



Report Reference Number: L S-C/22/1

To: Licensing Sub-Committee
Date: 25 October 2022
Status: Non-Key Decision
Ward(s) Affected: Barkston Ash
Author: Sharon Cousins, Licensing Manager
Lead Officer: Martin Grainger, Head of Planning

Title: Determination of a Premises Licence relating to The Ash Tree Inn, London Road, Barkston Ash, Leeds, LS24 9PP (“the Premises”).

Summary

The Licensing Authority received an application for a Premises Licence for the Premises, however, representations against this application were received. The Licensing Authority is now under a duty to determine the application for a Premises Licence under Section 18 of the Licensing Act 2003 (“the Act”).

Recommendation:

The Sub-Committee to determine the Premises Licence application in respect of the Premises.

In determining this application, the Sub-Committee must have regard to the representations and take such of the following steps, as it considers appropriate for the promotion of the licensing objectives. The steps are:

- (a) To grant the licence subject to:-
 - (i) any conditions modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives (the conditions in the operating schedule accompanying the application are modified if any of them is altered or omitted or any new condition is added); and
 - (ii) any mandatory conditions which must be included on the licence under section 19, 20, or 21 of the Act.
- (b) To exclude from the licence any of the licensable activities;
- (c) To refuse to specify a person in the licence as the premises supervisor; or
- (d) To reject the application

In making its decision, the Sub-Committee must act with a view to promoting the licensing objectives. The Sub-Committee must also have regards to its Statement of Licensing Policy and the Guidance issued under section 182 of the Act, issued by the Secretary of State for Culture, Media and Sports.

1. Introduction and background

- 1.1** The applicant is a Sole trader, Christine Martin, proposing to carry out licensable activities at the Premises. A copy of the application is at **Appendix 1**. The plan to the application showing the proposed licensable area can be seen in **Appendix 2**. External photographs of the Premises can be seen in **Appendix 3**.
- 1.2** There is an existing premises licence in place for the Premises. The licence was granted on 24 November 2005 and can be seen in **Appendix 4**. The applicant decided to submit an application for a new Premises Licence for the Premises, instead of making a variation to the current premises licence.
- 1.3** The application is to permit the sale of alcohol, regulated activity and late-night refreshments, on the following days and times:

1.4 Licensable activities:

Sale of alcohol (on and off sales)

Sunday to Thursday	08:00 – 23:00
Friday - Saturday	08:00 - 00:00

Live music (indoors and outdoors)

Sunday to Thursday	10:00 – 23:00
Friday - Saturday	10:00 - 00:00

Recorded music (indoors and outdoors)

Sunday to Thursday	10:00 – 23:00
Friday - Saturday	10:00 - 00:00

Performance of dance (indoors and outdoors)

Sunday to Thursday	10:00 – 23:00
Friday - Saturday	10:00 - 00:00

Anything of a similar description to fall within category (e), (f) and (g) of the application (indoors and outdoors)

Sunday to Thursday	10:00 – 23:00
Friday - Saturday	10:00 - 00:00

Late Night Refreshment (on and off the premises)

Friday to Saturday	23:00 – 00:00
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1.5 Public Hours

Sunday to Thursday	08:00 – 23:30
Friday - Saturday	08:00 - 00:30

1.6 Details of the proposed operating schedule are as follows:

- 1.7 To promote the licensing objectives, the applicant has proposed the steps detailed on pages 5 (section 5), 12 and 13 (section 18), of the application form, attached at **Appendix 1**.
- 1.8 As part of the application the applicant has submitted a DPS (Designated Premises Supervisor) consent form. **Please see attached at Appendix 5.**
- 1.9 A plan of the building is included in the application, **attached at Appendix 2**, this shows the licensable area of the Premises outlined in red. This shows where the licensable activity would be permitted to take place.

2. PROMOTION OF LICENSING OBJECTIVES

- 2.1 Section 4 of the Act places a duty on the Licensing Authority to carry out its function under the Act with a view to promoting the licensing objectives. The licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 2.2 Each objective is of equal importance. It is important to note that there are no other licensing objectives, so these four objectives are paramount consideration at all times.

RELEVANT REPRESENTATIONS

3. RESPONSIBLE AUTHORITIES

- 3.1 Amendments have been made to the Operating Schedule of the draft Premises Licence following representations from a Responsible Authority.
- 3.2 Conditions have been agreed between Environmental Health Protection and the Applicant. These conditions will now be included in the Operating Schedule of any granted Premises Licence. **A copy of the representation and the agreed conditions can be seen in Appendix 6.**

3.3 North Yorkshire Police Licensing worked with the applicant on the proposed conditions in the Premises Licence application prior to submission and therefore did not submit a representation.

4. REPRESENTATIONS FROM OTHER PERSONS

4.1 The Licensing Authority has received three representations from Other Persons, which are against the application. A copy of all the representations are attached at **Appendix 7**. The representations are predominantly based on the grounds of the Prevention of Public Nuisance licensing objective.

4.2 A plan showing the location of the representations to the Premises has been produced at **Appendix 8**. The Premises is marked on the left of the plan and the street names relating to the representations are shown as a star on the Plan.

5 Consultation

5.1 Consultation was carried out by the applicant in accordance with the Act and the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concerns the displaying of a notice on the Premises and an advertisement in a local paper, giving details of the application and serving a copy of the application on all Responsible Authorities. The applicant has complied with all statutory requirements. The newspaper notice was published on the 8 September 2022 and has been attached at **Appendix 9**.

5.2 All procedural aspects of this application have been complied with.

6.0 Additional Information provided by the applicant

6.1 The applicant submitted **Appendix 10** on the 13 October 2022 as additional information for the Committee to consider. This is a noise survey, carried out by NOVA Acoustic Ltd on behalf of the applicant. This document has been shared with the Environmental Health Team.

7. POLICY CONSIDERATIONS AND S182 GUIDANCE

7.1 The following sections of the Selby District Council's Statement of Licensing Policy are relevant in considering the licensing objectives in relation to this application.

- Part 3, Paragraph 5 – Conditions
- Part 3, Paragraph 6 – Licensing hours
- Part3, Paragraph 13 – Live Music Act
- Part 3, Paragraph16 - Children
- Part 8, Paragraph 27.4 - things the applicant should consider in its operating schedule.

7.2 The following sections of the Guidance issued under section 182 of the Act issued by the Secretary of State for Culture, Media and Sport (issued April

2018) is relevant in considering the licensing objectives in relation to this application:

- 2.1 Crime and disorder
- 2.7 Public Safety
- 2.15 Public nuisance
- 2.22 Protection of children from harm

8. Corporate Plan Implications

N/A

9. Resource Implications

N/A

10 Other Implications

N/A

11. Legal Implications

11.1 As relevant representations have been made, the Sub-Committee must hold a hearing to consider the representations and, having regard to the representations, determine the Premises Licence application.

11.2 The Sub-Committee must have regard to the promotion of the four licensing objectives, namely, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm in exercising its functions under the Act.

11.3 The Sub-Committee must also have regard to the statutory guidance under Section 182 of the Act and the Councils own Statement of Licensing policy in exercising its functions under the Act.

11.4 The Sub-Committee must make its determination within five (5) working days of the last day in which the hearing was held.

Right of appeal

12 Schedule 5 of the Act gives a right of appeal to the applicant and to any person who has made a relevant representation.

12.1 Any appeal must be made to the Magistrates Courts and must be made within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Conclusion

13 The Sub-Committee are asked to determine this Premises Licence application for the Premises. A draft copy of the Premises Licence can be seen in **Appendix 11.**

13.1 The Sub-Committee has the options as set out in the above Recommendation.

14 **Appendices**

- Appendix 1 Premises Licence application
- Appendix 2 Plan
- Appendix 3 External & Internal Photographs of the Premises
- Appendix 4 Current Premises Licence in situ
- Appendix 5 DPS Consent form
- Appendix 6 Responsible Authority representation/conditions (Environmental Health)
- Appendix 7 Three Representations from Other Persons
- Appendix 8 Plan showing Premises location to the representations received
- Appendix 9 Newspaper advertisement
- Appendix 10 Noise Survey submitted by the applicant
- Appendix 11 Draft Premises Licence

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