

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 14th November 2017

**Subject: Application for the grant of a premises licence for The Beer Station
York Road Industrial Estate, York Road, Wetherby, LS22 7SU**

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 for the grant of a premises licence, made by Wetherby Brew Co Limited, for The Beer Station York Road Industrial Estate, York Road, Wetherby, LS22 7SU.

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

The application has attracted representations from members of the public and responsible authorities.

This application was previously scheduled before the licensing subcommittee on 31st October 2017. Due to additional information provided by the applicant, it was decided that the hearing should be adjourned in order to distribute the information to all parties involved. Members' attention is drawn to **Appendix H**

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 is the first application for a premises licence for these premises. The premises will incorporate a craft microbrewery, a brewery tap room and a bottle shop. The site will operate as a brewery during weekdays and a tap room and bottle shop at the latter part of the week. Emphasis will be placed upon retailing beers brewed on site.

3 The application

- 3.1 The applicant's name is Wetherby Brew Co Limited
- 3.2 The proposed designated premises supervisor is Mr Thomas Gwilym Roberts
- 3.3 In summary the application is for:
- 3.4 The original application that was submitted has now been reduced by the applicant in order to address any issues that may have arisen from local residents with regards to public nuisance. The amended activities applied for are as follows:

Supply of alcohol for consumption both On and Off the premises

Sunday to Thursday 10:00 – 22:30
Friday & Saturday 10:00 – 23:00

Indoor Sporting Event

Live Music

Recorded Music

Performance of Dance

Anything of a Similar Description

Sunday to Thursday 10:00 – 22:30
Friday & Saturday 10:00 – 23:00

Non standard timings

Provision of Bank Holidays, Public Events, Christmas, New Year. A 2 hour extension will be required for Bank Holidays and Sundays that fall before Bank Holiday.

4 The operating schedule

- 4.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule at **Appendix A**

5 Location

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

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 Discussion is ongoing between the Planning Department and the applicant due to an objection regarding the operating hours. This remains outstanding at the moment and should be considered by members. A copy of the objection may be found at **Appendix C** along with correspondence from the applicant.
- 6.3 Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with Environmental Protection Team. A copy of the agreement may be found at **Appendix D**.
- 6.4 Agreements have been reached between the applicant and West Yorkshire Police. The applicant offered the measures attached at **Appendix E** within the pro forma risk assessment. These will now appear on the licence as conditions should the application be granted.

Other representations

The application has attracted representation from members of the public (described as 'other persons' in the legislation).

- 6.5 The Licensing Authority is in receipt of 25 individual letters of objection. Members of the public have concerns with regards to public nuisance. It is felt that should live music be played in outside areas it will cause a nuisance to residents. Concerns have also been expressed with regards to closing time of the premise and disturbance from patrons leaving the premises.
- 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 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 adversely impact on the licensing objectives.
- 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