



LICENSING SUB-COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
MONDAY, 22ND OCTOBER, 2012 AT 10.00 AM

MEMBERSHIP

Councillors

S Armitage - Cross Gates and Whinmoor;
K Bruce - Rothwell;
R Downes - Otley and Yeadon;

Agenda compiled by:
Tel No:
Governance Services
Civic Hall
LEEDS LS1 1UR

Helen Gray
247 4355

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<u>PRELIMINARY PROCEDURES</u> ELECTION OF THE CHAIR	
2			APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded) (*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)	

Item No	Ward	Item Not Open		Page No
3			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1) To highlight reports or appendices which:</p> <p>a) officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>b) To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>c) If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p> <p>2) To note that under the Licensing Procedure rules, the press and the public will be excluded from that part of the hearing where Members will deliberate on each application as it is in the public interest to allow the Members to have a full and frank debate on the matter before them.</p>	
4			<p>LATE ITEMS</p> <p>To identify any applications as late items of business which have been admitted to the agenda for consideration</p> <p>(the special circumstances shall be identified in the minutes)</p>	

Item No	Ward	Item Not Open		Page No
5			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13 -18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19 -20 of the Members' Code of Conduct.</p> <p><u>HEARINGS</u></p>	
6	City and Hunslet		<p>"SMOKESTACK" - APPLICATION TO VARY A PREMISES LICENCE HELD BY SMOKESTACK, FIRST, SECOND AND THIRD FLOORS, 159A LOWER BRIGGATE, LEEDS LS1 6LY</p> <p>To consider the report of the Head of Licensing and Registration on an application to vary an existing premises licence held at the premises known as Smokestack, covering the first second and third floors of the building at 159A Lower Briggate, Leeds LS1. The premises are located within Cumulative Impact Area 1 (city centre).</p> <p>(Report attached)</p>	1 - 56



Report author: Mrs Victoria Radford
0113 2474095

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Monday 22nd November 2012

Subject: Application to vary a premises licence held by Smokestack First, Second And Third Floors, 159A, Lower Briggate, Leeds, LS1 6LY

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): City and Hunslet		
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 held by Smokestack First, Second And Third Floors, 159A, Lower Briggate, Leeds, LS1 6LY

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

The application has attracted representations from a responsible authority.

For details of the application please refer to point 3.3 of this report.

The premises are located within an area covered by a Cumulative Impact Policy.

1.0 Purpose of this Report

1.1 To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") for 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.

2.0 History of Premises

2.1 An application for the conversion and variation of the former license into a premises licence was submitted in July 2005 under the Licensing Act 2003.

No objection to the application was received and a Premise Licence was duly granted.

An application to vary the licence was submitted in February 2008 where the applicant sought to extend the hours for licensable activities and removed embedded restrictions. Representations were received and the application was heard by the licensing committee where the application was granted subject to the applicant proposing to amend the application.

2.2 A copy of the existing licence is attached at Appendix A

3.0 The Application

3.1 The applicant is Mr Simon Ord,

3.2 The application form may be found at Appendix B to this report.

3.3 In summary the application is to extend the timings for licensable activities by an hour on Sundays to Thursdays. To trade until 03:00 hours. Please see the proposed timing of activities below;

- Sale of Alcohol
- Live Music
- Recorded Music
- Performance of Dance
- Anything of a similar description
- Making Music
- Facilities for Dancing
- Entertainment of a similar description

Mon – Thurs 10:00 – 03:00

Fri & Sat 10:00 – 04:00

Sunday 12:00 – 03:00

- Late Night Refreshment
- Sun – Thurs 23:00 – 03:00**
Fri & Sat 23:00 – 04:00

The applicant further wishes to remove conditions relating to children being admitted on the premises. Condition numbers 118, 220 and 221 have been requested to be removed, please refer to appendix A of the report to identify the conditions proposed. In place of these conditions the applicant proposes the following:

- Persons under the age of 18 shall only be permitted onto the premises, when accompanied by an adult, until 10pm daily.

3.4 Equality and Diversity / Cohesion and Integration

3.5 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub-Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

4.0 **Steps to promote the Licensing Objectives**

4.1 The applicant proposes to take specific steps to promote the licensing objectives identified in section "P" of the application form.

5.0 **Location**

5.1 A map which identifies the location of this premises is attached at Appendix C.

6.0 **Cumulative Impact Policy**

6.1 The premises are located within the Cumulative Impact Area 1.

6.2 Cumulative Impact means the potential impact on the promotion of the licensing objectives here there are a significant number of licensed premises concentrated in one area.

6.3 An applicant wishing to obtain a new licence for premises falling within any of the cumulative impact areas must identify through the risk assessment process and/or operating schedule the steps that they intends to take so that the council and responsible authorities can be satisfied with that granting of a new licence will not add to the impact already being experienced.

6.4 Details of the Cumulative Impact Policy specific to Area A and an outline of the evidence behind the reason for setting this Police is attached at Appendix D.

7.0 **Representations**

7.1 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

7.2 Representations from Responsible Authorities

7.2.1 Representation has been received from Leeds City Council Environmental Health.

7.3 The representation submitted by Leeds City Council Environmental Health remains as a matter for Members consideration. A copy of the same may be found at Appendix E.

7.4 Other representations

7.4.1 There are no other representations.

8.0 Options Available to Members

8.1 The Licensing sub-committee 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 sub committee 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.

9.0 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy

Premises Licence

Premises Licence Number:

PREM/01574/004

Public Register Copy

Initial licence issued from:

24th November 2005

Current licence effective from:

21st February 2012

Appendix A

Premises Address: Smokestack, First, Second And Third Floors, 159A, Lower Briggate, Leeds, LS1 6LY,

Licensable activities authorised by this licence: Sale by retail of alcohol; Provision of late night refreshment; Performance of live music; Performance of recorded music; Performance of dance; Entertainment similar to live music, recorded music or dance; Provision of facilities for making music; Provision of facilities for dancing; Provision of facilities for anything similar to making music or dancing;

Times for licensable activities

Sale by retail of alcohol

Monday to Thursday 10:00 - 02:00
Friday & Saturday 10:00 - 04:00
Sunday 12:00 - 02:00

Provision of late night refreshment

Friday & Saturday 23:00 - 04:00
Sunday to Thursday 23:00 - 02:00

Performance of live music

Monday to Saturday 10:00 - 01:30
Sunday 12:00 - 01:30

Performance of recorded music

Monday to Thursday 10:00 - 02:00
Friday & Saturday 10:00 - 04:00
Sunday 12:00 - 02:00

Performance of dance

Monday to Thursday 10:00 - 02:00
Friday & Saturday 10:00 - 04:00
Sunday 12:00 - 02:00

Entertainment similar to live music, recorded music or dance

Monday to Thursday 10:00 - 02:00
Friday & Saturday 10:00 - 04:00
Sunday 12:00 - 02:00

Times for licensable activities

Provision of facilities for making music

Monday to Thursday 10:00 - 02:00
Friday & Saturday 10:00 - 04:00
Sunday 12:00 - 02:00

Provision of facilities for dancing

Monday to Thursday 10:00 - 02:00
Friday & Saturday 10:00 - 04:00
Sunday 12:00 - 02:00

Provision of facilities for anything similar to making music or dancing

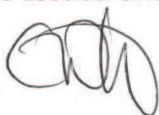
Monday to Thursday 10:00 - 02:00
Friday & Saturday 10:00 - 04:00
Sunday 12:00 - 02:00

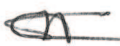
Opening hours of premises

Monday to Thursday 10:00 - 02:30
Friday & Saturday 10:00 - 04:30
Sunday 12:00 - 02:30

Alcohol sales are permitted for consumption both on and off the premises

Licence Issued under the authority of Leeds City Council



Mrs Emma White 
Licensing Officer
Entertainment Licensing
Licensing and Registration

Premises Licence Holder(s): Mr Simon Ord, 14 Christchurch Parade, Armley,
Leeds, LS12 3NQ

Designated Premises supervisor: Mr Simon Ord

Appendix

**Access to the premises by children is prohibited.
Detailed in full on Part A of this licence.**

Annex 1 – Mandatory conditions

1. Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-
 - a. unauthorised access or occupation (e.g. through door supervision), or
 - b. outbreaks of disorder, or
 - c. damage
2. No supply of alcohol may be made under this licence
 - a. At a time when there is no designated premises supervisor in respect of the premises licence, or
 - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- a. games or activities which require or encourage, or are designed to require or encourage, individuals to -
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
- b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- d. provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
 - i. the outcome of a race, competition or other event or process, or

- ii. the likelihood of anything occurring or not occurring;
 - e. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

8. The responsible person shall ensure that -
- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i. beer or cider. 1/2 pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass:125 ml; and
 - b. customers are made aware of the availability of these measures

Embedded restrictions attached to the licence by virtue of grandfather rights.

9. Alcohol shall not be sold or supplied except during the hours stated on this licence and:
- a. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
 - b. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
10. The above restrictions do not prohibit:
- a. the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first thirty minutes after above hours;
 - b. the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals.
 - c. consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;
 - d. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;

- e. the sale of alcohol to a trader or club for the purposes of the trade or club;
- f. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's Naval, Military or Air Forces;
- g. the taking of alcohol from the premises by a person residing there; or
- h. the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- i. the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

11. **LATE NIGHT REFRESHMENT HOUSES ACT 1969**

This Licence becomes void when there is a change of ownership of the premises.

- 12. This licence cannot be transferred to the new owner, or be used for any other premises.
- 13. Leeds City Council must be notified of any change: including, the change of the home address of the licence holder, failure to do so is an offence attracting a fine not exceeding level 1 on the standard scale - section 6(3).
- 14. A notice of the tariff charges made in the Refreshment House for the supply of food, drink, admission charge, (if appropriate) any reasonable charge made for the use of the cloakroom or toilet facilities, must be kept displayed in such a position and in such a manner that it can be conveniently read by persons frequenting the Refreshment House and if so required can be easily read by any person before entering. Failure to maintain a TARIFF is liable to a fine upon conviction not exceeding Level 4 on the standard scale - Section 8(5).
- 15. It is an offence for a person to keep a Late Night Refreshment House without having a licence under the said Act - Section 2(3).
- 16. In the event of a contravention of a condition imposed by Leeds City Council under Section 7, the licensee and the refreshment house shall be guilty of an offence - Section 7(2).
- 17. If the licensee of a Late Night Refreshment House knowingly permits unlawful gaming therein, or, knowingly permits prostitutes, thieves, and drunken or disorderly persons to assemble at, or continue in, or upon, his premises, he shall be guilty of an offence - Section 9(1).
- 18. A Constable may at any time when he thinks fit, enter a Late Night Refreshment house licensed under this act and go upon any premises belonging thereto and the licensee or any other person being his employee, or acting by his direction, shall be guilty of an offence, if he fails, or refuses, to admit a Constable demanding admittance under this section - Section 10(1).
- 19. A Late Night Refreshment House shall not be open or kept open for public refreshment, resort, or entertainment other than at the times specified on their licence.

Standard Terms and Conditions in respect of converted Public Entertainment Licence

GENERAL

- 20. Throughout all parts of these conditions the phrase 'Licensing Authority' means the Leeds City Council.

21. a. Unless the hours for which the Licence is valid are expressly stated on the Licence there shall be no performance of any nature before 8.00 am or after 11.00pm on any day of the week including Saturdays, or after 10.30pm Sundays, without the prior consent of the Licensing Authority.
- b. There shall be no dancing or performance including dancing on any day appointed by Public Authority as a day of public mourning.
22. The Chief Constable of the West Yorkshire Police, any Police Officer, the Chief Fire Officer, any authorised officer in uniform of the West Yorkshire Fire Authority, any authorised Environmental Health Officer and their equipment and any other person authorised by the Licensing Authority shall have free access to all parts of the licensed premises at all reasonable times for the purpose of supervising the observance and enforcement of these conditions.
23. There shall be affixed and kept in a conspicuous place on the door or entrance of the premises an inscription in large capital letters the words as follows:

"LICENSED PURSUANT TO ACT OF PARLIAMENT FOR MUSIC AND DANCING"

(NB: Omit 'Dancing' if Licence issued for public music only)

MANAGEMENT OF PREMISES

24. The Licensee shall be responsible for carrying out the provisions of these Conditions of the Licence. The Licensee shall take due precautions for the safety of the public, employees and performers, shall retain control over all areas of the licensed premises and shall ensure that nothing shall take place on the premises which:
- a. is likely to cause disorder or breach of the peace;
- b. is likely to be grossly offensive to any person on the premises;
- c. involves drugs misuse; or
- d. involves any other unlawful activity.
25. The Licensee, or some other responsible person not less than eighteen years of age *and nominated in writing for the purpose, shall be in charge of, and remain upon the licensed premises whenever they are used for licensed purposes. They shall not be engaged in any duties which prevent them from exercising general supervision and control.
26. Any written nomination of management shall be served on the Licensing Authority and a copy of the same shall also be retained on the premises and kept available for immediate inspection by any Official of the Licensing, Police or Fire Authority.
27. 'The Licensee shall provide notice of his or her intention to provide any form of entertainment which includes lap dancing, pole dancing, table dancing, striptease or any form of nudity or semi nudity on the part of the performers or the staff employed on the premises. Any entertainment of this nature will be subject to additional standard special conditions of the licence'.
28. The person in charge shall be conversant with all licence conditions.
29. Any venue which accommodates external promoters shall maintain a register or a diary system to record all such events. Each entry should contain the specific date of the event, nature/title of the event and the name, address and contact telephone number of the promoter specific to that event. The register must be available for immediate inspection on request by any Official of the Licensing Authority or it's authorised agents.

Public Safety

OCCUPANCY

30. The maximum number of persons allowed in the stated areas whilst the Licence is in force is:
- First Floor 200 persons
- Second Floor 150 persons
31. The Licensee shall not permit persons in excess of the number specified on the licence to enter or occupy any portion of the licensed premises.
32. The Licensee shall ensure that staff are familiar with the maximum capacity of the premises.
33. The Licensee shall display notice containing details as to the maximum capacity figure in a prominent position upon entry to the premises. Where the capacity is divided into separate floors/areas within the premises notice of the appropriate capacity for each floor/area shall also be prominently displayed upon entry to the relevant floor/area.
34. The licensee shall at any time whilst the premises are in use be aware of the precise number of patrons on the premises. Where the licence covers different floors/areas, the licensee shall be aware of the number of patrons in each area at any given time and ensure that the numbers do not exceed those as stipulated on the licence. This information shall immediately be supplied on request to any Official of the Licensing, Police or Fire Authority.
35. Appropriately trained staff shall be provided to oversee general safety within the premises, and these shall be provided to a minimum number of one member of staff per 250 occupancy or part thereof, in accordance with the occupancy figure as stated on the Public Entertainment Licence.

Furthermore, in addition to the above the licensee shall ensure that an appropriately trained member of staff is designated to each emergency exit door to assist in the event of an emergency evacuation.

36. All members of staff shall be instructed in the safety precautions to be observed in the premises as far as those precautions relate to their duties and to the action to be taken by them in the event of fire or emergency.

EXITS

37. All exits, passages, landings and stairways shall be kept free from obstruction at all times when the premises are used for licensed purposes.
38. A clear unobstructed route leading from each fire exit to a place of safety outside the premises shall be provided and maintained available for use at all times.
39. Every door in the building for use by members of the public going from the auditorium to the outside of the building shall open outwards, unless the Licensing Authority shall have been satisfied that this is impracticable to the circumstances of the particular case, and shall be capable of being opened easily and immediately from the inside, without the use of a key, when required.
40. Where, with the prior consent of the Licensing Authority, doors or gates across exits open inwards, they shall be fastened fully opened so as not to form an obstruction.
41. If security is required for outward opening fire exit doors, then they should be secured with panic bolt or panic latch type fastenings only to the satisfaction of the Licensing and Fire Authority. A conspicuous '**PUSH BAR TO OPEN**' sign should be provided immediately above the push bars.
42. Any removable fastenings permitted by the Licensing or Fire Authority for securing exit doors when the public are not on the premises shall be removed before the public are admitted to the premises and shall not be replaced until the public have vacated the building.

43. Illuminated fire exit sign boxes lit by both primary and emergency lighting should be provided above all exits. Illuminated boxes incorporating graphic fire exit symbols, e.g. man moving through open door, should have white symbols on a green background. The size of the exit boxes should be appropriate for the maximum viewing distances involved.
44. Doors and openings other than exits to or from parts of the licensed premises to which the public are admitted shall be provided with notices indicating their uses or shall be marked "**Private**", and wherever practicable shall be kept secured. Where exit doors are fitted with automatic bolts they shall be clearly indicated with the words "**PUSH BAR TO OPEN**".
45. Where curtains are provided across an exit doorway they shall be divided at the centre and shall not trail the floor.
46. Except with the consent of the Licensing Authority, bars, wire guards or the like shall not be fitted to windows, nor shall the windows be otherwise obstructed in a manner likely to render them unavailable for the purposes of rescue in case of emergency.
47. The closing of collapsible gates or shutters across exit openings shall be prohibited whilst the public are in the premises.

FIRE PRECAUTIONS

48. The licensed premises shall be provided with fire appliances suitable to the fire risk in the premises and to the satisfaction of the Fire Authority.
49. Fire appliances shall be affixed to wall brackets to the satisfaction of the Fire Authority, and available for instant use at all times.
50. Fire extinguishers should be regularly examined, tested and maintained in accordance with the current British Standard to the satisfaction of the Fire Authority.
51. The licensee and employees should be made fully conversant with the location of fire appliances, method of operation and safe use, and with the action to be taken in case of fire.
52. A manually operated electrical fire alarm system shall be provided to the satisfaction of the Fire Authority. The alarm should be clearly audible in all parts of the building.
53. The Fire alarm system should be tested on a weekly basis in accordance with the current British Standard and to the satisfaction of the Fire Authority. The result of all tests with the exception of the daily inspection, should be recorded in a suitable log book provided for the purpose. The log book should be available for immediate inspection upon request of any official of the Licensing or Fire Authority.
54. The licensee and all employees should be made familiar with the method of giving warning of fire and with the escape route available from each part of the premises to which they resort or in which they may work.
55. All fire doors shall be maintained self-closing and shall not be secured in an open position.
56. A system for automatically cutting off the sound system which is linked to the sounding of the fire alarm shall be provided.
57. All scenery, drapes, curtains and decorations within the licensed premises shall be made of such material or shall be treated and maintained so as to be flame retardant in accordance with the current British Standard and to the satisfaction of the Fire Authority.
58. Plastic decorations are not acceptable.
59. Filling materials used in furnishings should be restricted to combustion modified foam or other materials having at least the same standard of fire performance. Upholstered furniture and floor coverings should comply with the current British Standard to the satisfaction of the Fire

Authority.

60. Flues from kitchens and serveries and over grills and all ventilating shafts shall be maintained in a clean condition.
61. Smoking shall be strictly prohibited within the stage risk area and in dressing rooms. Notices bearing the words "NO SMOKING" in red letters on a white background shall be conspicuously displayed in these areas.
62. Where any open fireplaces, high temperature heating appliances or naked flames are used they shall be adequately protected by a suitable guard.
63. In the event of the heating being by a central heating system the heating apparatus shall be placed in a separate room from the auditorium. The door between this room and the auditorium should be self-closing and fire-resistant to a one hour standard.
64. Explosives, inflammable liquids or high inflammable articles shall not be brought into or used within any portion of the licensed premises.

SPECIAL EFFECTS:

Pyrotechnics:

65. No exhibition, demonstration or display of pyrotechnics or displays involving the use of fire shall be given in the licensed premises without the prior consent of the Licensing and Fire Authority. At least fourteen days written notice of application must be supplied in such circumstances.

Laser Equipment:

66. No exhibition, demonstration or display of laser equipment shall be given by any person in the licensed premises and no laser equipment shall be used by such person in the said premises unless the Director of the Leeds Environment Department has been given not less than 14 days previous written notice.

Strobe Lighting:

67. At entrances to venues where strobe lighting is in use warnings should be posted that stroboscopic lighting is in use and the possibility that susceptible people may be affected.
68. Flicker rates from stroboscopic lighting should be set at 4 or less flickers per second. This frequency shall apply to the combined flicker rates on any group of lights which can be directly gazed at.

LIGHTING

69. In all parts of the building to which the public are admitted and in all passages, corridors, ramps and stairways to which the public have access and which lead from the auditorium to the outside of the building, there shall provided adequate illumination by general lighting to the satisfaction of the Licensing Authority.
70. In addition to the general lighting, adequate illumination to enable the public to see their way out of the building, without the assistance of the general lighting, shall be provided in the auditorium and all other parts of the building to which the public are admitted and in all passages, corridors, ramps and stairways, which lead from the auditorium to the outside of the building. This lighting shall be referred to as the safety lighting.
71. The safety lighting shall be provided from a source other than that of the general lighting.
72. All notices and exit indications shall be illuminated by both general and safety lighting.
73. The safety lighting shall be kept on at all times when the public are on the premises except in

those parts of the building which are lit equally well by daylight.

74. Any battery supplying safety lighting shall be fully charged before the public are admitted to the premises and shall be of such capacity and so maintained as to be capable of supplying at normal voltage, the full load of the safety lighting during the whole time that the public are on the premises.
75. If there is a failure of the general lighting and the lighting is not restored within one hour, the public in the licensed premises shall be instructed to leave the building.
76. If there is a failure of the safety lighting, all parts of the building required to be illuminated by the safety lighting shall be immediately illuminated by the general lighting and the public in the licensed premises shall be instructed to leave the building forthwith.
77. Electrical apparatus and equipment within the building shall not be used for such purpose, or in such a manner, or when it is such a condition, as to cause danger of electric shock, fire or explosion.
78. Where gas is used for the lighting all gas burners within reach of the public shall be protected by glass or wire gloves and all gas taps shall be guarded in such a manner as to prevent unauthorised interference.

ELECTRICAL INSTALLATION

79. Electrical installation (including the fire alarm and emergency lighting systems) shall be in the charge of a competent electrician whose name is published on the Roll of National Inspection Council for Electrical Installation Contracting, or a member of Electrical Contractors' Association.
80. One of the following protective measures shall be used for all socket-outlets which may be used for the connection for lighting, video or sound amplification equipment and display models:
 - a. Each socket-outlet circuit shall be protected by a residual current device having a rated residual operating current not exceeding 30mA.Or
 - b. Each individual socket-outlet shall be protected by an integral residual current device having a rated residual operating current not exceeding 30mA.

The current operation of all residual current devices shall be checked regularly by pressing the test button. If the device does not switch off the supply, an electrical contractor should be consulted. At the same time action should be taken to prohibit the use of socket outlets associated with a faulty residual current device.

ELECTRICAL SAFETY CERTIFICATE

81. The Licensee shall ensure that the electrical installation to the whole of the premises carries a recent safety certificate issued by a competent electrician whose name is published on the Roll of National Inspection Council for Electrical Installation Contracting, or a member of the Electrical Contractors' Association.

The inspection shall include **ALL** electrical appliances and fire alarm and emergency lighting systems.

The licensee shall ensure that the electrical installation is checked on an **annual** basis and on renewal of the Public Entertainment Licence shall furnish the Licensing Authority with a copy of an Electrical Safety Certificate valid for the period of the licence.

SANITATION/CLEANSING

82. Suitable and sufficient sanitary accommodation must be provided and maintained to the satisfaction of the Chief Environmental Health Officer.

83. The premises shall at all times be maintained in a clean, sanitary and safe condition and shall be open during the continuance of this licence to an inspection by the Licensing Authority or their authorised agents.

SEATING

84. Any seating in the licensed premises shall be so arranged as to allow free access to all exits there from.
85. For a closely seated audience chairs shall be either securely fixed to the floor or alternatively shall be battened securely together in units of not less than four seats. Adequate gangways, not less than 42" (1100mm) wide, unless otherwise approved by the Licensing Authority, shall be provided. The gangways shall lead directly to each exit door and shall be kept free from obstruction. No seat shall be more than twelve feet (4.0m) from any gangway.
86. Seating in invalid chairs other than engine driven chairs will be permitted subject to any condition imposed by the Licensing and Fire Authority.

ACCESS, EGRESS AND FACILITIES FOR THE DISABLED

87. Means of access, egress and emergency egress shall be provided and maintained in accordance with any recommendations of the Licensing and Fire Authority.

ALTERATIONS

88. Alterations or additions, whether permanent or temporary, to the structure, the lighting, electrical heating, ventilating, mechanical, or installations, or to the seating, gangways or other arrangements in building in which the licensed premises are situated shall not be made except with the consent of the Licensing Authority and in accordance with any conditions of such consent.

FIRST AID FACILITIES

89. The Licensee shall maintain a first aid box on the premises in accordance with the Health and Safety (First Aid) Regulations 1981 and make sure that:

- it is accessible at all times
- items are replaced as they are used

Any person who appears unwell, including those affected by drugs or alcohol, must be seen by a trained first aider, who shall:

- give first aid
- if necessary, seek medical assistance.

INCIDENT REPORT REGISTER

90. The licensee shall maintain an Incident Report Register within which staff must record any incident which has occurred on the premises.

The Incident Report Register must be retained on the premises for a period of one year, taken from the date of the last entry, and include the following:

- a. consecutively numbered pages;
- b. the date and time of incident;
- c. the nature of incident;
- d. the full name/s of staff involved including the registration number of any door staff, and to whom the incident was reported, including the names and numbers of any police

officers who attended the scene of the incident and details of any witness/es;

- e. Any notes relative to the incident.

Incident Report Registers shall be produced for immediate inspection on request by any Official of the Licensing or Police Authority.

VENTILATION

91. The premises must be effectively ventilated when the public are present. Any mechanical ventilation system must be properly maintained.

DRINKING WATER

92. Drinking water provision must be clearly available, free of charge, at all times whilst the Entertainment Licence is operative.

This facility must be kept in a clean condition.

HYPNOTISM

93. No exhibition, demonstration or performance of hypnotism shall be given on any person in the premises except with the express consent of the Licensing Authority and subject to such conditions as the Licensing Authority may attach to such consent.

Any notification of intention to stage a hypnotist should be made in writing providing at least fourteen days notice.

Prevention of Public Nuisance

NOISE NUISANCE

94. The Licensee shall ensure that no nuisance is caused by noise or vibration emanating from the licensed premises resulting from the use of this Licence. The Licensee shall provide urgent attention to any reports of noise nuisance, and act upon direction of the Licensing Authority.

FLYPOSTING

95. Licensees are reminded that unauthorised fly posting is an offence under the Town & Country Planning Act 1990, as amended, Section 224.

Protection of Children from harm

96. In the case of an audience consisting of persons under 16 years of age, the minimum number of staff shall increase to a ratio of one per 100 occupancy.
97. At any licensed function no child shall be permitted to occupy any seat in the front row of the balcony, gallery or tier unless accompanied by, or in the charge of a person who appears to have attained the age of 16 years.

Prevention of Crime and Disorder

REGISTERED DOOR STAFF

98. The Licensee shall ensure that any persons employed on the premises to work in the capacity as a door supervisor, hold current registration with the SIA and comply with all relevant rules and regulations laid down by that body.

Door Staff Daily Record Register

99. The Licensee shall maintain a Daily Record Register which is to be completed on a daily basis by

the door staff when they commence and finish duty.

100. The Daily Record Register must be retained on the premises for a period of one year, taken from the date of the last entry, and include the following:
- a. consecutively number pages;
 - b. the registration number and full name of each registered person on duty;
 - c. the date and time that he/she commenced that period of duty with a signed acknowledgement by that person;
 - d. the time at which he/she finished duty with a signed acknowledgement by that person.

Daily Record Registers shall be produced for immediate inspection on request by any official of the SIA, Police or Licensing Authority.

SEARCH POLICIES

101. Licence holders must have a written search policy for those entering the premises.
102. All members of staff must be acquainted with this policy.
103. Sufficient number of staff of both sexes shall be on duty to undertake any searches of the public.
104. Clear and visible notices should be displayed to those entering the premises detailing the establishments search policy. These signs should state that the police will be informed if anyone is found in possession of controlled substances or weapons.
105. Secure receptacles, to the standard as required by the West Yorkshire Police, must be provided in a restricted part of the building for staff to deposit drugs and weapons.
106. Any seizure of controlled substances and weapons must be recorded in the Incident Report Register and reported to the police at the earliest possible time.

GLASS RECEPTACLES

107. The licensee shall ensure that drinks glasses and any other glass receptacles are prevented from being taken off the premises accepting off-sales and their legitimate sale.

CLOSE CIRCUIT TELEVISION (CCTV)

108. A suitable CCTV system operated in accordance with guidelines from the West Yorkshire Police shall be provided.
109. Any exemption to this condition must be agreed by the West Yorkshire Police and Licensing Authority.

Annex 2 – Conditions consistent with the Operating Schedule

Additional details in respect of Licensable Activities authorised by this licence

110. Provision of late night refreshment

Location where activity will take place:

This activity will take place indoors.

Activity Details:

We propose to serve drinks throughout the licensable hours.

111. Performance of live music

Location where activity will take place:

This activity will take place indoors.

Activity Details:

Live amplified music will predominantly be on Friday/Saturday, but may occur at events on the other days

112. Performance of recorded music

Location where activity will take place:

This activity will take place indoors.

Activity Details:

Recorded music will be played during opening hours.

113. Performance of dance

Location where activity will take place:

This activity will take place indoors.

Activity Details:

Staff may dance as part of the entertainment. Dance companies may be paid to perform but no striptease.

114. Entertainment similar to live music, recorded music or dance

Type of entertainment taking place:

Live music, recorded music, & performance of dance.

Location where activity will take place:

This activity will take place indoors.

115. Provision of facilities for making music

Location where activity will take place:

This activity will take place indoors.

Activity Details:

Playing of amplified music by DJ'S may be oriental and mixed now on the night of entertainment.

116. Provision of facilities for dancing

Facilities provided:

There is a designated dancefloor on the 2nd floor.

Location where activity will take place:

This activity will take place indoors.

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117. Provision of facilities for anything similar to making music or dancing

Type of entertainment taking place:

Making music & dancing

Location where activity will take place:

This activity will take place indoors.

118. Concerns in respect of children

Children are not permitted on the premises

Conditions consistent with the operating schedule relating to the licensing objectives

The prevention of crime and disorder

119. The applicant will adopt the Check 21 proof of age scheme, or other approved proof of age scheme, in accordance with guidance issued by West Yorkshire Police.
120. The applicant will participate in a local pubwatch scheme or licensing association (where one exists) that is recognised by West Yorkshire Police.
121. The applicant will implement a dispersal policy agreed with West Yorkshire Police.
122. Where Public Entertainment Licence conditions previously granted in accordance with The Local Government (Miscellaneous Provisions) Act are converted, those conditions shall apply to any variation granted in accordance with The Licensing Act 2003.
123. The applicant will maintain the existing CCTV system to an acceptable standard. Footage will be retained for a period of at least 31 days.
124. A suitable CCTV system will be maintained and be operational on the premises at all times when licensed activities are being carried out.
125. The siting and standard of the CCTV system will be agreed with WYP prior to installation and will comply with that agreement at all times.
126. Changes to the siting and standard of CCTV systems may only be made with the written consent of West Yorkshire Police.
127. Security footage will be made secure and retained for a period of time to the satisfaction of WYP.
128. A Supervisors Register will be maintained at the licensed premises, showing the names, address and up-to-date contact details for the DPS and all personal licence holders.
129. The Supervisors Register will state the name of the person who is in overall charge of the premises at each time that licensed activities are carried out, and this information will be retained for a period of twelve months and produced for inspection on request to an authorised officer.
130. The minimum number of door supervisors for the premises is 2.

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131. The Licensee will ensure that a 'Daily Record Register' is maintained on the premises by the door staff.
132. The Daily Record Register will contain consecutively numbered pages, the full name and registration number of each person on duty, the employer of that person, the date and time he/she commenced duty (verified by the individual's signature).
133. The Daily Record Register will be retained for a period of twelve months from the date of the last entry.
134. Security Staff/designated supervisors will be familiar with the premises policy concerning the admission, exclusion and safeguarding of customers whilst in the premises.
135. The Licensee will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti social behaviour, and ejections from the premises.
136. The Incident Report Register will contain consecutively numbered pages, the date, time and location of the incident, details of the nature of the incident, the names and registration numbers of any door staff involved or to whom the incident was reported, the names and personal licence numbers (if any) of any other staff involved or to whom the incident was reported, the names and numbers of any police officers attending, names and address of any witnesses and confirmation of whether there is CCTV footage of the incident.
137. The Incident Report Register will be produced for inspection immediately on the request of an authorised officer.
138. A policy for searching patrons at the entrance to premises will be adopted.
139. The Licensee will inform West Yorkshire Police of any search resulting in a seizure of drugs and offensive weapons.
140. A suitable receptacle for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with West Yorkshire Police.
141. The premises will be linked to West Yorkshire Police (and other venues in the NITENET scheme) by means of RADIO.
142. Notices will be displayed at the entrances of the premises which state:
 - a search will be conducted as a condition of entry to premises
 - Incidents of crime and disorder will be reported to the police
 - Entry to the premises will be refused to any person who appears to be drunk, acting in a threatening manner or is violent
 - Entry will be refused to any person who has been convicted of an offence of drunkenness, violent or threatening behaviour or the use or distribution of illegal substances
143. Such communication link will be kept in working order at all times.
144. The communication link will be available to the Designated Premises Supervisor or other nominated supervisor and be monitored by that person at all times that licensed activities are being carried out.
145. Any police instructions or directions given via the link will be complied with whenever given.
146. All incidents of crime and disorder will be reported via the link to an agreed police contact point.

- 147. Drinks, open bottles and glasses will not be taken from the premises at any time. Empty bottles and glasses will be collected regularly and promptly. Glass and other sharp objects will be stored and disposed of safely using suitable receptacles. Receptacles will be secured and accessible to the customers.
- 148. The Licensee will prominently display notices which inform customers that open bottles may not be taken off the premises.
- 149. The Licensee will ensure that customers who commit acts of anti social behaviour are removed from the premises. Such customers will be excluded from the premises if further incidents occur.
- 150. The Licensee will comply with the agreed protocols of the local pubwatch scheme(s) or trade body where unilateral banning orders are implemented.
- 151. The Licensee will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The policy will be agreed with WYP. The Licensee or DPS will ensure that staff receive training on the policy.
- 152. At least thirty minutes will be allowed between the final sales of alcohol and closing the premises. The DPS will permit customers to finish their drinks and leave the premises in an orderly manner.

Public safety

- 153. Before opening to the public, checks will be undertaken to ensure all access to the premises are clear for emergency vehicles. Regular checks will be undertaken when the premises is open.
- 154. Written records of all accidents and safety incidents involving members of the public will be kept. These will be made available at the request of an authorised officer.
- 155. Regular safety checks of the premises including decorative and functional fixtures, floor surfaces and equipment (including electrical appliances) to which the public may come into contact, must be undertaken. Records of these safety checks must be kept and made available for inspection by an authorised officer.
- 156. Empty bottles and glasses will be collected regularly paying particular attention to balcony areas and raised levels.
- 157. Electrical installations will be inspected on a periodic basis (at least every three years or at a frequency specified in writing) by a suitably qualified and competent person. If used any temporary electrical wiring and distributions will also be inspected. Inspection records/certificates will be kept. These will be made available at the request of an authorised officer.
- 158. Regular safety checks of guarding to stairs, balconies, landings and ramps will be undertaken, and a supervision policy will be maintained to prevent people from inappropriate behaviour, including climbing which may lead to a fall from height.
- 159. Safety glass that is impact resistant will be used wherever possible in all areas where the public may come into contact with it. Where it is not used in public areas, glazing should be shielded to protect it from impact.
- 160. A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner.
- 161. A suitably trained First Aider or appointed person will be provided at all times when the premises are open.

- 162. Adequate and appropriate First Aid equipment and materials will be available on the premises.
- 163. A procedure for dealing with unwell members of the public will be in place, including those who appear to be affected by alcohol or drugs. Staff will be appropriately trained in such procedures.
- 164. Where strobes, lasers, smoke machines or any other special effects equipment may be used, a written health and safety policy covering all aspects of their use will be provided, and staff will be appropriately trained.
- 165. No strobes, lasers, smoke machines or any other special effects, will be used at the premises unless there is a clearly displayed warning at the entrance to the premises that such equipment is in use.
- 166. A written risk assessment will be kept which covers all activities which affect the health and safety of members of the public. This will include the noise levels to which the public are to be exposed and information will be provided for the public via signage at the entrance. The assessment will be produced for inspection at the request of an authorised officer.
- 167. The capacity of the premises is 350 and at all times the number of persons on the premises will not exceed that figure.
- 168. The Licensee will adopt at the premises written policies and procedures on:
 - Entry and egress to the premises (including monitoring of any capacity limit)
 - Evacuation of the premises
- 169. The Licensee will ensure staff are trained on these measures, and all other matters relating to the safety of the public.
- 170. Appropriately trained staff will be provided to oversee general safety within the premises, and these will be provided to a minimum number of one member of staff per 250 occupancy or part thereof, in accordance with the occupancy figure.
- 171. Where the licensable activities are held on floors other than the ground floor level the ratio of supervisors will increase to 1 per 100 occupancy or part thereof on those levels.
- 172. The Licensee will have written procedure for crowd control and management. All staff will be instructed in the operation of the procedure. The policy will be available for inspection at the request of an authorised officer.
- 173. All exit doors will be accessible, open easily, and exit routes will be maintained.
- 174. Safety checks, including doors, will be undertaken before opening to the public and a record kept of inspections. Also any inward opening Entrance/Exit door must be permanently held open on Cabin Hooks during Licensed hours. To alter this arrangement, written permission of the Fire Service is required.
- 175. Before opening to the public, checks will be undertaken to ensure all access to the premises are clear for emergency vehicles. Regular checks will be undertaken when the premises is open.
- 176. Written records of all accidents and safety incidents involving members of the public will be kept. These will be made available at the request of an authorised officer.
- 177. All equipment with which the public may have contact, will be maintained, stored and operated in a safe manner. Appropriate maintenance and test records will be kept and be available for inspection by an authorised officer.

178. Empty bottles and glasses will be collected regularly paying particular attention to balcony areas and raised levels.

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179. Portable electrical appliances including those brought in temporarily onto the premises will be checked on a regular basis by a suitably trained and competent person to ensure they are in safe condition. Records will be kept of these checks. These will be made available at the request of an authorised officer.

180. Temporary electrical wiring and distributions will be inspected by a suitably qualified and competent person before they are put into use.

181. The Licensee will maintain an electrical manually operated fire alarm system that can be clearly heard in all parts of the premises to the satisfaction of WYFRS.

182. The Licensee will maintain a fire alarm system with automatic heat and smoke detectors. The systems requirements, testing and operations will be to the satisfaction of WYFRS.

183. The positioning of the electrical fire alarm systems, smoke and heat detectors will be agreed with WYFRS.

184. Fire alarm tests will be carried out daily and recorded in a suitable log book. The log book will be made available for inspection by an authorised officer.

185. All staff will be trained in operating the alarm system and be familiar with the fire and escape routes and action to be taken in the event of a fire.

186. The Licensee will install and maintain electrical emergency lighting. The source of supply for this lighting will be separate from that for general lighting. The emergency lighting will be positioned in areas agreed with the WYFRS. These areas will include passages, corridors, ramps and stair cases. The emergency lighting will allow individuals to see their way out of the premises without the aid of general lighting.

187. The emergency lighting will perform on a complete failure of the normal lighting in a manner agreed with WYFRS. The emergency lighting will meet the British Safety Standards stipulated by WYFRS. The Licensee will provide to the satisfaction of WYFRS exit sign (Running Man) boxes lit by both primary and emergency lighting. These exit sign (Running Man) boxes will be placed in positions agreed with WYFRS. The size, illumination and design of the sign(s) will be agreed with WYFRS.

188. Exit doors will be provided with external primary and emergency lighting points to the satisfaction of the WYFRS. The design of external fire escape route will be to the satisfaction of WYFRS.

189. The siting, number, fire rating and standard of fire extinguishers will be agreed with WYFRS prior to installation and will comply with that agreement at all times.

190. The emergency lighting system will be tested in a manner which satisfies WYFRS. The test results will be kept in a suitable log book and will be available for inspection by an authorised officer.

191. All curtains and drapes in the premises will be fire retardant and to the satisfaction of WYFRS. Certificates of compliance to the relevant British Standards will be available for inspection by an authorised officer.

192. Fabric, foliage and decorations will be constructed from materials to the satisfaction of the WYFRS. Certificates of compliance to the relevant British Standards will be available for inspection by an authorised officer.

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193. The filling materials used in the furnishings will be combustion modified foam or other material to the satisfaction of WYFRS. Evidence of compliance to the relevant British Standards will be available for inspection by an authorised officer.
194. Any wall coverings at the premises or on escape routes will be to the satisfaction of the WYFRS. Evidence of compliance to the relevant British Standards will be available for inspection by an authorised officer.
195. Floor coverings at the premises will comply with those safety standards as stipulated by WYFRS. Evidence of compliance to the relevant British Standards will be available for inspection by an authorised officer.
196. The Licensee will make provision for regular inspections of the premises structure. A written record of these inspections will be kept. The records will be made immediately available for inspection at the request of an authorised officer.
197. At the request of an authorised officer, the licensee will produce certification of any building works carried out at the premises. (This will be in the form of a building regulations completion certificate issued by the local authority or an approved inspector).
198. Regular safety checks of decorative and functional fixtures that could fall causing injury to the public or may cause a risk of fire, will be undertaken.
199. Regular checks of guardings to stairs, balconies, landings and ramps will be undertaken, and a supervision policy will be maintained to prevent people from inappropriate behaviour, including climbing which may lead to a fall from height.
200. All floor surfaces will be suitably slip resistant, kept in good condition and free of obstructions to prevent slips, trips and falls.
201. Safety glass that is impact resistant or shielded to protect it from impact will be used in all areas where the public may come into contact with it.
202. Regular safety checks of guardings to fires and open flames will be undertaken, and a supervision policy will be maintained to prevent people from inappropriate behaviour.
203. Safety checks will be recorded and made available for inspection at the request of an authorised officer.
204. A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner.
205. Suitably trained First Aid Staff will be provided at all times when the premises are open.
206. An appropriately qualified medical practitioner will be present throughout any sporting entertainment.
207. Adequate and appropriate First Aid equipment and materials will be available on the premises.
208. A written procedure for dealing with unwell members of the public will be in place including those who appear to be affected by alcohol or drugs. Staff will be appropriately trained in such procedures.

The prevention of public nuisance

209. No nuisance will be caused by noise or vibration emanating from the premises. Licensable activities will be conducted and the facilities for licensed activities will be designed and operated so to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure of the adjoining properties.

210. Noise from the premises shall be inaudible at the nearest noise sensitive premises (i) after 23:00 hours and (ii) at any time when entertainment, as defined by paragraph 2 of Schedule 1 of the Licensing Act 2003, takes place on more than 30 occasions per year.
211. Bottles will not be placed in any external receptacle after 23:00 hours to minimise noise disturbance to adjoining properties.
212. The rating level of noise from plant and machinery will be no higher than 5dB below the lowest background level at the most affected noise sensitive premises during the operation of the plant. Plant and machinery will be regularly serviced and maintained to continue to meet the rating level.
213. The Licensee will adopt a "cooling down" period where music volume is reduced towards the closing time of the premises.
214. The licensee will ensure that the lighting provided for the purpose of customer and staff safety, for the security of the premises, and lighting associated with activities of entertainment and advertising is such an intensity, suitably positioned and operated so as not to cause nuisance to neighbouring or adjoining premises.
215. Clear and legible notices will be displayed at exits, car parks and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos and anti-social behaviour.
216. Registered door staff will be employed and used where queues are likely to form to manage the queues and ensure:
217. Queues are restricted to cordoned areas to prevent them obstructing footpaths and spilling out onto roads, and to keep noise and obstructions away from residential property.
218. The premises supervisor and door supervisors will monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.
219. A facility will be provided for customers to order taxis/private hire vehicles. Telephone numbers for taxi firms/private hire companies will be displayed in a prominent location.

The protection of children from harm

220. Children are not allowed on the premises.
221. People under 18 will not be admitted.
222. Signs will be provided informing customers that sales will not be made to under 18's and that age identification may be required.

Annex 3 – Conditions attached after a hearing by the licensing authority

The prevention of public nuisance

223. All music and amplified sound systems to be limited by tamper proof noise-limiting equipment installed in the premises. The device shall be set and fixed at levels agreed with Leeds City Council's Neighbourhoods and Housing Department and Licensing Section of Legal Services. The Noise Limiting device must be designed so that it fails to safety. No amplified sound shall be played on site other than through the equipment.
224. Noise from the application premises shall be inaudible at all nearby residential premises.

225. All doors and windows in the premises shall be kept closed at all times whilst the entertainment is in operation.

Annex 4 - Plans

The plans for these premises are as those submitted with the application. A copy of which is held by Leeds City Council Licensing Authority.

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Entertainment Licensing
Leeds City Council
Civic Hall
Leeds
LS1 1UR



Your Ref:
Our Ref: FHK.FHK.SAN95.4

Dear Sirs

Smokestack, 159A Lower Briggate, Leeds - Variation Application

Please find enclosed an application to vary the licence in respect of the above premises together with the following in support;

- Application form
- Plan of the first and second floors
- Cheque for £190.00
- Original premises licence

We can confirm that we have served a copy of this application on each of the responsible authorities and are making arrangements to advertise the application both at the premises and in a local newspaper.

Kindly acknowledge safe receipt.

Yours faithfully

Kuit Steinart Levy

Kuit Steinart Levy LLP

Cc. West Yorkshire Police
West Yorkshire Fire & Rescue Service
Environmental Health Services
Health & Safety Team
Safeguarding Children Board
Planning & Development Services
Trading Standards
NHS Leeds

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Simon Ord

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PREM/01574/004
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Smokestack 1 st , 2 nd & 3 rd Floor 159A Lower Briggate			
Post town	Leeds	Post code	LS1 6LY

Telephone number at premises (if any)	0113 2452222
Non-domestic rateable value of premises	£29500

Part 2 – Applicant details

Daytime contact telephone number	0113 2452222		
E-mail address (optional)	s.ord@sandinistaleeds.co.uk		
Current postal address if different from premises address	14 Christ Church Parade Armley		
Post Town	Leeds	Postcode	LS12 3NQ

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

1. To alter the layout of the first and second floors in accordance with the plans deposited with the application.
2. To permit licensable activities (including late night refreshment) until 3am Sunday to Thursday. (The hours for Fridays and Saturdays are to remain the same.)
3. To remove Conditions 118, 220 and 221 in respect of access to the premises by those under 18 and replace it with an alternative (please see part P.)

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- | | |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|---|-------------------------------------|
| i) making music (if ticking yes, fill in box I) | <input checked="" type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input checked="" type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for performing plays (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish		
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	10.00	03.00			
Tue	10.00	03.00			
Wed	10.00	03.00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	10.00	03.00			
Fri	10.00	04.00			
Sat	10.00	04.00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) An extra hour on the day when British Summer Time commences.		
Sun	12.00	03.00			

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	10.00	03.00			
Tue	10.00	03.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed	10.00	03.00			
Thur	10.00	03.00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) An extra hour on the day when British Summer Time commences.		
Fri	10.00	04.00			
Sat	10.00	04.00			
Sun	12.00	03.00			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10.00	03.00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	10.00	03.00			
Wed	10.00	03.00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	10.00	03.00			
Fri	10.00	04.00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5) An extra hour on the day when British Summer Time commences.		
Sat	10.00	04.00			
Sun	12.00	03.00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	10.00	03.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10.00	03.00	<u>Please give further details here</u> (please read guidance note 3)		
Wed	10.00	03.00			
Thur	10.00	03.00	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri	10.00	03.00			
Sat	10.00	04.00	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5) An extra hour on the day when British Summer Time commences.		
Sun	12.00	03.00			

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon	10.00	03.00	<u>Please give further details here</u> (please read guidance note 3)	
Tue	10.00	03.00		
Wed	10.00	03.00	<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Thur	10.00	03.00		
Fri	10.00	04.00	<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) An extra hour on the day when British Summer Time commences.	
Sat	10.00	04.00		
Sun	12.00	03.00		

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)	Indoors <input checked="" type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
			<u>Please give a description of the facilities for dancing you will be providing</u>		
Day	Start	Finish			
Mon	10.00	03.00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	10.00	03.00			
Wed	10.00	03.00	<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)		
Thur	10.00	03.00			
Fri	10.00	04.00	<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</u> (please read guidance note 5) An extra hour on the day when British Summer Time commences.		
Sat	10.00	04.00			
Sun	12.00	03.00			

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	10.00	03.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10.00	03.00	<u>Please give further details here</u> (please read guidance note 3)		
Wed	10.00	03.00			
Thur	10.00	03.00	<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri	10.00	04.00			
Sat	10.00	04.00	<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5) An extra hour on the day when British Summer Time commences.		
Sun	12.00	03.00			

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – <u>please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23.00	03.00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	23.00	03.00			
Wed	23.00	03.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23.0	03.00			
Fri	23.00	04.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) An extra hour on the day when British Summer Time commences.		
Sat	23.00	04.00			
Sun	23.00	03.00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	10.00	03.00						
Tue	10.00	03.00						
Wed	10.00	03.00						
Thur	10.00	03.00				Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) An extra hour on the day when British Summer Time commences.		
Fri	10.00	04.00						
Sat	10.00	04.00						
Sun	12.00	03.00						

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)
Not applicable.

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	10.00	03.30	
Tue	10.00	03.30	
Wed	10.00	03.30	
Thur	10.00	03.30	
Fri	10.00	04.30	
Sat	10.00	04.30	
Sun	12.00	03.30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Conditions 118, 220 and 221.

Appendix

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Please refer to the conditions already attached to the Licence.

b) The prevention of crime and disorder

Please refer to the conditions already attached to the Licence.

c) Public safety

Please refer to the conditions already attached to the Licence.

d) The prevention of public nuisance

Please refer to the conditions already attached to the Licence.

e) The protection of children from harm

Please refer to the conditions already attached to the Licence.

In place of Conditions 118, 220 & 221 the following;

Persons under the age of 18 shall only be permitted on to the premises, when accompanied by an adult, until 10pm daily.

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	Kuits LLP
Date	29 August 2012
Capacity	Solicitors

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Kuits LLP
3 St Mary's Parsonage

Post town	Manchester	Post code	M3 2RD
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Telephone number (if any)	0161 838 7888
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)

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PREM/01574/005 Smokestack

First,second and third floors, 159A Lower Briggate,LS1 6LY



Km 0.02 0.04 0.06 0.08 0.1 0.12 0.14 0.16 0.18 0.2 0.22 0.24

This map is based upon the Ordnance Survey's Digital Data with the Permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office

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Date:	10 October 2012
Scale:	1:1500

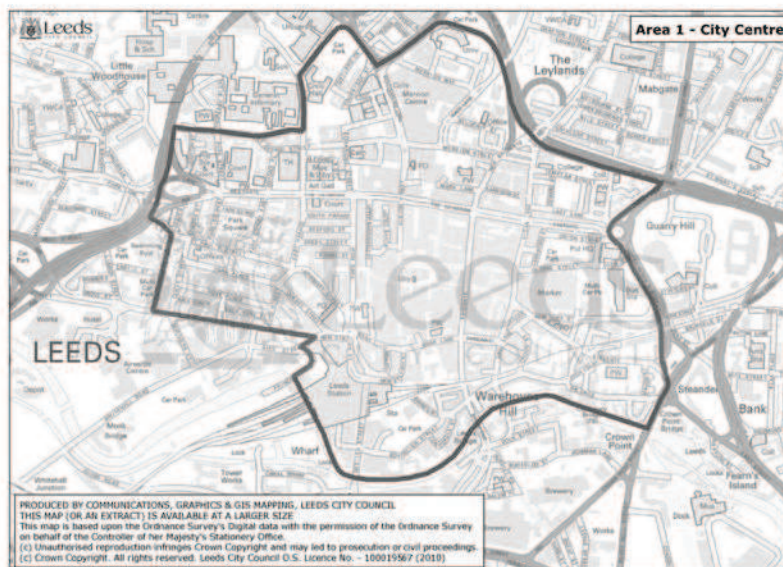
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Cumulative Impact Policy

Appendix D

Area 1 as defined on the map relates to the city centre.

Fig 1



It is the council's policy, on receipt of relevant representations, to refuse new and variation applications in Area 1 for alcohol led premises such as bars, pubs and nightclubs and for premises seeking late night refreshment such as takeaways and late opening restaurants, unless the applicant can demonstrate that their application would not impact on the cumulative effect of such licensed premises in the area.

Rationale

In the five years since the cumulative impact policy for the city centre was introduced, the City Centre has changed. Recent crime statistics show three main hot spots for crime and disorder:

1. Call Lane, Boar Lane and the area behind the Corn Exchange
2. Woodhouse Lane, Merrion Way and Wade Lane
3. The east end of The Headrow and New Briggate

Other areas of concern include the Eastgate area and Briggate.

The council has noticed an increase in applications for premises licences in the Park Square area. It is feasible that this is due to displacement from the East Parade/Greek Street/Park Row part of the cumulative impact policy.

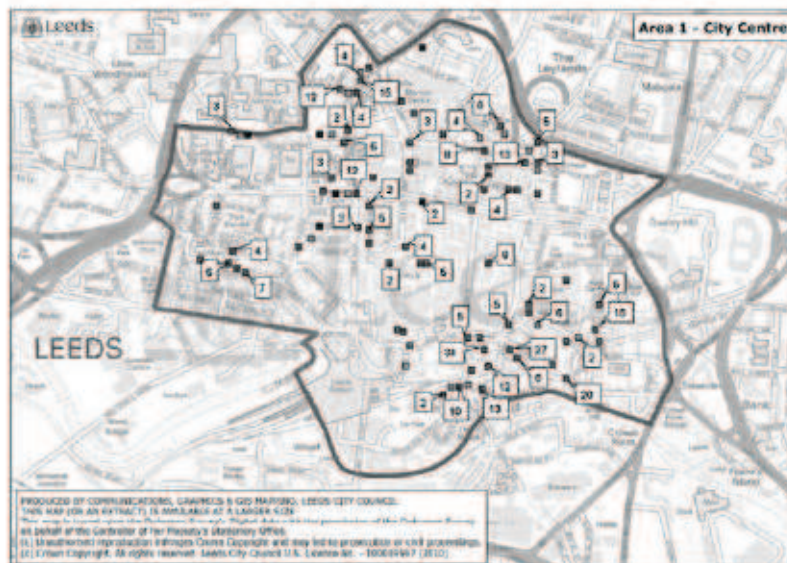
On reviewing these facts and the previous cumulative impact policy, the council has amended the geographical area of the cumulative impact policy to incorporate the crime hotspots and the Park Square area.

In addition there is rising concern about premises which have not been included within the scope of the previous policy, such as restaurants serving hot food and drink after 11pm. These premises have also contributed to crime, disorder and public nuisance in the city centre.

The previous policy referenced high volume vertical drinking establishments. This reference has been removed as it is recognised that all alcohol led licensed premises can contribute to crime and disorder in the area, not just those that are classified as "high volume vertical drinking" establishments.

Evidence

Fig 2



Nuisance reports in Area 1 (2005 – 2010)

Fig 2 shows the number and location of nuisance reports received by Leeds City Council, relevant to licensed premises in Area 1 since 2005.

Police analysis has shown the following key findings relating to serious crime in Area 1:

- 94% of serious violent offences have been committed in the night-time economy (NTE) period.
- 63% of offences committed in the NTE are affected by alcohol
- 20% of offences committed in the NTE are committed within licensed premises
- Between 2008 and 2009 incidents have increased by 26 equating to a 32% rise.

Fig 3



Serious Violent Crime hot-spots

Fig 3 shows density of serious violent crime offences in Area 1. The coloured dots are licensed premises however, have not been identified individually by name.

Fig 4



Assault hot-spots

Fig 4 shows density of assault offences in Area 1.

Fig 5



Anti-Social Behaviour hot-spots

Fig 5 shows density of anti-social behaviour offences in Area 1.

The current CIP for Area 1 (Licensing Act 2003 Statement of Licensing Policy 2008-2010) does not cover large parts of the city centre which currently suffer from nuisance and crime attributable to licensed premises.

Extracted from the Final Consultation Report published in December 2010 which presented the findings of the review of the cumulative impact policies and the subsequent public consultation on the amended Statement of Licensing Policy which took place in 2010. The full report is available from Entertainment Licensing.

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Kuits LLP
3 St Marys Parsonage
Manchester
M3 2RD

Environmental Protection Team
Leeds City Council
Knowsthorpe Gate
Cross Green
Leeds LS9 0NP

Contact: Mrs. Vanessa Holroyd
Tel: 0113 395 1162
Fax: 0113 247 4947
vanessa.holroyd@leeds.gov.uk
Our reference: PREM/01574/005
7 September 2012

Dear Sir/Madam

Licensing Act 2003

Name of Premises: Smokestack

Address: First, Second And Third Floors, 159A, Lower Briggate, Leeds, LS1 6LY

Thank you for submitting your application for the above premises.

The application premises are located on Lower Briggate in Leeds city centre. It is in an area of mixed use with many other bars, restaurants and offices in the nearby vicinity but is also in close proximity to residential accommodation with Regents Court to the rear. The premises are located in Cumulative Impact Policy area.

There is a long history of noise complaints from loud music concerning this premises that date back to 2005 affecting residents at Regents Court. In 2008 there were 7 complaints and it was identified that there was noise breakout through the roof. A sound insulation scheme was then carried out which appeared to address those complaints. Although complaints were still received in 2009, 2011 and two complaints this year we have been unable to witness any noise nuisance from this premises since 2008.

This application proposes to vary their licence on three issues: -

1. To remove conditions 118, 220 and 221 and replace it with an alternative. This is not relevant to public nuisance so I have no comments to make.
2. To alter the layout of the first and second floors in accordance with the plans submitted. I have examined the plans and do not feel there will be any adverse impact to public nuisance from the proposed change of layout.
3. To permit licensable activities (including late night refreshment) until 3am Sunday to Thursday.



The extra hours applied for Sunday to Thursday allowing licensable activities until 03:00 hours and the club to open until 03:30 hours are likely to give rise to public nuisance from loud music and the noise of large numbers of patrons all leaving at a later closing time having a cumulative impact on the area at that time.

Therefore, in view of the above circumstances and that the premise is in a Cumulative Impact Area, this Department fully objects to the application being granted.

Yours faithfully

Mrs. Vanessa Holroyd
Senior Environmental Health Officer