

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

**Report to Licensing Sub Committee**

**Date: 1st October 2024**

**Subject: Application to vary a premises licence held by Gardeners Arms 383 Leeds Road, Lofthouse, Wakefield, WF3 3QE**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Ardsley & Robin Hood		
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 Punch Partnerships (PTL) Limited, for Gardeners Arms 383 Leeds Road, Lofthouse, Wakefield, WF3 3QE.

The application proposes to:

- Extend the terminal hour for the sale of alcohol on Monday to Wednesday to midnight, on Thursday to Saturday until 01:00 the following day, and on Sunday to 23:30
- Extend the opening hours to allow the premises to close on Monday to Wednesday at 00:30 the following day, on Thursday to Saturday at 01:30 and on Sunday at midnight.

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

The application has attracted representations from other persons and the Environmental Protection Team.

Agreements were reached between The Environmental Protection Team and the applicant and subsequently the representation was withdrawn.

The representations from other persons remain a matter for member's consideration.

## **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 An application for a new premises licence was received by the Licensing Authority in 2005 which was granted subject to further conditions imposed on the licence.
- 2.2 In 2014 a minor variation was submitted by the applicant who sought to make structural alterations to the premises and to vary the wording on the premises licence in relation to regulated entertainment.
- 2.3 In 2018 an application to transfer the licence to the current licence holder was received and granted as applied for.
- 2.4 The Licensing Authority received an application to vary the premises licence which sought to extend the opening hours to allow the premises to open from 08:00, extend the start time for the sale of alcohol on Sunday to 10:00 and remove and replace conditions from the licence. The Environmental Protection Team submitted a representation requesting the following condition to be imposed "*Noise from a licensable activity at the premises will not be audible at the nearest noise sensitive premises after 23:00 hours at Meadowgate Croft Lofthouse WF3 3SS, Sherwood Gardens Lofthouse WF3 3BA and Knights Way Lofthouse WF3 3B*". Agreements were reached and the representation was withdrawn, and the licence granted.
- 2.5 Since the initial grant of the licence, several applications to change the designated premises supervisor have been submitted with all been granted as applied for.
- 2.6 A copy of the existing licence is attached at **Appendix A**.

## **3 The application**

- 3.1 The applicant is Punch Partnerships (PTL) Limited.
- 3.2 Briefly the application is to:
  - Extend the terminal hour for the sale of alcohol on Monday to Wednesday to midnight, on Thursday to Saturday until 01:00 the following day, and on Sunday to 23:30.
  - Extend the opening hours to allow the premises to close on Monday to Wednesday at 00:30 the following day, on Thursday to Saturday at 01:30 and on Sunday at midnight.
- 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 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 A representation has been received from the Environmental Protection Team in their capacity as a responsible authority. Any representation may be negotiated prior to the hearing. In this instance agreements were reached between both parties and subsequently the representation was withdrawn. A copy of the agreed conditions may be found at **Appendix D**.

##### Other representations

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

5.3 Entertainment Licensing is in receipt of three individual letters of objection all of which are opposed to this application on the grounds of public nuisance.

5.4 Two representations have been received from members of the public who have expressed concerns that they may be at risk of retribution. They will not be attending the hearing but will be represented by their local ward councillor.

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

#### **6 Licensing hours**

6.1 Members are directed to paragraphs 6.8 to 6.15 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 6.14 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. 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