

IN THE LEEDS MAGISTRATES COURTBETWEEN :-BREWDOG BARS LIMITEDAppellant

- and -

LEEDS CITY COUNCIL

Respondent

NOTE OF DECISION OF
DISTRICT JUDGE ANDERSON
6th SEPTEMBER 2012

No doubt when the 2003 Licensing Act came into being, no-one foresaw the emergence of an operation such as Brewdog. They are a A Scottish company specialising in craft beers with a devoted clientele. They do not operate large public houses selling cheap lager or cheap food. They have outlets in other cities including in cumulative impact areas where they operate well and without police objection. Now they seek to come to Leeds.

The company takes a didactic approach, with books on brewing, and customers invited to watch instructional videos playing at their premises. Their customers could be described as “alcohol geeks.” They are not run of the mill or everyone’s cup of tea, but there is a demand for outlets selling a good quality of beer.

If they had identified a site outside the City’s Cumulative Impact Policy area, there is absolutely no doubt that they would already have their licence. They are an intelligent, well-run company, and in a short space of time they have shown themselves to be an effective operator.

However, this site does fall foul of the Cumulative Impact Policy which was introduced with the best possible motives to control the grant of licences to new premises. There is a presumption within it that new applications shall not be granted, unless the applicant can discharge the reverse burden in establishing that they will not add to the cumulative impact, and that is the issue in this case.

I can deal with one conclusion briefly, the issue of noise and nuisance. The Court heard evidence from Miss Ludford that she had gone to the trouble of circulating a letter to all residents in the neighbouring block of flats but received no objections. Against that was the more general evidence of Mr Kenny, which showed noise complaints to the Council. But most of those complaints were amplified music and Brewdog does not seek to be able to provide amplified music and so there is no risk of noise from regulated entertainment emanating from the premises. The capacity is small and any noise generated as people leave the premises will be very marginal indeed. It seems to me that the premises of this public house would not be a significant impact on the Cumulative Impact area regarding public nuisance and so I do not intend to mention this further.

That leaves the more important objection of the Police and the potential impact of another premises on the levels of crime in the area. There are a number of clubs around the Corn Exchange and the late

hours they trade, the marketing operations and the type of customer they attract means that there is regular disorder and violence. they run with late hours, attracting a different sort of customer. Their presence causes violence. That is a sad fact of modern life. The situation cannot be assisted by the sort of promotion I saw advertised by Chilli White with cheap vodka and free vodka, but they have their licence.

It cannot be the policy of the Cumulative Impact Policy to bring the iron curtain clanging down to allow such clubs to continue to trade while shutting out Brewdog which attracts more discerning customers who do not engage in binge drinking, though I do accept the requirement of the Cumulative Impact Policy is to ascertain specifically whether there will be impact.

If I accept, as I do, that the enterprise sells expensive beers in expensive measures, then I think I can conclude that the people likely to be attracted are not “get it down your neck” drinkers but rather better heeled customers. The type of clientele a premises attracts has a material part to the play in the decision, because if I am not worried about their clientele and am impressed by the running of their bars elsewhere, it follows that it is unlikely that their clientele will have any adverse impact on the area here.

The Police argued that customers may accidentally cause impact. Their argument that customers could get caught up in a melee caused by others is not a valid one. A simple increase in footfall isn't a rational reason to refuse entry to Leeds by Brewdog.

I have listened carefully but have heard nothing which causes me to believe that the application should not be granted. I am satisfied that the appellants have discharged the burden of proof placed on them.

I accept that the Committee and the Police did their best but their application of the Policy was too rigid. They seemed to take the view that man was made for the Policy, when the Policy should be made for man.

The appeal is upheld, and the licence granted in the terms set out in the bundle served on the Court.

THE GLUG JESMOND

HIPPO HOUR

5pm - 7pm Monday - Friday 2 Courses £12.5 | 3 Courses £15
All meals indicated with (*) included

IN HOUSE

VG - Vegan friendly
GF - Gluten free

- Fat Hippo Hillbilly** 4.4
4% Allendale Brewery 330ml (Can). Slow fermented + cold conditioned lager featuring traditional + US hops for a refreshing flavour.
- Fat Hippo IPA** 4.4
4% Allendale 330ml (Can). Triple hop IPA sporting flavours of tropical + citrus fruit with a refreshing bitterness.

BEERS

- Blonde Star** 4.4
4.1% Anarchy Brew Co. 330ml (Can) VG. Crisp + fresh, Blonde Star is light in body but not in flavour. Brim full of lemon, grapefruit + passion fruit.
- Organic Helles** 4.5
4.8% Freedom Brewery 330ml VG (Bottle). A traditional Barvarian Helles lager with German Hallertau + traditional noble hops + a crisp bitter finish.
- Wayfarer** 4.5
4.4% Allendale Brewery 330ml (Can). Single hop mosaic pale ale, with soft tropical fruit + peach flavours.
- Citra Star** 4.6
4.1% Anarchy Brew Co. 330ml (Can) VG. Session IPA Citra Star is loaded with grapefruit, lemon + lime. Light bodied enough to keep you coming back for more.
- Tall Stories** 4.7
5.7% Allendale Brewery 330ml (Can). Resinous red IPA, juicy tropical fruit flavours with a satisfying + spicy malt backbone.
- Skin Deep** 4.6
4.2% Anarchy Brew Co. 330ml (Can) VG. Medium bodied pale with flavours of tropical fruit slight resinous character.
- Halfway Dead** 4.6
4.7% Anarchy Brew Co. 330ml (Can) GF VG. Earth tones support tangerine, grapefruit and pine in flavour + aroma.

Cult Leader 5.5% Anarchy Brew Co. 330ml (Can) VG. Mosaic pale ale with hints of blueberry, tangerine, papaya, grass + bubblegum.	4.8
Wanderlust 6.5% Allendale Brewery 330ml (Can). A West Coast style IPA bursting with tropical citrus fruit flavours + aroma.	4.8
Moor Stout 5% Moor Beer Co. 330ml (Can) VG. Dark, smooth, rich stout, with roasted barley + bitter chocolate, silky smooth flavours with a dry hoppy finish.	5.2
Nanny State 0.5% BrewDog 330ml (Bottle). An alcohol free, full flavoured craft beer packed with loads of centennial, Amarillo, Columbus, cascade + Simcoe hops.	4.3

CIDER

Caple Rd. No.3 5.2% Westons 330ml (Can) GF VG. The UK's first canned cider produced with genuine craft credentials. Clear, sparkling + dark amber in colour, sporting a full bodied oaky, smoky flavour.	4.4
Old Mout Kiwi + Lime 4% Old Mout 500ml (Bottle) GF VG. The ingenious pairing of kiwi fruit cut with tangy lime. Mixed with cider, these natural partners create a unique combo.	5.2
Old Mout Berries + Cherries 4% Old Mout 500ml (Bottle) GF VG. A special blend of strawberry + raspberry with notes of blueberry. Finished off with a refreshing burst of juicy apple.	5.2

WINE

White	125ml	250ml	Btl
Chenin Blanc (South Africa) GF Off-dry, bursting with citrus and pineapple aromas with a refreshingly dry finish.	3.4	6.05	17.5
Pinot Grigio (Italy) A deliciously crisp + minerally Pinot Grigio sourced from the sun drenched vineyards of Northern Italy. Fresh, citrus fruit flavours are balanced by a delightful smoothness.	4.05	7.25	19.5
Sauvignon Blanc (France) GF Green fig + fresh lemon aromas that give way to an intensely flavoured fruit-driven wine.	4.45	7.45	20.5
Rose			
Pinotage Rose (South Africa) GF Easy drinking rose with abundant summer fruit flavours - perfect for any occasion.	3.85	7.05	19.5

Sparkling Wine

Prosecco (Italy) GF Great for celebrating - birthdays, parties or just the weekend! Dry, fresh + fruity flavours.	27.5
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Red

Pinotage (South Africa) GF	3.4 6.05 17.5
Smooth ripe damson + a hint of vanilla followed by soft rounded tannins giving good length on the finish.	
Cabernet Sauvignon (Chile) GF	4.05 7.25 19.5
Full bodied and velvety, this wine is bursting with rich red fruits + a hint of vanilla.	
Merlot (France) GF	4.45 7.45 20.5
A mouthful of red berry fruits, soft + juicy. A great example from the Loire Valley.	

LIQUOR

	25ml	50ml
Spirits	3.2	4.8
Mixers	1	1

NAUGHTY SHAKES

PB&Jack	6.9
Jack Daniel's, peanut butter, honey + vanilla ice cream	
Milky Bar	6.9
Baileys, amaretto + vanilla ice cream	
The Irish One	6.9
Jameson, Kahlua, espresso + vanilla ice cream	
Butterbeer	6.9
Baileys, butterscotch + vanilla ice cream	

NAUGHTY SHOTS

Pickleback	3.5
Jameson washed down with pickle juice	

SHAKES

Mars Attack	4.7
Salted caramel, whipped cream, chocolate ice cream + Oreos	
Meet Joe Crack	4.7
Coffee, whipped cream, fudge sauce, ice cream + pretzel	
Love Me Blender	4.7
Banana, peanut butter, cream, ice cream + candied bacon	
Old School	4.4
Strawberry, chocolate or vanilla	

T-TOTAL

Draught	3
Pepsi/Pepsi Max/Diet Lemonade	
Hippo Soda	3
Orange/Cloudy Lemonade	

Fruit Juice Orange/Apple/Cranberry	2
Cordial Blackcurrant/Orange/Lime/Elderflower	2.2
Coca Cola Glass bottled	2.8
Diet Coke/Coke Zero Glass bottled	2.5
Marlsh Mineral Water Still/Sparkling	2.2
Cans San Pellegrino (lemon, blood orange or orange + pomegranate)	2.6
BREWS	
Tea Ask for our selection	2.4
Espresso	2.6
Americano/Flat White	2.8
Cappuccino/Latte/Hot Chocolate/Mocha	3.2

Follow us:

THE GRUB JESMOND

HIPPO HOUR

5pm - 7pm Monday - Friday 2 Courses £12.5 | 3 Courses £15
All meals indicated with (*) included

STARTERS

We try to cater for all allergies + diets. For full allergen info please see our [allergen menu](#) or just ask a member of staff!

ATTENTION: please be aware that all dishes may contain traces of nuts as we have peanuts on the premises.

VG - Vegan **V** - Vegetarian

Frickles (v) *	4.5
Fried crinkle cut pickles with sour cream + Hellacious Hippo Hot sauce (VG on request)	
Trash Browns (v) *	4.9
Deep fried tater tots, topped with liquid cheese + Cajun onion strings (Add bacon + £1)	
Dirty Waffles *	4.9
Waffle fries with Fat Hippo sauce + bacon bits	
Beer Battered Cheese Balls (v)	5.5
Deep fried, beer battered, gooey cheese balls, Buffalo hot sauce + ranch (Add bacon +£1)	
Freddie's Fingers	5.9
Southern fried chicken strips on rocket, with Buffalo hot sauce	
Cheeseburger Wachos for 1	6.5
Waffle fries, smashed beef burger, liquid cheese, guacamole, sour cream, Hellacious Hippo Hot sauce + jalapeños	
Cheeseburger Wachos for 2	9.9
Waffle fries, smashed beef burger, liquid cheese, guacamole, sour cream, Hellacious Hippo Hot sauce + jalapeños	
Veggie Wachos for 1 (v)	6.5
Waffle fries, smashed vegan fried chicken, liquid cheese, guacamole, sour cream, Hellacious Hippo Hot sauce + jalapeños	
Veggie Wachos for 2 (v)	9.9
Waffle fries, smashed vegan fried chicken, liquid cheese, guacamole, sour cream, Hellacious Hippo Hot sauce + jalapeños	

VEGAN STARTERS

Vegan Dirty Waffle Fries (VG)	4.9
With vegan Fat Hippo sauce + fakon bits	

Vegan Trash Browns (VG) Deep fried tater tots, topped with Cajun onion strings	4.9
Vegan Wachos for 1 (VG) Waffle fries, smashed vegan fried chicken, guacamole, Hellacious Hippo Hot sauce + jalapeños	6.5
Vegan Wachos for 2 (VG) Waffle fries, smashed vegan fried chicken, guacamole, Hellacious Hippo Hot sauce + jalapeños	9.9

KIDS

Main, Side & Drink

View full kids menu [here](#)

FAST HIPPO

Available weekdays 'til 4pm (excluding Bank Holidays). All burgers come with hand cut chips and are priced at £6.50. Upgrade charges apply.

Little American

Single beef patty, cheese, pickles, ketchup + American mustard

Little Bill

Single beef patty, cheese, bacon + BBQ sauce

Little Hippo

Single beef patty, cheese, chorizo + Fat Hippo sauce

Little White Buffalo

Buttermilk chicken fingers, Buffalo hot sauce + purple 'slaw

Little Oprah (VG)

Single plant based patty, vegan cheese, Cajun fakon bits + Fat Hippo sauce

BEEF

All of our burgers are served in toasted demi brioche and come with a free portion of hand cut chips.

Go bunless for 50p less than the listed price!

Fancy an upgrade? Add another patty for £3, add a fried chicken piece for £2.5 or upgrade your chips to fries (free), Cajun fries (50p), dirty fries (£1.5), dirty hand cut chips (£1.5), sweet potato fries (£1.5), waffle fries (£1.5), dirty waffles (£2), dirty sweets (£2).

American * Double patty, topped with American cheese, pickles, ketchup & American mustard	10.9
Wild Bill * Double patty, American cheese, smoked bacon, Cajun waffle fries, BBQ sauce, ranch + jalapeños	11.9
Swiss Tony * Double patty, Swiss cheese, smoked bacon, mushrooms, tobacco onions + truffle mayo	11.9
PB& Double J Double patty, American cheese, chunky peanut butter, bacon jam + smoked chilli jello	11.9

Tropic Thunder Double patty, American cheese, Jerk bacon, candied pineapple, Hellacious Hippo Hot sauce + purple 'slaw	11.9
Stinky Pete Double patty, blue cheese, onion jam + jalapeños	11.9
Fat Hippo Double patty, American cheese, smoked bacon, chorizo, onion rings + Fat Hippo sauce	12.9
Born Slippy Double patty, American cheese, garlic mayo, braised rib meat, jalapeños + chilli jam	12.9
4x4 Four patties, American cheese, smoked bacon + Fat Hippo sauce	15.9

SUPERFRIES ME!

Upgrade Upgrade your fries game with half a tray of hand cut chips, bacon, ranch + Parmesan!	3.5
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CHICKEN

Brined, double fried, boneless, buttermilk thighs.

All burgers served in toasted demi brioche with hand cut chips. (*not M:I 5)

Hangover III * Buttermilk chicken, American cheese, smoked bacon, lettuce, pickles, BBQ sauce + ranch	11.9
Great White Buffalo * Buttermilk chicken, American cheese, smoked bacon, Buffalo hot sauce + purple 'slaw	11.9
The Last Samur-Thigh * Buttermilk chicken, American cheese, lettuce, sriracha, hoisin, herb mayo + Asian 'slaw	11.9
M:I 5 Five piece tray, thighs + fries, smoked chilli jello, jalapeños + a choice of 3 sauces	12.9

VEGGIE/VEGAN

Don't panic - it's not the real deal! All burgers served in toasted vegan brioche + hand cut chips.

Five Lies (v) * (VG) Single patty, vegan cheese, pickles, ketchup + American mustard	10.9
Bloody Harrelson (v) * (VG) Single patty, vegan cheese, smokey mayo, gem lettuce, tomato, sweet onions + ketchup	11.9
Harlem Fake (v) * (VG) Southern fried plant based patty, vegan cheese, pink onions, sriracha mayo, lettuce + chipotle 'slaw	11.9
Notorious VFC 2.0 (v) (VG) Southern fried plant based patty, hash brown, vegan cheese, lettuce, pickles, BBQ sauce + zinger mayo	12.9
Oprah Sin-free (v) (VG) Double patty, vegan cheese, Cajun fakon bits, onion rings + Fat Hippo sauce	12.9

SIDES

Fries (v)	3
Hand Cut Chips (v)	3
Dirty Fries With bacon pieces + Fat Hippo sauce	4.5
Vegan Dirty Fries (VG) With fakon bits + vegan Fat Hippo sauce	4.5
Dirty Hand Cut Chips With bacon pieces + Fat Hippo sauce	4.5
Vegan Dirty Hand Cut Chips (VG) With fakon bits + vegan Fat Hippo sauce	4.5
Sweet Potato Fries (v)	4
Dirty Sweets With bacon pieces + Fat Hippo sauce	4.5
Vegan Dirty Sweets (VG) With fakon bits + vegan Fat Hippo sauce	4.5
Waffle Fries (v)	4
Onion Rings (v)	3
Purple 'Slaw (v)	3
Chipotle 'Slaw (v) (VG) Chipotle	3
Wedge Salad Iceberg lettuce, ranch, bacon, Parmesan (VG on request)	3

SAUCES

Chips need dips. Treat yourself to one for 60p or two for £1.

Choose from

Fat Hippo / Buffalo Hot / Chipotle Mayo / Sriracha Mayo / Hellacious Hippo Hot / Sour Cream / Garlic Mayo / Chilli Jam / Smoked Chilli Jello / Ranch / BBQ

DESSERTS

For those brave enough to have made it this far, we salute you! You deserve one of these ...

Ice Cream Selection (v) * Strawberry/Chocolate/Vanilla	4.5
Belgian Waffle (v) * Served warm with vanilla ice cream + butterscotch sauce	5.5
Triple Choc Brownie (v) Served warm with vanilla ice cream + butterscotch sauce	5.5

Toblerone Cheesecake (GF) (v)

5.5

Served with vanilla ice cream + chocolate fudge sauce

Cookie Dough Pie (v)

5.9

Served warm with vanilla ice cream + chocolate fudge sauce

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