

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: 26th April 2022

**Subject: Application to vary a premises licence held by Chevin Country Park Hotel
York Gate, Otley, Leeds, LS21 3NU**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Otley & Yeadon		
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 Diamond Hotel Collection Limited, for Chevin Country Park Hotel York Gate, Otley, Leeds, LS21 3NU

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

The application has attracted representations from other persons.

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 In August 2005, an application was submitted in the name of North British Trust Hotels Limited for the conversion of an entertainment licence and justices licence, into a premises licence, with the following hours and activities.

Recorded music - every day 00:00 until 23:59, live music in the Woodland Suite – Monday to Saturday, 08:00 until 01:00, sale of alcohol in the Woodland Suite – Monday to Saturday, 23:00 until 02:00, sale of alcohol in the licensed area – Monday to Saturday, 11:00 until 23:00 and Sunday 12:00 until 22:30.

The premises have had various DPS changes and licence transfers over the years, the most recent being in September 2018 to transfer the licence to the current licence holder, Diamond Hotel Collection Limited.

- 2.2 A copy of the existing licence is attached at Appendix A.

3 The application

- 3.1 The applicant is Diamond Hotel Collection Limited.

- 3.2 Briefly the application is to:

- Allow permitted regulated entertainment and the sale of alcohol to take place throughout the licensed area of the hotel until the terminal hour of 02:00hrs daily, in line with the Woodland Suite.
- To draw forward the commencement hour for regulated activities to 10:00hrs daily.
- Remove from the licence all historic Public Entertainment Licence conditions, namely 9 to 115 (inclusive) and replace them with new conditions as specified in section 16 of the application form.
- Add additional regulated activities as specified in the application and allow them to take place throughout the premises, (not limited to the Woodland Suite), namely plays, indoor sporting events, exhibition of a film and boxing and wrestling, between the hours of 10:00am and 02:00, also late night refreshment, between the hours of 23:00 and 02:00.

- To allow regulated entertainment, currently limited to the Woodland Suite, to take place throughout the premises, namely live music, recorded music, performance of dance and entertainment similar to live music, recorded music or dance.
- To allow non standard timings as follows: on the morning British Summertime is applied, the terminal hour will be extended to 03:00hrs.
- From 10:00hrs on New Years Eve, until 10:00hrs on 1st January without interruption, for provision of plays, provision of films, provision of indoor sporting events, provision of boxing or wrestling.
- From 23:00hrs New Years Eve, until 10:00hrs on 1st January without interruption, for provision of live music and recorded music.
- From 10:00hrs New Years Eve, until 02:00hrs on 2nd January without interruption for performances of dance, provision of anything of a similar description to live music, recorded music or performances of dance and sale of alcohol.
- From 23:00hrs on New Years Eve, until 05:00hrs on 1st January for late night refreshment.

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

3.4 The applicant proposes to promote the licensing objectives by taking the additional steps identified in section 16 of the application form attached at Appendix B.

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 not been received from Responsible Authorities, however a number of suggested measures have been agreed between the applicant and West Yorkshire Police. A copy of the conditions agreed can be found at Appendix D.

Other representations

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

5.4 Entertainment Licensing is in receipt of two individual letters of objection, both are opposed to this application on the grounds of noise disturbance. Redacted copies of the representations are attached at Appendix E.

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 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 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