

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: 28th April 2021

Subject: Application to vary a premises licence held by Rawdon Moustache, 9 Harrogate Road, Rawdon, Leeds, LS19 7BP

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 Carl Churm, for Rawdon Moustache, 9 Harrogate Road, Rawdon, Leeds, LS19 7BP.

This application is made to vary the premises licence by extending the hours for licensable activities and the addition of an outdoor seating area for the consumption of alcohol only.

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

The application has not attracted representations from any responsible authority, however representations have been received from other persons.

This includes three representations from Local Ward Councilors, a representation from Rawdon Parish Council and two from local residents. These representations remain a matter outstanding 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 These premises have the benefit of a Premises Licence that was issued in January 2020 by Members of the Licensing Sub Committee due to the receipt of public representations which remained outstanding at the time of the hearing
- 2.2 The Licensing Sub-Committee unanimously resolved to grant the application subject to the following modifications and condition:

- The sale by retail of alcohol and performance of recorded music to be permitted as follows:

*Sunday to Thursday 14:00 to 22:00
Friday and Saturday 13:00 to 22:00*

- The premises to be open:

*Sunday to Thursday 14:00 to 22:30
Friday and Saturday 12:00 to 22:30*

- The sale/supply of alcohol is only to be made to accompany the sale of food

- 2.3 A copy of the Premises Licence details is attached at Appendix A.

3 The application

- 3.1 The applicant is Mr Carl Churm.

- 3.2 Briefly the application is to:

- Vary the hours for sale by retail of alcohol as follows:

*Monday – Wednesday 14:00 to 22:00 (as existing)
Thursday – Sunday 12:00 to 22:00*

- Vary the hours for the performance of recorded music as follows:

*Monday – Wednesday 14:00 to 22:30
Thursday – Sunday 12:00 to 22:30*

- Vary the hours the premises is open as follows:

Monday – Wednesday 14:00 to 22:30 (as existing)

Thursday – Sunday 12:00 to 22:30

- The addition of an outdoor seating area to be used for the consumption of alcohol only.

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

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

4 Location

4.1 A map which identifies the location of these 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 There have been no representations from responsible authorities.

Other representations

5.3 The application has attracted representations from Local Ward Councillors, Rawdon Parish Council and members of the public (described as ‘other persons’ in the legislation), all of which focus primarily on concerns relating to public nuisance.

5.4 Individual representations from all three Guiseley and Rawdon Ward Councillors, a copy of which can be found attached at Appendix D.

5.5 Representation has been submitted to this application on behalf of Rawdon Parish Council. Members’ attention is drawn to a copy of this representation at Appendix E.

5.6 The application has attracted representations from two local residents. 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.

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 G.

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