

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: 2nd June 2015

**Subject: Application for the grant of a premises licence for Donisthorpe Hall
Shadwell Lane, Moortown, Leeds, LS17 6AW**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Moortown	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

This is an application for the grant of a premises licence, made by Donisthorpe Hall, for Donisthorpe Hall Shadwell Lane, Moortown, Leeds, LS17 6AW

The application is made for a large community care home wishing to provide the Sale by Retail of Alcohol, Films and Recorded Music. The hours applied for are noted at 3.3 of this report.

The initial hearing to determine this application was scheduled for 11th May 2015. The applicant's legal representative made a request for the hearing to be adjourned as both he and the applicant were unable attend.

Members resolved to grant the adjournment until 2nd June 2015, so the applicant may be represented appropriately.

Responsible authorities and Ward Members have been notified of this application.

This application has attracted representation from other persons.

Recommendations

The committee is asked to:

1. consider the application and any relevant representations; and
2. take any of the steps detailed at 10.1 they consider necessary for the promotion of the licensing objectives.

Purpose of this Report

- 1.1 To advise Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for a premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

2.0 History of Premises

- 2.1 This premises is a nursing care home, it previously had the benefit of a premises licence. This premises licence was surrendered in November 2014 by the previous manager.

3.0 The Application

- 3.1 The applicant is Donisthorpe Hall.
- 3.2 The application form may be found at Appendix A to this report.
- 3.3 In summary the application is for

Supply of alcohol on the premises only

19:00 until 23:00 Saturday to Thursday

Recorded music

08:00 until 23:00 Everyday

Films

08:00 until 23:00 Everyday

Non Standard Timings:

No non-standard timings for bank holidays or special occasions are proposed.

4.0 Other matters relevant to the application

4.1 Adjournment

4.1.1 The hearing for this application was scheduled for Monday 11th May 2015.

The applicant's agent made a request for the hearing to be adjourned as he would be out of the country and the applicant would be unable to attend the hearing. The agent stressed the importance of his attendance so he may clarify pertinent points from the application to the committee and the objectors.

4.2 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

5.0 Steps to promote the Licensing Objectives

5.1 The applicant proposes to take specific steps to promote the licensing objectives identified in the Pro-forma Risk Assessment; a copy of which may be found at Appendix B. Following a meeting with the West Yorkshire Police there has been an agreement to remove a condition from the Pro-forma Risk Assessment; a copy of this agreement is attached at Appendix C.

6.0 Proposed Designated Premises Supervisor

6.1 Mr Paul Johnston intends to be the Designated Premises Supervisor.

7.0 Licensing Hours

7.1 Members are directed to paragraphs 6.8 to 6.15 for the Statement of Licensing Policy which states the criteria that will be applied to any decision for new applications or variations which include extending hours.

7.2 In brief the Policy states at 6.14 that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so. The council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not impact on the licensing objectives, given the potential for neighbouring premises to seek the same additional hours to prevent rivals gaining a commercial advantage.

7.3 A list of premises in the local area and their licensed hours and activities is provided at appendix D.

8.0 Location

8.1 A map which identifies the location of this premise is attached at Appendix E.

9.0 Representations

9.1 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

9.2 Representations from Responsible Authorities

9.2.1 There have been no representations from responsible authorities.

9.3 Other representations

9.3.1 The application has attracted representations from other persons.

9.3.2 The licensing section is in receipt of 9 letters of objection, all which are opposed to this application on the grounds of public nuisance.

9.3.3 Copies of the representations are attached at Appendix F.

10.0 Options Available to Members

10.1 The licensing sub-committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the application as requested.
- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates.
- Refuse to specify the said person as the designated premises supervisor.
- Reject the whole or part of the application.

10.2 Members of the Licensing Sub Committee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

11.0 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy