

**Report of the Chief Officer Elections and Regulatory**

**Report to Licensing Sub Committee**

**Date: Tuesday, 23rd August 2023**

**Subject: Application to Vary a Premises Licence held by Britannia, 235 Swinnow Road, Swinnow, Leeds, LS28 9AP**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Pudsey		
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 Moonlight Taverns Ltd, for Britannia, 235 Swinnow Road, Swinnow, Leeds, LS28 9AP.

The premises operates as a pub which currently holds a premises licence authorising the sale by retail of alcohol, late night refreshment, exhibition of a film, indoor sporting events, performance of live music, performance of recorded music and entertainment of a similar description to live music, recorded music or dance.

The applicant's intention is to extend the opening hours of the premises and the hours for sale by retail of alcohol.

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

An agreement reached with the Environmental Protection Team has resulted in a reduction to the hours originally proposed for the sale by retail of alcohol. The hours now requested by the Applicant are, Monday to Sunday, 09:00 until 00:00 hours.

One representation on behalf of a member of the public remains outstanding for Committee's consideration.

## **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 a representation.

## **2 History of Premises**

- 2.1 This premises currently hold a Premises Licence issued under the Licensing Act 2003. The licence authorises the following licensable activities:

*Sale by retail of alcohol (for consumption both on and off the premises)*  
*Every Day 11:00 - 00:00*

*Provision of late night refreshment*  
*Every Day 23:00 - 00:00*

*Exhibition of a film*  
*Every Day 11:00 - 00:00*

*Indoor sporting events*  
*Every Day 11:00 - 00:00*

*Performance of live music*  
*Every Day 11:00 - 23:00*

*Performance of recorded music*  
*Every Day 11:00 - 00:00*

*Indoor sporting events and entertainment of a similar description*  
*Every Day 11:00 - 00:00*

- 2.2 *The hours the premises are open to the public are:*  
*Every Day 11:00 - 00:30*

- 2.3 A copy of the existing premises licence details is attached at Appendix A.

## **3 The Application**

- 3.1 The applicant is Moonlight Taverns Ltd.

- 3.2 Initially, the application proposed:

- To extend the licensable hours for sale of alcohol every day to commence from 08:00 and to end at 00:30.
- To extend the opening hours every day to commence from 08:00.

3.3 Following an agreement reached with the Environmental Protection Team, the proposed hours for the sale by retail of alcohol have been amended to:

- Monday to Sunday, 09:00 – 00:00

3.4 A copy of the redacted application form is attached at Appendix B.

3.4 The applicant considers that the existing measures are sufficient to promote the licensing objectives and no further measures have been offered.

#### **4 Location**

4.1 A map which identifies the location of the premises is attached at Appendix C.

#### **5 Representations**

5.1 Under the Act representations can be received from anyone but must be relevant and, in the case of members of the public, must not be frivolous or vexatious.

##### Representations from Responsible Authorities

5.2 A representation has been received from the Environmental Protection Team in their capacity as a responsible authority.

5.3 Any representation may be negotiated prior to the hearing and in this instance the operating schedule has been amended to incorporate the reduced terms suggested. A copy of the agreement may be found at Appendix D.

##### Other Representations

5.4 The application has attracted a single representation from a member of the public (described as 'other persons' in the legislation) who opposes the application on the grounds of crime & disorder, public nuisance and the protection of children from harm. The objector has been notified of the agreement reached with the Environmental Protection Team, however their concerns and representation remains for the Committee's consideration.

5.5 In order to protect personal data a redacted copy of the representation is attached at Appendix E and an original copy will be provided to Members of the Licensing Sub Committee in advance of the hearing.

#### **6 Licensing Hours**

6.1 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.

6.2 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.

- 6.3 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 Sub Committee 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.
  - Reject the whole or part of the application.
- 8.2 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 and relevant to the application.

## **9 Background Papers**

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