

Report of the head of licensing and registration

Report to the licensing sub committee

Date: 3rd March 2014

Subject: Application to vary a club premises certificate in respect of Grove Hill Club, Ilkley Road, Otley, Leeds, LS21 3JN

| | | |
|---|---|--|
| Are specific electoral Wards affected? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If relevant, name(s) of Ward(s): | Otley & Yeadon | |
| 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 club premises certificate in respect of Grove Hill Club, Ilkley Road, Otley, Leeds, LS21 3JN

This application is made to extend the terminal hour of the current licensable activities. The hours proposed for those licensable activities are noted at 3.3 of this report.

Responsible authorities have been served with copies of the application and Ward Members have been notified of the application.

1.0 Purpose of this Report

- 1.1 To advise Members of an application made under section 84 of the Licensing Act 2003 ("the Act") to vary a club premises certificate in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt to representations.

2.0 History of Premises

2.1 On the 14th June 2005 an application to covert a former club registration was received. This was duly granted as applied for the following activities:-

Supply of alcohol on the premises, Regulated entertainment

| | |
|--------------------|---------------|
| Monday to Saturday | 11:00 – 23:00 |
| Sunday | 12:00 – 22:30 |

2.2 A copy of the existing licence (including all conditions) is attached at Appendix A.

3.0 The Application

3.1 The applicant is Grove Hill Club.

3.2 A copy of the application is attached as Appendix B to this report.

3.3 In summary the application is for

Supply of alcohol on the premises

| | |
|--------------------|---------------|
| Monday to Saturday | 12:00 – 00:00 |
| Sunday | 12:00 – 23:30 |

Recorded Music

| | |
|--------------------|---------------|
| Monday to Saturday | 12:00 – 00:00 |
| Sunday | 12:00 – 23:00 |

Performance of Live Music

| | |
|--------------------|---------------|
| Monday to Saturday | 11:00 – 23:00 |
| Sunday | 12:00 – 22:30 |

Times when the premises are open

| | |
|--------------------|---------------|
| Monday to Saturday | 12:00 – 00:30 |
| Sunday | 12:00 – 00:00 |

Non standard timings are not proposed.

4.0 Other matters relevant to the application

4.1 Equality and Diversity / Cohesion and Integration

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

4.2 **Steps to promote the licensing objectives**

The applicant proposes to take specific steps to promote the licensing objectives identified in the Pro-forma Risk Assessment; a copy of which may be found at Appendix C.

5.0 **Licensing Hours**

5.1 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.

5.2 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.

5.3 A list of premises in the local area and their licensed hours and activities is provided at appendix D.

7.0 **Location**

7.1 A map which identifies the location of the premises is attached at Appendix E.

8.0 **Representations**

8.1 Under the Act representations can be received from responsible authorities or interested parties. Representations must be relevant and, in the case of an interested party, must not be frivolous or vexatious.

8.2 Representations from Responsible Authorities

8.3 Representations have been received from Environmental Protection Team in their capacity as a responsible authority.

8.4 Any representations submitted may be agreed prior to a hearing. In this instance the operating schedule has been amended to include measures agreed with Environmental Protection Team. A copy of which may be found at Appendix F.

8.5 Other representations

8.6 The application has attracted representations from other persons.

8.7 The Licensing Section is in receipt of 3 individual letters of objection. All are opposed to this application on the grounds of noise nuisance related to the proposed extension of hours of operation. Copies of which may be found at Appendix G.

9.0 **Options Available to Members**

9.1 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.
- Exclude any licensable activities to which the application relates.
- Reject the whole or part of the application.

9.2 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.

10.0 **Background Papers**

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