

**Report of the Head of Elections, Licensing and Registration**

**Report to the Licensing Sub Committee**

**Date: 10th November 2015**

**Subject: Application to Vary a Premises Licence held by Clayton Hotel Leeds City Walk, Holbeck, Leeds, LS11 9AT**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	City and Hunslet	
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 Crescent Brook Ltd, for Clayton Hotel Leeds City Walk, Holbeck, Leeds, LS11 9AT.

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

The application has attracted representations from other persons and a responsible authority.

## **1.0 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.

## **2.0 History of Premises**

- 2.1 The premises has the benefit of a premises licence converted from a Justices Licence in 2005, which provides sale by retail of alcohol only 11am to 11pm, Monday to Friday and 12 midday to 10.30 Sunday. The embedded restrictions which applied to all Justices Licences were placed on the premises licence.
- 2.2 A copy of the existing licence is attached at Appendix **A**

## **3.0 The Application**

- 3.1 The applicant is Crescent Brook Ltd.
- 3.2 In summary the application is for:

Sale of alcohol, provision of live music, provision of recorded music, provision of performance of dance, provision of anything of a similar description

Every Day 10:00 to 01:00

Provision of Late Night Refreshment

Every Day 23:00 to 01:00

### **Non Standard Timings**

From the end of permitted hours on New Years Eve to the start of permitted hours on New Years day annually. Hotel residents and their bona fide guests without restriction.

- 3.3 This will extend the hours for alcohol and add regulated entertainment. The applicant has also asked for the embedded restrictions to be removed.
- 3.4 The operating schedule appropriate to this application may be found at Appendix **B** to this report.

## **4.0 Other matters relevant to the application**

- 4.1 Equality and Diversity / Cohesion and Integration
- 4.2 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.

## **5.0 Steps to promote the Licensing Objectives**

5.1 The applicant proposes to take specific steps to promote the licensing objectives identified in section M of the application form

## **6.0 Location**

6.1 A map which identifies the location of this premises is attached at Appendix **C**.

6.2 This application is in an area where the council has put in place Local Licensing Guidance. This means that the area in which this premises is situated have been identified by the Area Committees as vulnerable to problem drinking and there are additional issues that directly impact the promotion of the licensing objectives. The applicant has been sent the Local Licensing Guidance during the application process and has/has not volunteered conditions to mitigate these concerns. The Local Licensing Guidance is attached at Appendix **D**.

## **7.0 Representations**

7.1 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.

### 7.2 Representations from Responsible Authorities

7.2.1 There has been a representation from Leeds City Council Environmental Noise Nuisance Team in their capacity as a responsible authority.

7.2.2 Any representations submitted may be agreed prior to hearing. In this instance the operating schedule has been amended to include measures agreed with Environmental Noise Nuisance Team. A copy of which can be found at

Appendix **E**

### 7.3 Other representations

7.3.1 The department has received a letter of objection from a Property Management company on behalf of residents, a copy of which can be found at Appendix **F**

## **8.0 Licensing Hours**

8.1 As this application is to extend the hours of an existing premises licence, 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, given the potential for

neighbouring premises to seek the same additional hours to prevent rivals gaining a commercial advantage.

8.3 A list of premises in the local area and their licensed hours and activities is provided at Appendix G.

## **9.0 Options Available to Members**

9.1 The licensing sub-committee 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.

## **10.0 Background Papers**

- Guidance issued under s182 Licensing Act 2003
- Statement of Licensing Policy
- Local Licensing Guidance (if relevant)
- Representations received from responsible authorities
- Representations received from other people