

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 4th June 2024

Subject: Application for the grant of a premises licence for Treehouse Bar And Kitchen 40 Bondgate, Otley, LS21 1AD

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 for the grant of a premises licence, made by Treehouse Bars Otley Limited, for Treehouse Bar And Kitchen 40 Bondgate, Otley, LS21 1AD.

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 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 premises was previously licensed under the Licensing Act 2005 for:
 - Sale of alcohol – Monday to Saturday 10:00 – 02:00 and Sunday 12:00 – 22:30.
 - Live music (function suite) – Monday to Saturday – 08:00 – 02:00
 - Recorded music (function suite) – Monday to Saturday – 08:00 – 02:00 and every day 00:00 – 23:59 other areas
 - Performance of Dance (function suite) – Monday to Saturday – 08:00 – 02:00
 - Entertainment similar to live, recorded music or dance - (function suite) – Monday to Saturday 08:00 – 02:00
- 2.2 This premises licence cannot be utilised at this current time, due to the extensive refurbishment that the premises has undergone, hence the application for the grant of a new premises licence, mirroring the hours already granted.

3 The application

- 3.1 The applicant's name is Treehouse Bars Otley Limited.
- 3.2 The proposed designated premises supervisor is Benjamin Comstive
- 3.3 In summary the application is for:

Activity

Sale of alcohol for consumption both on and off the premises

Monday to Saturday 10:00 until 02:00

Sunday 10:00 until 22:30

Live music

Monday to Saturday 10:00 until 02:00

Sunday 10:00 until 22:30

Recorded music

Monday to Saturday 10:00 until 02:00

Performance of dance

Monday to Saturday 10:00 until 02:00

Sunday 10:00 until 22:30

Anything of a similar description to the above
Monday to Saturday 10:00 until 02:00
Sunday 10:00 until 22:30

Late night refreshment
Monday to Saturday 23:00 until 02:00

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

- 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 document submitted with the application which is 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 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 to the application were submitted by LCC Environmental Protection Team and West Yorkshire Police.
- 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 Environmental Protection Team. A copy of the agreement may be found at **Appendix D**.
- 5.4 The representation submitted by West Yorkshire Police remains as a matter for Members consideration. A copy of the representation may be found at **Appendix E**.

Other representations

- 5.5 The application has attracted representation from members of the public (described as 'other persons' in the legislation).
- 5.6 The licensing authority is in receipt of three individual letters of objection, and a letter from two ward councillors. All of which are opposed to this application on the grounds of noise nuisance and public nuisance.
- 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.

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 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 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