



LICENSING SUB-COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
TUESDAY, 19TH JANUARY, 2016 AT 10.00 AM

MEMBERSHIP

Councillors

J Dunn

G Hussain

S McKenna

Ardsley and Robin Hood;

Roundhay;

Garforth and Swillington;

**Agenda compiled by:
Governance Services
Civic Hall
LEEDS LS1 1UR
Tel No: 2243836**

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p><u>PRELIMINARY PROCEDURES</u></p> <p>ELECTION OF THE CHAIR</p>	
2			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

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 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 13-16 of the Members' Code of Conduct.</p> <p><u>HEARINGS</u></p>	
6	City and Hunslet		<p>TEMPORARY EVENT NOTICE FOR SECOND FLOOR, 162 - 163 BRIGGATE, LEEDS,LS1 6LY</p> <p>To receive a report of the Head of Licensing and Registration To advise Members of a temporary event notice served under section 100 of the Licensing Act 2003 ("the Act") in respect of the above mentioned premises. Members are required to consider this application due to the receipt of an objection notice from West Yorkshire Police.</p> <p><u>Third Party Recording</u></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties – code of practice</p> <ul style="list-style-type: none"> a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete. 	1 - 38



Report author: Mr Matthew Nelson
0113 247 4095

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 19th January 2016

Subject: Temporary event notice for Second Floor, 162 - 163 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):		
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 report advises Members that a temporary event notice has been received and the West Yorkshire Police have served an objection notice on the grounds of crime and disorder.

The licence that these premises benefit from have a unique condition, imposed by a licensing sub-committee at hearing, which reads: 'That the licence would be conditioned such that no Temporary Event Notices will be applied for in relation to this Premises Licence.'

West Yorkshire Police are satisfied that allowing the premises to be used in accordance with the temporary event notice would undermine a licensing objective.

Members of the Licensing Sub Committee are asked to consider the temporary event notice, objection and any other supplementary information contained in this report.

1 Purpose of this Report

- 1.1 To advise Members of a temporary event notice served under section 100 of the Licensing Act 2003 ("the Act") in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of an objection notice from West Yorkshire Police.

2 History of Premises

- 2.1 These premises benefits from a premises licence which according to the Licensing Authority's records are known to be trading as Café @ Lambert's Yard. A copy of the licence is attached at Appendix A of this report.

3 The Temporary Event Notice

- 3.1 The proposed premises user is Paul Nathan-Greary.
- 3.2 A copy of the temporary event notice is attached at Appendix B.
- 3.3 In summary the temporary event notice is for:

Sale by retail of alcohol
Regulated Entertainment
Provision of Late Night Refreshment
From 19:00 hours on the 30th January 2016
Until 01:30 hours on the 31st January 2016

Maximum capacity of the event is 150 persons.

- 3.4 The location of the premises can be seen on the map at Appendix C.

4 Representations

- 4.1 West Yorkshire Police and LCC Environmental Protection Team have both been served with a copy of the notice.
- 4.2 West Yorkshire Police consider that allowing the premises to be used in the manner set out in the temporary event notice will undermine the prevention of crime and disorder.
- 4.3 It should be noted that when the premises licence for these premises was considered by the licensing sub-committee on 27th October 2014, Members felt that it was necessary to impose certain measures in order to uphold the licensing objectives due to the premises location within the Cumulative Impact Area.
- 4.4 One of those measures was to ensure that no Temporary Event Notice will be applied for in relation to this premises licence. Further details can be viewed in the copy of West Yorkshire Police's objection and supplementary information attached at Appendix D of this report.

- 4.5 To address any concerns that the responsible authorities may have, Mr Nathan-Greary submitted a covering letter with the application for a temporary event notice. Member's attention is drawn to a copy of this letter at Appendix E.
- 4.6 In order to help further inform the decision making process, a copy of the notice of determination following the decision made by the licensing sub-committee for the premises licence is attached at Appendix F.

5 Equality and Diversity Implications

- 5.1 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.

6 Options Available to Members

- 6.1 The Licensing sub-committee must take such of the following steps as it considers appropriate to promote the licensing objectives:
- Issue a counter notice against the event in order to prevent the event from taking place.
 - If the premises benefits from a premises licence, attach relevant conditions which are attached to that premises licence
 - Allow the event to take place
- 6.2 Members of the licensing sub-committee are asked to note that they may only attach conditions that are present on the premises licence and are relevant to the activities stated on the temporary event notice.

7 Background Papers

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

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Premises Licence

Part A Schedule 12 Licensing Act 2003

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

Cafe@Lamberts Yard, Second Floor, 162 - 163 Briggate, Leeds, LS1 6LY

Licensable activities authorised by this licence

Sale by retail of alcohol, Provision of late night refreshment, Performance of recorded music, Performance of dance, Provision of facilities for anything similar to making music or dancing

Times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol

Every Day 09:00 - 23:30

Provision of late night refreshment

Every Day 23:00 - 23:30

Location of activity: Indoors

Performance of recorded music

Every Day 09:00 - 23:30

Location of activity: Indoors

Performance of dance

Every Day 09:00 - 23:30

Location of activity: Indoors

Provision of facilities for anything similar to making music or dancing

Every Day 09:00 - 23:30

Location of activity:

Opening hours of the premises

Everyday 09:00 - 00:00

Alcohol is sold for consumption on and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Lamberts Yard Limited
White Cloth Gallery
Aireside House
24 - 26 Aire Street
Leeds
LS1 4HT

Registered number of holder, for example company number, charity number (where applicable)

Registered business number: 08987129

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Paul Nathan-Greary
4 High Street
Aldbrough
York
YO51 9ET

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal licence number: LN/19931-4667

Licensing authority: Council Of The Borough Of Harrogate

Licence issued under the authority of Leeds City Council



Mr Matthew Nelson
Licensing Officer
Entertainment Licensing
Elections, Licensing and Registration

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 must 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 -

- a. games or other 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 other public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - 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 in a manner which carries a significant risk of undermining a licensing objective;
 - d. 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 glamorize anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e. dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 6. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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 either -

- a. a holographic mark, or
- b. an ultraviolet feature.

7. The responsible person must 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: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml;
- b. these measures are displayed in a menu; price list or other printed material which is available to customers on the premises; and
- c. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

8. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1 of this condition -

- a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b. "permitted price" is the price found by applying the formula $P = D + (D \times V)$ where -
 - i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e. "value added tax" mean value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

General – All four licensing objectives

9. Licensable activities taking place after 18:00 hours will only take place as a pre booked event.
10. All licensable activities taking place after 18:00 hours must be pre booked events and West Yorkshire Police given 7 days prior notice of each event.

The prevention of crime and disorder

11. A suitable CCTV system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises.
12. The CCTV system will cover the main entrance/s and exits/s and designated emergency egress routes from the premises.
13. The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities and other fine details such as vehicle registration number plates.
14. The CCTV system will contain the correct time and date stamp information.
15. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days continuous footage which will be of a good quality.
16. The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has accessed the system, the reason why and when.
17. A designated member/members of staff at the premises, will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a responsible authority (under the Licensing Act 2003) any CCTV footage, as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority.
18. Door staff will be present at the managements discretion, having conducted a risk assessment for each event.
19. A supervisors register will be maintained at the licensed premises, showing the names, addresses and up to date contact details for the DPS and all personal licence holders.
20. 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.

21. The premises licence holder (PLH), designated premises supervisor (DPS), will ensure that a Daily Record Register is maintained of the premises by door staff.
22. 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 and the date and time he/she commenced duty and finished duty (verified by the individuals signature).
23. The Daily Record Register will be retained on the premises for a period of twelve months from the date of the last entry.
24. The PLH/DPS will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti social behaviour, admissions, refusals and ejections from the premises.
25. 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, the police incident and or crime number, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident.
26. The incident report register will be produced for inspection immediately on the request of an authorised officer.
27. When an event takes place after 18:00 hours, door staff will be on duty at the premises on Friday and Saturday from 22:30 hours until close of business and Sundays before Bank Holidays from 22:30 hours until close of business.
28. There will be an agreed dispersal policy with West Yorkshire Police.

Public Safety

29. 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 not accessible to the customers.
30. 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 are open.
31. 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.
32. A suitable trained and competent person must ensure 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 are undertaken. Records of these safety checks must be kept and made available for inspection by an authorised officer.
33. Adequate and appropriate first aid equipment and materials will be available on the premises at all times.
34. 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.
35. A written health and safety policy covering all aspects of the safe use of strobes, lasers, smoke machines or any other special effects, will be provided and staff will be appropriately trained.
36. No strobes, lasers or smoke machines 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.

37. Electrical installations will be inspected on a periodic basis (a least every 3 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.
38. 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 residual current device.
39. Safety glass that is impact resistant should 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.
40. A suitably trained first aider or appointed person will be provided at all times when the premises are open.
41. 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.

The prevention of public nuisance

42. Noise from a licensable activity at the premises will be inaudible at the nearest noise sensitive premises this being Regent Court, Leeds, LS1 6ND.
43. There will be no external loudspeakers.
44. Bottles not to be placed in any external receptacle after 23:00 hours and before 07:00 hours, to minimise noise disturbance to neighbouring properties.
45. Noise from plant or machinery will be inaudible at the nearest noise sensitive premises during the operation of the plant machinery. Plant and machinery will be regularly serviced and maintained to meet this level.
46. The activities of persons smoking in the external areas will be monitored after 23:00 hours and they will be reminded to have regard to the needs of local residents and refrain from shouting anti social behaviour etc when necessary.
47. The premises supervisor and any door supervisors will monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.
48. There will be an arrangement with an approved mini cab operator to provide taxis from the premises to aid dispersal.
49. There will be prominently displayed number for the agreed private hire taxi company for customers who want to make their own arrangements.

50. Clear and legible notices shall be displayed at exits requesting patrons to leave the premises, having regards to the needs of local residents. The activity of persons leaving the premises shall be monitored and they shall be reminded to leave quietly where necessary.
51. A noise limiter to be fitted to the musical amplification in agreement and to the satisfaction of officers from Leeds City Council Environmental Protection Team. The operational panel shall then be secured and the system shall not be altered without prior agreement with the said Environmental Protection Team.

Protection of children from harm

52. The PLH/DPS staff, will ask for proof of age from any person appearing to be under the age of 21, who attempts to purchase alcohol at the premises.
53. The PLH/DPS staff, will ask for acceptable evidence (as agreed by WYP/WYTS) from any person appearing to be under the age of 21 who attempts to purchase alcohol at the premises.

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

General – All four licensing objectives

54. All licensable activities to cease at 23:30 with the premises to be closed by midnight.
55. That the licence would be conditioned such that no Temporary Event Notices will be applied for in relation to this Premises Licence.
56. That the licence will be conditioned to state that any admission to an event after 6pm will only be to those on a prescribed guest list or by ticket and that there will be no admission of the general public.
57. That the licence will be conditioned to say that all promotions and/or events held after 6pm will be run and managed by the Premises Licence Holder and/or DPS and that no external promoters will be employed.

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.



Leeds
Application for a Temporary Event Notice
Licensing Act 2003

For help contact
entertainment.licensing@leeds.gov.uk
Telephone: 0113 2474095

MW

02281 / 16

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.



Include country code.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text"/>

Section 2 of 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

Yes No

Enter details of any previous names or maiden names

First name

Family name

Add another previous name

* Your date of birth
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Continued from previous page...

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

Yes No

Continued from previous page...

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither Premises licence Club premises certificate

* Premises licence number

Location Details

* Provide further details about the location of the event

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below ([see also guidance on completing the form, note 3](#))

Describe the nature of the premises below ([see also guidance on completing the form, note 4](#))

Describe the nature of the event below ([see also guidance on completing the form, note 5](#))

Continued from previous page...

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises
(see also guidance on completing the form, note 6):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

(See also guidance on completing the form, note 7).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 8)

Event start date / /
 dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date / /
 dd mm yyyy

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

(see also guidance on completing the form, note 9)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

Note that the maximum number of people cannot exceed 499.

(see also guidance on completing the form, note 10)

Continued from previous page...

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both
(see also guidance on completing the form, note 11):

- On the premises only
 Off the premises only
 Both

Section 5 of 9

RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 12)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

Live music until midnight. Recorded music until 0130 hours.

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 13)

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

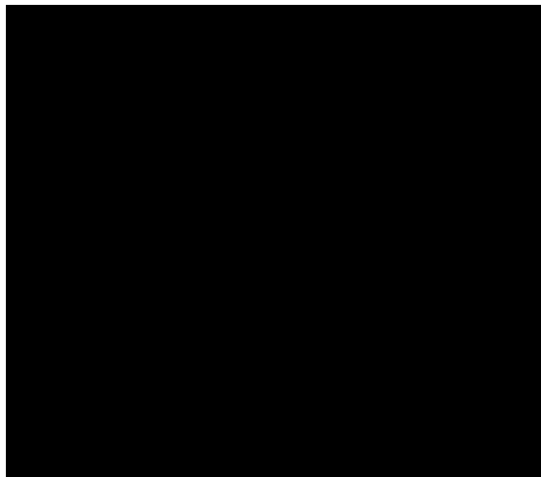
Issuing licensing authority

Licence number

Date of issue

Date of expiry

Any further relevant details



Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 14)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? Yes No

Continued from previous page...

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 15)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

Section 9 of 9

CONDITION (See also guidance on completing the form, note 17)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
This formality requires a fixed fee of £21

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION (See also guidance on completing the form, note 18)

* The information contained in this form is correct to the best of my knowledge and belief.

* I understand that it is an offence to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and I understand that it is an offence to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

I understand that Leeds City Council is under a duty to protect the public funds it administers, and to this end may use the information I have provided on my application for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

Continued from previous page...

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/leeds/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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NOT PROTECTIVELY MARKED

Leeds District Licensing Department

Leeds District Licensing Department
 Leeds District HQ
 Elland Road
 Leeds
 LS11 8BU

T: 0113 – 385 9413
 E: bob.patterson@westyorkshire.pnn.police.uk
 W: www.westyorkshire.police.uk

14th January 2016

Paul Nathan-Geary
 4 High Street
 Aldborough
 York
 YO51 9ET

cc. Entertainment Licensing Section – Leeds City Council Civic Hall Leeds LS1 1UR.
 cc. Health & Environmental Action Service – Leeds City Council Millshaw Park Way LS11 0LS

NOTICE OF OBJECTION BY A RELEVANT PERSON
TO A 'STANDARD' TEMPORARY EVENT NOTICE
SECTION 104(2) as amended – LICENSING ACT 2003

PREMISES: Café@Lamberts Yard, Second Floor 162/163 Briggate Leeds LS1 6LY.
(PREM/03519/001)

Your 'standard' temporary event notice was received by the West Yorkshire Police at the above address on 11th January 2016 via Leeds City Council electronically . The notice relates to licensable activities at the premises on 30th January 2016 from 1900 into 31st January 2016 until 0130-:

I, **Bob Patterson Leeds District Licensing Officer for West Yorkshire Police**, hereby give you notice that I intend to object to your 'standard' temporary event notice.

West Yorkshire Police are satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective, for the following reasons-:

- *The Temporary Event Notice given here, is for premises which have a current premises licence which includes a condition that stipulates, "the licence would be conditioned such that no Temporary Event Notice will be applied for in relation to this Premises Licence",*
- *Failure to comply with any condition attached to a licence is a criminal offence, as it clearly states at paragraph 10.2 of the current statutory guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 (see attached), and*

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- *Therefore, this objection is raised by West Yorkshire Police who are satisfied that to allow the premises to be used in accordance with the notice would undermine the prevention of crime (and disorder) objective, solely by breach of this licence condition.*

The origins of this condition have a unique history which are completely relevant to these proceedings.

Leeds City Centre has been subject to a Cumulative Impact Policy (CIP) since 2005, and has subsequently gone through a number of changes. As from January 2014, the Leeds City Centre CIP was modified to adopt a red, amber and green zone policy, whereby premises applying for authorisations in the different zones were treated differently.

The red zone symbolised the most problematic area in terms of crime and disorder statistics provided by West Yorkshire Police in formulating the zonal policy.

In line with Leeds City Council's Statement of Licensing Policy at the time, the red zone then related to Call Lane and the immediate surrounding areas which included the lower end of Briggate, and applicants had to prove to be "exceptional cases" for the licensing authority to consider granting applications in this red zone area.

Café @ Lamberts Yard applied for a premises licence in September 2014. Representations based on the City Centre red zone policy were raised by the licensing authority, the environmental department and West Yorkshire Police. A hearing took place on 27th October 2014, and after persuading the sub-committee presiding on the day of the hearing that they were an 'exceptional case', a premises licence – PREM/03519/001 – was issued to Lamberts Yard Limited for premises at 162-163 Briggate for the second floor.

As a part of the hearing which took place on the 27th October 2014, and in an attempt to pass the 'exceptional test', the legal representative for the applicant on the day, amongst other things, significantly "...also confirmed that no Temporary Event Notices would be applied for in relation to the Premises Licence" - (see attached).

As part of the decision making process to treat this as an 'exceptional case', clearly the Sub-Committee on the day in question took this into consideration, as the licence was granted with this offer imposed as a condition of the licence, albeit this was not the only offer which the Sub-Committee considered.

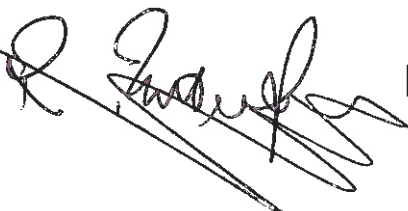
Temporary Event Notices (TEN's) normally, have to be ignored as they do not fall within the definitive wording of the City Centre CIP for all zones irrespective of colour. But a condition of a premises licence preventing TEN's being applied for outright is a unique and completely different set of circumstances anyway, and, especially as this was a condition specifically offered to obtain a licence in the red zone area, this cannot be ignored.

Since the inception of the red zone within the City Centre CIP in 2014, Sub-Committee's have taken applications in this part of the City Centre more seriously than normal. Applications which implicated the policy have been significantly amended or downgraded and in one case refused. Those which have passed the 'exceptional' test are rare, which include these premises, but where the subject condition was clearly a decisive factor in the Sub-Committee actually reaching that decision in this case.

Notwithstanding the contents of acknowledgement in the cover letter submitted by the applicant on this occasion, it is still the opinion of West Yorkshire Police, that allowing this TEN will completely circumvent the red zone CIP process and undermine all that has gone on since January 2014 in this area.

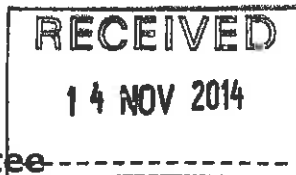
West Yorkshire Police therefore ask a presiding Sub-Committee at a subsequent hearing, to give the premises user a counter notice under Section 105 Licensing Act 2003, on the grounds stipulated at the beginning of this objection notice.

Bob Patterson.
Leeds District Licensing Officer.
West Yorkshire Police.



NOT PROTECTIVELY MARKED

Notice of Decision
Of the Licensing Sub Committee



Date of Hearing: 27th October 2014
Determination Date: 27th October 2014
Notice of Decision: 5th November 2014

Members: Councillor Jack Dunn (Chair)
Councillor Ghulam Hussain
Councillor Neil Buckley

Legal Officer: Joy Lounds

Committee Clerk: Angela Bloor

Licensing Officer: Philomena Carville

Applicant: Lamberts Yard Limited,

Premises: Cafe@Lamberts Yard, Second Floor, 162 - 163 Briggate,
Leeds, LS1 6LY,

Application: Grant of a Premises Licence

Attendees: Applicant; Mr N Geary & Mr M Firth
Solicitor for applicant; Mr C Rees Gay
West Yorkshire Police; Bob Patterson, Sgt Dave Shaw &
PC Cath Arkle
Environmental Health; Scott Higgins & Gary Mann
Entertainment Licensing; Susan Holden

This application was brought before the Licensing Sub Committee due to the receipt of relevant representations

The Licensing Sub Committee considered:

1. The report from the Head of Licensing and Registration
2. Licensing Act 2003.
3. Guidance issued by the secretary of State of Culture Media and Sport pursuant to Section 182 of the act.
4. Relevant Licensing Objectives.
5. The statement of Licensing Policy 2011 – 2013.
6. Representations received from responsible authorities.
7. Representations received from other persons.

Having taken all these matters into account the Licensing Sub Committee have agreed to **grant** the application in line with the copy of the licence attached at Appendix 2.

We would draw your attention to the following sections on the enclosed licence:

Page 1 and 2 detail the activities and hours of operation.

Annex 1 contains the mandatory conditions and embedded restrictions.

Annex 2 contains the conditions consistent with the operating schedule.

Annex 3 details of conditions attached after a hearing by the Licensing Authority.

The reason for this decision is as follows:

The Licensing Sub-Committee considered an application for the grant of a Premises Licence made by Lamberts Yard Ltd for Café @ Lamberts Yard, Second Floor, 162-163 Briggate, Leeds, LS1 6LY.

Mr Christopher Rees-Gay of Woods Whur Solicitors attended the Hearing to present the application. He was accompanied by Mr Nathan Geary and Mr Matthew Firth, the Premises Licence holder and the proposed Designated Premises Supervisor (DPS).

The premises are located within the red area of the Council's City Centre Cumulative Impact Policy and had attracted representations from a number of Responsible Authorities including the Police, Environmental Protection, the Licensing Authority and Health & Safety. Accordingly, PC Cath Arkle, Sergeant Shaw and Mr Patterson (of West Yorkshire Police), Mr Scott Higgins and Mr Gary Mann (of Leeds City Council Environmental Protection) and Ms Sue Holden (of Entertainment Licensing) attended the Hearing to comment on their representations and to answer questions from the Panel. A representative from Health & Safety did not attend the Hearing as conditions had been agreed prior to the Hearing and accordingly its representation had been withdrawn.

In addition to the papers contained within the report, the applicant provided copies of further documentation, copies of which had been supplied to all the Responsible Authorities. The applicant's additional information set out the background to the premises and proposed new conditions, together with copies of PR and publicity materials, the proposed dispersal policy, a copy of the noise assessment report, plans of the premises and other items.

In presenting the application, Mr Rees-Gay advised the Panel that the second floor premises at Lambert Yard, the proposed licensed area, would operate as a multi-functional gallery and events base, designed to complement the retail offer on the first floor. The second floor area would be used to host "pop-up" retail events, product launches, fashion shows, exhibitions and bespoke fashion events. During the day the second floor area would operate as a café, but from 6 pm onwards the space would only be open for promoted events and private hire.

Mr Rees-Gay referred to the regeneration of Lamberts Yard, which contained a Grade 2 listed building. Part of the earlier regeneration of the area had included the granting of a licence to "Rare" a restaurant which operated on the ground floor of Lamberts Yard. This was very much a food led offering, not an alcohol led offering, and the licence was conditioned to maintain a minimum of 70 covers at all times.

Mr Rees-Gay drew the Panel's attention to the Leeds Fashion Pioneer programme which was supported by Councillor Yeadon and partially funded by Leeds City Council. He referred to the money that had been invested in the redevelopment of Lamberts Yard and how, if the application were granted, it would lead to the employment of 18 people. Mr Rees-Gay emphasised that the food offering was not cheap and was designed to attract high-end and more discerning clientele. They did not want to attract the same sort of clientele that would frequent the surrounding high density vertical drinking establishments and late night clubs. Mr Firth referred to the minimum £600 room hire fee and that it was the intention to appeal to corporate clients such as KPMG, Royal Bank of Scotland and private parties.

* Mr Rees-Gay advised the Panel that in light of the representations received from the police and other Responsible Authorities the application had changed substantially since first submitted. He confirmed that there would be no application for a minimum of 20 occasions per year to operate to 02:00 hours. He also confirmed that no Temporary Event Notices would be applied for in relation to the Premises Licence.

During the Hearing Mr Firth volunteered that he was happy for the licence to be conditioned to state that no external promoters would be used in the running of any events held after 18:00 hours. Mr Firth advised that the second floor would only be open when events were held and that there would

be no admission of the general public to these events; i.e. they would be private corporate events and/or private parties with either admission on presentation of a ticket or on a guest list.

The applicant was conscious that the premises were in the red area of the Council's CIP, but noted that the premises were small, would close at midnight and was not alcohol led. Mr Rees-Gay submitted that these characteristics satisfied three of the factors that might lead to the premises rebutting the presumption of refusal of grant. The applicant commented on the representations received noting that the premises would offer a different sort of offering to local nightclubs; that there had been no noise or public nuisance complaints over the last 12 months whilst Rare had been trading; that they had offered a condition in relation to a noise limiter; that there have been no representations from local residents (as there had been when Rare applied for a licence) and that they had a proposed dispersal policy. The applicant maintained that in view of the nature of the operation and the conditions offered the operation would not add to the cumulative impact.

Mr Rees-Gay stated that the CIP was not engaged in any event, but that the application was exceptional. It was a professional and professionally led operation which sought to offer a different product to a high end clientele which would be heavily conditioned.

Mr Scott Higgins commented on the environmental health protection representation regarding the additional noise from the premises and its customers which could have an adverse impact on public nuisance and noise. He referred to the complaint history in the area since 2005, but noted that there had been no specific complaints relating to Rare. In response to questioning Mr Higgins stated that whilst he did not have evidence of increased noise, an additional 120 people in the area could have an impact if they all congregated in one place at the same time, but such a number would have less of an impact if more widely dispersed.

PC Cath Arkle presented the representation from the police commenting upon the potential for additional crime and disorder. Her concerns mainly related to the operation of the premises after 6 pm and the dispersal of 120 people into the lower end of Briggate at midnight at the very time that many other people come in to Leeds to attend local night clubs and bars. Her view was that the increased footfall in an area already experiencing issues of crime and disorder was not a good idea. She noted, however, that her concerns could be diminished if there were an earlier finishing time.

Ms Sue Holden of the Entertainment Licensing Department commented on the operation of the premises in the red area of the cumulative impact area. She noted that this was an area so saturated that any application or variation would have a negative impact almost regardless of the style of operation. She noted that the Brewdog premises, which the applicant had referred to, had only had space to accommodate 60 people whereas this space could accommodate 120. She also referred to the fixed bar area shown on the plans which suggested alcohol played a more significant part in the offering than have been presented.

Having heard from the applicant and the responsible authorities, the Panel adjourned to consider its response. The Panel was interested to explore more fully PC Arkle's comments that her concerns could be diminished if an earlier finishing time was suggested. The parties were, therefore, called back to consider whether the applicant would be prepared to agree to all licensable activities finishing at 23:30 hours rather than midnight as currently applied for.

Having sought instructions, the applicant agreed to this although there was no change in the Police's position. PC Arkle maintained that dispersal would still remain a concern.

Having deliberated further, the Panel made its decision as follows:

Decision

The Committee carefully considered the application and noted that this was a very finely balanced decision. This was a proposal for a multi-functional gallery and event space designed to complement the retail offering on the first floor. The space would operate as a gallery, exhibition space and host pop up events. During the day it would operate as a café from 9 am to 6 pm. After 6pm the space would only be open for promoted events and private hire. These would be ticketed only events and/or subject to guest lists. However, the premises are in a cumulative impact area and within the red zone where in accordance with the Council's policy applications would be refused unless exceptional. The premises, although described as a Page 12 could accommodate up to 120 people.

The committee noted that the cumulative impact policy created a rebuttal presumption of refusal for an application of this type.

Bearing in mind all the evidence heard and taking into account the representations made by the responsible authorities the Licensing Sub-Committee decided to grant the application subject to the following:

- 1) All licensable activities to cease at 23.30 with the premises to be closed by midnight.
- 2) That the licence would be conditioned such that no Temporary Event Notices will be applied for in relation to this Premises Licence.
- 3) That the licence will be conditioned to state that any admission to an event after 6 pm will only be to those on a prescribed guest list or by ticket and that there will be no admission of the general public.
- 4) That the licence will be conditioned to say that all promotions and/or events held after 6 pm will be run and managed by the Premises Licence Holder and/or DPS and that no external promoters will be employed.

The Licensing Sub-Committee also determined that the additional conditions already offered in relation to door staff, the dispersal policy and clear and legible notices and a noise limiter be included in the operating schedule.

Right of Appeal

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the sub committee. You must make this appeal within 21 days of receiving this notice.

Appeals should be addressed to the Magistrates Court at:

**Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP**

and be accompanied by a copy of this notice of decision and the court fee of £400.00 if you are the premises licence holder/applicant and £200.00 for all other parties. Cheques should be made payable to HMCS.

Please note – Persons making appeals should be aware that the Magistrates have the power to award costs against any party as a result of appeal proceedings.

10. Conditions attached to premises licences and club premises certificates

General

10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).

* 10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.

10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

Proposed conditions

10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

Consistency with steps described in operating schedule

10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.

10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

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Leeds City Council Licensing Department
40 Great George St,
Leeds,
LS1 3DL

6th January 2016

Dear Sirs,

**Lamberts Yard Event Space PREM/03519/001 Second Floor 162 163 Briggate Leeds LS1 6LY
TEN Application**

Please find attached a TEN Application in respect of the above premises for an event proposed for Saturday 30th January 2016. We refer you to a specific condition of the Premises Licence which states:-

“ That the licence would be conditioned such that no Temporary Event Notices will be applied for in relation to this Premises Licence.”

Our application is seeking a dispensation from the Licencing Committee to enable the venue to host this particular one off celebration event.

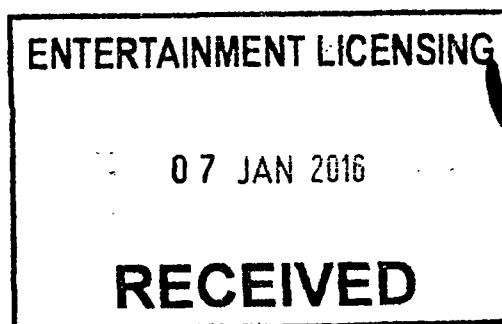
Lamberts Yard and White Cloth Gallery are both owned, and promoted by the same directors and managed by Vektor Investment Management. The hirer originally made a booking via the Vektor event team to host this event at White Cloth Gallery to take advantage of the later 2.00 am licence. Due to an administrative error the White Cloth Gallery venue has been double booked for the same date. Therefore in order to honour this booking we are seeking to switch this family birthday celebration event to Lamberts Yard.

The proposed event is to celebrate a 40th birthday event on behalf of Nicola Millington, 2 West End Drive, Horsforth, Leeds LS18 5JZ and her twin sister.

The current Lamberts Yard licence requires all licensable activities to cease at 11.30pm. We are writing to request a dispensation to allow us to extend the licensable activities under a TEN Licence until 1.30am with the premises vacated by 2.00am in order to host this particular event on the night.

We are mindful of the previous police objections to the original licence application and the agreement that we would support the prevention of crime and disorder licence objectives in this area by restricting the operational hours and accepting a restriction on making TEN applications. However, having reviewed the event booking we do not consider that this particular application bearing in mind the nature of the event and time of year poses any additional crime and disorder risk in this instance.

We are also mindful of the risk of nuisance to neighbours and propose that amplification levels of recorded music will be restricted after midnight ending at 1.30am and that live music will cease at midnight. Dispersal will be managed as normal via the Courtyard to vacate the premises by 2.00am.




vektor
INVESTMENTS
Aireside House
24 -26 Aire Street
Leeds
LS1 4HT
Tel: 0113 218 1920
Fax: 0113 218 1935
www.vektor.uk.com

Please be assured that we are only seeking this dispensation as a result of our administrative error, not as prelude to seeking further extended hours applications for these premises.

We understand from a pre-application consultation that the police will make a formal objection in view of the licencing condition referred to above. However, we also understand that the police have not had any concerns over the management of the premises since the venue commenced trading.

We trust therefore that notwithstanding the current licencing conditions and anticipated police objection that the Licence Committee will be minded to grant consent to this application given the circumstances.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Paul Nathan-Geary', written over the typed name.

Paul Nathan-Geary MRICS & Nominated DPS for PREM/03519/001 Lamberts Yard Second Floor Event Space.

Personal Licence Holder LN/199314667

Notice of Decision

Of the Licensing Sub Committee



Date of Hearing:	27th October 2014
Determination Date:	27th October 2014
Notice of Decision:	5th November 2014
Members:	Councillor Jack Dunn (Chair) Councillor Ghulam Hussain Councillor Neil Buckley
Legal Officer:	Joy Loundes
Committee Clerk:	Angela Bloor
Licensing Officer:	Philomena Carville
Applicant:	Lamberts Yard Limited,
Premises:	Cafe@Lamberts Yard, Second Floor, 162 - 163 Briggate, Leeds, LS1 6LY,
Application:	Grant of a Premises Licence
Attendees:	Mike Ward, PC Cath Arkle, Susan Holden, Mr Simon Byrne,

This application was brought before the Licensing Sub Committee due to the receipt of relevant representations

The Licensing Sub Committee considered:

1. The report from the Head of Licensing and Registration
2. Licensing Act 2003.
3. Guidance issued by the secretary of State of Culture Media and Sport pursuant to Section 182 of the act.
4. Relevant Licensing Objectives.
5. The statement of Licensing Policy 2011 – 2013.
6. Representations received from responsible authorities.
7. Representations received from other persons.

Having taken all these matters into account the Licensing Sub Committee have agreed to **grant** the application in line with the copy of the licence attached at Appendix 2.

We would draw your attention to the following sections on the enclosed licence:

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The reason for this decision is as follows:

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Mr Christopher Rees-Gay of Woods Whur Solicitors attended the Hearing to present the application. He was accompanied by Mr Nathan Geary and Mr Matthew Firth, a Premises Licence holder and the proposed Designated Premises Supervisor (DPS).

The premises are located within the red area of the Council's City Centre Cumulative Impact Policy and had attracted representations from a number of Responsible Authorities including the Police, Environmental Protection, the Licensing Authority and Health & Safety. Accordingly, PC Cath Arkle, Sergeant Shaw and Mr Patterson (of West Yorkshire Police), Mr Scott Higgins and Mr Gary Mann (of Leeds City Council Environmental Protection) and Ms Sue Holden (of Entertainment Licensing) attended the Hearing to comment on their representations and to answer questions from the Panel. A representative from Health & Safety did not attend the Hearing as conditions had been agreed prior to the Hearing and accordingly its representation had been withdrawn.

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Mr Rees-Gay referred to the regeneration of Lamberts Yard, which contained a Grade 2 listed building. Part of the earlier regeneration of the area had included the granting of a licence to "Rare" a restaurant which operated on the ground floor of Lamberts Yard. This was very much a food led offering, not an alcohol led offering, and the licence was conditioned to maintain a minimum of 70 covers at all times.

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Mr Rees-Gay advised the Panel that in light of the representations received from the police and other Responsible Authorities the application had changed substantially since first submitted. He confirmed that there would be no application for a minimum of 20 occasions per year to operate to 02:00 hours. He also confirmed that no Temporary Event Notices would be applied for in relation to the Premises Licence.

During the Hearing Mr Firth volunteered that he was happy for the licence to be conditioned to state that no external promoters would be used in the running of any events held after 18:00 hours. Mr Firth advised that the second floor would only be open when events were held and that there would be no admission of the general public to these events; i.e. they would be private corporate events and/or private parties with either admission on presentation of a tickets or on a guest list.

The applicant was conscious that the premises were in the red area of the Council's CIP, but noted that the premises were small, would close at midnight and was not alcohol led. Mr Rees-Gay

submitted that these characteristics satisfied three of the factors that might lead to the premises rebutting the presumption of refusal of grant. The applicant commented on the representations received noting that the premises would offer a different sort of offering to local nightclubs; that there had been no noise or public nuisance complaints over the last 12 months whilst Rare had been trading; that they had offered a condition in relation to a noise limiter; that there have been no representations from local residents (as there had been when Rare applied for a licence) and that they had a proposed dispersal policy. The applicant maintained that in view of the nature of the operation and the conditions offered the operation would not add to the cumulative impact.

Mr Rees-Gay stated that the CIP was not engaged in any event, but that if it was the application was exceptional. It was a professional and professionally led operation which sought to offer a different product to a high end clientele which would be heavily conditioned.

Mr Scott Higgins commented on the environmental health protection representation regarding the additional noise from the premises and its customers which could have an adverse impact on public nuisance and noise. He referred to the complaint history in the area since 2005, but noted that there had been no specific complaints relating to Rare. In response to questioning Mr Higgins stated that whilst he did not have evidence of increased noise, an additional 120 people in the area could have an impact if they all congregated in one place at the same time, but such a number would have less of an impact if more widely dispersed.

PC Cath Arkle presented the representation from the police commenting upon the potential for additional crime and disorder. Her concerns mainly related to the operation of the premises after 6 pm and the dispersal of 120 people into the lower end of Briggate at midnight at the very time that many other people come in to Leeds to attend local night clubs and bars. Her view was that the increased footfall in an area already experiencing issues of crime and disorder was not a good idea. She noted, however, that her concerns could be diminished if there were an earlier finishing time.

Ms Sue Holden of the Entertainment Licensing Department commented on the operation of the premises in the red area of the cumulative impact area. She noted that this was an area so saturated that any application or variation would have a negative impact almost regardless of the style of operation. She noted that the Brewdog premises, which the applicant had referred to, had only had space to accommodate 60 people whereas this space could accommodate 120. She also referred to the fixed bar area shown on the plans which suggested alcohol played a more significant part in the offering than have been presented.

Having heard from the applicant and the responsible authorities, the Panel adjourned to consider its response. The Panel was interested to explore more fully PC Arkle's comments that her concerns could be diminished if an earlier finishing time was suggested. The parties were, therefore, called back to consider whether the applicant would be prepared to agree to all licensable activities finishing at 23:30 hours rather than midnight as currently applied for.

Having sought instructions, the applicant agreed to this although there was no change in the Police's position. PC Arkle maintained that dispersal would still remain a concern.

Having deliberated further, the Panel made its decision as follows:

Decision

The Committee carefully considered the application and noted that this was a very finely balanced decision. This was a proposal for a multi-functional gallery and event space designed to complement the retail offering on the first floor. The space would operate as a gallery, exhibition space and host pop up events. During the day it would operate as a café from 9 am to 6 pm. After 6pm the space would only be open for promoted events and private hire. These would be ticketed only events and/or subject to guest lists. However, the premises are in a cumulative impact area and within the red zone where in accordance with the Council's policy applications would be refused unless exceptional. The premises, although described as small, could accommodate up to 120 people.

The committee noted that the cumulative impact policy created a rebuttal presumption of refusal for an application of this type.

Bearing in mind all the evidence heard and taking into account the representations made by the responsible authorities the Licensing Sub-Committee decided to grant the application subject to the following:

- 1) All licensable activities to cease at 23.30 with the premises to be closed by midnight.
- 2) That the licence would be conditioned such that no Temporary Event Notices will be applied for in relation to this Premises Licence.
- 3) That the licence will be conditioned to state that any admission to an event after 6 pm will only be to those on a prescribed guest list or by ticket and that there will be no admission of the general public.
- 4) That the licence will be conditioned to say that all promotions and/or events held after 6 pm will be run and managed by the Premises Licence Holder and/or DPS and that no external promoters will be employed.

The Licensing Sub-Committee also determined that the additional conditions already offered in relation to door staff, the dispersal policy and clear and legible notices and a noise limiter be included in the operating schedule.

Right of Appeal

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the sub committee. You must make this appeal within 21 days of receiving this notice.

Appeals should be addressed to the Magistrates Court at:

**Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP**

and be accompanied by a copy of this notice of decision and the court fee of £400.00 if you are the premises licence holder/applicant and £200.00 for all other parties. Cheques should be made payable to HMCS.

Please note – Persons making appeals should be aware that the Magistrates have the power to award costs against any party as a result of appeal proceeding.