
Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 10th October 2017

Subject: Application to vary a premises licence held by Hessian Cafe 466 Roundhay Road, Leeds, LS8 2HU

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 to vary a premises licence, made by Hessian Group Ltd T/A Hessian Cafe, for Hessian Cafe 466 Roundhay Road, Leeds, LS8 2HU

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

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

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 Please find a brief statement from Carmel Brennand of Entertainment Licensing's enforcement team:

Although the premises licence was granted with effect from 23 December 2016, the premises didn't open until Friday 31 March 2017 when it immediately came to the attention of Enforcement on receipt of a complaint of staying open late on its opening night.

The premises were visited and the owner/operator Will Pugh spoken to. He was very apologetic stating it was a private party for family and friends. In inspection under the Licensing Act 2003 was completed which highlighted a number of issues and the operator was given a month to rectify. On my return everything was in order although the operator was having difficulty in complying with the condition of food ancillary to alcohol so advice was given on how to vary the licence; hence this application.

Whilst there have been concerns raised by the complainant in the intervening months, I understand they have all been dealt with by the respective departments i.e. planning, environmental health and the food safety team.

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

3 The application

- 3.1 The applicant is Hessian Group Ltd T/A Hessian Cafe,

- 3.2 Briefly the application is to:

- Amendment of condition 20 - The number of covers will be 30.
- Removal of condition 21 - The sale/supply of alcohol shall only be made to accompany the sale of food. This does not preclude the sale/supply of alcohol of alcohol to a person waited to be seated in the restaurant, or at the conclusion of the meal to consume on or off the premises.

4 The operating schedule

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

5 Location

5.1 A map which identifies the location of this 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 Representation has been received from Environmental Health in their capacity as a responsible authority. A copy of the representation may be found at Appendix C.

Other representations

6.3 The application has attracted representations from members of the public (described as 'other persons' in the legislation).

6.4 Entertainment Licensing is in receipt email of support from a local councillor and of a letter of objection opposing this application on the grounds of public nuisance.

6.5 In order to protect personal data, redacted copies of the representations are attached at Appendix D. Unredacted copies will be available at the hearing for Members consideration.

7 Licensing hours

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

8 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 Sub Committee 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 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 Sub Committee 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.

Background papers

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