

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

**Report to the Licensing Sub Committee**

**Date: 13th October 2015**

**Subject: Application to vary a premises licence held by Mustard Pot 20 Stainbeck Lane, Meanwood, Leeds, LS7 3QY**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Chapel Allerton		
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 Nicola Claire Storey, for Mustard Pot 20 Stainbeck Lane, Meanwood, Leeds, LS7 3QY

The purpose of the variation is to seek approval for the alterations to the internal layout of the premises in accordance with the plan submitted with the application. As detailed in 3.0.

Copies of the proposed plans will be available on the day of the hearing.

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

The application has attracted a representation from other persons.

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 to convert and vary an existing Justices 'On' licence was received on the 5<sup>th</sup> August 2005. The conversion part of the application was granted as applied for. The variation part received representations from West Yorkshire Police and members of the public and was heard before the licensing committee on the 12<sup>th</sup> September 2005. The application was granted in part and attached conditions agreed with the relevant authorities and imposed further conditions.
- 2.2 Since the initial application, various applications have been received to vary the Designated Premises Supervisor and transfer the premises licence.
- 2.3 A variation application was received on the 27<sup>th</sup> April 2015. This application was to licence the external area so, that a temporary bar can be used within a temporary marquee/teepee. Part of this application was to also remove outdated PEL conditions and replace conditions with regards to the use of the outside area. These conditions were re-worded following a conversation between the applicant and EHO. Following this the Premises licence was granted.
- 2.4 On the 19<sup>th</sup> August 2015 an application was received to seek approval to an extension to the premises as indicated on the plan submitted with the application.
- 2.5 A copy of the existing licence is attached at **Appendix A**

## **3.0 The Application**

- 3.1 The applicant is Nicola Claire Storey,
- 3.2 The application form may be found at **Appendix B** to this report.
- 3.3 In summary the application is for

The application is made to approve an extension to the premises as indicated on the plan deposited with the Licensing Authority.

The premises are to benefit from an extension which will increase the licensed area of the ground floor and also to incorporate the first floor of the premises. The extension is to be located at the rear of the premises which is currently a patio area.

The ground floor is to be enhanced and extended through the relocation of the female toilets. The relocation will extend the restaurant facility on offer and the female toilets will be located in the extended area. Refurbishment will be undertaken to the first floor to bring this into the licensed area and increase the amenities on offer by the premises. This will also include the installation of a bar servery.

No licensable hours or activities are being altered by this application.

#### **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 No additional measures offered.

#### **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 this premises is attached at **Appendix D**.

#### **8.0 Cumulative Impact Policy**

8.1 The premises are located within the Cumulative Impact Area 4

8.2 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.

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 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.

8.4 Details of the Cumulative Impact Policy specific to Area 4 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 There have been no representations from responsible authorities.

### **9.3 Other representations**

9.3.1 The application has attracted a representation from other persons.

9.3.2 The licensing section is in receipt of one letter of objection, which is opposed the application on the grounds of crime and disorder and public nuisance. A copy is attached at **Appendix F**.

## **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.
- 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
- Statement of Licensing Policy
- Representations received from other people