

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

**Report to the Licensing Sub Committee**

**Date: Tuesday 22nd May 2018**

**Subject: Application to vary a premises licence held by Botanist Unit 2.42, 67 Boar Lane, Leeds, LS1 6HW**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Little London & Woodhouse	
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 the premises licence held by New World Trading Company (UK) Limited for Botanist Unit 2.42, 67 Boar Lane, Leeds, LS1 6HW.

The application is made to vary the layout of the premises in order to extend the external area. It is proposed for the extended area to operate in accordance with the current conditions of the operating schedule inclusive of CCTV coverage, drinking and dining to cease at midnight, the area being adequately monitored, signage requesting customers to keep noise to a minimum and all tables and chairs being removed at the end of each evening.

Members should note that these premises reside within the 'Amber Zone' of the Leeds City Centre Cumulative Impact Area.

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

The application has attracted a representation from West Yorkshire Police requesting further information on the above mentioned measures. At the time of writing this report no response from the applicant's representative has been received.

## **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 An application for the initial grant of this premises licence was received by the Licensing Authority on 2nd July 2012.
- 2.2 The application attracted representations from both West Yorkshire Police and Leeds City Council Health & Safety Service, offering suggested measures to uphold the relevant licensing aims. These measures were agreed by the applicant and each authority subsequently withdrew their representation.
- 2.3 The application was granted as requested, subject to the agreed measures being incorporated in to the operating schedule.
- 2.4 Details of the current premises licence including all of the conditions can be viewed at Appendix A of this report.

## **3 The Application**

- 3.1 The applicant is New World Trading Company (UK) Limited.
- 3.2 In summary the application is to extend the external area to operate in accordance with the conditions already attached to the licence which govern its use, including the following:
  - It will be covered by the CCTV system;
  - No drinking and dining will be permitted after 00:00 hours;
  - The area will be monitored;
  - Signs will be displayed requesting customers keep noise to a minimum; and
  - All tables and chairs will be removed and stored away at the end of the evening.

## **4 The Operating Schedule**

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

## **5 Location**

- 5.1 A map which identifies the location of these 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 The application has attracted a representation from West Yorkshire Police which remains outstanding and a matter for Members consideration. The representation requests further information on the measures governing the use the external area, a copy of which can be viewed at Appendix C of this report.

### Other representations

- 6.3 There are no other representations.

## **7 Cumulative Impact Policy**

- 7.1 The premises are located within the 'Amber Zone' of the Leeds City Council Cumulative Impact Area.
- 7.2 Cumulative impact means the potential impact on the promotion of the licensing objectives due to significant number of licensed premises concentrated in one area.
- 7.3 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.
- 7.4 Details of the cumulative impact policy specific to this area and an outline of the evidence behind the reason for setting this policy is attached at Appendix D.
- 7.5 Members are directed to paragraphs 7.67 to 7.70 of the Statement of Licensing Policy which provides examples of how an application may be considered as demonstrating there will be no impact on the licensing objectives and the matters that the council would not normally take into consideration.

## **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.

## **10 Background Papers**

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