

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: 22nd September 2014

Subject: Application for the grant of a premises licence for The Bunker Unit D, 6 - 9 Grand Arcade, Leeds, LS1 6PG

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	City & Hunslet	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

This is an application for the grant of a premises licence, made by HQ Leisure Ltd, for The Bunker Unit D, 6 - 9 Grand Arcade, Leeds, LS1 6PG

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

Please refer to paragraph 3.3 of this report for proposed timings of licensable activities.

The application has attracted representations from responsible authorities.

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

1.0 Purpose of this Report

- 1.1 To advise Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for a premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

2.0 History of Premises

- 2.1 The premises previously had the benefit of a premises licence and were known as 'The Atrium'.
- 2.2 In August 2008 the premises licence lapsed as a result of the licence holder Supertee Limited going insolvent.
- 2.3 In October 2008 an application was made by Club Vanilla Ltd for a premises licence to be known as 'Club Vanilla'. The application received representations from agencies however, agreements were reached and a licence was duly granted on the 7th November 2008.
- 2.4 On the 6th October 2010 the premises licence lapsed as Club Vanilla Ltd went into liquidation.

3.0 The Application

- 3.1 The applicant is HQ Leisure Ltd.
- 3.2 The application form may be found at Appendix A to this report.
- 3.3 In summary the application is for:

- Recorded Music
- Performance of Dance
- Anything of a similar description
- Sale by retail of alcohol (On the premises)
Every Day 16:00 – 07:30

Times when the premises will be open to the public:

Every Day 16:00 – 08:00

Non Standard Timings and Seasonal Variation to opening hours;

- From the start of permitted hours on new Year's Eve to the start of permitted hours on New Year's Day.
- At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour.

4.0 Other matters relevant to the application

4.1 This application is purely for the basement of units 6- 9 of the Grand Arcade, previous premises licences have covered both the basement and the ground floor of the units.

4.2 In recent development the Grand Arcade has been split into individual units and let to retailers for business opportunities. Since the development licensing has received several licence applications and premises licences have been duly granted.

In relation to this application premises licences have been granted to;

- Casa Colombiana (Ground and First Floor), 6 Grand Arcade, Leeds, LS1
- Just Grand! Vintage Tearoom (Ground Floor), 8 – 9 Grand Arcade, Leeds, LS1

Please refer to Appendix B of this report for timings of licensable activities.

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

5.0 Steps to promote the Licensing Objectives

5.1 The applicant proposes to take specific steps to promote the licensing objectives identified in part 3 of the operating schedule attached to the application.

5.2 Proposed Designated Premises Supervisor

5.3 Mr Eugene Oswake intends to be the Designated Premises Supervisor.

6.0 Licensing Hours

6.1 Members are directed to paragraphs 6.8 to 6.15 for the Statement of Licensing Policy which states the criteria that will be applied to any decision for new applications or variations which include extending hours.

6.2 In brief the Policy states at 6.14 that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so. The council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not impact on the licensing objectives, given the potential for neighbouring premises to seek the same additional hours to prevent rivals gaining a commercial advantage.

6.3 A list of premises in the local area and their licensed hours and activities is provided at appendix B.

7.0 Location

7.1 A map which identifies the location of this premise is attached at Appendix C.

8.0 Cumulative Impact Policy

8.1 The premises are located within the Cumulative Impact area 1 for the City Centre.

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

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

8.4 Details of the Cumulative Impact Policy specific to area 1 and an outline of the evidence behind the reason for setting this Policy is attached at Appendix D.

9.0 Representations

9.1 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.

9.2 Representations from Responsible Authorities

9.2.1 Representations have been received from Leeds City Council Licensing, Leeds City Council Environmental Health and West Yorkshire Police.

9.2.2 The representations from all agencies remain as a matter for members consideration.

9.2.3 A copy of the Leeds City Council Licensing representation may be found at Appendix E.

9.2.4 A copy of the Leeds City Council Environmental Health representation may be found at Appendix F.

9.3 A copy of the West Yorkshire Police representation may be found at Appendix G.

9.4 Other representations

9.4.1 There are no other representations.

10.0 Options Available to Members

10.1 The licensing sub-committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the application as requested.

- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates.
- Refuse to specify the said person as the designated premises supervisor.
- Reject the whole or part of the application.

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

11.0 Background Papers

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