

**Report of the Chief Officer Elections and Regulatory**

**Report to Licensing Sub Committee**

**Date: 23rd October 2018**

**Subject: Application to vary a premises licence held by Hemingway's Cuban Bar (formerly Sandbar) 15 Town Street, Horsforth, Leeds, LS18 5LJ**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Horsforth		
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 Soul Bars And Restaurants Limited, for Hemingway's Cuban Bar (formerly Sandbar) 15 Town Street, Horsforth, Leeds, LS18 5LJ.

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

The application has attracted representations from responsible authorities.

The premises are located within an area covered by a cumulative impact policy.

## **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 Originally this premises had the benefit of two premises licences, one being for the rear of 17 Town Street and the other 15 Town Street. These were both granted in 2005. A variation was then applied for in September 2006 to amalgamate the two licences to become solely 15 Town Street. This was granted as applied for.
- 2.2 An application to vary the opening hours of the premises was received in 2007. Conditions from Environmental Health were added to the licence at a licensing subcommittee hearing and consequently granted.
- 2.3 Another application to vary the premises licence was received in 2011. This was to remove embedded conditions from the licence, amend the times of licensable activities and remove certain conditions. This was granted as applied for.
- 2.4 A copy of the existing licence is attached at Appendix A.

## **3 The application**

- 3.1 The applicant is Soul Bars And Restaurants Limited.
- 3.2 Briefly the application is to:
  - Add late night refreshment onto the premises licence.
  - To extend the sale of alcohol hours on Fridays & Saturdays from 11:00 – 00:30 to 11:00 - 01:30.
  - To extend the regulated entertainment on Fridays & Saturdays from 18:00 – 00:00 to 18:00 - 01:30.
- 3.3 A copy of the redacted application form is attached at Appendix B.

## **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 C.

## **6 Representations**

- 6.1 Under the Act representations can be received from anyone but must be relevant and, in the case of members of the public, must not be frivolous or vexatious.

### Representations from Responsible Authorities

- 6.2 Representations have been received from West Yorkshire Police in their capacity as a responsible authority. Conditions were agreed between the applicant and West Yorkshire Police and a copy of the email confirming this can be found at Appendix D.
- 6.3 The representation submitted by Environmental Health remains as a matter for Members consideration. A copy of the representation may be found at Appendix E.

### Other representations

- 6.4 There are no other representations.

## **7 Cumulative Impact Policy**

- 7.1 The premises are located within the cumulative impact area for Horsforth.
- 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 Horsforth and an outline of the evidence behind the reason for setting this policy is attached at Appendix F.

## **8 Licensing hours**

- 8.1 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.
- 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.
- 8.3 A list of premises in the local area and their licensed hours and activities is provided at Appendix G.

## **9 Equality and diversity implications**

9.1 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.

## **10 Options available to Members**

10.1 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.

10.2 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 and relevant to the application.

## **11 Background papers**

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