

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: 9th November 2021

Subject: Application to vary a premises licence held by Mr Ts Leeds Limited 90 Burley Road, Burley, Leeds, LS3 1JP

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

This is an application to vary a premises licence, made by Mr T's Leeds Limited, for Mr T's Leeds Limited 90 Burley Road, Burley, Leeds, LS3 1JP.

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

The application attracted representations from West Yorkshire Police and Environmental Health, however agreements were reached prior to the hearing resulting in additional conditions imposed on the licence should this application be granted. Subsequently, the representations were withdrawn. Further details of this can be found within the body of the report.

The application also attracted a representation from a member of the public which remains outstanding and a matter 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 original application was received by the Licensing Authority in December 2011. The applicant at the time applied for the following:

Performance of recorded music, Every day 11:00 – 01:00

Late night refreshment, Every day 23:00 – 01:00

The application received no representations and was granted as applied for.
- 2.2 An application to transfer the licence to the current licence holder was received on the 22 March 2021. This was granted as applied for.
- 2.3 A copy of the existing licence is attached at Appendix A.

3 The application

- 3.1 The applicant is Mr T's Leeds Limited.

Currently the activities on the licence are as follows:

Performance of recorded music, Every day 11:00 – 01:00

Late night refreshment, Every day 23:00 – 01:00

The applicant has applied to extend the times on both activities until 03:30.
- 3.2 The applicant proposes to promote the licensing objectives by taking the additional steps identified at section 16 of the application form which may be found at Appendix B.

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 (WYP) and Environmental Health in their capacity as responsible authorities.
- 5.3 Any representation may be negotiated prior to the hearing. In this instance agreements were reached between WYP and the applicant, therefore the objection was withdrawn. A copy of the representation and agreed conditions can be found at Appendix D.
- 5.4 Agreements were also reached between Environmental Health and the applicant prior to the hearing, as a result of this the representation was withdrawn. A copy of their representation and agreed conditions may be found at Appendix E.

Other representations

- 5.5 The application has attracted representations from members of the public (described as 'other persons' in the legislation).
- 5.6 Entertainment Licensing is in receipt of one individual letter of objection, which is opposed to this application on the grounds of public nuisance.
- 5.7 The representation received from the member of the public expressed concerns that they be at risk of retribution.
- 5.8 In order to protect personal data, redacted copies of the representations are attached at Appendix F. Unredacted copies 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 G.

7 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.

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