



LICENSING SUB-COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
TUESDAY, 25TH MAY, 2021 AT 2.00 PM

MEMBERSHIP

(Please note the Membership of this Sub-Committee will be confirmed following the meeting of the Licensing Committee to be held Friday 21st May 2021)

This meeting will be held at the Civic Hall, Leeds. Due to current restrictions arising from the pandemic, there will be very limited capacity in the public gallery for observers of the meeting. This meeting will be webcast live via the link below, however if you would like to attend to observe in person, please email (FacilitiesManagement@leeds.gov.uk) to request a place, clearly stating the name, date and start time of the committee and include your full name and contact details, no later than 24 hours before the meeting begins. Please note that the pre-booked places will be allocated on a 'first come, first served' basis and once pre-booked capacity has been reached there will be no further public admittance to the meeting. On receipt of your request, colleagues will provide a response to you.

Please Note - Whilst the rates of infection have come down, Coronavirus is still circulating in Leeds. Therefore, even if you have had the vaccine, if you have Coronavirus symptoms: a high temperature; a new, continuous cough; or a loss or change to your sense of smell or taste, you should NOT attend the meeting and stay at home, and [get a PCR test](#) . For those who are attending the meeting, please bring a face covering, unless you are exempt.

**Enquiries specific to
Entertainment Licensing:**

**Matthew Nelson
Tel No: 0113 37 85337**

**Agenda compiled by:
Governance and Scrutiny
Support
Civic Hall
LEEDS LS1 1UR
Tel No: 0113 37 88662**

CONFIDENTIAL AND EXEMPT ITEMS

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

9.0 Confidential information – requirement to exclude public access

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

9.2 Confidential information means

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

10.0 Exempt information – discretion to exclude public access

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p style="text-align: center;"><u>PRELIMINARY PROCEDURES</u></p> <p>ELECTION OF THE CHAIR</p> <p>To seek nominations for the election for the position of Chair.</p>	
2			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance and Scrutiny Support at least 24 hours before the meeting)</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1) To highlight reports or appendices which:</p> <p>a) officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>b) To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>c) If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p> <p>2) To note that under the Licensing Procedure rules, the press and the public will be excluded from that part of the hearing where Members will deliberate on each application as it is in the public interest to allow the Members to have a full and frank debate on the matter before them.</p>	
4			<p>LATE ITEMS</p> <p>To identify any applications as late items of business which have been admitted to the agenda for consideration</p> <p>(the special circumstances shall be identified in the minutes)</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
5			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p> <p><u>HEARINGS</u></p>	
6			<p>APPLICATION TO VARY A PREMISES LICENCE HELD BY DIVA'S, 246 DEWSBURY ROAD, HUNSLET, LEEDS, LS11 6JQ</p> <p>The report of the Chief Officer Elections and Regulatory advise Members of an application made under Section 34 of the Licensing Act 2003 ("the Act") to vary a premises licence in respect of Diva's, 246 Dewsbury Road, Hunslet, Leeds, LS11 6JQ.</p> <p>(Report attached)</p> <p><u>Third Party Recording</u></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties – code of practice</p> <ul style="list-style-type: none"> a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete. 	7 - 34

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Report author: Mrs Bridget Massey
0113 378 5029

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: 25th May 2021

Subject: Application to Vary a Premises Licence held by Diva's, 246 Dewsbury Road, Hunslet, Leeds, LS11 6JQ

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Hunslet and 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 Ismael Tomas, for Diva's, 246 Dewsbury Road, Hunslet, Leeds, LS11 6JQ.

The premises operate as a café/restaurant and propose to vary the hours of currently authorised licensable activities.

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

The application has attracted a representation from Leeds City Council's Environmental Protection Team, suggesting a number of additional measures which include conditions to prevent noise nuisance and to reduce the terminal hour for licensable activities applied for.

The representation by the Environmental Protection Team remains outstanding for Member's consideration.

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 The premises has the benefit of a premises licence granted on the 23rd August 2019. The licensable activities/hours authorised are:

Sale of Alcohol
Sunday to Thursday 11:00 to 23:00
Friday & Saturday 11:00 to 00:00

Late Night Refreshment
Friday & Saturday 23:00 to 00:00

- 2.2 A copy of the existing licence is attached at **Appendix A**.

3 The Application

- 3.1 The applicant is Ismael Tomas.
- 3.2 The application is made to vary the terminal hour of licensable activities as follows:

Sale of Alcohol
Monday to Thursday 11:00 to 22:40
Friday to Sunday 11:00 to 01:30

Late Night Refreshment
Friday to Sunday 23:00 to 01:30

- 3.3 The proposed opening hours of the premises are as follows:

Monday to Thursday 07:00 to 23:00
Friday to Sunday 08:00 to 02:30

- 3.4 A copy of the redacted application form is attached at **Appendix B**.

4 Location

- 4.1 A map which identifies the location of these 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 A representation has been received from Leeds City Council Environmental Protection Team in their capacity as a responsible authority. The representation suggests a number of additional measures, including a reduction to the hours for the licensable activities applied for.
- 5.3 The representation submitted by the Environmental Protection Team remains as a matter outstanding for Member's consideration and a copy of the representation can be found at **Appendix D**.

Other representations

- 5.4 There are no other representations.

6 Licensing hours

- 6.1 Members are directed to paragraphs 6.6 to 6.13 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 6.12 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 E**.

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

Premises Licence

Part A Schedule 12 Licensing Act 2003

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

Diva's Cafe/Restaurant, 246 Dewsbury Road, Hunslet, Leeds, LS11 6JQ

Licensable activities authorised by this licence

Sale by retail of alcohol, Provision of late night refreshment,

Times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol

Friday & Saturday	11:00 - 00:00
Sunday to Thursday	11:00 - 23:00

Provision of late night refreshment

Friday to Sunday	23:00 - 00:00
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Location of activity:	Indoors
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Opening hours of the premises

Friday & Saturday	11:00 - 00:00
Sunday to Thursday	11:00 - 23:00

Alcohol is sold for consumption on the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Ismael Tomas

[REDACTED]

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Ismael Tomas

[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal licence number: [REDACTED]

Licensing authority: [REDACTED]

Licence issued under the authority of Leeds City Council



Mrs Bridget Massey
Licensing Officer
Entertainment Licensing
Elections, Licensing and Registration

Annex 1 – Mandatory Conditions

1. Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-
 - a. unauthorised access or occupation (e.g. through door supervision), or
 - b. outbreaks of disorder, or
 - c. damage
2. No supply of alcohol may be made under this licence
 - a. At a time when there is no designated premises supervisor in respect of the premises licence, or
 - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- a. a holographic mark, or
 - b. an ultraviolet feature.
5. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1 of this condition -

- a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b. "permitted price" is the price found by applying the formula $P = D + (D \times V)$ where -
 - i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises

in a capacity which enables the member or officer to prevent the supply in question;
and

- e. "value added tax" mean value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

General – All four licensing objectives

6. Regular Training to Staff on all Alcohol Related issues
7. Being alert and reporting any antisocial behaviour not only within the premises but within the vicinity to the local PCSO's.
8. The premises is a restaurant & café and primary sales are targeted towards serving high quality food, Alcohol sales are therefore an ancillary bi-product to the restaurant.
9. A supervisor's register will be maintained at the licensed premises, showing names, addresses and up to date contact details for the DPS and all personal licence holders.
10. The supervisors register will state the name of the person who is overall charge of the premises at each time that licensed activities are carried out, and this information will be retained for a period of twelve months and produced for inspection on request to an authorised officer.
11. All staff shall ensure that no alcohol is sold or supplied for consumption off the premises.
12. Only alcohol purchased on the premises will be permitted on site at anytime.

The prevention of crime and disorder

13. A suitable closed circuit Television (CCTV) system will be in operation at the premises at all times when it is being used for the provision of licensable activities and/or when members of the public are permitted to be on the premises. The CCTV system will record images to cover all areas of the premises to which the public have access (save for toilets), including any external areas of the premises such as car parks and beer gardens. The CCTV system will be capable of retaining images for a minimum of 31 days, will be of good quality and will contain the correct time and date stamp information. The CCTV system and images will be kept in a secure environment to which members of the public will not be permitted access. At least one member of staff will be on duty at the premises who is capable of operating the system and downloading images recorded by it. These images will be downloaded and provided, on request, to an officer of a responsible authority.

14. The premises licence holder and/or designated premises supervisor will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti-social behaviour, admissions refusals and ejections from the premises. The Incident Report Register will contain consecutively numbered pages, the date time and location of the incident, details of the nature of the incident, the names and registration numbers of any door staff involved or to whom the incident was reported, the names and personal licence numbers (if any) of any other staff involved or to whom the incident was reported, the names and numbers of any police officers attending, the police incident and/or crime number, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident. The Incident Report Register will be retained for a period of twelve months and produced for inspection immediately on the request of an authorised officer.
15. The age verification policy adopted by the premises, in respect of the sale or supply of alcohol will be Challenge 25, which means that those seeking to purchase alcohol at the premises who appear to be under the age of 25 will be required to provide acceptable evidence (as approved by West Yorkshire Police) that they are 18 years of age (or older) before any alcohol is sold or supplied to them.
16. The premises shall be and remain predominantly food led.
17. The sale/supply of alcohol shall only be made to accompany the sale of food. This does not preclude the sale/supply of alcohol to a person waiting to be seated in the restaurant or at the conclusion of the meal.
18. A suitable Closed Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public on the premises.
19. The CCTV system will contain the correct time and date stamp information.
20. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days continuous footage which will be of good quality.
21. The CCTV system will cover the main entrance/s and exit/s and designated emergency egress routes from the premises.
22. The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised non-designated member / members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority viewing. A record will be kept of who has accessed the system, the reason why and when.

Public Safety

23. In relation to age restricted sales the company will implement and maintain a refusals log system which will be regularly monitored in compliance with existing company policy.
24. Work with Police and local PCSO's in order to resolve any public issues.
25. The PLH/DPS will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti-social behaviour, admissions refusals and ejections from the premises.
26. Litter collection in daylight hours.

27. Drinks, open bottles and glasses will not be taken from the premises at any time. Empty bottles and glasses will be collected regularly and promptly. Glass and other sharp objects will be stored and disposed of safely using suitable receptacles. Receptacles will be secured and not accessible to the customers.
28. The PLH/DPS will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises.

The prevention of public nuisance

29. The PLH/DPS will ensure that litter arising from people using the premises is cleared away regularly and that promotional materials such as flyers do not create litter.
30. Ensure deliveries are made between 07:00 and 19:00.
31. Refusal to serve drunk and disorderly and underage.
32. Noise from plant or machinery shall not be audible at the nearest noise sensitive premises during the operation of the plant or machinery. Plant and machinery shall be regularly serviced and maintained to meet this level.
33. Staff will make hourly checks around the premises and remove any litter, including food wrappers, cans and bottles
34. Provision of waste collection services

Protection of children from harm

35. All alcohol sale refusals will be recorded in a register which will be retained on the premises for inspection by responsible authorities on request.
36. The Premises Licence Holder / Designated Premises Supervisor will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti-social behaviour, and refusal of alcohol sales to minors.
37. Alcohol will not be displayed next to the public entrance/exit of the premises.

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

The plans for these premises are as those submitted with the application. A copy of which is held by Leeds City Council licensing authority.



Leeds
Application to vary a premises licence
Licensing Act 2003

For help contact
entertainment.licensing@leeds.gov.uk
 Telephone: 0113 3785029

* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Ismael

* Family name

Tomas

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 18

VARIATION

Continued from previous page...

Do you want the proposed variation to have effect as soon as possible?

Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

Change of hours from Friday - Sunday only

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Continued from previous page...

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 11 of 18

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Continued from previous page...

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

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FRIDAY

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SATURDAY

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SUNDAY

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Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Additional Training to Staff on all Alcohol Related issues

All staff shall ensure that no alcohol is sold or supplied for consumption off the premises.

b) The prevention of crime and disorder

The CCTV system will cover the main entrance/s and exit/s and designated emergency egress routes from the premises.

The CCTV system will be adequately maintained and be capable of transporting recorded material onto a removable media.

The CCTV system will be capable of securing relevant pictures for review or export at a later date.

c) Public safety

The PLH/DPS will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises.

d) The prevention of public nuisance

The PLH/DPS will adopt a "cooling down" period where alcohol sales will be restricted towards the closing time of the premises.

The premises supervisor and any other supervisors will monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.

e) The protection of children from harm

Continued from previous page...

The PLH/DPS staff will ask for proof of age from any person appearing to be under the age of 21/25 who attempts to purchase alcohol at the premises.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

The variation fee is based on the non domestic rateable value of the premises these fees are:

Non domestic rateable value £4,300 or less - £100

Non domestic rateable value between £4,301 and £33,000 - £190

Non domestic rateable value between £33,001 and £87,000 - £315

Non domestic rateable value between £87,001 and £125,000 - £450

Non domestic rateable value £125,001 or more - £635

If the premise▲ non domestic rateable value is £87,001 or more and the premises is used exclusively or primarily for the supply of alcohol for consumption on the premises the fee for this application is:

Non domestic rateable value between £87,001 and £125,000 - £900

Non domestic rateable value £125,001 or more - £1,905

If this application is for a community premises e.g. a village hall or community centre and the application does■ t include the sale of alcohol as an activity there is no fee payable.

If the premises will have 5,000 people or more in attendance at any one time there is an additional fee payable which we will contact you to pay when you submit your application. Details of these fees are available at http://www.leeds.gov.uk/Business/Licences_and_street_trading/Licence__alcohol_and_entertainment.

* Fee amount (£)

190.00

DECLARATION

* I will make payment of the fee on submission of this application.

* I have attached, or will post to Leeds City Council, the plans of the premises.

* I understand that I must now advertise my application.

* I understand that if I do not comply with the above requirements, my application will be rejected.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

Ismael Tomas

* Capacity

Applicant

Continued from previous page...

* Date

12	/	02	/	2021
dd		mm		yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/leeds/change-1> to upload this file and continue with your application.

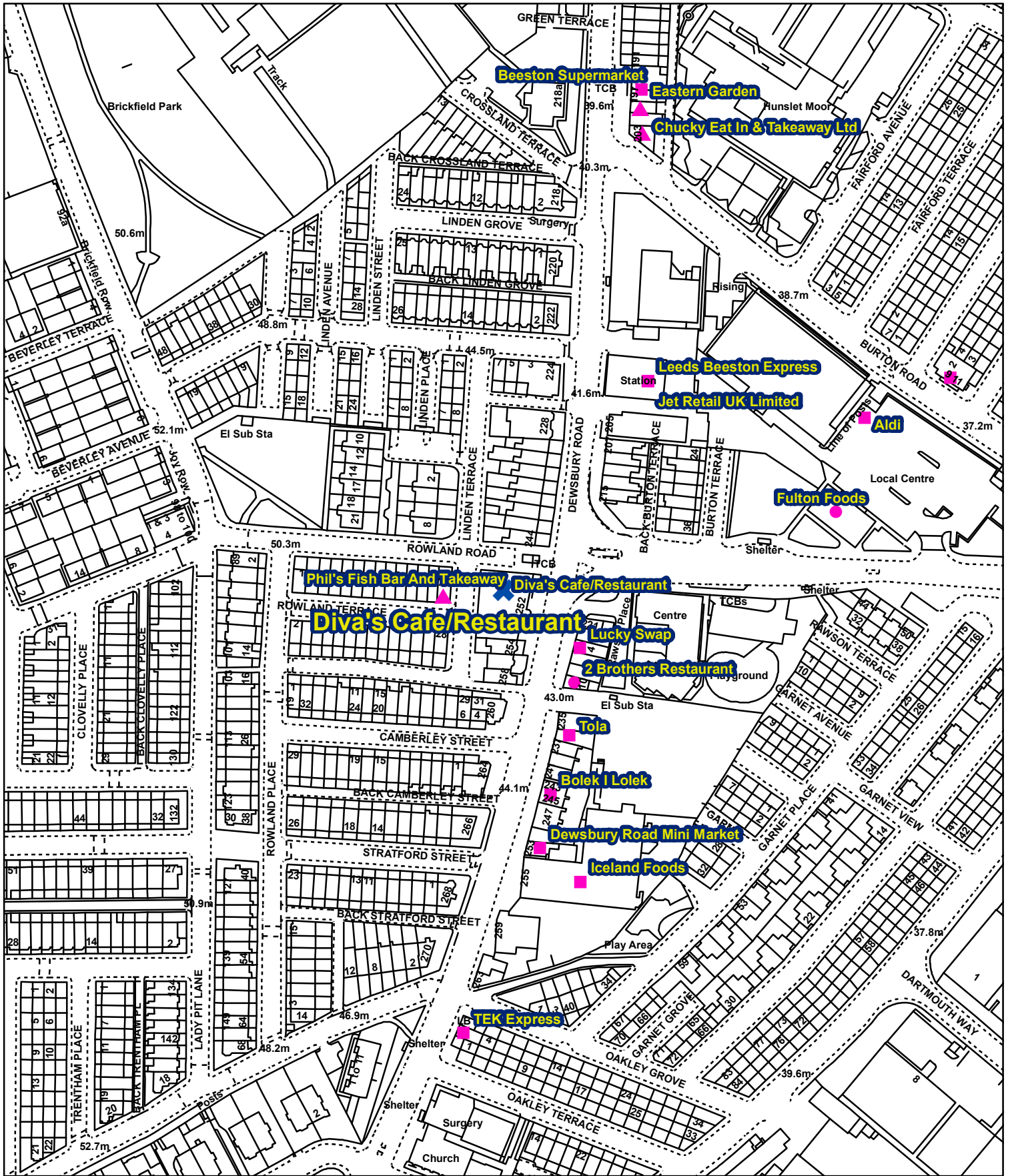
Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>





[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)



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Key	
	On licence
	Late night refreshment
	Off licence
	Other

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Ismael Tomas
[REDACTED]
[REDACTED]
[REDACTED]

Environmental Protection Team
Leeds City Council
Millshaw Park Way
Leeds
LS11 0LS

Contact: Vanessa Holroyd

Tel: [REDACTED]
[REDACTED]

Our reference: PREM/04372/002
26 February 2021

Dear Mr. Tomas

Licensing Act 2003

Name and Address of Premises: Diva's Café/Restaurant, 246 Dewsbury Road, Hunslet, Leeds, LS11 6JQ,

We refer to your licensing application for the above premises. We believe you have not given enough information about how you intend to meet a licensing objective, which is to prevent public nuisance. We therefore submit a formal objection to your application that includes information specifically associated with the premises and the area .

You could meet the objective by agreeing to certain measures that we suggest are reasonable and relevant to your application. Please see part 1 of the enclosed document.

If you agree with the measures please complete and sign part 2 of the enclosed form and return it to us as soon as possible. Once we receive the form we will take it that you wish the licensing authority to amend your operating schedule to include those measures as conditions on the licence. If you disagree with the suggested measures then please complete part 3 and return it to us as soon as possible.

If you feel we should consider anything else or you have any questions please do not hesitate to contact us.

If the opening hours you propose under this application differ to those on the current planning approval then you should also apply to Planning Services to vary the hours. If you operate without planning permission you may have not met the relevant planning condition. You can contact Planning Services on 0113 222 4409.

Yours sincerely

Vanessa Holroyd
Senior Environmental Health Officer

PART 1

To be completed by the responsible authority

Leeds City Council's Environmental Action Service

Proposed Controlled Measures under the Licensing Act 2003

Name and Address of Premises: Diva's Café/Restaurant, 246 Dewsbury Road, Hunslet, Leeds, LS11 6JQ,

The application premises is a restaurant/café located on a parade of commercial businesses several having flats above. There are many noise sensitive properties in close proximity with closest being the adjoining first floor flat 254 Dewsbury Road LS11 6JQ

The hours applied for on Friday to Sunday night's i.e. Opening hours until 02:30 hours are not typical for a restaurant/cafe business and have the potential for noise disturbance to nearby residents. Noise is likely to be from customers arriving and leaving until the early hours of the morning and from customers smoking outside.


There is also a history of recent noise complaints concerning loud music and parties. This was witnessed by police officers at 01:10 hours on 29th August 2020 which was in breach of not only the Health Protection (Coronavirus, Restrictions) (All Tiers) England Regulations 2020 but also your existing premises licence.

Having considered the application under the Licensing Act 2003 for the above premises, we consider that the following measures are relevant and reasonable in order to meet the following aim of the licence:

- Prevention of public nuisance

Noise and Vibration

1. Closing hours for the restaurant/café shall be 23:00 hours Monday to Thursday, 00:00 hours Friday to Sunday.
2. Licensable activities shall be conducted and the facilities for licensed activities shall be designed and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties.
3. Noise from a licensable activity at the premises will not be audible at the nearest noise sensitive premises at Rowland Terrace and First floor flat, 254 Dewsbury Road, LS11 6JQ.
4. The activities of persons using the external areas shall be monitored after 11 pm and they shall be reminded to have regard to the needs of local residents and to refrain from shouting and anti-social behaviour etc when necessary.
5. The designated premises supervisor and any door supervisors will monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.

Signed: 

Dated: 26th February 2021

Issued premises licences and club certificates within an area



PREM/03678/005 - Aldi, Tunstall Road, Holbeck, Leeds, LS11 5EF

Sale by retail of alcohol
Every Day 07:00 - 23:00

PREM/03201/015 - Iceland Foods, 255 - 257 Dewsbury Road, Hunslet, Leeds, LS11 5HZ

Sale by retail of alcohol
Monday to Saturday 08:00 - 23:00
Sunday 10:00 - 22:30

PREM/00131/001 - Burton Road News And Off Licence, 9 Burton Road, Hunslet, Leeds, LS11 5EQ

Sale by retail of alcohol
Monday to Saturday 08:00 - 23:00
Sunday 10:00 - 22:30

PREM/04378/001 - Chucky Eat In & Takeaway Ltd, Chucky Eat In And Takeaway, 203 Dewsbury Road, Hunslet, Leeds, LS11 5EG

Sale by retail of alcohol
Every Day 12:00 - 00:00
Provision of late night refreshment
Every Day 23:00 - 00:00

PREM/03530/006 - Leeds Beeston Express, 205 Dewsbury Road, Hunslet, Leeds, LS11 5HZ

Sale by retail of alcohol
Every Day 06:00 - 00:00

PREM/03810/006 - Beeston Supermarket, 193 - 197 Dewsbury Road, Hunslet, Leeds, LS11 5EG

Sale by retail of alcohol
Every Day 09:00 - 23:00

PREM/03788/006 - Fulton Foods, Unit 2, Tunstall Road Retail Park, Tunstall Road, Beeston, Leeds, LS11 5JF

Sale by retail of alcohol
Every Day 08:00 - 22:00

PREM/03298/001 - Phil's Fish Bar And Takeaway, Phils Fish Bar, 27 Rowland Road, Beeston, Leeds, LS11 6HH

Provision of late night refreshment
Friday & Saturday 23:00 - 01:00
Sunday to Thursday 23:00 - 00:30

PREM/00077/V01 - TEK Express, 265 Dewsbury Road, Beeston, Leeds, LS11 5HN

Sale by retail of alcohol
Every Day 07:00 - 00:00

PREM/04601/001 - Jet Retail UK Limited, Linden Service Station, 205 Dewsbury Road, Leeds, LS11 5HZ

Sale by retail of alcohol	
Every Day	09:00 - 00:00
Provision of late night refreshment	
Every Day	23:00 - 05:00

PREM/03022/003 - Dewsbury Road Mini Market, 253 Dewsbury Road, Hunslet, Leeds, LS11 5HZ

Sale by retail of alcohol	
Every Day	09:00 - 23:00

PREM/04217/003 - Lucky Swap, 223 Dewsbury Road, Hunslet, Leeds, LS11 5HZ

Sale by retail of alcohol	
Every Day	07:00 - 00:00

PREM/03305/002 - Bolek I Lolek, 245 Dewsbury Road, Hunslet, Leeds, LS11 5HZ

Sale by retail of alcohol	
Monday to Saturday	08:00 - 23:00
Sunday	10:00 - 22:30