

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 31st October 2017

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 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 This premises licence was granted in 2005 following a conversion from the Justice On Licence. The current premises licence holder Tokyo Industries (Ultimate) Ltd have been in place since October 2013.
- 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:
 - Add boxing and wrestling entertainment - Monday - Saturday 10:00 to 03:30, Sunday 12:00 to 03:30
 - Remove the following conditions - 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34, 61, 62, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 85, 86, 90, 91 & 94.
 - Add non standard timings to all activities "On 25 occasions per year licensable activities will be extended until 06:00, notice of which will be given to Police and Licensing Authority 21 days before each event."
 - Make structural alterations

4 The operating schedule

- 4.1 The operating schedule is attached at Appendix B.
- 4.2 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 and Environmental Health Services in their capacity as responsible authorities. Copies of the representations may be found at Appendix D and E respectively.
- 6.3 Both representations submitted by the responsible authorities remain as 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 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.
- 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