

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 16th January 2018

Subject: Application to Vary a Premises licence held by Guitar Café, 41 Call Lane, Leeds, LS1 7BT

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of Main Issues

This is an application made to vary the premises licence held by Mr David Baguley and Mr Richard Wade for Guitar Café, 41 Call Lane, Leeds, LS1 7BT.

The purpose of the application is to increase the terminal hour for each currently authorised activity by one additional hour and to include the provision of late night refreshment.

Members should note that these premises reside within the 'Red Zone' of the Leeds City Centre Cumulative Impact Area.

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

The application has attracted representations from West Yorkshire Police and the Licensing Authority, objecting to the application in its entirety due to it's location within the Cumulative Impact Area and the effects already being experienced in that area.

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 original application for these premises was received by the Licensing Authority on 15th October 2015.
- 2.2 The application attracted representations objecting fully from both West Yorkshire Police and the Licensing Authority, who expressed concerns over the location of the premises in the 'Red Zone' of the Leeds City Centre Cumulative Impact Area.
- 2.3 The application also attracted a representation in support from Hilary Benn MP along with letters from other parties supporting the application. These letters were submitted by the applicant's representative as supplementary information.
- 2.4 Members carefully considered the evidence put before them which included a letter from the applicant's solicitor offering a reduction to the terminal hour for each licensable activities and the opening times.
- 2.5 The Licensing Sub Committee decided that this application could be considered as an exceptional case and would not impact on the peak times for crime in the area. Members therefore resolved to grant the application in accordance with the reduced hours.
- 2.6 A copy of the premises licence details is attached at Appendix A.

3 The Application

- 3.1 The applicant is held jointly by Mr David Baguley and Mr Richard Wade.
- 3.2 Briefly the application is to:

- Extend the terminal hour of all currently authorised licensable activities as per the following:

Sale by Retail of Alcohol	
Monday to Sunday	10:00 until 23:30 hours
Exhibition of a Film	
Live Music	
Recorded Music	
Monday to Sunday	10:00 until 00:00 hours
- To add the provision of Late Night Refreshment; Monday to Sunday 23:00 until 23:30 hours.

4 The Operating Schedule

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

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 The application has attracted representation from both West Yorkshire Police and the Licensing Authority in their capacity as responsible authorities. Both representations express serious concerns over the increase in reported crime being experienced in the Briggate/Call Lane area, and are of the opinion that the application does not contain sufficient information on how the extended hours will not impact on the effects already being experienced in that area.
- 6.3 Member's attention is drawn to a copy of West Yorkshire Police's representation at Appendix C.
- 6.4 A copy of the representation submitted by the Licensing Authority can be viewed at Appendix D of this report.

Other representations

- 6.5 There are no other representations.

7 Cumulative Impact Policy

- 7.1 The premises are located within the 'Red Zone' of the Leeds City Centre Cumulative Impact 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 this area and an outline of the evidence behind the reason for setting this policy is attached at Appendix E.

7.5 Members are directed to paragraphs 7.67 to 7.70 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.

7.6 Members should note that we are now in receipt of the most recent Night Time Economy Related Crime Stats (September 2017) produced by West Yorkshire Police. We are awaiting the incorporation of these stats in an updated CIP evidence report produced in January. In the meantime they have been included at Appendix F of this report for Members to view.

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 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