

Report of the Chief Officer Elections and Regulatory Report to Licensing Sub Committee

Date: 11th August 2020.

Subject: Application to vary a premises licence held by Orchard Dib Lane, Roundhay, Leeds, LS8 3HL

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Killingbeck & Seacroft		
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 Claire Louise Reynard, for Orchard, Dib Lane, Roundhay, Leeds, LS8 3HL.

This application was due to be considered at a Licensing Sub Committee on the 17th March 2020. Following emergency advice taken from the Prime Minister which was issued due to the ongoing Covid 19 crisis. The decision was taken to postpone all public meetings until an alternative solution was found. Following the development of remote hearings the hearing has been postponed until the 11th August 2020.

This application is made to extend the start time for the sale of alcohol to 10:00 every day. Extend the terminal hour for the sale of alcohol on Monday to Wednesday until 23:30, on Thursday to Saturday until midnight and on Sunday until 23:00. Extend the terminal hour for late night refreshment on Thursday to Saturday until midnight. Extend the terminal hour for Live Music on Monday to Saturday until 23:30 (This part of the application has since been withdrawn).

Remove all existing embedded restrictions which are outdated and covered by other legislation. These are to be replaced with new conditions as stated in the operating schedule and those agreed with West Yorkshire Police (WYP) and Environmental Protection Team (EPT).

Add the non-standard timing New Years - From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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

The application has attracted representations from other persons and responsible authorities.

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 These premises currently have the benefit of a premises licence which has been in force since the introduction of the current legislation effective on the 24th November 2005.
- 2.2 The application to transfer the premises licence appointing the current holder Claire Louise Reynard was received by the Licensing Authority on 27th April 2017. West Yorkshire Police (WYP) did not object to the application and it was granted as requested with immediate effect.
- 2.3 Thirty one applications have been received by the Licensing Authority between the time Claire Louise Reynard became the Licence holder and now. This includes Licence transfers, Designated Premises Supervisor (DPS) changes and minor variation applications.
- 2.4 The Senior Liaison & Enforcement officer who has covered the LS8 area for the past 8 years states:-

That Claire and Alan have been managing these premises since mid-2016 with Claire Reynard being specified as the DPS since September 2016 and the PLH since 27th April 2017.

The Enforcement officer has dealt with 3 complaints during this time:-

22nd August 2016 the Entertainment Licensing section received a complaint from a local resident via their Councillor. The complainant alleged ASB and noise nuisance. The complaint was forwarded to West Yorkshire Police (WYP and their enquiries revealed little on their systems). The EP team sent noise diaries to residents but as these were not returned the complaint was closed in October 2016. Although Claire wasn't the named DPS she was managing the premises at that time.

6th August 2018 the Entertainment Licensing section received a complaint alleging noise nuisance from car stereos and from people drinking in the carpark. The EP Team and the Enforcement Officer met with Alan and discussed the issues.

Within weeks the complainant agreed the situation had improved greatly and the complaint was closed.

7th August 2019 the Entertainment Licensing section received a complaint from a local resident about a garden party taking place in the carpark, the 2nd in a few weeks. Enquiries with the operators revealed that this was a day time cancer charity event with stalls, bouncy castle etc. There were no licensable activities taking place therefore the complaint was closed.

2.5 A copy of the existing licence is attached at Appendix A.

3 The application

3.1 The applicant is Claire Louise Reynard.

3.2 Briefly the application is to:

- Extend the start time for the sale of alcohol to 10:00 daily. Extend the terminal hour for the sale of alcohol on Monday to Wednesday until 23:30 on Thursday to Saturday until midnight; and on Sunday until 23.00.
- Extend the terminal hour for late night refreshment on Thursday to Saturday until midnight.
- Extend the terminal hour for live music on Monday to Saturday until 23:30. This part of the application was withdrawn by the applicant's solicitor on the 3rd March 2020.
- Remove all existing embedded restrictions and replace with new conditions.
- Add non-standard timing New Year's Eve - From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day for all licensable activities.

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

3.3 The applicant proposes to promote the licensing objectives by taking the additional steps identified in the operating schedule.

4 Location

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

5 Representations

5.1 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

- 5.2 Representations have been received from West Yorkshire Police in their capacity as a responsible authority. Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with West Yorkshire Police. A copy of the representation may be found at Appendix D.
- 5.3 Representations have been received from Environmental Protection Team in their capacity as a responsible authority. Due to the application being amended to remove the request to extend the terminal hour for Live Music and to amend the application to include the measures agreed with Environmental Protection Team this representation was withdrawn prior to the scheduled 17th March 2020 hearing. A copy of the representation may be found at Appendix E.

Other representations

- 5.4 The application has attracted representations from members of the public (described as 'other persons' in the legislation).
- 5.5 Entertainment Licensing is in receipt of seven individual letters of objection, all of which are opposed to this application on the grounds of public nuisance.
- 5.6 Three representations have been received from members of the public who have expressed concerns that they be at risk of retribution.
- 5.7 In order to protect personal data, redacted copies of the representations are attached at Appendix F. Original copies will be available at the hearing for Members consideration.
- 5.8 The applicant has provided the Licensing Authority with nine letters of support. In order to protect personal data, redacted copies of these supporting letters are attached at Appendix G. Original copies will be made available for Members consideration.

6 Licensing hours

- 6.1 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.
- 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. 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.
- 6.3 A list of premises in the local area and their licensed hours and activities is provided at appendix H.

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 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.

8.2 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.

9 Background papers

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