

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 20th September 2016

**Subject: Application to vary a premises licence held by Mews 16 Bank Street,
Wetherby, Leeds, LS22 6NQ**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Wetherby	
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 to vary a premises licence, made by Market Town Taverns Limited, for Mews 16 Bank Street, Wetherby, Leeds, LS22 6NQ

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

The application has attracted representations from other persons and responsible authorities.

1 Purpose of this report

- 1.1 To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") to vary 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 History of premises

- 2.1 An application was first received on 10th June 2005 to convert and vary the existing Magistrates licence. Representations were received from both Responsible Authorities and Members of the Public. Agreements were reached between Leeds City Council Environmental Protection Team and Health and Safety Team. However a hearing was scheduled for 2nd August 2005 due to representations from members of the public.

At the hearing the Committee took into account submissions from the Applicant and from the Officer Report and decided to Grant the Variation application as requested.

A number of applications have been received since this licence was Granted in order to vary the Designated Premise Supervisor at the Premise. All applications received were subject to consultation with West Yorkshire Police and all were duly granted.

A copy of the existing licence is attached at **Appendix A**.

3 The application

- 3.1 The applicant is Market Town Taverns Limited
- 3.2 Briefly the application is to:
 - Add an additional hour onto the hours for sale of alcohol with a terminal hour being midnight throughout the week.
 - Remove and amend conditions attached to the operating schedule
 - Make structural alterations
 - To permit the opening of the premises from 09:00 daily.

4 The operating schedule

- 4.1 The applicant considers that the existing measures and those to be amended and offered on the application are sufficient to promote the licensing objectives and no further measures are necessary.
- 4.2 A copy of the application can be found at **Appendix B**

5 Location

- 5.1 A map which identifies the location of these premises is attached at **Appendix C**.

6 Representations

- 6.1 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.

Representations from Responsible Authorities

- 6.2 Representations have been received from Environmental Protection Team in their capacity as a responsible authority. A copy of the representation may be found at **Appendix D**. This remains a matter for Members consideration.
- 6.3 It is brought to Members attention that though representation has not been received with regards to this application from Health & Safety liaison has occurred and it has been agreed that certain conditions shall remain under the Public Safety objective. Members may refer to **Appendix A** , specifically conditions 17 and 18. Agreement attached at **Appendix E**

Other representations

- 6.4 The application has attracted representations from members of the public (described as 'other persons' in the legislation).
- 6.5 Entertainment Licensing is in receipt of two letters of objection. Concerns have been raised with regards to the potential nuisance that may occur should this application was granted.
- 6.6 In order to protect personal data, redacted copies of the representations are attached at **Appendix F**. Unredacted copies will be available at the hearing for Members consideration.

7 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 G**

8 Equality and diversity implications

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

9 Options available to Members

9.1 The licensing subcommittee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the variation as requested.
- Grant the variation whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates.
- Reject the whole or part of the application.

9.2 Members of the licensing subcommittee 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.

10 Background papers

- Guidance issued under s182 Licensing Act 2003
- Statement of Licensing Policy