

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

**Report to the Licensing Sub Committee**

**Date: 27<sup>th</sup> October 2014**

**Subject: Application to vary a premises licence held by Yates's Wine Lodge 24 - 28  
Boar Lane, Leeds, LS1 5DA**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):		
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 Stonegate Pub Company, for Yates's Wine Lodge 24 - 28 Boar Lane, Leeds, LS1 5DA

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

Please refer to paragraph 3.3 of this report for proposed licensable activities and timings.

The application has attracted representations from 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 An application for the conversion of a former Justices Licence along with a variation was received in July 2005. Objections were received from responsible authorities however agreements were reached and the premises licence was duly granted.
- 2.2 In August 2006 a variation to the existing licence was made by Yates group Limited to extend the hours for licensable activities on a Sunday. Representation was received from West Yorkshire Police, an agreement was reached with both parties and the licence was granted as applied for.
- 2.3 In March 2008 an application to transfer the licence from The Yates Group Ltd to The High Street Pub Company Ltd was made, the application was successful and the licence was issued accordingly.
- 2.4 An application to vary the designated premises supervisor was made in April 2008 to nominate David Parker, no representation was made and the licence was granted.
- 2.5 A further application to transfer the licence was made in April 2008 transferring the licence into the name of Town and City Pub Company Limited.
- 2.6 A newly appointed designated premises supervisor was nominated in October 2008 named Joanne McLoughlin.
- 2.7 An application to vary the licence to remove a condition relating to the sale of alcohol off the premises was submitted in May 2009. A representation was made by West Yorkshire Police and the application was heard before the licensing committee on the 13<sup>th</sup> July 2009. Members made the decision to impose a condition consistent with the Police request and agreed to by the applicant.
- 2.8 An application was made to vary the plans of the premises in May 2009, no representations were received and a licence was duly granted.
- 2.9 A variation application was made to extend all licensable activities every day from 09:00 hours in August 2009, representations from responsible authorities were received however, agreements were reached and the licence was granted as applied for.
- 2.10 Tina Adkin was nominated as the designated premises supervisor in May 2010.

- 2.11 A further change to the designated premises supervisor was made in March 2011 where Joanne Mcloughlin was nominated. In June 2011 a variation to change the Designated Premises back to Tina Adkin was made.
- 2.12 In August 2011 a licence transfer application was made naming Stonegate Pub Company as the incoming licence holder.
- 2.13 A subsequent application renaming Joanne McLoughlin as the Designated Premises Supervisor was made in September 2011.
- 2.14 A minor variation was submitted in May 2013 where the applicant sought to make internal alterations to the premises. The application was approved and the licence granted in accordance with the plans.
- 2.15 A copy of the existing licence is attached at Appendix A

### **3.0 The Application**

- 3.1 The applicant is Stonegate Pub Company,
- 3.2 The application form may be found at Appendix B to this report.
- 3.3 In summary the application is to;
- Extend the hours for all licensable activities, opening hours and non standard timings every day to commence from 08:00 hours.
  - Add an additional hour to the terminal hour on certain notable days.
  - To remove outdated conditions from the premises licence .

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

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

- 4.2 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 proposed no further steps to promote the licensing objectives.

### **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 C.

## **7.0 Location**

7.1 A map which identifies the location of these premises is attached at Appendix D.

## **8.0 Cumulative Impact Policy**

8.1 The premises are located within the Cumulative Impact City Centre amber area.

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

8.3 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 intend 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.

8.4 Details of the Cumulative Impact Policy specific to the City Centre and an outline of the evidence behind the reason for setting this Policy is attached at Appendix E.

## **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 West Yorkshire Police.

9.2.2 The representation remains as a matter for member's consideration.

9.2.3 A copy of the West Yorkshire Police representation may be found at Appendix F.

### 9.3 Other representations

9.3.1 There are no other representations.

## **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 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.

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