

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

**Report to the Licensing Sub Committee**

**Date: Tuesday 3rd July 2018**

**Subject: Application to vary a premises licence held by Tom Foolery 179 High Street, Boston Spa, Wetherby, LS23 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 Marcus Zol Emadi, for Tom Foolery 179 High Street, Boston Spa, Wetherby, LS23 6AA

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

The application has attracted representations from other persons and/or responsible authorities.

## **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 There has been a previous variation application for this premise since the grant of the licence. The Licensing Authority first received an application to vary the premises licence on 29<sup>th</sup> June 2016. The application was to increase the licensable activities at the premises. Representations were received and a hearing was scheduled before the licensing sub committee. Mr Emadi attended the hearing on behalf of the applicant. At the hearing he confirmed that he would be taking over the business as the premises licence holder. Agreements with responsible authorities had been reached prior to the hearing, outstanding representations were from members of the public. After discussion at the hearing the application was deemed granted with slightly reduced hours for live music.

A transfer application and vary designated premises supervisor application were then received.

This application to be determined at the licensing sub committee is the second variation application received for this premises. Representations have been received by the Planning department and members of the public.

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

## **3 The application**

- 3.1 The applicant is Mr Marcus Zol Emadi
- 3.2 Briefly the application is to:

To extend the sale of alcohol every Friday and Saturday night and extend licensable activities and opening hours to the following:

### **Supply of alcohol**

Sunday to Thursday: 09:00 - 00:00

Friday & Saturday: 09:00 - 01:00

### **Late Night Refreshment**

Sunday to Thursday: 23:00 - 00:00

Friday & Saturday: 23:00 - 01:00

### **Live Music**

Monday to Thursday: 16:00 - 00:00

Friday & Saturday: 12:00 - 01:00

Sunday: 12:00 - 00:00

## **Recorded Music**

Monday to Wednesday: 09:00- 00:00

Thursday: 09:00 - 00:30

Friday & Saturday: 09:00 - 01:30

Sunday: 09:00 - 00:00

## **Hours the premises are open to the public**

Monday to Thursday: 09:00 - 00:30

Friday & Saturday: 09:00 - 01:30

Sunday: 09:00 - 00:30

## **4 The operating schedule**

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

## **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 Representations have been received from the planning department in their capacity as a responsible authority. A copy of the representation may be found at **Appendix C**. This matter remains outstanding and is a matter for member's consideration.

### 6.3 Other representations

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

Entertainment Licensing is in receipt of seven individual letters of objection. Concerns have been raised under the prevention of public nuisance objective. Residents have concerns with regards to noise generated from the increased terminal hour at the premises.

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.

Entertainment licensing are also in receipt of eleven letters supporting the application. Copies are attached at **Appendix E**.

## **7 Licensing hours**

- 7.1 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.
- 7.2 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.
- 7.3 A list of premises in the local area and their licensed hours and activities is provided at **Appendix F**

## **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 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