

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

**Report to the Licensing Sub Committee**

**Date: 20<sup>th</sup> October 2014**

**Subject: Application to vary a premises licence held by Halo & The Joint 177 - 179 Woodhouse Lane, Woodhouse, Leeds, LS2 3JT**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Woodhouse	
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 application was considered by the Licensing Sub-Committee on the 13<sup>th</sup> October 2014 where at the applicants request the hearing was adjourned for a week to allow further discussion between the applicant and the responsible authorities.

This is an application to vary a premises licence, made by Tokyo Industries (Ultimate) Ltd, for Halo & the Joint 177 - 179 Woodhouse Lane, Woodhouse, Leeds, LS2 3JT.

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

The application has attracted representations from other persons and responsible authorities.

The premises are located within an area covered by a Cumulative Impact Policy.

## **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 This premise has the benefit of a premises licence. The current premises licence holder has been responsible for this premise since 9<sup>th</sup> October 2013. At the time of writing this report there have been no enforcement related concerns.
- 2.2 A copy of the existing licence is attached at Appendix A

## **3.0 The Application**

- 3.1 The applicant is Tokyo Industries (Ultimate) Ltd.
- 3.2 The application form may be found at Appendix B to this report.
- 3.3 An amendment to the application was requested prior to the previous hearing a copy of which may be found at Appendix C.
- 3.4 Following the amendment this application is proposing a layout change to the premises so as to incorporate a restaurant area, the addition of a bar service area to the side wing of Halo next to Woodhouse Lane, to allow a pop up service bar to operate outside in the external beer garden area adjacent to Hilary Place and to remove redundant conditions.

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

- 3.6 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.

## **4.0 Steps to promote the Licensing Objectives**

- 4.1 The applicant has not proposed any additional measures to promote the licensing objectives.

## **5.0 Licensing Hours**

- 5.1 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.

5.2 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.

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

## **6.0 Location**

6.1 A map which identifies the location of this premises is attached at Appendix E.

## **7.0 Cumulative Impact Policy**

7.1 The premises are located within the Cumulative Impact – Woodhouse.

7.2 Cumulative impact means the potential impact on the promotion of the licensing objectives here there are a significant number of licensed premises concentrated in one area.

7.3 An applicant wishing to obtain a new licence for premises falling within any of the cumulative impact areas must identify through the risk assessment process and/or operating schedule the steps that they intends to take so that the council and responsible authorities can be satisfied with that granting of a new licence will not add to the impact already being experienced.

7.4 Details of the Cumulative Impact Policy specific to Woodhouse and an outline of the evidence behind the reason for setting this Policy is attached at Appendix F.

## **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 Representations have been received from the West Yorkshire Police, Health and Safety, Environmental Health and Entertainment Licensing in their capacity as a responsible authority.

8.2.2 Any representations submitted may be agreed prior to a hearing. In this instance the operation schedule has been amended to include measures agreed with Health and Safety. A copy of which may be found at Appendix G.

8.2.3 The representations submitted by West Yorkshire Police, Environmental Health and Entertainment Licensing remain a matter for members considerations. A copy of which may be found at Appendices H, I, and J respectively.

### 8.3 Other representations

8.3.1 The application has attracted representation from other persons.

8.3.2 An objection from The University of Leeds on the grounds of the prevention of public nuisance and the prevention of crime and disorder. A copy of which may be found at Appendix K.

## 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
- Representations received from Other persons