

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: Monday 26th November 2018

Subject: Application to vary a premises licence held by 1066 Café Unit 3, 1 Hastings Court, Collingham, Wetherby, LS22 5AW

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Harewood		
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 Mrs Lisa Kathryn Hall, for 1066 Café Unit 3, 1 Hastings Court, Collingham, Wetherby, LS22 5AW

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

The application has attracted representations from other persons

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 In November 2009 an application was received for the grant of a premises licence for this premise. The application received representations from West Yorkshire Police and Environmental Protection team in their capacity as responsible authorities under the Licensing Act 2003. The application was deemed as granted as agreements were reached and measures placed upon the licence.
- 2.2 The applicant has operated as the premises licence holder since the grant of the licence in 2009, firstly in a joint capacity, but recently an application to transfer the licence was received, and duly granted to enable the applicant to operate as a individual licence holder.
- 2.3 A further application was received by the licensing authority on the 30th September 2018 to vary the existing licence. Due to the receipt of representation, this application remains outstanding and for consideration by members.
- 2.4 A copy of the existing licence is attached at **Appendix A**.

3 The application

- 3.1 The applicant is Mrs Lisa Kathryn Hall
- 3.2 Briefly the application is to:
 - To increase the hours for the sale of alcohol for consumption both off and on the premises
 - to increase the opening hours of the premises
 - To amend condition 22 to read 'Patrons shall not be allowed to use any external area after 22:00 hours except for smoking'.
- 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 these 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 There have been no representations from responsible authorities.

Other representations

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

6.4 The Licensing Authority has received 1 representation from a member of the public. They had concerns with regards to increased public nuisance and anti social behaviour due to the increase of the operating schedule.

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 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 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 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 and relevant to the application.

10 Background papers

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