

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

**Report to the Licensing Sub Committee**

**Date: Tuesday 18th August 2020**

**Subject: Application for the grant of a premises licence for The Crown 128 High Street, Boston Spa, Wetherby, LS23 6BW**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): <b>Wetherby</b>		
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 Further Afield Pubs Limited, for The Crown 128 High Street, Boston Spa, Wetherby, LS23 6BW.

Should the application be successful, the premises will operate as a local public house within the village serving refreshments, playing music and showing sporting events.

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

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

Further consultation between the applicant and local residents has taken place. The application has been amended to reflect this and operating hours have now been reduced.

## **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 a new application for the grant of a premises licence. The premises have been previously licensed under the Licensing Act 2003. This was granted under grandfather rights during the transitional period back in 2005.

The licence was surrendered in 2019 and the premises have remained unused.

## **3 The application**

- 3.1 The premises is now under new management and the applicant's name is Further Afield Pubs Limited
- 3.2 The proposed designated premises supervisor is Mr Simon Stevens
- 3.3 In summary the application is for:

Films

Indoor Sporting Events

Sunday to Thursday: 10:00 - 23:00

Friday & Saturday: 10:00 - 00:00

Live Music

Recorded Music

Performance of Dance

Anything of a similar description

Monday to Thursday: 10:00 - 23:00

Friday & Saturday: 10:00 - 00:00

Sunday: 11:00 - 23:00

Late Night Refreshment

Sunday to Thursday: 23:00 - 23:30

Friday & Saturday: 23:00 - 00:30

Supply of Alcohol

Monday to Thursday: 10:00 - 23:00

Friday & Saturday: 10:00 - 00:00

Sunday: 11:00 - 23:00

There will be an extra 30 minutes terminal opening hour to allow for drinking up time.

### **Non standard timings**

*On the occasion of an event of national interest or televised sporting event of national interest which falls outside the current permitted hours on the Premises Licence to permit licensable activities to a maximum of two additional hours in any one day in respect of an event of national interest or to permit licensable activities to commence one hour before the start of a televised sporting event of national interest and ending one hour after the event, the details of the event to be notified to the Police at least ten clear working days beforehand.*

*On the days/dates listed below the additional hour or hours indicated are to be permitted for the licensable activities (not including drinking up time)*

1st January 1 hour  
Valentines Night 1 hour  
Burns Night 1 hour  
1st March 1 hour (St David's Day)  
17th March (St. Patrick's Day) 1 hour  
Good Friday 1 hour  
Easter Saturday 1 hour  
Easter Sunday 1 hour  
Easter Monday 1 hour  
May Bank Holiday 1st Friday Prior 1 hour  
May Bank Holiday 1st Saturday Prior 1 hour  
May Bank Holiday 1st Sunday prior 1 hour  
May Bank Holiday 1st Bank Holiday Monday 1 hour  
May Bank Holiday 2nd Friday Prior 1 hour  
May Bank Holiday 2nd Saturday Prior 1 hour  
May Bank Holiday 2nd Sunday prior 1 hour  
May Bank holiday 2nd Bank holiday Monday 1 hour  
August Bank Holiday Friday Prior 1 hour  
August Bank Holiday Saturday Prior 1 hour  
August Bank Holiday Sunday prior 1 hour  
August Bank Holiday Monday 1 hour  
Halloween 1 hour  
Christmas Eve 2 hours  
Boxing Day 1 hour  
27th December 1 hour  
28th December 1 hour  
30<sup>th</sup> December 1 hour

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (Insert any additional info to assist members in understanding the application, for example if regulated entertainment is to take place outside.)

- 3.4 A redacted version of the application has been attached at **Appendix A**.
- 3.5 The applicant proposes to promote the licensing objectives by taking the steps identified in the application form and at Part M.

## 4 Location

4.1 A map which identifies the location of this 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 Environmental Protection Team in their capacity as a responsible authorities.

5.3 Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with both Environmental Protection Team and West Yorkshire Police. A copy of the agreements may be found at **Appendix C and D** respectively.

### Other representations

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

5.5 The Ward Councillors for the area have expressed their concerns towards the application and submitted representations. These may be found at **Appendix E**.

5.6 The licensing authority is in receipt of twelve individual letters of objection, four of which have since been withdrawn by the objector. Local residents felt that the hours applied for may have a detrimental impact on the area and neighbouring properties. That noise nuisance would be an issue should the application be granted as residents, some of whom are elderly, were in close proximity to the premises.

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

5.8 Since submitting the application and due to the receipt of representations, the applicant has taken further steps to alleviate the concerns of local residents

5.9 The applicant has amended the application and has reduced licensable activities applied for in order to address any nuisance issues. Members attention is drawn to **Appendix G**.

5.10 Due to this development, the authority has received confirmation from 4 objectors that they would like to withdraw their representation.

## 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