

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: 26th September 2023

Subject: Application to Vary a Premises Licence held by Red's True Barbecue, Unit 1, Cloth Hall Street, Cloth Hall, Leeds, LS1 2HD

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Hunslet & Riverside		
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 (Yorkshire) Limited, for Red's True Barbecue, Unit 1, Cloth Hall Street, Cloth Hall, Leeds, LS1 2HD.

This variation application seeks to extend the sale by retail of alcohol, the provision of regulated entertainment, the provision of late night refreshment and to amend/remove conditions. Further information can be noted in 3.2 of the report.

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

The application has attracted representations from responsible authorities.

The premises are located within a designated 'Red Zone' of the Leeds City Centre Cumulative Impact Area.

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 On the 24th April 2012 Red's Smoque Limited applied for a Premises Licence attracting representations from West Yorkshire Police, the Environmental Protection Team and the Health and Safety Team. The application was considered by a Licensing Sub Committee on the 11th June 2012 who resolved to grant the licence with additional conditions.
- 2.2 There have been various applications to transfer the licence following grant, the most recent being to specify Tokyo Industries (Yorkshire) Limited as the current premises licence holder on 28th June 2023. No objection to the transfer was made by West Yorkshire Police and the application was granted as applied for.
- 2.3 A copy of the existing premises licence is attached at Appendix A.

3 The Application

- 3.1 The applicant is Tokyo Industries (Yorkshire) Limited.
- 3.2 The variation application is to:
 - Extend the permitted hours for the sale by retail of alcohol, the exhibition of films, live music and recorded music to Monday to Sunday, 09:00 to 02:00;
 - Extend late night refreshment to Monday to Sunday, 09:00 to 02:00;
 - Extend the opening hours of the premises to Monday to Sunday, 09:00 to 02:30;
 - Amend Condition 46 of the premises licence which reads, '100 covers to be maintained at all times', to 'a minimum number of 100 chairs at tables will be retained at the premises';
 - Remove Conditions 48 which reads, 'There will be no admission after 23:00 Sunday to Wednesday';
 - Remove condition 49 which reads, 'There will be no admission after midnight Thursday to Saturday'; and
 - Remove condition 50 which reads, 'No alcohol to be served other than with a substantial meal'.
- 3.3 A copy of the redacted application form is attached at Appendix B.

3.4 The applicant considers that the existing measures are sufficient to promote the licensing objectives and no additional measures have been offered.

4 Location

4.1 A map which identifies the location of the premises is attached at Appendix C.

5 Representations

5.1 Under the Act representations can be received from anyone but must be relevant and, in the case of members of the public, must not be frivolous or vexatious.

Representations from Responsible Authorities

5.2 Representations have been received from West Yorkshire Police, the Licensing Authority and the Environmental Protection Team in their capacity as responsible authorities. The grounds for objection focus mainly on the premises location with an area where the issues being experienced are so severe they have led to the area being designated a 'red zone' in the Leeds City Centre Cumulative Impact Assessment.

5.3 A copy of the representation by West Yorkshire Police may be found at Appendix D.

5.4 The representation by the Licensing Authority can be found at Appendix E.

5.5 The representation by the Environmental Protection Team is available at Appendix F.

Other representations

5.6 There are no other representations.

6 Cumulative Impact

6.1 The premises is located within one of the two designated 'Red Zones' of the cumulative impact area for Leeds City Centre.

6.2 Cumulative impact means the potential impact on the promotion of the licensing objectives due to significant number of licensed premises concentrated in one area.

6.3 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.

6.4 Details of the Cumulative Impact Policy specific to Leeds City Centre and an outline of the evidence behind the reason for setting this policy is available at Appendix G.

6.5 Members are directed to paragraph 7.44 of the Statement of Licensing Policy which provides examples of how an application may demonstrate there will be no impact and paragraph 7.45 which provides examples of the matters that the council would not normally take into consideration.

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 H.

8 Equality and Diversity Implications

8.1 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 and relevant to the application.

10 Background Papers

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