

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 18th July 2017

Subject: Application to Vary a Premises Licence held by Toast Bar & Bistro, Unit C, West Point, Wellington Street, Leeds, LS1 4JJ

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 Toast (Leeds) Limited for Toast Bar & Bistro, Unit C, West Point, Wellington Street, Leeds, LS1 4JJ.

The application is made to vary the terminal hour of each licensable provision currently authorised by the premises licence. Details of the hours applied for are provided at point 3.2 of this report.

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

The application has attracted representation from both West Yorkshire Police and the Environmental Protection Team.

The representation by West Yorkshire Police offers suggested measures which at the time of writing this report remain outstanding. The representation submitted by the Environmental Protection Team objects to the application in its entirety and expresses concerns of noise nuisance further to noise complaints from residents that reside within the apartments above the premises.

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 These premises have operated under a premises licence since the introduction of the Licensing Act 2003 in November 2005. At this time the premises was known as Breeze Café Bar.
- 2.2 Over the years the premises have operated under different ownership on numerous occasions. The current licence holder, Toast (Leeds) Limited, were successfully appointed by way of a transfer application on the 7th June 2016.
- 2.3 The licensable activities/hours authorised by the premises licence and the conditions attached to the operating schedule can be viewed in the copy of the premises licence details attached at Appendix A.

3 The application

- 3.1 The applicant is Toast (Leeds) Limited.
- 3.2 In brief, the application is to extend the terminal hour for all licensable activities that are currently permitted by the premises licence, as per the following:
- 3.3 *Sale by Retail of Alcohol, Live Music and Recorded Music*
Sunday to Thursday 07:00 until 00:30
Friday and Saturday 07:00 until 03:00
- 3.4 *Late Night Refreshment*
Sunday to Thursday 23:00 until 00:30
Friday and Saturday 23:00 until 03:00
- 3.5 Hours the premises will be open to the public:
Sunday to Thursday 07:00 until 00:30
Friday and Saturday 07:00 until 03:00

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 suggested.

5 Location

- 5.1 A map which identifies the location of these premises is attached at Appendix B.

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 the Environmental Protection Team and West Yorkshire Police in their capacities as responsible authorities.
- 6.3 The representation submitted by the Environmental Protection Team Authority fully objects to the application being granted. It is submitted on the grounds of noise nuisance and documents several complaints from residents including loud music being played and late night noise.
- 6.4 Member's attention is drawn to a copy of the representation submitted by the Environmental Protection Team at Appendix C.
- 6.5 Please note that the reference made in the representation by the Environmental Protection Team to the premises location with the 'Amber Zone' of the Leeds City Centre Cumulative Impact Area is incorrect. The premises resides just outside the 'green zone' and is therefore not subject to any local policy.
- 6.6 The application has also attracted a representation from West Yorkshire Police which offers additional measures aimed at up holding the prevention of crime and disorder licensing objective.
- 6.7 An agreement to such measures has not yet been reached and therefore remains a matter for Member's consideration. A copy of the representation from West Yorkshire Police can be found at Appendix D of this report.

Other representations

- 6.8 There are no other representations.

7 Licensing hours

- 7.1 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.
- 7.2 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.
- 7.3 A list of premises in the local area and their licensed hours and activities is provided at appendix E.

8 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.

9 Options available to Members

- 9.1 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.
- 9.2 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.

10 Background papers

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