

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 21st March 2017

**Subject: Application for the grant of a premises licence for Marstons,
Parkinson Approach, Garforth, Leeds, LS25 2HR**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Garforth & Swillington	
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 Marstons Plc, for Marstons, Parkinson Approach, Garforth, Leeds, LS25 2HR.

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

The application has attracted representations from other persons and a responsible authority.

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 which has yet to be built. The premises will operate as a public house providing food and entertainment.

3 The application

- 3.1 The applicant's name is Marstons Plc
- 3.2 The proposed designated premises supervisor is Mr Steve Roberts
- 3.3 In summary the application is for:

Films

Indoor Sporting Events

Live Music

Recorded Music

Performance of Dance

Supply of Alcohol – for consumption both on and off the premises

Monday to Thursday 10:00 – 00:00

Friday & Saturday 10:00 – 01:00

Sunday 11:00 – 00:00

Late Night Refreshment

Sunday to Thursday 23:00 – 00:00

Friday & Saturday 23:00 – 01:00

Non standard timings

To permit the sale of alcohol and such regulated entertainment as authorised until 01:00 on Friday, Saturday, Sunday and Monday Bank Holiday weekends, Christmas Eve and Boxing Day.

To permit the sale of alcohol and regulated entertainment on New Years Eve commencing 10:00 until 01:00 on the 2nd January.

To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national interest outside normal operating hours such opening times for this purpose to be confirmed upon 7 days prior notice in writing

to the Police before the premises intend to open, such notification to include the opening times and the sporting event which is to be shown.

- 3.4 For customers, hours of opening are from 07:00 through until 30 minutes after the cessation of licensable activities so as to facilitate the provision of breakfast.

All outside areas including the landscaped gardens, play area, beer garden area and patio area are intended to be licensed. The beer garden and patio area will have the benefit of waitress service and provide overflow for diners.

4 The operating schedule

- 4.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule which is attached 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 Representations have been received from the planning department in their capacity as a responsible authority which may be found at **Appendix C**.
- 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 Health. A copy of the agreement may be found at **Appendix D**.

Other representations

- 6.4 The application has attracted representation from members of the public (described as 'other persons' in the legislation).
- 6.5 A representation has been received from a member of the public who has expressed concerns with regards to public nuisance. The Ward Councillor has also submitted an objection raising concerns regarding crime and disorder and public nuisance.
- 6.6 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.

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 F**

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