

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Monday 23rd December 2019

Subject: Application for the Grant of a Premises Licence for The Yard, Building And Yard Rear, 11A Main Street, Garforth, Leeds, LS25 1DS

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 Mr Ian Stuart Whipp, for The Yard, Building And Yard Rear, 11A Main Street, Garforth, Leeds, LS25 1DS.

The application explains the premises will operate as a bar, with the provisions of sale by retail of alcohol for consumption on the premises, live music and recorded music.

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

The application has attracted representations from West Yorkshire Police and the Environmental Protection Team, both of which offer suggested measures to promote the relevant licensing objectives. These have been agreed by the applicant and now form part of the operating schedule, resulting in each representation being withdrawn.

Members should note one of the measures agreed with the Environmental Protection Team restricts the use of the external area to a manner that does not cause disturbance. The use of the area must also cease at 21:00 hours.

The application has also attracted representation from a local resident who has concerns regarding public nuisance and public safety.

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.

3 The Application

- 3.1 The applicant's name is Mr Ian Stuart Whipp.
- 3.2 The proposed designated premises supervisor is Mr Ian Stuart Whipp.
- 3.3 In summary the application is for:

Retail by Sale of Alcohol (for consumption on the premises)
Monday to Sunday 12:00 until 00:00 hours

Recorded Music
Monday to Sunday 12:00 until 23:00 hours

Live Music
Friday and Saturday 20:00 until 23:00 hours

Non standard timings
No non-standard timings for bank holidays or special occasions are proposed.

- 3.4 Members should note that the application proposes to include a courtyard within the licensable area. A plan showing the premises boundary and external area will be available for Members to view on the day of the hearing.
- 3.5 A redacted version of the application has been attached at Appendix A.
- 3.6 The applicant proposes to promote the licensing objectives by taking the steps identified in Section M of the application form.

4 Location

- 4.1 A map which identifies the location of these premises is attached at Appendix B.

5 Representations

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

Representations from Responsible Authorities

- 5.2 Representations have been received from West Yorkshire Police and the Environmental Protection Team in their capacity as a responsible authority.
- 5.3 West Yorkshire Police have submitted a representation to the application which offers additional measures to promote the prevention of crime and disorder licensing objective. These have since been agreed by the applicant and now form part of the operating schedule. Member's attention is drawn to a copy of the representation at Appendix C.
- 5.4 The representation by the Environmental Protection Team offers additional measures in order to promote the prevention of public nuisance objective. These have also been agreed by the applicant and Member's attention is drawn to a copy of the representation at Appendix D of this report.

Other Representations

- 5.5 The application has attracted representation from one member of the public (described as 'other persons' in the legislation).
- 5.6 The author expresses concerns that focus on existing and potential noise nuisance and public safety issues. Also provided is a letter from the Environmental Protection to the objector, in response to a bonfire nuisance complaint.
- 5.7 The Sub-Committee should be aware that the author of the representation wishes to remain anonymous due to the fear of repercussions. In order to protect personal data, a redacted copy of the representation is attached at Appendix E. The original will be available at the hearing for Member's deliberations.

6 Licensing Hours

- 6.1 Members are directed to paragraphs 6.6 to 6.13 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.
- 6.2 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.
- 6.3 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 adversely impact on the licensing objectives.

6.4 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 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.

8.2 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.

9 Background Papers

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