

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: 11th March 2013

Subject: Application for the grant of a premises licence for Libby's @ 37 Ltd, 37 Main Street, Garforth, Leeds, LS25 1DS

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Garforth & Swillington	
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 for Libby's @ 37 Ltd, 37 Main Street, Garforth, Leeds, LS25 1DS

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

The application has attracted representations from both Responsible Authorities and members of the public.

Representations have been received in support of the application.

1.0 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 premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

2.0 History of Premises

This is the first application for the grant of a Premise Licence.

The building has been trading as Garforth Liberal Club under a Club Premise Certificate for some years. Garforth Liberal Club will be trading as Libby's@ 37 Ltd. The Club will continue to operate with a management committee.

The application has been submitted in order for the club to hire out the premises to non-members and increase trade during the day and evenings.

3.0 The Application

- 3.1 The applicant is Libby's @ 37 Ltd
- 3.2 The application form may be found at **Appendix A** to this report.
- 3.3 Following agreements reached with the Environmental Protection Team as detailed at **Appendix C**, the activities and opening hours have been reduced to the following:

Indoor Sporting Event

Everyday 10:00 – 23:00

Live Music

Monday to Saturday 11:00 – 00:00

Sunday 11:00 – 23:00

Recorded Music

Monday to Saturday 10:00 – 00:00

Sunday 10:00 – 23:00

Performance of Dance

Anything of a similar description

Everyday 10:00 – 23:00

Late Night Refreshment

Monday to Saturday 23:00 – 00:00

Supply of Alcohol

Everyday

10:00 – 00:00

Non Standard Timings

Christmas Eve and New Years Eve until 01:00

The hours the premises are intending to open are

Everyday

10:00 – 00:30

4.0 Other matters relevant to the application

It is brought to Members attention that an agreement has been made between Environmental Protection Team and the Applicant regarding the hours of Licensable activities.

The opening hours of the premises shall be restricted to 10:00 – 00:30 the following day.

Licensable activities shall be restricted to Monday to Saturday 10:00 – 00:00 and 10:00 – 23:00 on Sunday.

4.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub-Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

5.0 Steps to promote the Licensing Objectives

6.0 The applicant proposes to take specific steps to promote the licensing objectives identified in the Pro-forma Risk Assessment, a copy of which may be found at **Appendix A**.

7.0 Proposed Designated Premises Supervisor

7.1 Mr Howard Marsh intends to be the Designated Premises Supervisor.

8.0 Location

8.1 A map which identifies the location of this premise is attached at **Appendix B**.

9.0 Representations

9.1 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

9.2 Representations from Responsible Authorities

9.2.1 Representations have been received from Environmental Protection Team and West Yorkshire Police.

9.3 Any representations submitted may be agreed prior to a hearing. In this instance the operating schedule has been amended to include measures agreed with Environmental Protection Team. A copy of which is attached at **Appendix C**.

The representation received by West Yorkshire Police remains as a matter for Members consideration. A copy of the same may be found at **Appendix D**.

9.4 Other representations

9.4.1 The application has attracted representations from other persons.

9.4.2 The Licensing Section is in receipt of 25 representations. Three of the representations are in support of the application. The objectors have raised concerns with regards to Public Nuisance from the premises.

9.4.3 Councillor Dobson has also raised concerns regarding this application and will be attending the hearing and representing objectors.

9.4.4 Copies of the representations will be available at the hearing for Members consideration.

10.0 Options Available to Members

10.1 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.
- 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.

10.2 Members of the licensing sub committee 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.

11.0 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy
- Representations received from other persons