



Report of the Assistant Chief Executive (Corporate Governance)

Report to the Licensing Sub Committee

Date: Monday 12th May 2008

Subject: Application for the Variation of a Premises Licence for The Faversham, 1-5 Springfield Mount, Woodhouse, Leeds, LS2 9NG.

Electoral Wards Affected:

Hyde Park & Woodhouse

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

This report informs members of an application for the variation of a Premises Licence for the premises situated at 1-5 Springfield Mount, Woodhouse, Leeds, LS2 9NG, trading as The Faversham.

The responsible authorities are served with copies of the application by the applicant and Ward Members have been notified of the application.

1.0 Purpose of this Report

To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") for a variation to an existing Premises Licence, in respect of The Faversham, 1-5 Springfield Mount, Woodhouse, Leeds, LS2 9NG.

The Licensing Sub-Committee is required to consider this application due to the receipt of representations.

2.0 History of Premises

2.1 Prior to the introduction of the Licensing Act 2003, The Faversham operated under a Special Hours Certificate with the benefit of a Public Entertainment Licence. On 5th August 2005, an application to convert and vary was received by the Licensing Authority which was subject to an hearing due to the receipt of representations. Agreements were reached between the applicant, West Yorkshire Police and LCC Health & Safety Team prior to the hearing. Environmental Health Services and representations submitted by members of the public remained outstanding up to the date of hearing (29th September 2005).

At the aforementioned hearing, the Licensing Sub-committee resolved to grant the application to vary the premises licence in part. Proposed hours for licensable activities were reduced and additional conditions to promote the licensing objectives were imposed (for further clarification, please see 'Appendix A').

2.2 The premises currently have the benefit of a Premises Licence, issued under the Licensing Act 2003 for the following licensable activities:

- E** Live Music
- G** Performance of Dance
- I** Provision of Facilities for Making Music
- J** Provision of Facilities for Dancing
- L** Late Night Refreshment
- M** Sale by Retail of Alcohol

2.3 The hours of operation are as follows:

Live Music
Performance of Dance
Facilities for Making Music
Facilities for Dancing

Sunday to Thursday	11:00 – 04:00
Friday & Saturday	11:00 – 05:00

Late Night Refreshment

Sunday to Thursday	23:00 – 04:00
Friday & Saturday	23:00 – 05:00

Sale by Retail of Alcohol

Sunday to Thursday	11:00 – 03:00
Friday & Saturday	11:00 – 04:00

2.4 The hours that the premises are open to the public are:

Sunday to Thursday	11:00 – 03:30
Friday & Saturday	11:00 – 04:30

2.5 A copy of the existing licence (including all conditions) is attached at **Appendix A**.

3.0 The Application

3.1 The applicants are **Sound Trading Ltd**.

3.2 The location and the proximity to neighboring premises can be seen on the map provided, Members attention is drawn to **Appendix B**.

3.3 A copy of the application and operating schedule are attached as **Appendix C** to this report. For the assistance of members, the Operating Schedule shows:

i) Proposed new licensable activities

The applicant proposes the following additional licensable activities:

- F** Recorded Music
- H** Anything of a Similar Description
- K** Facilities for Entertainment of a Similar Description

ii) Proposed new hours of licensable activities

The applicant proposes to alter the existing hours of licensable activities to reflect the following:

- Live Music**
- Recorded Music**
- Performance of Dance**
- Anything of a Similar Description**
- Facilities for Making Music**
- Facilities for Dancing, Facilities for Entertainment of a Similar Description, Sale by Retail of Alcohol**

Sunday to Thursday	11:00 – 06:00
Friday & Saturday	11:00 – 09:00

Late Night Refreshment

Everyday	23:00 – 05:00
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The applicant does not suggest any non-standard timing.

iii) Proposed amendment to existing licence conditions

The applicant requests amendments to the following conditions:

- a. "The number of licensed outdoor events shall be limited to 6 per year", and replaced with "The number of licensed outdoor events shall be limited to 12 per year."
- b. "The use of the beer garden and any external area to cease at 22:00 hours", and replace with "The use of the beer garden and any external area to cease at 22:00 hours except for smokers using the designated smoking area."
- c. "No person under the age of 18 will be permitted to any part of the premises unless accompanied by an adult", and replace with "No person under the age of 16 will be admitted to the premises unless accompanied by an adult."
- d. "No person under the age of 18 will be allowed on the premises after 22:00 hours", and replace with "Unless attending a private function, no person under the age of 18 will be allowed on the premises after 23:00 hours."

iv) Times when the premises proposes to be open to the public

Sunday to Thursday	11:00 – 06:30
Friday & Saturday	11:00 – 09:30

v) Designated Premises Supervisor

Mr Gary Morton is to remain as the Designated Premises Supervisor.

4.0 Relevant Representations

4.1 Under the Act representations can be received from responsible authorities or interested parties. Representations must be relevant and, in the case of an interested party, must not be frivolous or vexatious.

4.2 Responsible authorities have made the following representations:-

- **West Yorkshire Police**

Member's are invited to consider **Appendix D** of this report.

5.0 Matters Relevant to the Application

5.1 Members of the Licensing sub committee must make decisions with a view to promoting the licensing objectives which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

5.2 In making of their decision Members are obliged to have regard to the national Guidance and the Council's Licensing Policy. Members will be aware they must also have regard to the relevant representations made, and the evidence they hear.

6.0 Options Available to Members

6.1 The licensing sub-committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- Grant the variation as requested.
- Grant the variation while imposing new conditions or altering in any way the existing operating schedule.
- Reject whole or part of the variation application.

6.2 Members of the Licensing sub committee 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 necessary in order to promote the licensing objectives.

Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy