

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

**Report to Licensing Sub Committee**

**Date: Tuesday 1st October 2019**

**Subject: Application to vary a premises licence held by Hare And Hounds 7 Batley Road, West Ardsley, Wakefield, WF3 1DU**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Ardsley & Robin Hood		
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 an existing premises licence, made by Punch Partnerships (PTL) Limited for Hare And Hounds, 7 Batley Road, West Ardsley, Wakefield, WF3 1DU.

The application seeks to make alterations to the outside area by extending the beer garden and creating an external shelter/bar server.

The applicant also proposes to remove and replace certain conditions on the premises licence. Further details of the updated conditions can be found within the body of the report.

An extension to the opening hours has also been proposed to allow the premises to serve breakfast from 08:00 daily. At present, the current sale of alcohol times are Mon-Sat 10:00-02:00 and Sunday 12:00 – 02:00. The applicant wishes to extend the times on Sunday to 10:00 to emulate the other days of the week.

The applicant also proposes the addition of two new activities including late night refreshment and provision of films.

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

The application has attracted representations from other persons and responsible authorities, however all still remain a matter for members 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 representations.

## **2 History of premises**

- 2.1 This premises already has the benefit of a premises licence. An application was made during the conversion period under the licensing act in 2005. The applicant sought to vary the hours on the licence for all activities and representations were received from responsible authorities. Committee members decided to grant the application as applied for with additional public safety conditions attached to the licence.
- 2.2 With regards to enforcement issues, the premises currently has an outstanding noise related complaint relating to both noise from internal music events and the use of the external areas. The complainant has indicated that the development of the outside garden space has resulted in more frequent and more excessive noise nuisance. Of note, is that the current plans held by The Licensing Authority show a "Private Garden" to the rear of the premises between the "beer garden" and the adjacent houses. The premises have now extended the beer garden area up to the curtilage abutting the housing and have positioned seating. An enforcement officer dealing with complaints about the premises has formed the opinion that the original private garden was there as a 'buffer' between the original (and still currently shown on plans) beer garden and the housing and that the use of this area now contributes to the noise issues being experienced. They also do not believe that this latest variation to the plans will decrease the instance of noise nuisance complaints.
- 2.3 A copy of the existing licence is attached at Appendix A.

## **3 The application**

- 3.1 The applicant is Punch Partnerships (PTL) Limited.
- 3.2 Briefly the application is to:
  - Extend the opening hours of the premises to 08:00 to allow the breakfast to be served.
  - Extend the start time for the sale of alcohol on a Sunday to 10:00am.
  - Permit the provision of films daily from 08:00 until 00:00.
  - Permit late night refreshment daily from 23:00 until 02:00.

- To make alterations to the outside area which includes an extension to the beer garden and the creation of an external shelter/bar servery with the proposal this would be licensed to sell alcohol.
- To remove embedded restrictions 9(a) and 10 on page 4 of the premises licence.
- To remove all existing Annex 2 and Annex 3 conditions and replace with updated conditions. Please see 3.3 for further details.

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

3.3 The proposed conditions offered by the applicant to replace certain existing conditions may be found at part M of the application. A copy of this can be found at Appendix C.

### **Location**

3.4 A map which identifies the location of this premises is attached at Appendix D.

## **4 Representations**

4.1 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

4.2 A representation has been received from West Yorkshire Police in their capacity as a responsible authority. A copy of the representation may be found at Appendix E.

4.3 Environmental Health have also submitted a representation in their capacity as a responsible authority in which a copy may be found at Appendix F.

4.4 Both representations are outstanding and remain a matter for member's consideration.

### Other representations

4.5 The application has attracted representations from members of the public (described as 'other persons' in the legislation).

4.6 Entertainment Licensing is in receipt of three individual letters of objection, all of which are opposed to this application on the grounds of public nuisance.

4.7 Two representations have been received from members of the public who have expressed concerns that they be at risk of retribution.

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

## **5 Licensing hours**

- 5.1 Members are directed to paragraphs 6.6 to 6.13 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 6.12 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. 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 Equality and diversity implications**

- 6.1 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.

## **7 Options available to Members**

- 7.1 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.
- 7.2 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.

## **8 Background papers**

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