

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: Tuesday 21st January 2020

Subject: Application to vary a premises licence held by The Back Room 50A Call Lane, Leeds, LS1 6DT

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 a premises licence made by Back Room Bars Limited, for The Back Room 50A Call Lane, Leeds, LS1 6DT.

The application is made to extend the licensable hours Sunday to Thursday from the current terminal hour of 04:00 hours to 06:00 hours. This will bring the hours in line with the current hours for Friday and Saturday, which are to remain unchanged.

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

The application has attracted representation from West Yorkshire Police offering measures to promote the prevention of crime and disorder. These have been agreed by the applicant and now form part of the operating schedule, resulting in withdrawal of the representation.

Representations have also been received from a Local Ward Councillor with support from a fellow Ward Councillor and one member of the public.

The premises are located within an area designated as a cumulative impact area. However under the latest cumulative impact assessment report, the proposed extension of opening hours fall outside peak times.

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 These premises currently have had the benefit of a premises licence which has been in force since the introduction of the current legislation effective on the 24th November 2005.
- 2.2 The application to transfer the premises licence appointing the current holder Back Room Bars Ltd was received by the Licensing Authority on 10th October 2012. West Yorkshire Police did not object to the application and it was granted as requested with immediate effect.
- 2.3 Several applications have been received by the Licensing Authority between the time Back Room Bars Ltd became the licence holder and now. This includes full variation applications, minor variation application and application to appoint a new DPS.
- 2.4 A copy of the current licence is attached at Appendix A.

3 The application

- 3.1 The applicant is Back Room Bars Limited.
- 3.2 Briefly the application is to:
 - Extend licensable hours Sunday to Thursday only, for the Sale by Retail of Alcohol, Live Music and Recorded Music from the current terminal hour 04:00 hours to the proposed 06:00 hours.

This will bring the hours in line with the currently permitted hours for Friday and Saturday, which are to remain unchanged.

- 3.3 A redacted copy of the application form is attached at Appendix B.
- 4.1 The applicant considers that the existing measures are sufficient to promote the licensing objectives and no further measures are necessary.

4 Location

- 4.1 A map which identifies the location of the premises is attached at Appendix C.

5 Representations

- 5.1 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

- 5.2 Representations have been received from West Yorkshire Police in their capacity as a responsible authority. Any representation may be negotiated prior to the hearing and in this instance, the operating schedule has been amended to include the measures agreed with the police. A copy of the agreement may be found at Appendix D.

Other representations

- 5.3 The application has attracted representations from Local Ward Councillor Paul Wray with support provided by fellow Ward Councillor Elizabeth Nash. Also received is an individual letter of objection from a member of the public (described as 'other persons' in the legislation). All representations oppose the application on the grounds of public nuisance.
- 5.4 In order to protect personal data, redacted copies of the representations are attached at Appendix E. Original copies will be available at the hearing for Members consideration.

6 Cumulative Impact

- 6.1 Members should be aware that these premises are located within a cumulative impact area, but the hours and days applied for fall outside the peak days and times for alcohol related crime and incidents in this area during the night time economy.
- 6.2 Having considered the application in accordance with the Cumulative Impact Policy, the Licensing Authority has not made representation to the application on the grounds that the extension in hours applied for would not contribute to the impact already being experienced in the area. This is in line with the evidence provided in the Cumulative Impact Assessment.
- 6.3 In order to ensure that Members are fully aware and prepared for any enquiries regarding the cumulative impact area specific to Leeds City Centre, a copy of the policy and an outline of the evidence behind the reason for setting this policy is attached at Appendix F.

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 G.

8 Equality and diversity implications

8.1 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