

Licensing Sub-Committee

Tuesday, 11th June, 2019

PRESENT: Councillor B Garner in the Chair

Councillors N Buckley and A Marshall-Katung

1 Election of the Chair

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

2 Appeals Against Refusal of Inspection of Documents

There were no appeals.

3 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

4 Late Items

There was a formal late item, which was circulated to all Members prior to the meeting:

Item 7) Temporary Event Notice for The Engine, Moor Road, Hunslet LS10 2JJ (Minute 7 refers)

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

6 Application for the grant of a premises licence for Cafe Bospa Ltd 181A High Street, Boston Spa, Wetherby, LS23 6AA

The Chief Officer Elections and Regulatory submitted a report detailing an application for the grant of a premises licence, made by Bospa Limited, for Cafe Bospa Ltd, 181A High Street, Boston Spa, Wetherby, LS23 6AA.

The application requested approval of the following licensable activities:

Supply of Alcohol

- Sunday to Thursday: 08:00 – 23:00
- Friday & Saturday: 08:00 – 00:00

Late Night Refreshment

- Friday & Saturday: 23:00 – 00:00

Recorded Music

- Sunday to Thursday: 08:00 – 23:00
- Friday & Saturday: 08:00 – 00:00

Representations had been received from 47 members of the public, 45 of which were primarily on the grounds of public nuisance and that the proposed licensing hours exceed those of the current planning hours recently been granted. There were also two representations in support of the application.

The following were in attendance on behalf of the applicant:

- Simon Gough, Bospa Limited
- Mr Paddy Whur, Woods Whur Solicitors
- Ms Amanda Usher, Woods Whur Solicitors (observing)

Mr Whur addressed the Sub-Committee on behalf of the applicant, firstly requesting Members to consider the change of hours of all licensable activities to 23:00 on Fridays and Saturdays to reflect the week day hours, and a closing time of the premises to 23:30. Mr Whur also informed Members that due to the reduction of hours, the request for late night refreshment was withdrawn. Mr Whur also submitted some additional information for Members consideration, including an artist's impression of the premises showing the layout of the deli and seating area. Members and the objector present accepted the information and this was distributed to interested parties.

Mr Whur informed Members that the proposed licence holder had discussed the prospective business plan in detail with the responsible authorities, none of whom had expressed any concerns on the grounds of public nuisance or otherwise. Mr Whur explained to Members that the establishment would attract families throughout the day, with freshly baked goods in the morning and a deli selling a range of produce. Members were informed that full breakfast, brunch, lunch and evening menus would also be available to visitors. The alcohol served would only be of premium quality, with a range of gins and wines along with some bottled beers. Mr Whur felt confident that the premises could create an environment that will promote the licensing objectives. When asked by the Sub-Committee why the applicant would not be willing to only serve alcohol with food, Mr Whur informed Members that the premises was intended to be a relaxed and flexible environment, and the premium prices and absence of strong draught lager or alike would reduce the risk of disorderly behaviour.

Councillor G Wilkinson was in attendance and addressed the Sub-Committee on behalf of the Mr Tony Williams, who is the Post Master of the Post Office next door to the premises. Cllr Wilkinson informed Members that Mr Williams was most concerned about the noise pollution from the premises, particularly as the door way to the Post Office is the only covered doorway on the street, and therefore Mr Williams felt that it would attract congregations of smokers. However, Cllr Wilkinson did inform Members that he was reassured by Mr Whur's presentation in regards to the business plan, as he and Mr William's were previously under the impression that the premises would be run as a vertical drinking establishment.

Mr Whur commented that it was helpful to be informed of the covered door way, as the staff to actively ensure that this area was not used by customers who wished to

smoke. Additionally, no drinks would be allowed outside which Mr Whur felt would reduce the likelihood of customers congregating in the vicinity of the post office.

The Sub-Committee carefully considered the information submitted, both written and oral, and

RESOLVED – That the application be granted as applied for.

7 Temporary Event Notice for The Engine, Moor Road, Hunslet, LS10 2JJ

The Chief Officer Elections and Regulatory submitted a report detailing an application for a Temporary Event Notice (TEN) from The Engine, Moor Road, Hunslet, LS10 2JJ.

The application requested approval of the following licensable activities on 15th and 16th June 2019:

Sale of alcohol
Provision of late night refreshment
Provision of regulated entertainment
Times: 01:00 to 04:00 hours
Capacity: 50

The application received one representation from the Environmental Protection Team on the grounds of public nuisance.

Ms Elaine DuBois, the proposed licence holder, was in attendance. Ms DuBois addressed the Sub-Committee, informing Members that the TEN was applied for as the pub was celebrating a year of current management. Ms DuBois explained the event as family focused during the day, with a BBQ and bouncy castle from 2pm. In the evening the event would be adult only, and two or more door staff would be present until all customers had left the premises after close at 4am. Ms DuBois informed Members that there were two flats above the premises which were currently tenanted, however, Ms DuBois believed that this was only a temporary arrangement.

Vanessa Holroyd and Karl Sheldon were in attendance on behalf of the Environmental Protection Team and addressed the Sub-Committee. Members were informed that there had been a number of complaints submitted following Ms DuBois becoming the Designated Premises Supervisor (DBS). Members were informed that one of the frequent complainants was a tenant from above the premises. Members were informed that a meeting took place between the Environmental Protection Team and Ms DuBois, and following this, there had been some improvement.

Ms DuBois informed Members that she had not received any correspondence from the Environmental Protection Team following their meeting in January 2019, and therefore Ms DuBois was unclear about any further action to be taken or if action taken was sufficient. Environmental Protection Team could not confirm if any correspondence had been sent.

The Sub-Committee carefully considered the information submitted, both written and oral, and

RESOLVED – That the application be granted as applied for. The Sub-Committee trusts that the Environmental Protection Team maintain communication with the applicant to address any future concerns of breaches of the current licence.