

Licensing Sub-Committee

Tuesday, 1st October, 2019

PRESENT: Councillor A Hutchison in the Chair

Councillors P Drinkwater and J Lennox

1 Election of the Chair

RESOLVED – That Cllr. Hutchison be elected 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 Woodside Micro Pub 258 Low Lane, Horsforth, Leeds, LS18 5DN

The report of the Chief Officer Elections and Regulatory presented an application for the grant of a new premises licence made by Mr Thomas Edmund David Crawford, for Woodside Micro Pub, 258 Low Lane, Horsforth, Leeds, LS18 5DN, and proposes to trade as a micro pub for the consumption of alcohol on and off the premises.

Members were advised that these premises currently benefit from a premises licence trading as Pinna Self Service Convenience Store, with sole provision of sale by retail of alcohol for consumption off the premises, Monday to Saturday 08:00 until 23:00 and Sunday 10:00 until 22:30

This application was for sale by retail of alcohol and performance of recorded music:
Monday to Friday 15:00 until 23:00
Saturday and Sunday 13:00 until 23:00

A redacted version of the application was attached at Appendix A of the submitted report.

It was noted that representations had been received from West Yorkshire Police in their capacity as a responsible authority. However, Members were advised that agreements had now been reached with West Yorkshire Police and as such that representation had been withdrawn. The conditions had been incorporated within the operating schedule.

The licensing authority was also in receipt of two individual letters of objection, both of which opposed this application on the grounds of public nuisance.

Mr Crawford was present at the hearing. He said that he appreciated the concerns raised by the objectors and hoped that he would be able to alleviate their fears and

address some of the points raised. Mr Crawford informed the Members of the following points:

- He would be happy to withdraw the application for recorded music as this was something that he could manage without and was of the opinion that the ambience of people talking would be enough;
- He was willing to slightly reduce closing times if needed;
- The issue of parking would be no different from when the premises operated as a convenience store. In fact there would probably be fewer cars as people would not drink and drive. He said that people may drive to collect drinks to take home;
- The premises is situated between two bus stops and people would be able to use public transport to get to the premises;
- The blue premises application notice had been located on the front door of the shop and was visible as the landlady who lives above the premises opened the shutters every morning, closing them only late at night. The announcement had appeared in the newspaper for the required number of days;
- A cigarette bin would be positioned at the front of the premises;
- The rear exit of the premises is for emergency exit only and would not be used by smokers;
- The application is for drinking only inside the premises and for off sales;
- The premises was previously a convenience store and sold alcohol;
- The premises is located on a main road and the previous owner and the applicant had not seen children playing in the street;
- The premises will operate Challenge 25 and have CCTV;

Mr Crawford informed the Licensing Sub Committee that his aim was to run a small friendly pub for customers to drink beer in an ambient setting. He said that the premises would be selling beer, larger, cider and wine from USA, Europe, East Asia and the UK. He would not be selling spirits or cocktails. The pub would sell a selection of bar snacks but no hot food.

There would be books and board games available but no music, TV or gambling machines.

The pub would be furnished in an oriental style and it is the intention that there will be a language corner with events to learn Japanese and Mandarin on a regular basis.

A toilet and urinal have been installed for the use of customers.

Responding to questions from Members Mr Crawford informed them of the following:

- This would be the first pub that he had owned;
- The premises was located at the end of a row of terrace houses;
- He had spoken to the owners of the house adjoining and they had no concerns;
- The landlady would be living in the flat above the premises and owned the whole building, he would be her tenant;

- The premises had been in disrepair and had been shut since 1st July 2019, new flooring had been installed.

Members were of the opinion that recorded music for ambience would not be an issue.

Members suggested that as the premises were being refurbished it might be an idea to add extra sound insulation between the two adjoining properties prior to re-plastering.

RESOLVED – To grant the application as applied for.

7 Application to vary a premises licence held by Hare And Hounds 7 Batley Road, West Ardsley, Wakefield, WF3 1DU

The report of the Chief Officer Elections and Regulatory set out an application to vary an existing premises licence held by Hare and Hounds, 7 Batley Road, West Ardsley, Wakefield, WF3 1DU.

The application sought to:

- Make alterations to the outside area by extending the beer garden and creating an external shelter / bar servery for the sale of alcohol;
- Extend the opening hours of the premises to an 08:00 start to allow breakfast to be served;
- Extend the start time for the sale of alcohol on Sunday to 10:00am;
- Permit the exhibition of films daily from 08:00 until 00:00;
- Permit late night refreshment daily from 23:00 until 02:00;
- Remove embedded restrictions 9(a) and 10 on page 4 of the premises licence;
- Remove all existing Annex 2 and Annex 3 conditions and replace with updated conditions, as per 3.3 of the submitted report.

The application had received representations from West Yorkshire Police and Environmental Health in their capacity as responsible authorities. These were appended to the submitted report. Prior to the hearing West Yorkshire Police withdrew their representations with agreement being made.

The Licensing Authority was in receipt of three individual letters of objection, all of which opposed the application on grounds of public nuisance. One of the objectors, Mr McDermott, was in attendance at the meeting.

In attendance at the meeting in support of the application were:

- Mr Andrew Cochrane of Flint Bishop LLP – Legal representative for Punch Partnerships;
- Mr Ian Bartlett – of Punch Partnerships Ltd;
- Jackie Fairburn the DPS of the Hare and Hounds; and

- Keeley Moorby.

Mr Cochrane informed the Licensing Sub Committee of the following:

- The pub is run on a lease with Jackie Fairburn as the DPS;
- The application in relation to the playing of films is for the indoor area only, Mr Cochrane formally withdrawing that part of the application so far as it related to the outdoor area;
- A new external 'garden room' has been constructed in the rear beer garden. The garden room has three sides and a roof with the open side facing towards the pub;
- The company wish to update certain changes as set out in the submitted report;
- Extend the hours of opening to allow teas, coffees and breakfast to be served;
- Sunday opening hours to be extended so that Sunday lunch is not so much of a rush;
- CCTV has benefitted from minor upgrades;
- The beer garden has moved slightly to the right of the premises this has slowly evolved over time;
- The proposal is for the garden room to have a bar/servery so that customers do not have to keep going backwards and forwards into the main bar;
- Speakers have been installed into the garden room so that recorded music can be played ;
- During the warm summer weather acoustic acts were invited to play outside rather than be inside with no one listening to them;
- The pub has held a number of community events including having a brass band and carols;
- The garden room has the benefit of acoustic attenuation measures and at a test when standing about 20 metres away the music could not be heard;
- It is recognised that the pub is situated in a residential area and the business does not want to fall out with the residents;
- The request for a late night refreshment licence is to provide hot drinks such as teas and coffees as well as alcohol;
- A noise limiter is to be installed;
- There would be no DJ's;
- The bar in the garden room would close at 20:00 and music would be switch off at 22:00;
- Letters of support had been received from Cllrs Wyn Kidger and Robert Finnigan, albeit they were too late to be included as representations.

An Officer from the Environmental Health Team attended the meeting and informed the Members of the following points:

- From 2009 until 2016 there had been a number of complaints in relation to noise from the pub and the beer garden, with residents complaining that they were unable to use their gardens as the noise was intrusive with pub customers to be heard singing and chanting;
- Noise from taxis' arriving late into the evening;
- Enforcement action had been taken 10 years ago against the previous operator;

- Since 2016 there have been some complaints in relation to noise from outside in the beer garden;
- Complaints seem to be seasonal when people are sat outside during the warm weather;
- There are issues when the pub has more than one event over a weekend;
- The pub do not consider birthday parties as events;
- It is difficult to attenuate noise even with noise limiters;
- He would generally advise businesses not to have outside speakers;
- Surrounding noise is generally lower in the evening which accentuates any noise from the speakers.

Mr McDermott a resident who lives next to the pub, explained that since 2016 the noise had escalated and there have been issues on a weekend. This effects his life especially if he has to work and get up early. He said that recently it has been quieter although noise does need to be lower.

Mr Cochrane in addressing the concerns raised said that most of those who drink at the pub live near the pub.

He informed the Sub Committee that the speakers are located internally within the garden room and from 20 metres the music could hardly be heard. He said that other premises up and down the country use limiters with success.

Small events such as birthday parties would normally be for 30 – 40 people.

It was noted that Ms Fairburn took over the running of the pub in December 2016, Mr Cochrane said that this was a nice pub well looked after with flowers outside, Ms Fairburn had tried to give the pub a proper community feel. She was looking for opportunities to make the pub a commercial success.

Ms Fairburn had taken into account the issues raised by the residents and didn't allow people outside into the garden area after a certain time except to smoke.

The Members discussed the following points:

- Opening hours;
- Use and location of the garden room and the times of operation;
- Considered the concerns raised by the residents and Environmental Health;
- The type of events held at the pub.

RESOLVED - To grant the amended application as follows:

1. Amend the plan which accompanies the application – granted;
2. Alcohol will not be sold from the external bar after 20:00 hours, and music played through the speakers of the external bar will not take place after 22:00 hours. A noise limiting device to be installed to limit the volume of recorded music emitted from the external bar;
3. Extend the opening hours from 08:00 hours– granted;
4. Alcohol Sunday from 08:00 hours – granted;
5. The addition of Late Night Refreshment – granted;

6. The addition of Films (indoors only) – granted; and
7. Remove all conditions under Annex 2 and 3, and replace them with the updated conditions in the application – Granted.