

Report of the Chief Officer of Elections and Regulatory Services

Report to the Licensing Sub Committee

Date: Tuesday 21st August 2018

Subject: Application to Vary a Premises Licence held by Upstairs Bar, 28 - 32 Bridge End, Leeds, LS1 4DJ

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Hunslet & 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 the premises licence held by Industrial Brewing Co Ltd in respect of Upstairs Bar, 28 - 32 Bridge End, Leeds, LS1 4DJ.

This application is made to allow the premises to authorise alcohol sales for consumption off the premises in addition to the already permitted consumption of alcohol on the premises. The application explains that is to allow patrons to take their drinks off the premises and consume them in the external area/beer garden only.

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

The application has attracted representations from West Yorkshire Police and a freehold proprietor of an adjacent property.

The representation by West Yorkshire Police suggested a single measure that was promptly agreed by the applicant. The representation on behalf of the freehold proprietor remains outstanding and a matter for members to consider.

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 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 Environmental Protection Team offering 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 above agreements.
- 2.4 An application for a minor variation was made by the applicant on the 11th July 2017 which proposed to authorise the sale of alcohol for consumption off the premises. The application on that occasion also attracted representations from both a local freehold proprietor and additionally a taxi firm expressing concerns regarding public safety and public nuisance.
- 2.5 Having carefully considered the application and the contents of each representation, the Licensing Authority felt that the application contains insufficient information on how the licensing objectives would be upheld resulting in the application being rejected entirely. This has led to the licence holder submitting the proposal under a full variation process in anticipation of it attracting further representations and the opportunity to have the application determined by a licensing sub-committee.
- 2.6 A copy of the current premises licence details can be found at Appendix A.

3 The Application

- 3.1 The applicant is Industrial Brewing Co Ltd.
- 3.2 Briefly the application is to:
 - Add the retail by sale of alcohol for consumption off the premises in order to allow patrons to use the external area/beer garden. The application also mentions that use of the external area will be between 12:00 until 21:00 hours Monday to Sunday.
 - Members should note that the premises licence holder has recently made several applications for TENs to utilise the external area and Local Licensing Authority has not received any complaints/correspondence specific to these events.

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 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 in their capacity as a responsible authority. The representation suggested an additional measure regarding the use of glassware during high risk events which was promptly agreed by the applicant. A copy of the representation and agreement can be found at Appendix C.

Other Representations

- 6.3 The application has attracted a representation from the freehold proprietor of an adjacent property with concerns regarding crime and disorder, public safety and public nuisance. Member's attention is drawn to a copy of the representation at Appendix D of this report.
- 6.4 Following submission of the above representation, the Director of Industrial Brewing Co Ltd has liaised with the objector's representative in order to provide further information and facilitate an agreement. The representative has responded and confirmed their client's intention is to proceed with the objection.
- 6.5 A copy of the supplementary information along with objector's response is attached to this report at Appendix E.
- 6.6 In order to protect personal data all details in relation to the other party's representation/supplementary information has been redacted. Original copies will be available at the hearing for Members to consider.

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.
- Reject 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.

9 Background papers

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