

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

**Report to the Licensing Sub Committee**

**Date: 15th November 2016**

**Subject: Application to vary a premises licence held by Church (Formerly Halo & The Joint) 177 - 179 Woodhouse Lane, Woodhouse, Leeds, LS2 3JT**

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 Tokyo Industries (Ultimate) Ltd, for Church (Formerly Halo & The Joint) 177 - 179 Woodhouse Lane, Woodhouse, Leeds, LS2 3JT

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**

- 2.1 The premises converted its Justices Licence in 2005 into the current premises licence in force. In October 2013 Tokyo Industries (Ultimate) Ltd transferred the premises licence to their company.

A full variation to the premises licence was sought in August 2014, the variation was to extend all licensable activities timings every day. This application attracted representation and was heard at a Licensing Sub Committee hearing which was adjourned and subsequently withdrawn by the applicant.

In December 2014 a minor variation was received to alter the plans of the premises licence to form a new restaurant layout and to remove and replace embedded restrictions. The variation was granted subject to conditions agreed with Health & Safety Department and West Yorkshire Police.

A minor variation was received in August 2016, the application sought to alter the plans of the premises licence in order to utilise the premises as nightclub once more. This application was successful and granted as applied for.

In September 2016 a temporary event notice was submitted for Church (formerly Halo & the Joint) for a ticketed only after party at the premises. The TEN received representation from West Yorkshire Police and was brought before Members on 5th October 2016, Members resolved to permit the TEN on the basis that the conditions of the premises were attached.

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

## **3 The application**

- 3.1 The applicant is Tokyo Industries (Ultimate) Ltd,

- 3.2 Briefly the application is to:

- Extend the provision of regulated entertainment to include film, indoor sporting event, live music, recorded music and performance of dance on Fridays and Saturdays from 10:00 until 03:30 to 10:00 until 06:00.
- Extend late night refreshment on Fridays and Saturdays from 23:00 until 03:30 to 23:00 until 05:00.
- Extend the sale of alcohol on Fridays and Saturdays from 10:00 until 03:00 to 10:00 until 06:00.

- Extend the opening hours of the premises on Fridays and Saturdays - 08:00 until 06:30.
- Add the following non-standard timings:

On Sundays before Banks Holidays, Halloween, Boxing Day, New Years Day and six occasional events on any night providing police with 21 days notice the terminal hour for all licensable activities shall be extended to 06:00.

From the end of permitted hours on New Year's Eve, to the start of permitted hours on New Year's Day.

At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour.

A copy of the variation application can be found at Appendix B.

#### **4 The operating schedule**

- 4.1 The applicant considers that the existing measures are sufficient to promote the licensing objectives and no further measures are necessary.

#### **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, Environment Health, Planning Department and the Entertainment Licensing section in their capacity as responsible authorities. Copies of the representations may be found at Appendix D.
- 6.3 All representation submitted by responsible authorities remain as matters for Members consideration.

##### Other representations

- 6.4 The application has attracted representations from members of the public (described as 'other persons' in the legislation).
- 6.5 Entertainment Licensing is in receipt of a letter of objection from the University of Leeds, which is opposed to this application based on all four licensing objectives.

6.6 In order to protect personal data, redacted copies of the representations are attached at Appendix E. 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 Area 3 - Woodhouse.

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 3 - Woodhouse 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 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