

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: 27th April 2021

**Subject: Application to vary a premises licence held by My Bar Leeds Ltd,
67 - 69 St Pauls Street, Leeds, LS1 2TE**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):		
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 Kane Crosfill and Simon Fearon, for My Bar Leeds Ltd, 67 - 69 St Pauls Street, Leeds, LS1 2TE, which operates as a small bar/restaurant.

The application is made to extend the timings for the currently permitted licensable activities Sale by Retail of Alcohol and Recorded Music.

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

The application has attracted representations from other persons and/or responsible authorities.

The representation submitted by West Yorkshire Police suggested additional measures to promote the prevention of crime and disorder licensing objective. These measures have been agreed by the applicant and incorporated in to the operating schedule, resulting in the police withdrawing their representation.

The application has also attracted a representation from a local resident which remains a matter outstanding for Member's consideration.

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 have the benefit of a premises licence that was issued in May 2015.
- 2.2 An application to transfer the premises licence to the current licence holders was received by the Licensing Authority on the 17th August 2020. No representation to the transfer application was received from West Yorkshire Police and the application was duly granted.
- 2.3 A copy of the existing licence is attached at **Appendix A**.

3 The application

- 3.1 The applicant is Kane Crosfill and Simon Fearon.
- 3.2 Briefly, the application is to vary the licensable activities as follows:

*Sale by Retail of Alcohol and Recorded Music
Monday to Sunday 11:30 until 23:00 hours*

- 3.3 A copy of the application form is attached at **Appendix B**
- 3.4 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 this 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.
- 5.3 Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with West

Yorkshire Police. A copy of the representation and agreement can be found at **Appendix D**.

Other representations

- 5.4 The application has attracted a representation from a members of the public (described as 'other persons' in the legislation).
- 5.5 In order to protect personal data, redacted copies of the representations are attached at **Appendix E**. An original copy will be available at the hearing for Members consideration.

6 Licensing hours

- 6.1 Members are directed to paragraphs 6.6 to 6.13 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.
- 6.2 In brief the Policy states at 6.12 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.
- 6.3 A list of premises in the local area and their licensed hours and activities is provided at **Appendix F**.

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.
 - Exclude any licensable activities to which the application relates.
 - Reject the 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 and relevant to the application.

9 Background papers

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