

**Report of the Head of Licensing and Registration**

**Report to the Licensing Sub Committee**

**Date: 12<sup>th</sup> May 2014**

**Subject: Application to vary a premises licence held by Cafe Lux Manor House, 23 Robin Lane, Pudsey, LS28 7BR**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Pudsey	
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 Mr Methven Forbes, for Cafe Lux Manor House, 23 Robin Lane, Pudsey, LS28 7BR

A full description of the variation application may be found at 3.3 of this report.

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

The application has attracted a representation from a member of the public.

**1.0 Purpose of this Report**

- 1.1 To advise Members of an application made under section 34 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**

- 2.1 The premises were granted a Premises Licence on the 21<sup>st</sup> June 2012. This licence covered the following activities:-

Sale by retail of alcohol – Every day 12:00 to 23:00

Exhibition of film: Monday to Friday 17:00 to 21:00

Saturday: 16:00 to 21:00

Sunday 12:00 to 17:00

Performance of Live Music: Monday to Saturday 16:00 to 23:00

Sunday 12:00 to 20:00

Opening Hours: - Every Day 08:00 to 23:30

2.2 A copy of the existing licence is attached at Appendix A

### **3.0 The Application**

3.1 The applicant is Mr Methven Forbes,

3.2 The application form may be found at Appendix B to this report.

3.3 In summary the application is for

Sale by retail of alcohol - Monday to Thursday 12:00 to 00:00. Friday 12:00 to 01:00, Saturday 11:00 to 01:00 Sunday 11:00 to 00:00

Plays, Films, Performance of dance - Monday to Thursday 08:00 to 23:00, Friday and Saturday 08:00 to 00:00, Sunday 08:00 to 23:00

Live music: Every Day 08:00 to 23:00

Recorded music: Sunday to Thursday 08:00 to 00:00, Friday and Saturday 08:00 to 01:00

Late Night Refreshment Sunday to Thursday 23:00 to 00:00 Friday and Saturday 23:00 to 01:00

All the activities to be carried on both On and Off the Premises

Opening Hours

Sunday to Thursday 06:00 to 00:30, Friday and Saturday 06:00 to 01:30

The application is to extend the area covered by the premises licence to include the Community Hall on the First floor.

It is proposed that the outside area also be used.

Non Standard Timings:

On Christmas Eve and New Year's Eve The applicant intends to extend the Permitted hours to 03:00 – indoors only.

#### **4.0 Other matters relevant to the application**

4.1 It is brought to member's attention that it is the applicants intention to use the outside area for licensable activities for less hours than the permitted hours applied for the interior of premises.

4.2 Members should also be aware that the applicants intend to provide live music, in a marquee, in the outside area. This would be limited to 12 events per year. The applicants also state that it is not planned to have weekly outside music.

4.3 The applicants further indicate that No consumption of alcohol will take place outside the building beyond 21:00 except for Friday and Saturday where this will be extended to 23:00.

4.4 The applicants have submitted additional documentation in support of their application which is attached to this report at Appendix G

#### **4.5 Equality and Diversity / Cohesion and Integration**

4.6 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**

5.1 The applicant proposes to take specific steps to promote the licensing objectives identified in section "M" of the application form.

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

#### **6.0 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, given the potential for neighbouring premises to seek the same additional hours to prevent rivals gaining a commercial advantage.

6.3 A list of premises in the local area and their licensed hours and activities is provided at appendix D

## **7.0 Location**

7.1 A map which identifies the location of this premise is attached at Appendix E

## **8.0 Representations**

8.1 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.

### **8.2 Representations from Responsible Authorities**

8.2.1 There have been no representations from responsible authorities.

### **8.3 Other representations**

8.3.1 The application has attracted a representation from a member of the public. A copy of the representation is attached at appendix F

8.3.2 The objection is made on the grounds that noise from the venue would be audible inside the objector's home.

## **9.0 Options Available to Members**

9.1 The licensing sub-committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the 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.

9.2 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.

## **10.0 Background Papers**

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy