

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: Tuesday 13th December 2022

**Subject: Application to Vary a Premises Licence held by Tavernaki Bistro Ltd,
18 Great George Street, Leeds, LS1 3DW**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Little London & Woodhouse		
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 Tavernaki Bistro Ltd, for Tavernaki Bistro Ltd, 18 Great George Street, Leeds, LS1 3DW.

The following licensable activities have been applied to vary; sale by retail of alcohol and late night refreshment, the hours of which can be noted in 3.3 of the report.

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

The application has attracted representations from West Yorkshire Police (agreed) and the Environmental Protection Team.

The premises are located within the Leeds City Centre Cumulative Impact Area, albeit not in either of the two designated red zones.

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 In October 2012, an application for a Premises Licence was submitted in the name of Edward Nuttall Restaurants Limited. The following hours and activities were applied for:

Sale by Retail of Alcohol
Monday to Saturday 10:00 - 23:30 and Sunday 12:00 - 23:30

Performance of Live Music
Monday to Sunday 12:00 - 23:30

Performance of Recorded Music
Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:30

- 2.2 Various applications to transfer the licence to new licence holders have been received following the initial application for grant of the premises licence, the most recent being in February 2019 to the current licence holder; Tavernaki Bistro Ltd.
- 2.3 A copy of the existing licence is attached at Appendix A.

3 The Application

- 3.1 The applicant is Tavernaki Bistro Ltd.
- 3.2 Briefly the application is to:
 - Extend the sale by retail of alcohol, Monday to Saturday 10:00 - 06:00 and Sunday 12:00 - 06:00
 - Add Late Night Refreshment, Monday to Sunday 23:00 - 05:00
 - Alcohol will be sold for consumption off the premises via delivery only from 23:30 - 06:00.
 - The restaurant will only be open for deliveries from 23:30 and will stop trading for delivery at 06:00.
- 3.3 A copy of the redacted 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 new measures have been offered in the application.

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 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 agreement may be found at Appendix D.
- 5.3 The representation submitted by Environmental Protection Team remains as a matter outstanding for Members' consideration. A copy of the representation may be found at Appendix E.

Other representations

- 5.4 There are no other representations.

6 Cumulative Impact

- 6.1 The premises are located within the cumulative impact area for Leeds City Centre, albeit not in either of the two areas of special concern designated as red zones.
- 6.2 Cumulative impact means the potential impact on the promotion of the licensing objectives due to significant number of licensed premises concentrated in one area.
- 6.3 An applicant wishing to vary a licence for premises which fall within any of the cumulative impact areas must identify, through their operating schedule, the steps they intend to take so that the council and responsible authorities can be satisfied that granting this variation would not add to the impact already being experienced.
- 6.4 Details of the cumulative impact policy specific to Leeds City Centre and an outline of the evidence behind the reason for setting this policy is attached at Appendix F.
- 6.5 Members are directed to paragraph 7.37 of the Statement of Licensing Policy which provides examples of how an application may demonstrate there will be no impact and paragraph 7.38 which provides examples of the matters that the council would not normally take into consideration.

7 Licensing Hours

- 7.1 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.

7.2 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.

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