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

**Report to the Licensing Sub Committee**

**Date: 14<sup>th</sup> June 2016**

**Subject: Application to vary a premises licence held by Rolands 39 Call Lane,  
Leeds, LS1 7BT**

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:		

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**Summary of main issues**

This is an application to vary a premises licence, made by Leven Leisure Ltd, for Rolands 39 Call Lane, Leeds, LS1 7BT

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

The application has attracted representations from responsible authorities.

The premises are located within an area covered by a cumulative impact policy.

This application was adjourned from the Licensing Sub Committee on 24<sup>th</sup> May 2016 as the applicant or the applicant's agent was unable to attend the original hearing date.

## **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**

- 2.1 Rolands have maintained this premises licence since 29<sup>th</sup> November 2013.
- 2.2 A copy of the existing licence is attached at Appendix A.

## **3 The application**

- 3.1 The applicant is Leven Leisure Ltd
- 3.2 Briefly the application is to:
  - Extend the terminal hour for the sale of alcohol until 02:00 every day.
  - Extend the terminal hour for late night refreshment, films, live music & recorded music and opening hour until 02:30 every day.
  - Amend condition 49 under Annex 2 to read "There shall be no admission of new customers after 01:00am". The condition currently reads "There shall be no admission of new customers after 23:00 hours".
  - Remove the following conditions condition 75 under Annex 2 which reads "The PLH/DPS will adopt a cooling down period to draw the evening to a close where no entrants will be allowed after 23:00".
  - Addition of a further four conditions to be added to the operating schedule as below
    1. After midnight the maximum occupancy of the premises will be 60 customers.
    2. After midnight a minimum of 40 seats will always be provided whenever the premises are conducting licensable activities.
    3. After midnight waiter/waitress service will be available to customers.
    4. After midnight substantial refreshment will be available to customers and menus will be placed at the bar and on the tables.
  - To add an additional hour to the standard and non-standard timings on the day when British Summertime commences for alcohol, all licensable activities and opening hours.

#### **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 premise 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 & Entertainment Licensing in their capacity as responsible authorities. A copy of the representation may be found at Appendix D & E respectively.
- 6.3 Both representations submitted by West Yorkshire Police and Entertainment remain as a matters for Members consideration.

##### Other representations

- 6.4 There are no other representations.

#### **7 Cumulative Impact Policy**

- 7.1 The premises are located within the cumulative impact area for Area 1 – City Centre - Red Area.
- 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 1 – City Centre - Red Area and an outline of the evidence behind the reason for setting this policy is attached at Appendix F.
- 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 G.

## **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 Sub Committee 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 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 Background papers**

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