



## LICENSING SUB-COMMITTEE

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MEETING TO BE HELD IN CIVIC HALL, LEEDS ON  
TUESDAY, 27TH SEPTEMBER, 2016 AT 10.00 AM

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### MEMBERSHIP

S Field

B Gettings

M Harland

Garforth and Swillington;

Morley North;

Kippax and Methley;

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**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			<b><u>PRELIMINARY PROCEDURES</u></b>  <b>ELECTION OF THE CHAIR</b>	
2			<b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b>  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)  (*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)	

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3			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></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><b>RESOLVED</b> – 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><b>LATE ITEMS</b></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>	

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5			<p><b>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</b></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><b><u>HEARINGS</u></b></p>	
6	Armley		<p><b>CERTIFICATION OF FILMS</b></p> <p>The report of the Head of Elections, Licensing and Registration to advise Members of an application for the certification of films to be shown at the No Gloss Film Festival to be held at Canal Mills, Brandon Street, Armley, between the 22nd and 23rd October 2016.</p> <p>(Report attached)</p>	1 - 10
7	Otley and Yeadon		<p><b>APPLICATION TO VARY A PREMISES LICENCE HELD BY THE CHEERFUL CHILLI BARN EAST CHEVIN ROAD, OTLEY, LS21 3DD</b></p> <p>To consider a report of the Head of Elections, Licensing and Registration which sets out details of an application to vary a premises licence, made by Mr Richard John Reeve, for The Cheerful Chilli Barn East Chevin Road, Otley, LS21 3DD</p> <p>(Report attached)</p>	11 - 30
8	City and Hunslet		<p><b>APPLICATION TO VARY A PREMISES LICENCE HELD BY SPACE, 10 - 20 DUNCAN STREET, LEEDS, LS1 6DL</b></p> <p>To consider a report of the Head of Elections, Licensing and Registration which sets out details of an application to vary a premises licence made by In The Pink Limited for Space, 10 - 20 Duncan Street, Leeds, LS1 6DL.</p> <p>(Report attached)</p>	31 - 66

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### **Third Party Recording**

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.

### **Use of Recordings by Third Parties– code of practice**

- 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.

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**Report of the Head of Elections, Licensing and Registration**

**Report to the Licensing Sub Committee**

**Date: 27 September 2016**

**Subject: Certification of Films**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Armley		
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:		

**Executive Summary**

To advise Members of an Application for the certification of films to be shown at the No Gloss Film Festival to be held at Canal Mills Brandon Street Armley between the 22<sup>nd</sup> and 23<sup>rd</sup> October 2016.

**1.0 Purpose of this report**

1.1 This report informs Members with the background, history and issues of an application made under the Licensing Act 2003 (“the Act”) for the certification of films that do not currently have a BBFC (British Board of Film Classification) certification. Finally, this report informs Members of the options available to them when considering an application for the certification of films.

**2.0 Background information**

2.1 The Licensing Act 2003 applies to premises which provide film exhibitions. At present there are a total of 7 cinemas licensed in the Leeds District.

2.2 The majority of films shown in Cinemas will carry a Certificate from the BBFC the categories of which are as follows:

Category `U` Passed for general exhibition

Category 'PG'	Passed for general exhibition but parents/guardians are advised that the film contains materials they might prefer children under fifteen years not to see.
Category '12'	Passed as suitable only for exhibition to persons of twelve years and over. When a programme includes a '12' film, no persons under twelve years can be admitted.
Category '12a'	Passed as suitable for children under the age of 12 if accompanied by an adult.
Category '15'	Passed as suitable only for exhibition to persons of fifteen years and over. when a programme includes a '15' film, no persons under fifteen years can be admitted.
Category '18'	Passed as suitable only for exhibition to adults. When a programme includes an '18; film no persons under the age of eighteen years can be admitted.

2.3 In addition to licensing premises for film exhibitions, the Licensing Authority has a duty under Section 20 of the Licensing Act 2003 to categorise a film which is absent of a Certificate from a film classification body such as the BBFC. The Licensing Authority may also reject or modify a film which has received a Certificate from the BBFC.

### **3.0 Main Issues**

3.1 Application has been received from Ms Sophie Marfell on behalf of the No Gloss Film Festival to have a number of short films certified as they are not currently certified by the BBFC. The films are to be shown at Canal Mills Brandon Street Armley Leeds 12.

3.2 Details of the films which require certification including a brief synopsis and a recommended category in line with the BBFC classifications is attached at **Appendix A** for Members information.

3.3 A representative from the No Gloss Film Festival will attend the hearing to give additional details of the proposed films.

### **4.0 Implications for council policy and governance**

4.1 There are no implications for Council policy and governance in respect of determining this application.

### **5.0 Legal and resource implications**



5.1 The applicant can appeal any decision made by committee. Any appeal would be to the Magistrates Court.

## **6.0 Recommendations**

6.1 Members are requested to consider this request for the certification of the films as attached hereto.

6.2 Members may take the decision to view any of the films prior to the issue of a certificate

## **7.0 Options available to Members**

The Licensing Authority has a duty to create conditions or restrictions, and does have the authority to categories a film which is absent of a Certificate from the BBFC.

### No Gloss Film Festival 2016: Licensing Notes

The following list is all the films showing at this year's festival which do not have a certificate from the British Board of Film Classification as they have not had a full release in this country, are independent, self-made films or are student film projects. All the certification advice below is based on the BBFC guidelines.

All films (predominantly shorts, a few features) are shown over a 2-day period within one venue. **The festival is strictly and exclusively an 18+ event regardless of the film themes and IDs are checked on the door.** Most films are aimed at adults even if there is no specific content which would generate an adult certificate.

#### Films

##### **Ambivalence**

A Belgian student short film. Ambivalence tells the story of Nora, who lives a very eccentric life. She looks at her life as if it's a rollercoaster that's only going up. Some violence. Recommended cert 15

##### **At Dawn**

France, 1940. Based on a true story. A WW2 British Royal Engineer is caught in enemy gunfire whilst out in the field. Leaving his tools he flees for his life into the cover of a neighbouring forest. Suddenly the floor gives way and Michael is plunged into the heart of a disused enemy trench. When he wakes, he finds himself face to face with a lone armed German soldier. Some violence. Recommended cert 15

##### **Boris In The Forest**

Hilarious light-horror short. Fresh off the plane from Los Angeles, horror geek Merv Blanco holds forth in reverential ecstasy as he finally finds himself outside 36 Forest Hill Road, London, birthplace of his hero, screen legend Boris Karloff. Some moderate violence. Recommended cert 15

##### **Brainwash**

Short student film. An experimental take on group of people heading to their average 9 – 5 working day. Recommended cert PG

##### **Busking Turf Wars**

A comedy documentary made entirely in Leeds. For Steven Lockmoore, busking is a way of life. He's worked hard for his place on the street and is passionate about the community he is a part of. But his world starts to slowly unravel with the emergence of a rival busker, Paul Adrian, who is invading Steven's turf. Steven has to go on an exploration of what is important to him and what it means to be an artist following your dreams. Some strong language, minor references to violence. Recommended cert 15

##### **Conscience**

A student short film. Her mother swings from anger to domestic bliss at the flip of a switch, but what happens when it all gets too much for Ella, a young teenage girl who picks up the pieces after each destructive episode in order to protect her younger brothers. After one

particularly distraught episode between Ella and her mum she must make a difficult decision. Some scenes of violence/threat. Recommended cert 15

### **Eddie**

A black comic suspense drama. Alone in an underground facility deep below the mountains, a tired researcher performs endless tests on Eddie, his desperate, mute test subject. With no response from his employers, he juggles running the facility and keeping his sanity whilst all the while doing his best to ignore the ever-growing list of questions in the back of his mind. Just what is wrong with Eddie anyway? How long does he have to stay down there? And why won't his employer return his messages? Moderate violence. Recommended cert 12A

### **Ekaj**

A love story between two drifters, a naive teenager and a hustler. The film captures a runaway's journey to New York City. Ekaj meets Mecca who takes him under his care. Mecca has been diagnosed with AIDS and multiple problems of his own, but is the only voice of reason in Ekaj's hopeless world. They cruise the city together looking for money and places to stay. Some strong language, references to drugs, some sex. Recommended cert 18

### **Floating Melon**

A journey of passion, a bitter night. A young Chinese man asks for help from his friends Fiona and her lover Lola to resolve a big trouble – the guy he'd spent the afternoon with is dead in his bed. Some strong language, references to drugs, some sex. Recommended cert 18

### **Fumes**

A psychological thriller about one man's journey to return to his family. An unknown crisis has led to the sudden breakdown of infrastructure and society itself hangs in the balance. Jared must escape the city to join Phoebe and their child. Some strong language, some violence. Recommended cert 15

### **Gene**

A short thriller. A recently widowed mother has to take drastic action when she discovers her son might be a psychopath in the making. Some violence. Recommended cert 15

### **Golden Tuna**

A funny Canadian mockumentary. After leaving Berlin, French multidisciplinary artist Golden Tuna surfs Montreal's cold and dark wave to find inspiration. Some strong language. Some nudity. Recommended cert 15

### **Hold Back**

When a young introvert skater falls in love with the girlfriend of one of his best friends, he's pushed to his limits by the people who are most close to him. Some strong language, references to drugs, some violence. Recommended cert 18

### **Holy Thursday**

15-year-old paperboy Jack has just been told he no longer has a job. Alone, disengaged and naive he sets across the flatlands of Eastern England on a morning that could define the rest of his life. He meets Robin, a friendly and charismatic stranger labouring at the roadside, but as they bond and guards are dropped, Robin's true intentions come to the fore. As Jack embarks on his final paper-round, we begin to understand who he is, where

he has come from and where his future may lie. Some moderate language.  
Recommended cert 12A

### **Imagining Time**

A student animated short. Adapted from the poem 'The Love Song of J. Alfred Prufrock' by T. S. Eliot, Imagining Time is designed in a split-screen format. The animation combines notions of the disruption of the everyday; magical realism and surrealism with the themes of isolation, introversion and passivity from the poem. Recommended cert PG

### **Intimidade Publica**

A feature from Brazil about about how we deal with sexuality and love on public and private levels. The four stories of "Public Intimacy" deal with urgent and profound themes, like homophobia, trans issues, prostitution and madness. Strong language, some sex.  
Recommended cert 18

### **Itaewon**

One night in Itaewon, South Korea, two girls go on their separate ways home. Not far away, a strange man accosts two French tourists. References to violence. Recommended cert 15

### **Leon**

Leon, a newly formed skinhead must make the decision between his sexuality or his current lifestyle. Strong language, references to drugs, some violence. Recommended cert 18

### **Mara Mara**

An experimental film. A silent scream. Snow over the black night. Two women share their last moments together in a remote house in the mountains. Without words, they accompany each other whilst the sound of thawing snow advances. Some nudity.  
Recommended cert 15

### **Margie's Garden**

A surreal and hilarious short film about Margie, an old lady who loves her garden; both the legal one, outside, and the one inside where she grows a different kind of crop. Some strong language, references to drugs, moderate violence. Recommended cert 15

### **Marianne**

A young Nigerian man travels to a remote Pentecostal church with his ailing wife.  
Recommended cert PG

### **Nasty**

A UK short drama in the vein of 80s VHS horror films. It's 1982. Twelve-year old Doug is drawn into the lurid world of VHS horror as he explores the mysterious disappearance of his father. Some blood, some violence. Recommended cert 15

### **No Future**

Amsterdam in the early 80s, plagued with unemployment the No Future generation tries to maintain a life in a city that seems to crumble under their feet. Some strong language, reference to drugs, moderate violence. Recommended cert 15

### **O, Brazen Age**

Part coming-of-age story, part art-cinema meditation on photography, memory, and souvenirs, O, Brazen Age creates a tender and haunting portrait of friendship and faith in the 21st century. The film follows a group of Toronto artists in their twenties on a search for new mythologies, invoking a cinematic landscape where classical literature collides with new wave aesthetics and 90's pastiche. Some strong language, some violence. Recommended cert 15

### **Oh Hi**

A hilarious 3 minute short. Sarah wakes up in bed with Alice and a terrible hangover. Some strong language. Recommended cert 12A

### **Qupid**

Kidnapped victim Roo must escape a wannabe Cupid before she is injected with an untested love serum. Some strong language, some violence. Recommended cert 15

### **Soap**

Yuchan is a country boy visiting his older brother Kensuke's home in Tokyo. While Kensuke is away at work, Yuchan builds a relationship with housewife Hana and begins to suspect that their marriage is not as happy as she would like him to believe. Yuchan's growing attraction towards Hana threatens to further complicate matters. Some strong language, references to sex. Recommended cert 15

### **Split Costs**

Two young women from disparate backgrounds share a ride to western Massachusetts in this award-winning story of unexpected friends navigating life's bumpy roads and moving forward with hope. Some language and references to drugs, some mild violence. Recommended cert 15

### **Sweet Girls**

A funny and heart-warming Swiss feature. Elodie and Marie struggling to find an apartment, come up to an extreme solution to solve the housing crisis: Kick out the "old people" who are responsible, to their eyes, for the current social imbalance. Then, fill the apartments with teenagers that will work together as a community looking for a better independent life. Some strong language, minor references to drugs. Recommended cert 15

### **Tapes From The Revolutionary**

What is it like to see the world through someone else's eyes? Filmmaker, Scott Willis discovers Andy, a self-proclaimed communist revolutionary that documents his life on a Hi-8 camcorder. Aiming to understand the purpose behind the tapes Willis picks up his camera, however Andy has his own agenda for the project. Tapes from The Revolutionary is a humorous unconventional documentary that turns the lens on itself and examines the filmmaking process. Recommended cert PG

### **The Art Bastard Show**

The Art Bastard Show is a mockumentary that follows three clashing Bristol artists and a curator who attempts to unite them as they fail to stage the biggest exhibition of their careers. The artists are conceptual titan Toby Glass, vegan taxidermist Lily Rose and the feminist street artist 'Vaj'. Together they demonstrate the diversity, versatility and vulnerability of Bristol's cutting edge art scene. Some strong language, references to nudity. Recommended cert 15

### **The Backseat**

"The Backseat" tells the story of a lonely but upbeat girl named Shelby who rides the local buses in an attempt to keep warm and find meaningful connections with her fellow passengers - in a world that all too often looks the other way. The film is a sensitive look at those in the community who are vulnerable and marginalised. It points out that their lives, like those of all of us, are essentially the result of many factors beyond our control rather than any personal action. Some strong language. Recommended cert 15

### **The Burrow**

A French student short. Odile lives alone. Afraid that someone might enter her flat when she's not at home, she enters a video surveillance on-line community, in the hope that users will keep an eye on her apartment and inform her in case of unexpected intrusion. Some strong language. Recommended cert 15

### **The Desire of Seeing In The Dark**

An artistic, experimental film about a failed attempt to escape from mental captivity. No contentious material. Recommended cert PG

### **The Hole**

A South Korean black and white animated short. A frightened man encounters a monster in the darkness. He tries to escape from the inscrutable space, but he inexplicably comes back again and again. Each time he returns, one by one, things begin to disappear. Finally, only the monster and the man are left. And then... nobody knows who ate who. No contentious material Recommended cert PG

### **The Hollywood Shorties**

A documentary on the birth of organized sports in the American dwarf community. Beginning in the 1950s and rising to prominence in the 1980s, the Hollywood Shorties were a basketball team, the first of their kind and unique in the history of dwarf athletics. Some minor language. Recommended cert 15

### **The Red Umbrella Diaries**

An award-winning documentary-style feature. Seven sex workers from different backgrounds come together to share their stories live on stage in New York City on one very special night. Some strong language with references to sex. Recommended cert 18

### **The Truants**

Two teenagers break free from school to embark on a dangerous adventure, as they truant their way across the threatening industrial landscape which surrounds them. Some strong language. Some violence. Recommended cert 15

### **Three Minute Warning**

In Palestine, a 14 year old girl called Mariam cares for her disabled mother. One night, an Israeli "knock-on-roof" bomb is dropped onto their building allowing them only three minutes to escape before it is demolished. This emotional 11 minute drama depicts the reality of civilians in Gaza, Palestine. Mild threat. Recommended cert 12A

### **Undertaker**

A 2 minute short about a mortician dealing with loss. Recommended cert PG

**X-Film**

An abstract, experimental film featuring a boat race with a poetry recital. "The sound and fury skin, flaps like a flag under the flow of assaults!" Poem has references to sex.  
Recommended cert 15

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Report author: Miss Janice Archibald  
0113 378 5029

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## Report of the Head of Elections, Licensing and Registration

### Report to the Licensing Sub Committee

Date: 27th September 2016

Subject: Application to vary a premises licence held by The Cheerful Chilli Barn  
East Chevin Road, Otley, LS21 3DD

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:		

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### Summary of main issues

This is an application to vary a premises licence, made by Mr Richard John Reeve, for The Cheerful Chilli Barn East Chevin Road, Otley, LS21 3DD.

A full description of the variation can be seen at 3.2 of this report.

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

The application has attracted representations from other persons and responsible authorities.

## **1 Purpose of this report**

- 1.1 To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") to vary a premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

## **2 History of premises**

- 2.1 In March 2007, an application for a premises licence was submitted for these premises. No objections were received to the application, therefore it was granted as requested.
- 2.2 In April 2015, an application for transfer of the premises licence was submitted into the name of Mr Richard Reeve, this too was granted, there being no objections received.
- 2.3 On the 1st of July 2016, an application for a minor variation was submitted. This application was cancelled, due to the applicant wishing to include a temporary marquee to the building.
- 2.4 On the 4th July 2016 an enforcement officer visited the premises to check a notice for the minor variation. He was aware that there may be issues as the council's Environmental Protection Team (EP Team) had received a noise complaint originating from a marquee adjoining the building. Before visiting, the officer had checked both the premises plan and the plan attached to the marriage approval and neither showed a licensed outside area.
- 2.5 The officer asked the DPS/PLH, Richard Reeve about the marquee and the weddings taking place at the venue. Mr Reeve confirmed that marquees were used occasionally and they had received complaints from neighbours and EP Team. He admitted that on that occasion a band had set up in the marquee. Mr Reeve denied that a Marriage Act Service had taken place inside the marquee, that it had only been used as a larger hospitality area.
- 2.6 The enforcement officer pointed out the issues regarding the plans and recommended that they amended the application to show the area for occasional use. He also advised Mr Reeve to consult with the EP Team prior to submitting any further variation.
- 2.7 Following the enforcement officer visit, Mr Reeve contacted Entertainment Licensing to submit a new minor variation to include the outside area.
- 2.8 On the 6th July 2016, the minor variation application was submitted. This application received an objection from the EP Team and the application was rejected. Enforcement have not received any further complaints.

2.9 A copy of the existing licence is attached at Appendix A.

### **3 The application**

3.1 The applicant is Mr Richard John Reeve.

3.2 Briefly the application is to:

- Add off sales of alcohol to the premises licence and remove condition 11 which reads 'open bottles and glassware is restricted to dining areas'. Storeroom for alcohol kept locked during opening hours.
- Also to remove condition 15 of the premises licence which reads 'bottles will not be placed in any external receptacle after 23:00 and 07:00 hours to minimise noise disturbance to neighbouring properties'.
- To amend condition 14 of the premises licence which reads 'noise levels should be monitored to ensure live or recorded music is not audible at nearest noise sensitive premises (Springfield Farm)' to read 'noise levels will be monitored to ensure live or recorded music does not cause a public or statutory nuisance at noise sensitive premises'.

3.3 To add the following conditions in relation to the prevention of public nuisance:

- The PLH/DPS will ensure patrons use external areas in a manner which does not cause disturbance to nearby residents and businesses in the vicinity.
- The activities of persons using the external areas will be monitored and they will be reminded to have regard to the needs of local residents and to refrain from shouting and anti-social behavior etc when necessary.
- When regulated entertainment is provided, all doors and windows will be closed with the exception of access and egress to and from the premises.

### **4 The operating schedule**

4.1 The applicant considers that the existing measures are sufficient to promote the licensing objectives, together with the additional conditions above, relating to public nuisance.

### **5 Location**

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

### **6 Representations**

6.1 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.

## Representations from Responsible Authorities

- 6.2 Representations have been received from Environmental Protection Team in their capacity as a responsible authority. A copy of the representation may be found at Appendix C.

## Other representations

- 6.3 The application has attracted representations from members of the public (described as 'other persons' in the legislation).
- 6.4 Entertainment Licensing is in receipt of two individual letters of objection, both of which are opposed to this application on the grounds of public nuisance.
- 6.5 In order to protect personal data, redacted copies of the representations are attached at Appendix D. Unredacted copies will be available at the hearing for Members consideration.

## **7 Equality and diversity implications**

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

## **8 Options available to Members**

- 8.1 The licensing subcommittee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- Grant the variation as requested.
  - Grant the variation whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
  - Exclude any licensable activities to which the application relates.
  - Reject the whole or part of the application.
- 8.2 Members of the licensing subcommittee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

## **9 Background papers**

- Guidance issued under s182 Licensing Act 2003
- Statement of Licensing Policy



## Details of premises licence

**For: The Cheerful Chilli Barn**

This document provides details of the premises licence issued to the stated premises and is not a licence itself.

**Licence number:** PREM/03458/003

**Premises the licence relates to:** The Cheerful Chilli Barn, East Chevin Road, Otley, LS21 3DD

**Date licence first effective:** 25th April 2014

**Date current version effective from:** May 12, 2015

### Licensable activities authorised by the licence:

Sale by retail of alcohol Every Day	11:00 - 23:00
Performance of live music Every Day	11:00 - 23:00
Performance of recorded music Every Day	11:00 - 23:00

### Opening hours of the premises:

Everyday	11:00 - 23:30
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### Premises licence holder(s):

**Mr Richard John Reeve, 131 Bolling Road, Ilkley, LS29 8PN**

### Designated premises supervisor:

Mr Richard Reeve

### Access to the premises by children

Access to the premises by children is unrestricted

## 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**

### **Additional details in respect of licensable activities authorised by this licence**

#### Performance of live music

Location of activity:	Indoors
Further details:	Live music appropriate to private functions such as wedding receptions for dancing and general entertainment and as background music for dining to provide atmosphere.

#### Performance of recorded music

Location of activity:	Indoors
Further details:	Recorded music appropriate to private functions such as wedding receptions for dancing and general entertainment and as background music for dining to provide atmosphere
Concerns in respect of children:	None

### **Conditions consistent with the operating schedule relating to the licensing objectives**

#### **The prevention of crime and disorder**

9. Adopt and train staff in Challenge 21 proof of age scheme: staff will ask for and check proof of age from anyone appearing under 21 years of age.
10. The designated premises supervisor will generally be on the premises and will keep a register of who is in charge at all times with all contact details.

#### **Public safety**

11. Open bottles and glassware is restricted to dining areas. Storeroom for alcohol kept locked during opening hours.
12. Checks made before and during opening hours to ensure emergency access.

#### **The prevention of public nuisance**

13. Phone numbers for taxis on display and phone made available or staff will call for taxis as required.
14. Noise levels will be monitored to ensure live or recorded music does not cause a public or statutory nuisance at noise sensitive premises.
15. Bottles will not be placed in any external receptacle after 23:00 hours and 07:00 hours to minimise noise disturbance to neighbouring properties.



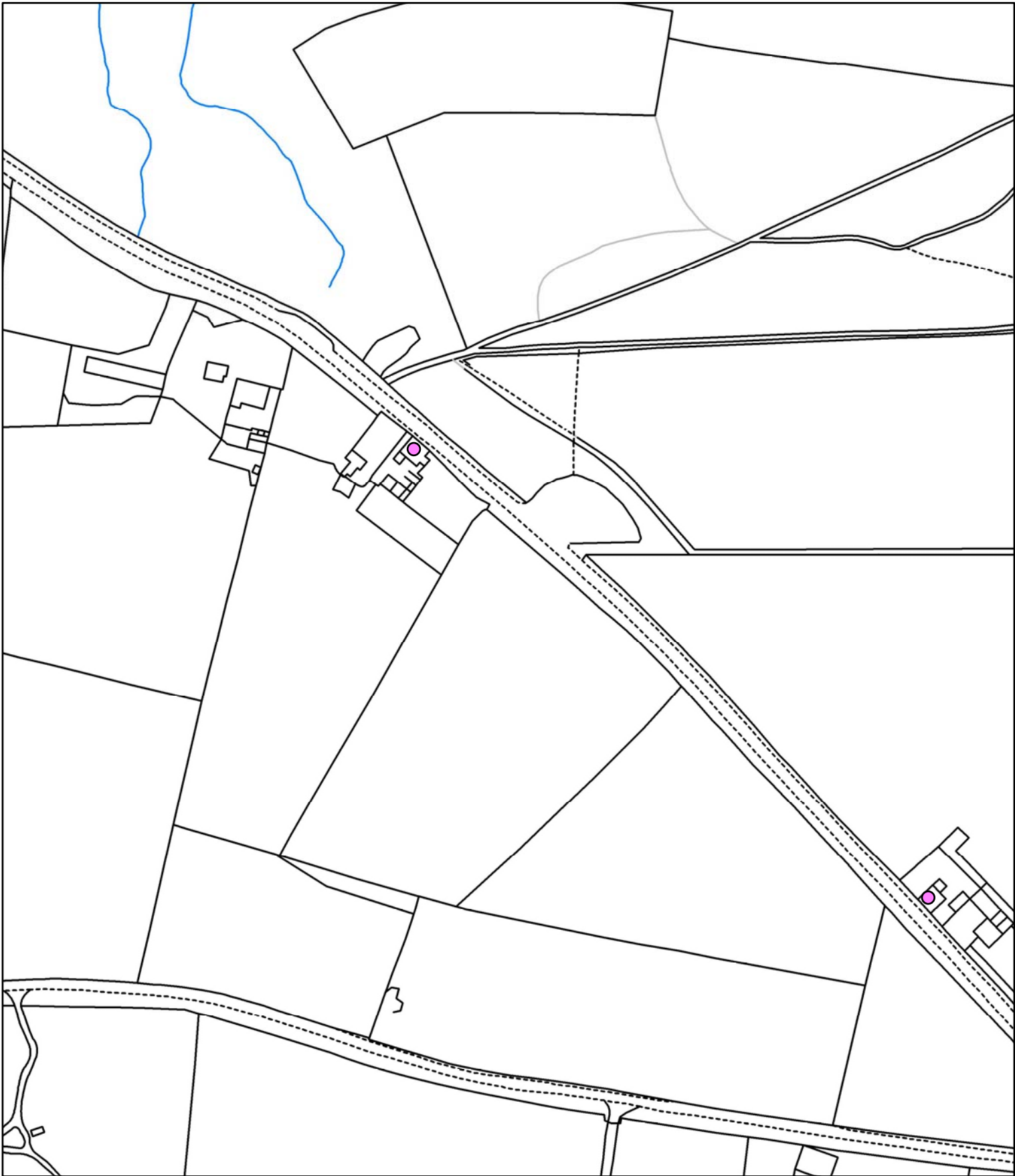
### **Protection of children from harm**

16. 16 and 17 year olds to only be served beer, wine or cider if they are eating a table meal with an adult (over 18) who is paying for it.
17. Nothing to be on display that might harm/offend children.

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

None

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





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

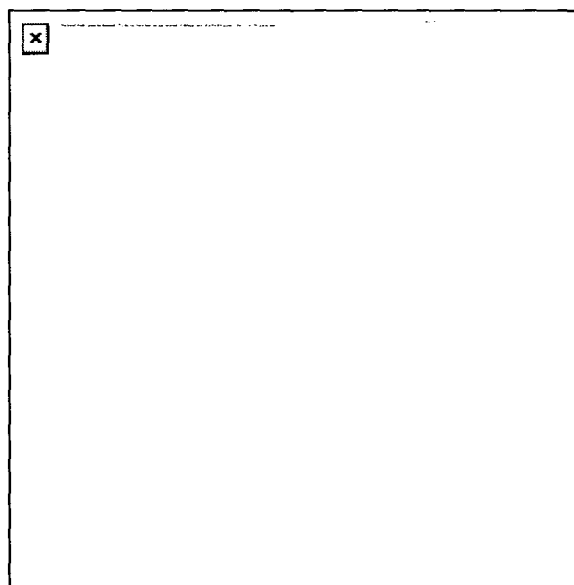
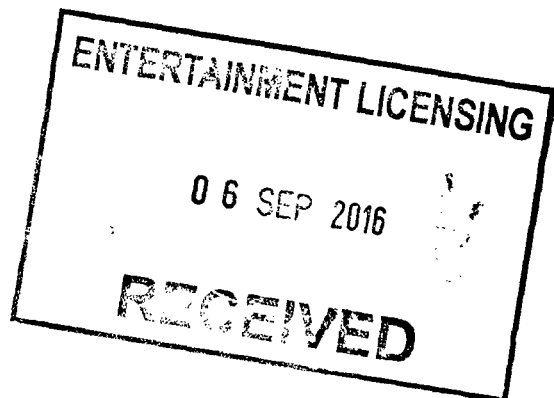
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**Key**

 On licence	 Late night refreshment
 Off licence	 Other

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Woods Whur 2014 Limited  
Devonshire House  
38 York Place  
Leeds  
LS1 2ED

Environmental Protection Team  
Leeds City Council  
Millshaw Park Way  
Leeds  
LS11 0LS

Contact: Mr. Mudhar  
Telephone: 0113 3786591

Our reference: PREM/03458/005  
Date: 6 September 2016

Dear Sir

**Licensing Act 2003**

**Name and Address of Premises: The Cheerful Chilli Barn East Chevin Road, Otley, LS21 3DD**

**Letter of Representation – Full Objection**

The application premises are situated in a rural location on the outskirts of Otley. The nearest noise sensitive property (Springfield House Farm) is situated some 65 metres from the application premises together with some other isolated farm houses in the area. A map which identifies the location of these premises is attached at **Appendix 1**.

The licensed premises comprise a café / restaurant, a barn building which is used for hosting more than 40 weddings parties annually. More recently the applicant has also erected a marquee on the grounds of the premises for hosting wedding parties.

**The current situation**

The applicant is currently using the barn for wedding parties as it is licensed for the sale of alcohol and to permit other licensable activities such as recorded music and the live music

until 23:00 hours. In order to prevent noise issues arising from the barn the following licensing condition has been attached to the existing premises licence:

***“Noise levels will be monitored to ensure live or recorded music is not audible at the noise sensitive premises (Springfield Farm)”***

I understand that in order to accommodate more customers and to alleviate over crowding in the barn, the applicant has also been hosting events in the marquee (in addition to the barn) which are held under the Temporary Events Notice for the sale of alcohol until 23:00 hours. An officer from the Environmental Protection Team is currently dealing with the noise nuisance complaint made by the occupiers of the nearby farm house. The complaint refers to regulated entertainment noise emanating from the barn, raised voices escaping from the marquee and the patrons using the external areas for smoking.

### **The proposal**

The applicant is now seeking to vary the existing premises licence so that the marquee can be used to sell alcohol till 23:00 hours. Due to the deregulation of the licensing legislation, the applicant does not need a licence to play amplified music (recorded and live music) in the marquee till 23:00 hours.

In order to prevent any noise disturbance to the nearby residents, the applicant has offered the following conditions to be added to their premises licence:

1. The PLH/DPS will ensure patrons use external areas in a manner which does not cause disturbance to nearby residents and businesses in the vicinity.
2. The activities of persons using the external areas will be monitored and they will be reminded to have regard to the needs of local residents and to refrain from shouting and anti-social behaviour etc when necessary.
3. When regulated entertainment is provided, all doors and windows will be closed with the exception of access and egress to and from the premises.

The applicant is also requesting to amend the above-mentioned licensing condition (as highlighted above) to:

***“Noise levels will be monitored to ensure live or recorded music does not cause a Public or statutory nuisance at noise sensitive premises”***

### **Environmental Health Concerns.**

The Environmental Protection Team is already investigating the noise nuisance complaints (amplified music and patrons voices) made by the occupiers of the nearby farm house. It is envisaged that should this application be granted, the activities on site will intensify by way of increased number of patrons using the external areas for smoking purposes. The nearby residents will have their bedroom windows open for ventilation purposes especially during the summer months.

In addition to the amplified music already being provided in the barn, amplified music will also be played in the marquee. There is also the potential for other amplified sounds (wedding speeches / PA system and DJ's voices) emanating from the marquee. Unlike permanent buildings / structures, the marquee does not exhibit

reduction properties.

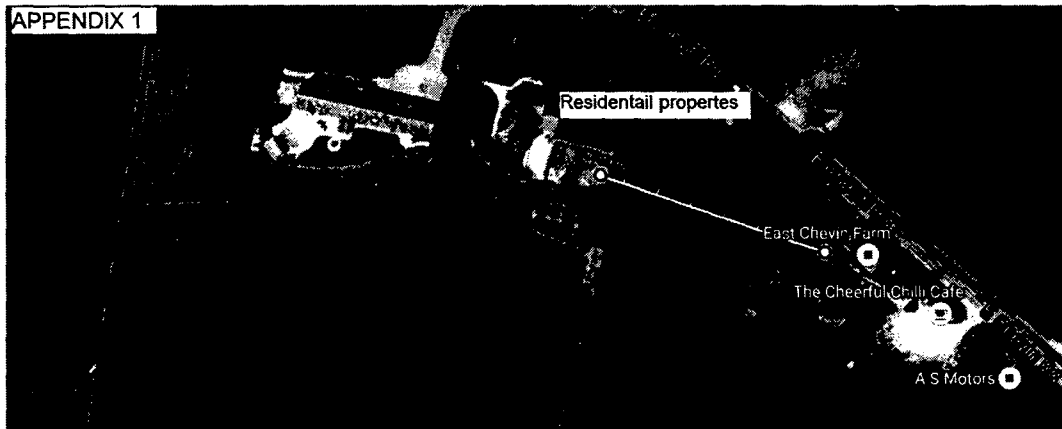
As the guests attending the same wedding party will be divided and segregated between the two venues (the barn and the marquee) the guests are more likely to move to and fro from one venue to the other thus increasing the tendency of the doors being left open when the entertainment is in progress.

In view of these concerns, Leeds City Council's Health and Environmental Action Service fully objects to this application being granted as it could cause noise nuisance to neighbouring noise sensitive properties thus undermining the prevention of public nuisance objective of the Licensing Act 2003.

Yours faithfully

A solid black rectangular box used to redact the signature of Gurdip Mudhar.

Gurdip Mudhar  
Environmental Health Officer





**From:** Julie Fuller [REDACTED]  
**Sent:** 06 September 2016 12:38  
**To:** Entertainment Licensing  
**Subject:** ref prem 3458/005

Your ref PW/AH/CHI003-1-2/2/623

I am writing to object to an application of variation of the above premises on ground of noise disturbance.

I live at the nearest noise sensitive premises [REDACTED] and we have been disturbed numerous times with the noise of live amplified music as well as the noise that a large amount of people make when drinking and socialising through the afternoon and long into the night, and we have made our complaints to Leeds City Council.

On their existing license there is an existing clause (article14) that clearly states that no amplified music should be heard at the nearest noise sensitive premises Springfield Farm, we would like this original condition kept as is and indeed would question whether the licence is appropriate in this residential location.

Kind regards

Julie Fuller  
[REDACTED]



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**Entertainment Licensing**

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**From:** Sandra Stubbs <[REDACTED]>  
**Sent:** 06 September 2016 14:46  
**To:** Entertainment Licensing  
**Subject:** ref prem 3458/005

Your ref PW/AH/CHI1003-1-2/2/623

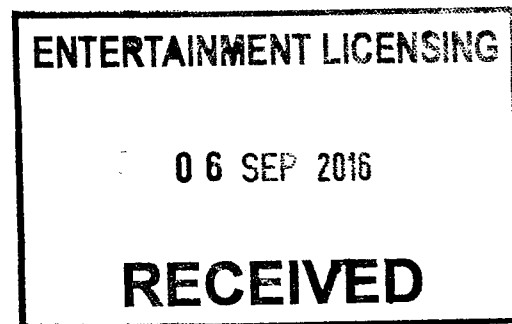
With regard to the amendment to condition 14 on the original licence we would like to object on the grounds of undue noise most week-ends.

If we had been made aware that this cafe was going to be a Wedding Venue with large marquees and outdoor entertainment in such close proximity to private houses, we would certainly have objected to Leeds City Council.

Unfortunately no public notices have ever been displayed or seen by ourselves.

Kind regards

Sandra and Norman Stubbs  
[REDACTED]



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<b>Report Author: Mr Matthew Nelson</b>
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<b>0113 378 5029</b>
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**Report of the Head of Elections, Licensing and Registration**

**Report to the Licensing Sub Committee**

**Date: Tuesday 27th September 2016**

**Subject: Application to Vary a Premises Licence held by Space, 10 - 20 Duncan Street, Leeds, LS1 6DL**

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 is an application to vary a premises licence made by In The Pink Limited for Space, 10 - 20 Duncan Street, Leeds, LS1 6DL.

This application is made to seek approval to include the ground and first floor within the licensed area and create a new entrance on the ground floor. Also proposed are alterations to the basement level which comprise of an extension of toilets and a new entrance area. A copy of the proposed plan will be available for viewing at the hearing.

The application also proposes to remove conditions that fall under Embedded Restrictions along with further measures under 'The Prevention of Crime and Disorder'. Each specific condition to be removed is detailed in the variation application at Appendix B of this report.

It should be noted that these premises reside within the 'Red Zone' of the Leeds City Centre Cumulative Impact Area.

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

Representations opposing this application in its entirety have been received from West Yorkshire Police and the Licensing Authority.

## **Purpose of this report**

- 1.1 To advise Members of an application made under Section 34 of the Licensing Act 2003 ("the Act") to vary a premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

## **2 History of premises**

- 2.1 The premises are currently licensed under the Licensing Act 2003 for the sale by retail of alcohol, live music, recorded music and entertainment of a similar description to live music, recorded music and dance.
- 2.2 The permitted hours for the above activities are shown in a copy of the premises licence details attached at Appendix A of this report.

## **3 The application**

- 3.1 The applicant is In The Pink Limited.
- 3.2 Briefly the application is to:
  - Vary the layout of the premises in accordance with the plans submitted with the application. These will be available for Members to view at the hearing;
  - Remove conditions listed under Embedded Restrictions of the premises licence; and
  - Remove conditions from Annex 2 of the premises licence which fall under 'The Prevention of Crime and Disorder'.
- 3.3 Members attention is drawn towards a copy of the proposed operating schedule/variation details at appendix B.

## **4 The operating schedule**

- 4.1 The applicant considers that the existing measures are sufficient to promote the licensing objectives and no further measures are necessary.

## **5 Location**

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

## **6 Representations**

- 6.1 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.

## Representations from Responsible Authorities

- 6.2 Representations have been received from West Yorkshire Police and the Licensing Authority in their capacity as a responsible authority.
- 6.3 The representation submitted by West Yorkshire Police expresses concerns over how the premises will manage the capacity figures for the venue given the proposed two separate entrances on two separate streets, the likelihood of the new licensed area operating as a stand-alone venue and the perception that a new club/late night bar has opened in the red area of the Cumulative Impact Area.
- This representation remains as a matter for Members consideration and a copy can be found at Appendix D.
- 6.4 The representation made by the Licensing Authority expresses similar concerns as above due to the severity of the problems already being experienced in the area. A copy of the representation can be viewed at Appendix E.

## Other representations

- 6.4 There are no other representations.

## **7 Cumulative Impact Policy**

- 7.1 The premises are located within the 'Red Zone' of the Leeds City Council Cumulative Impact Area.
- 7.2 Cumulative impact means the potential impact on the promotion of the licensing objectives due to significant number of licensed premises concentrated in one area.
- 7.3 An applicant wishing to vary a licence for premises which fall within any of the cumulative impact areas must identify, through their operating schedule, the steps they intend to take so that the council and responsible authorities can be satisfied that granting this variation would not add to the impact already being experienced.
- 7.4 Details of the cumulative impact policy specific to this area and an outline of the evidence behind the reason for setting this policy is attached at Appendix E.
- 7.5 Members are directed to paragraphs 7.51 to 7.54 of the Statement of Licensing Policy which provides examples of how an application may be considered exceptional and the matters that the council would not normally take into consideration.

## **8 Equality and diversity implications**

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

## **9 Options available to Members**

9.1 The licensing subcommittee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the variation as requested.
- Grant the variation whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Reject the whole or part of the application.

9.2 Members of the licensing subcommittee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

## **10 Background papers**

- Guidance issued under s182 Licensing Act 2003
- Statement of Licensing Policy



# Details of premises licence

For: Space



This document provides details of the premises licence issued to the stated premises and is not a licence itself.

**Licence number:** PREM/00731/003

**Premises the licence relates to:** Space, New Nightclub, 10 - 20 Duncan Street, Leeds, LS1 6DL

**Date licence first effective:** 24th November 2015

**Date current version effective from:** 3rd July 2015

## Licensable activities authorised by the licence:

Sale by retail of alcohol  
Every Day 11:00 - 06:00

Performance of live music  
Every Day 11:00 - 06:00

Performance of recorded music  
Every Day 11:00 - 06:30

Entertainment similar to live music, recorded music or dance  
Every Day 11:00 - 06:00

## Opening hours of the premises:

Everyday 11:00 - 06:30

## Premises licence holder(s):

In The Pink Limited, Axis, 62 Foxbridge Way, Normanton Industrial Estate, Normanton, WF6 1TN

## Designated premises supervisor:

Mr James Clark

## Access to the premises by children

Access to the premises by children is unrestricted

## 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.

#### **Embedded Restrictions**

8. The permitted hours shall commence:-

On days other than Sundays, Christmas Day at 10 am.

On Sundays and Christmas Day at noon.

9. Subject to the following paragraphs, the permitted hours on weekdays shall extend until two o'clock the following morning, except that -

- a. the permitted hours shall end at midnight on any day on which music and dancing is not provided after midnight; and
- b. on any day that music and dancing end between midnight and two o'clock in the morning the permitted hours shall end when the music and dancing end.

10. In relation to the morning on which summer time begins, paragraph (2) of this condition shall have effect with the substitution of references to three o'clock in the morning for references to two o'clock in the morning or an hour following the hour actually specified in the certificate where the certificate currently requires closure between 1 am and 2 am.

11. Except as provided below, the permitted hours on Sunday shall extend until thirty minutes past midnight on the following morning except that -

- a. the permitted hours shall end at midnight on any Sunday on which music and dancing is not provided after midnight;
- b. where music and dancing end between midnight on any Sunday and thirty minutes past midnight, the permitted hours on that Sunday shall end when the music and dancing end.

12. On Sundays immediately before bank holidays other than Easter Sunday, the permitted hours shall extend until 2 am the following morning except that -
  - a. the permitted hours shall end at midnight on any Sunday on which the music or dancing is not provided after midnight;
  - b. where music and dancing end between midnight on any Sunday and 2 am, the permitted hours on that Sunday shall end when the music and dancing end.
13. On New Year's Eve, the permitted hours shall extend through 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, to midnight on 31st December).
14. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
15. The above restrictions do not prohibit:
16. The consumption of alcohol on the premises during the first twenty minutes after the above hours.
17. The taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel), during the first twenty minutes after above hours.
18. 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.
19. Consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises.
20. The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered.
21. The sale of alcohol to a trader or club for the purposes of the trade or club.
22. 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.
23. The taking of alcohol from the premises by a person residing there; or
24. 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.
25. 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.
26. Where the number of children attending the entertainment exceeds 100, the licensee shall ensure that the provisions of Section 12 of the Children and Young Persons Act 1933 are complied with.
27. Throughout all parts of these conditions the phrase `Licensing Authority' means the Leeds City Council.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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.
33. 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.
34. The person in charge shall be conversant with all licence conditions.
35. 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.
36. The maximum number of persons allowed in the stated areas whilst the Licence is in force is:
- 490
37. 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.
38. The Licensee shall ensure that staff are familiar with the maximum capacity of the premises.
39. 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.
40. 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.

41. 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.
42. 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.
43. 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.
44. All exits, passages, landings and stairways shall be kept free from obstruction at all times when the premises are used for licensed purposes.
45. 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.
46. 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.
47. 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.
48. 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.
49. 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.
50. 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.
51. 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".
52. Where curtains are provided across an exit doorway they shall be divided at the centre and shall not trail the floor.
53. 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.
54. The closing of collapsible gates or shutters across exit openings shall be prohibited whilst the public are in the premises.

55. 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.
56. Fire appliances shall be affixed to wall brackets to the satisfaction of the Fire Authority, and available for instant use at all times.
57. Fire extinguishers should be regularly examined, tested and maintained in accordance with the current British Standard to the satisfaction of the Fire Authority.
58. 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.
59. 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.
60. 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.
61. 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.
62. All fire doors shall be maintained self-closing and shall not be secured in an open position.
63. A system for automatically cutting off the sound system which is linked to the sounding of the fire alarm shall be provided.
64. 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.
65. Plastic decorations are not acceptable.
66. 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.
67. Flues from kitchens and serveries and over grills and all ventilating shafts shall be maintained in a clean condition.
68. 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.
69. Where any open fireplaces, high temperature heating appliances or naked flames are used they shall be adequately protected by a suitable guard.
70. 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.
71. Explosives, inflammable liquids or high inflammable articles shall not be brought into or used within any portion of the licensed premises.
72. 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.

73. 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.
74. 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.
75. 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.
76. 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.
77. 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.
78. The safety lighting shall be provided from a source other than that of the general lighting.
79. All notices and exit indications shall be illuminated by both general and safety lighting.
80. 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.
81. 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.
82. 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.
83. 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.
84. 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.
85. 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.
86. 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.
87. 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.



- b) Each individual socket-outlet shall be protected by an integral residual current device having a rated residual operating current not exceeding 30mA.
88. 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.
89. 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.
90. The inspection shall include ALL electrical appliances and fire alarm and emergency lighting systems.
91. 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.
92. Suitable and sufficient sanitary accommodation must be provided and maintained to the satisfaction of the Chief Environmental Health Officer.
93. 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.
94. Any seating in the licensed premises shall be so arranged as to allow free access to all exits there from.
95. 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.
96. Seating in invalid chairs other than engine driven chairs will be permitted subject to any condition imposed by the Licensing and Fire Authority.
97. Means of access, egress and emergency egress shall be provided and maintained in accordance with any recommendations of the Licensing and Fire Authority.
98. 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.
99. 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
100. 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

101. The licensee shall maintain an Incident Report Register within which staff must record any incident which has occurred on the premises.
102. 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.
103. Incident Report Registers shall be produced for immediate inspection on request by any Official of the Licensing or Police Authority.
104. The premises must be effectively ventilated when the public are present. Any mechanical ventilation system must be properly maintained.
105. Drinking water provision must be clearly available, free of charge, at all times whilst the Entertainment Licence is operative.
106. This facility must be kept in a clean condition.
107. 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.
108. 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.
109. Licensees are reminded that unauthorised flyposting is an offence under the Town & Country Planning Act 1990, as amended, Section 224.
110. 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.
111. 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.
112. 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.
113. Door Staff Daily Record Register
- 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.
114. 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.
115. Daily Record Registers shall be produced for immediate inspection on request by any official of the SIA, Police or Licensing Authority.
116. Licence holders must have a written search policy for those entering the premises.  
All members of staff must be acquainted with this policy.
117. Sufficient number of staff of both sexes shall be on duty to undertake any searches of the public.
118. 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.
119. 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.
120. 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.
121. 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.
122. A suitable CCTV system operated in accordance with guidelines from the West Yorkshire Police shall be provided.
123. 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**

Performance of live music

Location of activity: Indoors

Performance of recorded music

Location of activity: Indoors

Further details: Amplified Music

Entertainment similar to live music, recorded music or dance

Location of activity: Indoors

Description of entertainment: Amplified music

Further details: DJ

## Conditions consistent with the operating schedule relating to the licensing objectives

### The prevention of crime and disorder

124. The venue will permit entry of the paying general public only up until 04:30 am. Non-paying guests such as VIP's guest list and industry staff will be permitted subject to the usual rights to reserve admission until 06:00am.
125. The venue will stop serving alcohol at 06:00 am and have a cooling off period to 06:30 am at which time the venue will close for business.
126. Changing the music to a relaxed mood, only where the theme is generally loud or high impact dance music.
127. Occasional public address or overt advertisement encouraging the sale of soft drinks and water.
128. Promote transport options (by advertising taxi numbers and having signs which allow the public to book taxis at reception), agree protocols and call priorities with local taxi firms and ensure transport options are suitably advertised at the venue and staff are aware.
129. A suitable CCTV system will be maintained and be operational on the premises at all times when licensed activities are being carried out.
130. 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.
131. Changes to the siting and standard of CCTV systems may only be made with the written consent of West Yorkshire Police.
132. Security footage will be made secure and retained for a period of time to the satisfaction of WYP.
133. Security footage will be made secure and retained for a period of time to the satisfaction of WYP.
134. 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.
135. 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 of an authorised officer.
136. The minimum number of door supervisors for the premises is usually two.
137. The licensee will ensure that a Daily Record Register is maintained on the premises by the door staff.
138. Security staff/designated supervisors will be familiar with the premises policy concerning the admission, exclusion and safeguarding of customers whilst in the premises.
139. 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 (verified by the individual's signature).
140. 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.
141. The Daily Record Register will be retained for a period of twelve months from the date of the last entry.

142. 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 numbers of any police officers attending, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident.
143. The Incident Report Register will be produced for inspection immediately on the request of an authorised officer.
144. A policy for searching patrons at the entrance to premises will be adopted.
145. The licensee will inform West Yorkshire Police of any search resulting in a seizure of drugs or offensive weapons.
146. 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.
147. 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.
148. The premises will be linked to West Yorkshire Police (and other venues in the Leeds area/scheme) by means of Nitenet.
149. Such communication link will be kept in working order at all times.
150. 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.
151. Any police instructions or directions given via the link will be complied with whenever given.
152. All incidents of crime or disorder will be reported via the link to an agreed contact point.
153. The licensee will adopt a proof of age scheme which is approved by WYP and West Yorkshire Trading Standards (WYTS).
154. The licensee's 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.
155. 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 not accessible to the customers.
156. The licensee will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises.
157. Plastic or toughened glasses/bottles will be used when requested by West Yorkshire Police (e.g. football match days).
158. Notices indicating the existence and effect of an Alcohol Designated Public Places Order will be displayed at the exits to the premises.

159. The licensee will belong to a recognised trade body or Pub Watch Scheme, whose aims include the promotion of the licensing objectives.
160. The licensee will ensure that customers who commit acts of anti-social behaviour are removed from the premises if further incidents occur.
161. The licensee will comply with the agreed protocols of the local pubwatch scheme(s) or trade body where unilateral banning orders are implemented.
162. The licensee will operate to a written dispersal policy which ensure 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.
163. 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**

164. 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.
165. 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
166. The licensee will ensure staff are trained on these measures, and all other matters relating to the safety of the public.
167. 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.
168. 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.
169. The licensee will have a 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.
170. All exit doors will be accessible, open easily and exit routes will be maintained.
171. Safety checks, including doors, will be undertaken before opening to the public and a record kept of inspections.
172. 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.
173. 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.
174. All equipment with which the public may have contact, will be maintained, stored and operated in a safe manner.
175. Appropriate maintenance and test records will be kept and be available for inspection by an authorised officer.

176. Empty bottles and glasses will be collected regularly paying particular attention to balcony areas and raised levels.
177. Electrical installations will be inspected on a periodic basis (at least every 5 years) by a suitably qualified and competent person. Inspection records/certificates will be kept. These will be made available at the request of an authorised officer.
178. 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 a safe condition. Records will be kept of these checks. These will be made available at the request of an authorised officer.
179. Temporary electrical wiring and distributions will be inspected by a suitably qualified and competent person before they are put into use. An inspection record/certificate will be retained for inspection by an authorised officer.
180. 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.
181. The licensee will maintain a fire alarm system with automatic heat and smoke detectors. The systems requirements, testing and operation will be to the satisfaction of WYFRS.
182. The positioning of the electrical fire alarm system, smoke and heat detectors will be agreed with WYFRS.
183. 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.
184. 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 fire.
185. The licensee will install and maintain electrical emergency lighting. The source of supply for this lighting will be separate from that for the 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. The emergency lighting will illuminate all the provided exit notices.
186. 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.
187. The licensee will provide to the satisfaction of WYFRS, exit sign boxes lit by both primary and emergency lighting. These exit sign 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 location, 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.
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 safety 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 from 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. Safety checks will be recorded and made available for inspection at the request of an authorised officer.
203. A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner.
204. Suitably trained first aid staff will be provided at all times when the premises are open.
205. Adequate and appropriate first aid equipment and materials will be available on the premises.
206. 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.
207. 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.
208. 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.
209. Fireworks or pyrotechnics will not be used without prior written notification to WYFRS.



## The prevention of public nuisance

210. 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 to adjoining properties.
211. Noise will be inaudible at the nearest noise sensitive premises (where entertainment takes place on a regular basis).
212. Noise will be inaudible at the nearest noise sensitive premises between 23:00 hours and 07:00 hours the following day (where entertainment takes place less frequently).
213. There will be no external loudspeakers.
214. Empty bottles will be stored in suitable receptacles immediately outside of the premises prior to collection.
215. Receptacles will be used in a manner to minimise noise disturbance to adjoining properties.
216. Bottles will not be placed in the external receptacle after 23:00 hours to minimise noise disturbance to adjoining properties.
217. Deliveries, collections of refuse and bottles and operational servicing will be carried out to minimise noise disturbance to adjoining premises. Instructions will be provided to drivers requiring them to switch off engines during deliveries, collections and servicing and to minimise other noise caused by their activities. Deliveries will be carried out between 07:00 and 19:00 except where unavoidable.
218. No nuisance will be caused by noise or vibration emanating from the premises from external plant or equipment.
219. 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.
220. If required a noise report will be provided to Environmental Health Services. The premises supervisor will also identify in conjunction with Environmental Health Services any noise sensitive premises in the location.
221. The premises supervisor will liaise with Environmental Health Services and where necessary, install noise limiting devices, electrical cut-outs and door warning devices.
222. The premises supervisor will ensure that lobby doors at the premises are closed at all times except for access and egress to the premises unless required otherwise by WYFRS.
223. The licensee will adopt a 'cooling down' period where music volume is reduced towards the closing time of the premises.
224. The licensee will ensure all lighting in the premises is of a suitable intensity and positioning. All lighting on or at the premises will be operated in a manner which will not cause a nuisance to nearby properties.
225. The premises will be operated in a manner which will prevent unwanted odours causing a nuisance to persons in the immediate area or nearby properties.
226. The premises will operate a suitable ventilation and extraction system. The system will be cleaned and maintained to the manufacturer's instructions to prevent unwanted odours occurring.

- 227. The licensed premises will store and dispose of business waste correctly and legally. The premises supervisor will ensure that the waste is prevented from seeping or spilling from where it is stored.
- 228. The licensee will ensure all materials used to promote or market the premises are displayed lawfully. The licensee will take measures to encourage agents, servants, employees or any party acting on his/her behalf to display promotional materials lawfully. (E.g. by way of contractual agreement).
- 229. The licensee will take reasonable steps to ensure that activities promoting or publicising his/her premises do not cause littering. The licensee will take measures to remove such litter as and when it occurs.
- 230. Registered door staff will be employed and used where queues are likely to form to manage the queues and ensure:
- 231. 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.
- 232. 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.

### **Protection of children from harm**

- 233. People under 18 (including staff) will not be admitted to the premises at any time when entertainment of a sexual or adult nature is being provided.
- 234. Measures will be put in place for ensuring non-admission to persons under 18 years of age when entertainment of an adult nature is taking place, such as door supervision and age checks (including staff).
- 235. The licensee will not display outside the premises, photographs or other images which indicate and suggest that striptease or similar entertainment takes place on the premises.
- 236. Any person on the premises who can be observed from outside the premises, will be properly and decently dressed.
- 237. People under 18 will not be admitted.
- 238. The licensee will adopt a proof of age scheme which is approved by WYP and West Yorkshire Trading Standards.
- 239. The licensee's staff will ask for evidence of age from any person appearing to be under the age of 18 who is attempting to purchase alcohol at the premises.
- 240. 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**

None

**Part 3 - Variation**

Please tick as appropriate

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

 Yes  
No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?  
 (Please see guidance note 1)  Yes  No

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

The proposed variation is to include the Ground Floor and First Floor within the licensed area and creation of new entrance on the ground floor as shown on the plan included with the application. To seek approval of the alterations to the Basement which comprise of the extension of the toilets and a new entrance area.

To remove the following conditions which fall under **Embedded Restrictions** within the premises licence:-

14. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
15. The above restrictions do not prohibit:
16. The consumption of alcohol on the premises during the first twenty minutes after the above hours.
17. The taking of the alcohol from the premises, (unless the alcohol is supplied or take in an open vessel), during the first twenty minutes after above hours.
18. 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.
19. Consumption of alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises.
20. The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered.
21. The sale of alcohol to a trader or club for the purposes of the trade or club.
22. 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.
23. The taking of alcohol from the premises by a person residing there; or
24. 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.
25. 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.

26. Where the number of children attending the entertainment exceeds 100, the licensee shall ensure that the provisions of Section 12 of the Children and Young Persons Act 1933 are complied with.

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

28.

(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 8.00am 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.

29. 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 any 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.

30. 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.

31. 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.

32. 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.

33. 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.

41. 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.

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

65. Plastic decorations are not acceptable.

68. 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.

69. Where any open fireplaces, high temperature heating appliances or naked flames are used they shall be adequately protected by a suitable guard.

70. 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 stand.

71. Explosives, inflammable liquids or high inflammable articles shall not be brought into or used within any portion of the licensed premises.

95. 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.

96. Seating in invalid chairs other than engine driven chairs will be permitted subject to any condition imposed by the Licensing and Fire Authority.

98. 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.

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

106. This facility must be kept in a clean condition.

107. 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.

109. Licensees are reminded that unauthorised flyposting is an offence under the Town and Country Planning Act 1990, as amended, Section 224.

110. 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.

111. 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.

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

To remove the following conditions from **Annex 2** of the Premises which fall under **The Prevention of Crime and Disorder:**

124. The venue will permit entry of the paying general public only up until 04.30am. Non-paying guests such as VIP's guest list and industry staff will be permitted subject to the usual rights to reserve admission until 06.00am.

126. Changing the music to a relaxed mood, only where the theme is generally loud or high impact dance music.

127. Occasional public address or overt advertisement encouraging the sale of soft drinks and water.

128. Promote transport options (by advertising taxi numbers and having signs which allow the public to book taxis at reception), agree protocols and call priorities with local taxi firms and ensure transport options are suitably advertised at the venue and staff are aware.

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:

N/A

Please tick as appropriate

- 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 not enclosed the premises licence or relevant part of premises licence.

## **M**

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 and e) (please read guidance note 9)**

The style and operation of the premises will not change and the conditions attached to the current premises licence will continue to be adhered to.

The capacity of the premises will not change. The conditions on the premises licence referring to capacity are not to be altered. There will be increased and improved facilities with no increase in capacity.

### **b) The prevention of crime and disorder**

Please see a) above.

### **c) Public safety**

Please see a) above.

**d) The prevention of public nuisance**

Please see a) above.

**e) The protection of children from harm**

Please see a) above.

Checklist:


**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- 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.

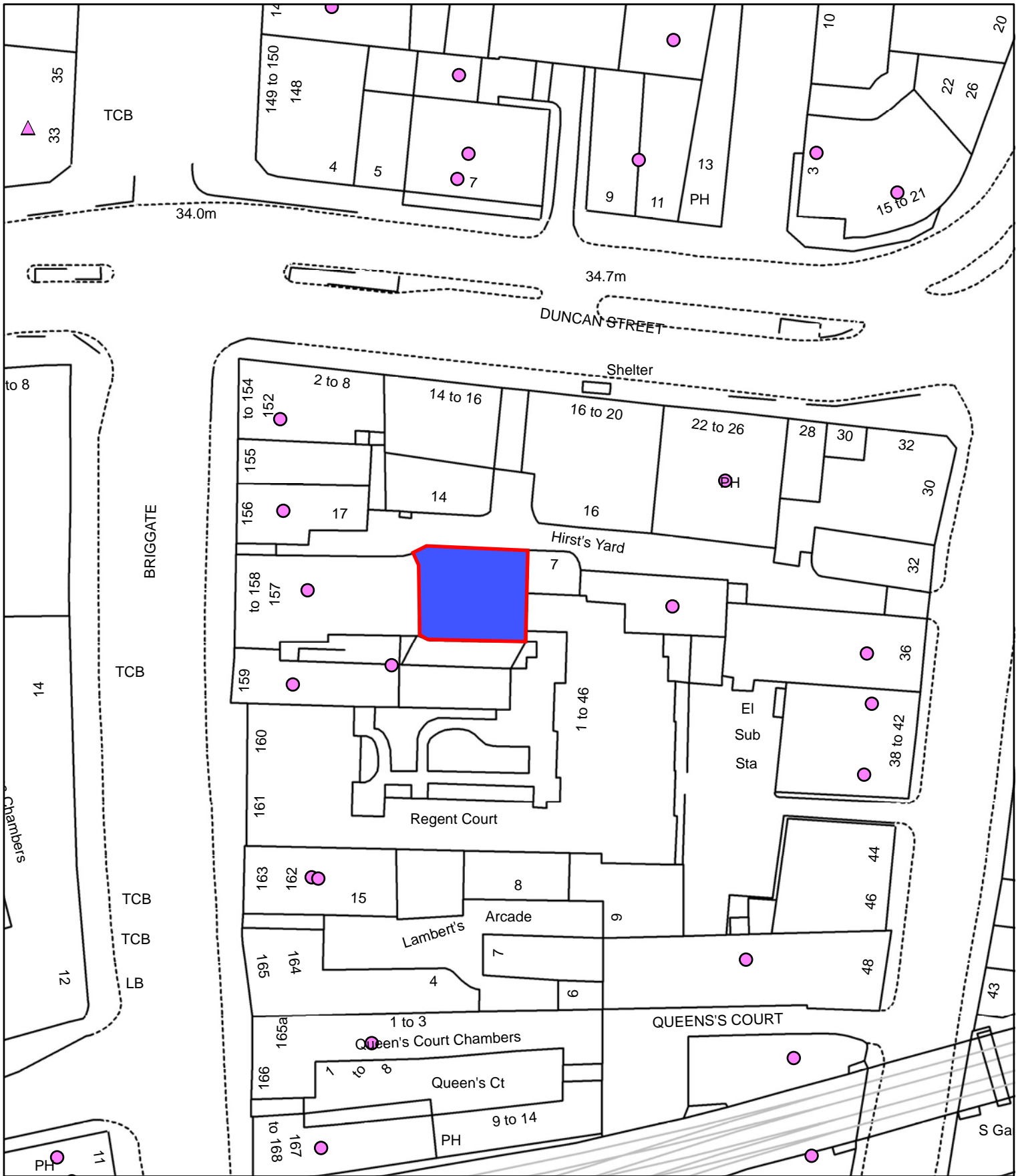
**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**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	
Date	12 August 2016
Capacity	Woods Whur 2014 Limited - Solicitors for the applicant









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Key	
	On licence
	Late night refreshment
	Off licence
	Other

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**NOT PROTECTIVELY MARKED**

Leeds District Licensing Department  
 First Floor  
 Elland Road DHQ  
 Elland Road  
 Leeds  
 LS11 8BU



8<sup>th</sup> September 2016

Paddy Whur  
 Woods Whur 2014 Ltd  
 Devonshire House  
 38, York Place  
 Leeds  
 LS2 2ED

**cc. Entertainment Licensing Section. Leeds City Council, Civic Hall, Leeds. LS1 1UR**

**RE: SPACE, 10-20, DUNCAN STREET, LEEDS, LS1 6DL  
 APPLICATION TO VARY A PREMISES LICENCE – LICENSING ACT 2003:  
POLICE – LETTER OF REPRESENTATION – CUMULATIVE IMPACT POLICY:**

Thank you for submitting your application for the above premises, received at the address above on 12<sup>th</sup> August 2016.

The application relates to premises which fall within one of the areas of Leeds currently subject to a policy of cumulative impact, as detailed in the present Statement of Licensing Policy 2014-2018, issued by Leeds City Council as the licensing authority.

The area concerned in this particular case is **Area 1 Leeds City Centre**.

Therefore, in line with the current statutory guidance issued by the Secretary of State under Section 182 Licensing Act 2003, West Yorkshire Police make representations based on the Cumulative Impact Policy (CIP) of the area concerned and highlighted above, where the licensing objectives and particularly the prevention of crime and disorder and prevention of public nuisance objectives, are being adversely affected.

The proposed premises are located in the current red zone in the cumulative impact area. The Council's policy states:

**NOT PROTECTIVELY MARKED**

## NOT PROTECTIVELY MARKED

7.20 *"The council will seek to refuse all applications in these red areas on the basis that the impact on the licensing objectives are at such a level that the area cannot support any more premises opening or extending their hours no matter how impressive the concept or application is. The council will only grant applications in the red zone in exceptional cases", and*

7.24 *"It is the council's policy, on receipt of relevant representations, to*

- *Refuse new and variation applications in the red area*
- *To seek additional measures for new and variation applications in the amber area*
- *To seek good quality applications for applications in the green area*

7.25 *"This applies to alcohol led premises such as bars, pubs, and nightclubs, and for premises seeking late night refreshment such as takeaways and late opening restaurants".*

This application is to vary the premises licence for Space Nightclub by extending the operation in to a completely different unit with a ground and first floor. If granted, its size would grow considerably – another 2 floors, with a separate entrance on a different street from the existing entrance, which is to remain in situ. Offered in the application is that the capacity for the current venue is to remain the same should the variation be granted - 490. I have visited the proposed new addition to the licence with the operator, and it was described as being for the older Space customer, a VIP area to operate in conjunction with the existing nightclub.

There is also an application to remove certain conditions which West Yorkshire Police do not object to.

Examining the application and the plans deposited with the same, it is quite clear that, without conditions offered to prevent it, the extension could be operated as a 'new', stand-alone' venue when the current club may be closed. Capacity is to remain the same it is said, but there are no conditions offered which satisfy West Yorkshire Police that this can be achieved.

My concerns are therefore as below:

1. How will the operator prevent the capacity on the current licence being exceeded with two separate entrances on two different streets?
2. If granted as applied for, the new area will be able to operate as a 'stand-alone' venue when the existing club is closed if the varied licence is not conditioned appropriately. The current premises licence has hours of operation from 11:00 until 06:30, so the 'new' venue could operate over these extensive hours when the current club, as we know it, would normally be closed.
3. The public perception that a new club/late night bar has opened in the red area of the Cumulative Impact Policy – especially if it is to be called by a different name - and what kind of message this will send out.

In my opinion conditions should be offered to tie in the new area to the existing nightclub operation so that it cannot operate independently, without the nightclub being open, and operating as it does normally. It should also be made quite obvious by signage that the new entrance on Duncan Street is part of Space nightclub.

There is crime directly associated with the venue which I will quote if this matter should proceed to a hearing. West Yorkshire Police and Leeds City Council Licensing Enforcement currently meet with the manager and Premises Licence Holder on a regular basis to discuss these incidents and to try and keep any crime and disorder to a minimum.

NOT PROTECTIVELY MARKED

## **NOT PROTECTIVELY MARKED**

The latest analysis of crime data provided to Leeds City Council upon which the Cumulative Impact Policy is based shows that 'the block of premises bounded by Briggate (commonly known as Lower Briggate), Call Lane and Duncan Street remain the predominant hot spot area this year. This area is still highly concerning and the fact that this area is saturated cannot be overestimated. There has been an increase in theft and violent crime in the past twelve months'. The policy also states that in comparison with the other red area, Albion Street/Woodhouse Lane, the theft statistics are seven times as high, and violent crime statistics are four times as high. To quote the policy, 'This alone shows how important it is that the capacity in this area is not increased.' If the extra area were to operate at a time when the club normally does not operate there would effectively be an increase in capacity in the red zone area at those times and days.

Therefore, in terms of location (RED ZONE), and in terms of applying for a variation to an existing premises licence for a nightclub, West Yorkshire Police consider that this application implicates the current policy of cumulative impact for Leeds City Centre in the red area, and do not regard it as exceptional.

PC Cath Arkle  
Leeds District Licensing Officer  
West Yorkshire Police

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### Licensing and Registration

Civic Hall  
Leeds LS1 1UR

Contact: Susan Holden



Your ref:

9<sup>th</sup> September 2016

### Private & Confidential

Paddy Whur  
Woods Whur 2014 Limited  
Devonshire House  
38 York Place  
Leeds  
LS1 2ED

Dear Mr Whur

**Space, 10-20 Duncan Street, Leeds LS1 6DL**  
**Application for a variation of a premises licence**  
**Licensing Act 2003**  
**Licensing Authority Letter of Representation**

Thank you for submitting your application for the above premises.

The area in which the subject premises is located is within a cumulative impact area. It is the council's policy, on receipt of relevant representations, to refuse new and variation applications in this area 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.

Specifically your application falls within the red area of the City Centre CIP. As stated at 7.20 of the Statement of Licensing Policy 2014 to 2018 the council will seek to refuse all applications in these red areas on the basis that the impact on the licensing objectives are at such a level that the area cannot support any more premises opening or extending their operation no matter how impressive the concept or application is.

I refer you to 7.51 to 7.53 of the Policy which describes how, when considering the presumption against grant in a CIP area, the council will need to be satisfied that the grant of this licence will not impact on the cumulative impact of existing licensed premises in the area. The council will only grant applications in the red zone in exceptional cases. It will be for you to advise the council how your application would be an exceptional case.

**Website: [www.leeds.gov.uk](http://www.leeds.gov.uk)**  
**Switchboard: 0113 222 4444**



INVESTOR IN PEOPLE

I note that the application is to remove a number of conditions from your licence. We are in support of any efforts to simplify and modernise the conditions on licences.

However, along with the removal of conditions, your application is to include additional areas on the ground and first floor within the licensed area and to create a new entrance on the ground floor (shown on the plan), and to alter the basement to comprise an extension of the toilets and a new entrance area.

You state within Section M of the application that the capacity of the premises will not change. However you do not describe how you will control your capacity with the addition of new entrances on Duncan Street and in the basement area. I am aware that Space reaches its capacity limits early in the trading period and so it would be tempting to allow more people into the club to alleviate the queueing problems outside the premises. You have not provided any information on how you will control this.

In addition the areas shown on the plan can easily be separated from the nightclub and operated as a bar in its own right. With the extensive operating hours already allowed under the Space licence this could lead to this bar operating within the capacity limits set for Space, but at different times to the nightclub, therefore increasing capacity in the red area overall.

Bearing in mind the severity of the problems being experienced in the area with this area suffering from the highest levels of violent crime and disorder incidences in the city centre, the Licensing Authority is of the opinion that your application contains insufficient information about how your application would not add to the impact already being experienced in the area.

Therefore the licensing authority submits a formal representation against your application on the grounds of:

1. Prevention of crime and disorder

Should you have any questions, please contact us.

Yours faithfully



Susan Holden  
Principal Project Officer  
Entertainment Licensing