

**Report of the Chief Officer Elections and Regulatory**

**Report to Licensing Sub Committee**

**Date: Tuesday 13 August 2024**

**Subject: Application to Vary a Premises Licence held by Greens Leeds Limited, 841 York Road, Leeds, LS14 6AA**

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 Mr Daniel Gary Fallas, for Greens Leeds Limited 841 York Road, Leeds, LS14 6AA.

The application is made following a new operator taking control of the premises and seeks to extend the hours for the Sale by Retail of Alcohol and Recorded Music, to add Live Music and to amend the conditions attached to the licence.

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

Measures suggested by West Yorkshire Police and the Environmental Protection Team have been accepted by the applicant and the representations have been withdrawn.

The matter that remains outstanding for the Sub Committee's consideration is a representation received from a member of the public.

## **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 a representation.

## **2 History of Premises**

- 2.1 The licence for these premises was granted in November 2022. The premises at that time were trading as Bar 841 Ltd. The application for the grant of a licence was granted as applied for subject to agreements reached with West Yorkshire Police and the Environmental Protection Team.
- 2.2 On 7 June 2024 applications were received by the Licensing Authority to transfer the licence to Mr Daniel Gary Fallas and to specify the same individual as the Designated Premises Supervisor. Neither application attracted a police objection and they were duly granted as applied for.
- 2.3 A copy of the existing licence is attached at Appendix A.

## **3 The Application**

- 3.1 The applicant is Mr Daniel Gary Fallas.
- 3.2 Briefly, the application is to:
  - Remove conditions 10, 28 and 29, in relation to providing facilities on the premises for ordering taxis, a prohibition on parties and events on the premises and a prohibition on children under 16 years of age on the premises;
  - Amend condition 19 to increase the maximum capacity from 35 to 40:
  - Add conditions in relation to a requirement for public liability insurance and to prohibit children under 18 years of age on the premises 21:00 hours; and
  - Extend the hours in relation to the existing licensable activities of Sale by Retail of Alcohol and Recorded Music, and to add the provision of Live Music. The hours proposed for each activity are:
    - Monday to Thursday 08:00 - 23:30
    - Friday & Saturday 08:00 - 00:00
    - Sunday 08:00 - 23:30.
- 3.3 A copy of the redacted application form is attached at Appendix B.
- 3.4 The applicant proposes to promote the licensing objectives by taking the additional steps identified in the document which is attached at Appendix C.

3.5 The Applicant has provided the additional information at Appendix D in support of their application.

#### **4 Location**

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

#### **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 and Environmental Health in their capacities as a responsible authority.

5.3 Any representation may be negotiated prior to the hearing and in this instance the operating schedule, has been amended to include the measures agreed with West Yorkshire Police and Environmental Health. Copies of the representations and agreements may be found at Appendices F and G respectively.

##### Other Representations

5.4 The application has attracted one representation from a member of the public (described as 'other persons' in the legislation) which is opposed to this application mainly on the grounds of public nuisance and crime and disorder.

5.5 In order to protect personal data a redacted copy of the representation is attached at Appendix H and the original version will be provided to the Licensing Sub Committee in advance of the hearing.

#### **6 Licensing Hours**

6.1 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.

6.2 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.

6.3 A list of premises in the local area and their licensed hours and activities is provided at appendix I.

## **7 Equality and Diversity Implications**

7.1 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.

## **8 Options Available to Members**

8.1 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.

8.2 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.

## **9 Background Papers**

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