

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 1st March 2016

Subject: Application to vary a premises licence held by Head Of Steam 13A North Lane, Headingley, Leeds, LS6 3HG

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Headingley	
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 Camerons Brewery Limited, for Head Of Steam 13A North Lane, Headingley, Leeds, LS6 3HG.

The purpose of the variation is to seek approval to extend the sale of alcohol, regulated entertainment hours and to permit films. They also intend to replace, remove certain conditions and to include structural alterations. As noted in 3.1.

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 Purpose of this report

- 1.1 To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") to vary 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 History of premises

An application to vary an existing Justices 'On' licence was received on the 26th May 2005. This was granted as applied for.

An application to vary the licence was received on the 13th March 2007. This was to extend the hours of licensable activities. This attracted a representation from Environmental Health but was later withdrawn due to an agreement been made with the applicant. The application was then granted.

A variation application was received on the 9th May 2007 for the purpose of structural alterations. West Yorkshire Police made a representation to this on the grounds of crime and disorder and was scheduled for hearing. The applicant came to an agreement with WYP and the hearing was dispensed with and the application was granted.

A variation application was received on the 12 July 2009. This proposed to extend the sale of alcohol hours and include live music to the licence. West Yorkshire Police submitted a formal representation and was scheduled for hearing. We also received a representation from Planning and Environmental Protection Team. On the 20th July 2009 the applicant withdrew the application.

On the 27th July 2010 a variation application was received to extend the sale of alcohol hours by 1 hour. This received representations from responsible authorities, a ward councillor and several members of the public. The application was scheduled for a hearing but after the applicant withdrew this the hearing was dispensed with.

Since the initial application several applications to change the designated premises supervisor and the licence holder have been made

- 2.1 A copy of the existing licence is attached at Appendix A.

3 The application

- 3.1 The applicant is Camerons Brewery Limited.
- 3.2 Briefly the application is to:
 - To permit sale of alcohol and recorded music on Sundays from 10:00 to 00:00.
 - To permit films from 08:00 to 00:00 daily.

- To permit late night refreshment on Sundays to 00:00
- To permit sale of alcohol for consumption both on and off the premises.
- Opening hours to start at 08:00 hours and finish at 00:30 hours.
- All conditions under Annex 2 and annex 3 of the licence together with embedded restrictions to be substituted with the schedule of conditions submitted with the application.
- Make structural alterations
- To change the name of the premises from Voodoo Bar to Head of Steam.

4 The operating schedule

- 4.1 The applicant proposes to promote the licensing objectives by taking the additional steps identified in the operating schedule which is attached at Appendix B.

5 Location

- 5.1 A map which identifies the location of this premises is attached at Appendix C.

6 Representations

- 6.1 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.

Representations from Responsible Authorities

- 6.2 Representations have been received from West Yorkshire Police in their capacity as a responsible authority. A copy of the representation may be found at Appendix D.
- 6.3 Representations have been received from Environmental Protection Team in their capacity as a responsible authority. A copy of the representation may be found at Appendix E.
- 6.4 Representations have been received from Health and Safety in their capacity as a responsible authority. A copy of the representation may be found at Appendix F.
- 6.5 Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with Environmental Health, West Yorkshire Police and Health and Safety. A copy of the agreement may be found at Appendix G.

Other representations

- 6.6 The application has attracted representations from members of the public (described as 'other persons' in the legislation).

6.7 Entertainment Licensing is in receipt of a letter of objection which is opposed to the application on the grounds of public nuisance.

6.8 In order to protect personal data, redacted copies of the representations are attached at Appendix H. Unredacted copies will be available at the hearing for Members consideration.

7 Cumulative Impact Policy

7.1 The premises are located within the cumulative impact area for Headingley.

7.2 Cumulative impact means the potential impact on the promotion of the licensing objectives due to significant number of licensed premises concentrated in one area.

7.3 An applicant wishing to vary a licence for premises which fall within any of the cumulative impact areas must identify, through their operating schedule, the steps they intend to take so that the council and responsible authorities can be satisfied that granting this variation would not add to the impact already being experienced.

7.4 Details of the cumulative impact policy specific to Area 2 and an outline of the evidence behind the reason for setting this policy is attached at Appendix I.

7.5 Members are directed to paragraphs 7.51 to 7.54 of the Statement of Licensing Policy which provides examples of how an application may be considered exceptional and the matters that the council would not normally take into consideration.

8 Licensing hours

8.1 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.

8.2 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.

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

9 Equality and diversity implications

10.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the licensing subcommittee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

10 Options available to Members

10.1 The licensing subcommittee 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 Background papers

- Guidance issued under s182 Licensing Act 2003
- Statement of Licensing Policy