

**Report of the Head of Elections, Licensing and Registration**

**Report to the Licensing Sub Committee**

**Date: 28th February 2017**

**Subject: Application for the Grant of a Premises licence for Winstons Health and Leisure DRH Health Ltd, 295 Dewsbury Road, Hunslet, Leeds, LS11 5LS**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): City & Hunslet		
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 Dan Hall T/a DRH Health Ltd, for Winstons Health And Leisure DRH Health Ltd, 295 Dewsbury Road, Hunslet, Leeds, LS11 5LS.

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

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

A hearing was scheduled for the 14<sup>th</sup> February 2017. The applicant requested an adjournment prior to the hearing in writing as he has taken on legal representation and wished to confer with his representative. The applicant attended and verbally requested an adjournment. This was duly granted and the hearing was rescheduled for the 28<sup>th</sup> February 2017.

## **1 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 new 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 the premises**

- 2.1 This premises was previously licensed under the Licensing Act 2003 for Recorded Music and Sale of Alcohol granted September 2006
- 2.2 The licensed hours being Sunday to Thursday 11:00 to 00:00 and Friday and Saturday 11:00 to 01:00
- 2.3 The licence was revoked on the 21st November 2006 due to a review brought by West Yorkshire Police.
- 2.4 Should this licence application be granted, the premises will be under new management and ownership from the previous application.

## **3 The application**

- 3.1 The applicant's name is Dan Hall T/a DRH Health Ltd, .
- 3.2 The proposed designated premises supervisor is Daniel Ryan Hall
- 3.3 In summary the application is for:
- 3.4 Sale of Alcohol 20:00 to 05:00
- 3.5 Recorded Music 23:00 to 05:30
- 3.6 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule which is attached at **Appendix A**.

## **4 Location**

- 4.1 A map which identifies the location of this premises is attached at **Appendix B**.

## **5 Representations**

- 5.1 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

- 5.2 There have been representations from responsible authorities.
- 5.3 Representations have been received from West Yorkshire Police and Health and Safety and The Noise Nuisance Team in their capacities as responsible authorities which may be found at **Appendix C**.
- 5.4 Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with Leeds City Council Health and Safety and Leeds City Council Noise Nuisance Team. A copy of the agreements may be found at **Appendix D**.

The representation submitted by West Yorkshire Police remains as a matter for Members consideration.

## Other representations

- 5.5 There is a representation from the Ward Councillor by email on the grounds of public nuisance which may be found at **Appendix E**

## **6 Local Licensing Guidance**

- 6.1 This application is in an area where the council has put in place Local Licensing Guidance. This means that the area in which this premises is situated have been identified by the Community Committees as vulnerable to problem drinking and there are additional issues that directly impact the promotion of the licensing objectives. The applicant has been sent the Local Licensing Guidance during the application process and has volunteered conditions to mitigate these concerns. The Local Licensing Guidance is attached at **Appendix F**.

## **7 Licensing hours**

- 7.1 Members are directed to paragraphs 6.8 to 6.15 of 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.
- 7.3 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.
- 7.4 A list of premises in the local area and their licensed hours and activities is provided at **Appendix G**.

## **8 Equality and diversity implications**

8.1 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 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.

9.2 Members of the licensing subcommittee are asked to note that they may not reject the whole or part of the application merely because they consider it desirable to do so. It must be appropriate in order to promote the licensing objectives.

## **10 Background papers**

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