

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: 13th July 2021

Subject: Application to Vary a Premises Licence held by Diva's, 246 Dewsbury Road, Hunslet, Leeds, LS11 6JQ

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Hunslet and 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 Ismael Tomas, for Diva's, 246 Dewsbury Road, Hunslet, Leeds, LS11 6JQ.

The premises operate as a café/restaurant and propose to vary the hours of currently authorised licensable activities.

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

The application has attracted a representation from Leeds City Council's Environmental Protection Team, suggesting a number of additional measures which include conditions to prevent noise nuisance and to reduce the terminal hour for licensable activities applied for.

The representation by the Environmental Protection Team also includes additional information in support, and remains 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 The premises has the benefit of a premises licence granted on the 23rd August 2019. The licensable activities/hours authorised are:

Sale of Alcohol
Sunday to Thursday 11:00 to 23:00
Friday & Saturday 11:00 to 00:00

Late Night Refreshment
Friday & Saturday 23:00 to 00:00

- 2.2 A copy of the existing licence is attached at **Appendix A**.

3 The Application

- 3.1 The applicant is Ismael Tomas.
- 3.2 The application is made to vary the terminal hour of licensable activities as follows:

Sale of Alcohol
Monday to Thursday 11:00 to 22:40
Friday to Sunday 11:00 to 01:30

Late Night Refreshment
Friday to Sunday 23:00 to 01:30

- 3.3 The proposed opening hours of the premises are as follows:

Monday to Thursday 07:00 to 23:00
Friday to Sunday 08:00 to 02:30

- 3.4 A copy of the redacted application form is attached at **Appendix B**.

4 Location

- 4.1 A map which identifies the location of these 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 A representation has been received from Leeds City Council Environmental Protection Team in their capacity as a responsible authority. The representation suggests a number of additional measures, including a reduction to the hours for the licensable activities applied for.
- 5.3 The representation submitted by the Environmental Protection Team remains as a matter outstanding for Member's consideration. A copy of the representation and information supplied in support of the representation can be found at **Appendix D**.

Other representations

- 5.4 There are no other representations.

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 E**.

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