

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 16 July 2024

**Subject: Application for the Grant of a Premises Licence for The Hut,
147 Kirkstall Lane, Kirkstall, Leeds, LS5 3LF**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Kirkstall		
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 Wenham Home Ltd., for The Hut, 147 Kirkstall Lane, Kirkstall, Leeds, LS5 3LF.

The application explains the premises is a wooden hut and proposes to serve customers, via a service hatch, for the consumption of alcohol in a designated external seating area. The application also explains that access to the internal part of the premises, "The Hut", will be prohibited to members of the public.

Responsible authorities and Ward Members have been notified of this application and it has attracted representations from West Yorkshire Police and other persons.

An agreement has been reached with West Yorkshire Police resulting in a reduction to the terminal hour for alcohol sales from 23:00 to 22:30 hours (30 minutes drinking-up time) and the adoption of additional conditions to promote the crime prevention objective.

With regards to other persons, representations have been received from the local ward councillors and local residents which remain a matter outstanding for the Licensing Sub Committee's consideration.

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 the first application for a premises licence for these premises.

3 The Application

- 3.1 The applicant's name is Wenham Home Ltd.
- 3.2 The proposed designated premises supervisor is Natalie Stocking.
- 3.3 On submission, the licensable activity/hours proposed were:

*The sale by retail of alcohol (for consumption both on and off the premises)
Every Day 11:00 - 23:00*

- 3.4 The applicant proposes to promote the licensing objectives by taking the steps identified under Section M of the application form.
- 3.5 A redacted version of the application is attached at **Appendix A**.

4 Location

- 4.1 A map which identifies the location of the 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 A representation has been received from West Yorkshire Police in their capacity as a Responsible Authority. Any representation may be negotiated prior to the hearing and in this instance the operating schedule has been amended to reduce the terminal hour of alcohol sales, from 23:00 to 22:30 hours, and to adopt a number of agreed measures. A copy of the representation and the agreement may be found at **Appendix C**.

Other Representations

- 5.3 The application has attracted representation from Local Ward Councillors and six local residents, inclusive of one on behalf of a residents' association (described as

'other persons' in the legislation), all of which are opposed to the application mainly on the grounds of public safety and public nuisance.

- 5.4 In order to protect personal data, redacted copies of the representations are attached at **Appendix D** and original versions will be provided to the Licensing Sub Committee Members in advance of the hearing.

6 Licensing Hours

- 6.1 Members are directed to paragraphs 6.8 to 6.15 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 6.14 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 E**.

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 Sub Committee 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.
 - 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