

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

**Report to the Licensing Sub Committee**

**Date: 3rd November 2015**

**Subject: Application to vary a premises licence held by Maverick's 80's Lounge (formerly Brown Cow) 62 Town Street, Horsforth, Leeds, LS18 4AP**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Horsforth	
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 Greene King Retailing Limited, for Maverick's 80's Lounge (formerly Brown Cow) 62 Town Street, Horsforth, Leeds, LS18 4AP.

The purpose of the variation is to seek approval to extend the sale of alcohol and regulated entertainment hours and to remove and replace certain conditions on the premises licence. As detailed in 3.0.

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

This 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 An application to vary an existing Justices 'On' licence was received on the 20<sup>th</sup> July 2005.
- 2.2 The variation received representations from West Yorkshire Police and Environmental Health. A hearing was scheduled but due to agreements being reached with the responsible authorities the hearing was dispensed with. The application was deemed granted with conditions imposed by the relevant authorities added to the licence.
- 2.3 Since the initial application, various applications have been received to vary the designated premises supervisor.
- 2.4 A variation application was received on the 4<sup>th</sup> September 2015. This application is to vary the sale of alcohol hours and to remove and replace certain conditions on the premises licence.
- 2.5 A copy of the existing licence is attached at Appendix A.

## **3.0 The Application**

- 3.1 The applicant is Greene King Retailing Limited.
- 3.2 The operating schedule appropriate to this application may be found at Appendix B to this report.
- 3.3 In summary the application is to remove and replace certain conditions on the premises licence. Please see below the activities and times the premises have attached on their licence at present..

Sale by retail of alcohol	Thurs to Sat	10:00 – 01:00
	Sun to Weds	10:00 – 00:00
Regulated entertainment	Thurs to Sat	19:30 – 01:00
	Sun to Weds	19:30 – 00:00

The application is made to extend the sale of alcohol and regulated entertainment activities by an extension of 1 hour.

#### **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 proposes to take specific step to promote the licensing objectives identified in section 'P' of the application form.

#### **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 5 - Horsforth.

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 Horsforth 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 the Licensing Authority and Environmental Health in their capacity as responsible authorities.

9.2.2 The representation from Environmental Health has been withdrawn due to the applicant agreeing to the conditions imposed by the responsible authority. Please see Appendix F.

9.2.3 The representation submitted by the Licensing Authority remains as a matter for members consideration. A copy of the same may be found at Appendix G.

### 9.3 Other representations

9.3.1 The application has attracted representations from other persons.

9.3.2 The licensing section is in receipt of 2 individual letters of objection which are opposed to this application on the grounds of public nuisance and are attached at Appendix H.

9.3.3 The application has attracted a representation from Councillor Hughes which is attached at Appendix I.

9.3.4 The application has attracted a representation from Horsforth Town Council which is attached at Appendix J.

## **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 subcommittee 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 responsible authorities
- Representations received from other people