

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 22nd August 2023

**Subject: Application for the grant of a premises licence for Back Nine Golf 2
Oxford Street, Guiseley, Leeds, LS20 9AX**

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|---|---|--|
| Are specific electoral Wards affected? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If relevant, name(s) of Ward(s): Guiseley & Rawdon | | |
| 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 Back Nine Golf Limited, for Back Nine Golf 2 Oxford Street, Guiseley, Leeds, LS20 9AX.

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

The application has attracted representations from other persons.

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.

3 The application

- 3.1 The applicant's name is Back Nine Golf Limited.
- 3.2 The proposed designated premises supervisor is Mark John Flanagan
- 3.3 In summary the application is for:

Activity

The sale of alcohol for consumption on the premises, every day from 10:00 hrs until 22:30.

Non standard timings

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

- 3.4 A redacted version of the application, together with a plan of the basement floor and a picture of the back door of the premises, have been attached at Appendix A.
- 3.5 The applicant proposes to promote the licensing objectives by taking the steps identified in section M of the redacted application form.

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 anyone but they must be relevant and, in the case of a member of the public, must not be frivolous or vexatious.

Representations from Responsible Authorities

- 5.2 A representation has been received from West Yorkshire Police in their capacity as a responsible authority.
- 5.3 Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with West Yorkshire Police. A copy of the agreement may be found at Appendix C.

- 5.4 A representation has been received from Environmental Health Services in their capacity as a responsible authority, which has been negotiated prior to the hearing.
- 5.5 The operating schedule has been amended to include the measures agreed with Environmental Health Services. A copy of the agreement may be found at Appendix D.

Other representations

- 5.6 The application has attracted representation from members of the public (described as 'other persons' in the legislation).
- 5.7 The licensing authority is in receipt of six individual letters of objection, all of which are opposed to this application on the grounds of public nuisance.
- 5.8 In order to protect personal data, redacted copies of the representations are attached at Appendix E. Unredacted copies will be available at the hearing for Members consideration.
- 5.9 Members are directed to paragraph 7.37 of the Statement of Licensing Policy which provides examples of how an application may demonstrate there will be no impact and paragraph 7.38 which provides examples of the matters that the council would not normally take into consideration.

6 Licensing hours

- 6.1 Members are directed to paragraphs 6.6 to 6.13 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.
- 6.2 In brief the Policy states at 6.12 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.
- 6.3 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.
- 6.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix F.

7 Equality and diversity implications

- 7.1 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.

8 Options available to Members

8.1 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.

8.2 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.

9 Background papers

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