

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: 28th May 2019

**Subject: Application to vary a premises licence held by Muddy Boots Cafe
Harewood Village Hall, Church Lane, Harewood, Leeds, LS17 9LJ**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):		
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 Mr Edward David Lascelles, for Muddy Boots Cafe Harewood Village Hall, Church Lane, Harewood, Leeds, LS17 9LJ.

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

The application has attracted representations from other persons.

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 representations.

2 History of premises

- 2.1 An application for the grant of a premises licence was received by the Licensing Authority on 26th October 2017.
- 2.2 The application attracted sole representation from the Environmental Protection Team with a suggestion to undertake additional measures to promote the prevention of public nuisance licensing objective.
- 2.3 The applicant agreed to incorporate these measures in to the operating schedule and the licence was granted as requested, subject to the agreement reached.
- 2.4 A copy of the existing licence is attached at Appendix A.

3 The application

- 3.1 The applicant is Mr Edward David Lascelles.
- 3.2 Briefly the application is to:
- Extend the hours for sale by retail of alcohol until 23:30 hours every day;
 - Extend regulated entertainment until 00:00 hours every day; and
 - To include the provision of Late Night Refreshment 23:00 until 00:00 hours every day.
- 3.3 A copy of the redacted application form is attached at Appendix B.

4 The operating schedule

- 4.1 The applicant considers that the existing measures are sufficient to promote the licensing objectives and no further measures are necessary.

5 Location

- 5.1 A map which identifies the location of this premises is attached at Appendix C.

6 Representations

- 6.1 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.

Other representations

- 6.2 The application has attracted representations from members of the public (described as 'other persons' in the legislation).
- 6.3 Entertainment Licensing is in receipt of nine individual letters of objection. Councillor Matthew Robinson has expressed he will support residents with their concerns. All representations are made on the grounds of public nuisance.

6.4 In order to protect personal data, redacted copies of the representations are attached at Appendix D. Unredacted copies will be available at the hearing for Members consideration.

6.5 A letter in support of this application has also been received by the Entertainment Licensing department. A copy can be found at Appendix E.

7 Licensing hours

7.1 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.

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. 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.

7.3 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 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 subcommittee 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.

10 Background papers

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