub-Committee that he wished to provide a wider variety of services to the local community, rather than attract people from the neighbouring towns and villages late at night. Mr Emadi confirmed that his customers are local residents who make up about 95% of his clientele. Mr Emadi also confirmed that the proposed change to serve alcohol at 9am was to allow alcohol to be served to customers who attend the venue to watch occasional large sporting events, which can be shown at varying times when not held in the UK.

Members also heard that there were a number of licensed premises in the locality, including a village hall which was able to hold licensable activities until 01:00am, holding up to 400 people for weekend events. Mr Emadi informed the Sub-Committee that he was not aware of any complaints or upset within the community in regards to noise pollution for the events held at the village hall. He felt that his premises, with a capacity of 80 people, and a predicted crowd of around 20 people at closing time, would therefore have a low impact on the area.

Mr Sanderson addressed the Sub-Committee, informing Members of a previous planning application for the premises in 2009, which requested the same hours as those proposed in this application. Members heard that these hours had been rejected in 2009 on the basis of prevention of public nuisance. Mr Sanderson noted that the website for the premises stated that food is served until 9pm, which would allow 4 hours for just the consumption of alcohol, if the proposed hours were agreed. In response, Mr Emadi informed Members he would be happy to serve food until a later point in the evening.

Mr Emadi informed Members that following the end of the consultation period for the application, he arranged an evening for local residents to attend the premises to discuss their concerns. Mr Emadi informed the committee that he had addressed

local residents concerns in respect of customers staying in the outside areas beyond 9:30pm by removing the tables and chairs at this point, and allocating staff supervision near the door area.

Members carefully considered the application and representations made, and

RESOLVED –

That the application be granted as applied for, with the exception of recorded music to be restricted to 1:00am in line with other licenced activities at the premises.