

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

**Report to the Licensing Sub Committee**

**Date: Monday 10<sup>th</sup> November 2014**

**Subject: Application for the Grant of a Premises Licence for Corn Exchange - Ground Floor & Lower Ground Floor Corn Exchange, Call Lane, Leeds, LS1 7BR**

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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix G is considered exempt under the provision of Paragraph 14 of the Licensing Act 2003 (Hearings Regulations 2005)		

**Summary of Main Issues**

This is an application for the grant of a premises licence, made by GBR Phoenix Beard, for Corn Exchange - Ground Floor & Lower Ground Floor Corn Exchange, Call Lane, Leeds, LS1 7BR.

It should be noted that this application was brought before Members on 13<sup>th</sup> October 2014 and subsequently adjourned as the applicant was unable to attend due to sickness.

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

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

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 held by Logistik Limited the licence was surrendered in October 2008.
- 2.2 A further licence was then held purely for the basement of the corn exchange and was known as 'Piazza by Anthony'. These premises were licensed between the hours of 10:00 – 01:30 every day for alcohol and regulated entertainment. In November 2013 the licence holder Anthony's Restaurant Ltd went into liquidation and subsequently the licence lapsed.

## **3.0 The Application**

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

- Plays
- Films
- Indoor Sporting Events
- Live Music
- Recorded Music
- Dance
- Anything of a similar description
- Sale of Alcohol  
**Every Day 09:00 – 01:00**

- Late Night Refreshment  
**Every Day 23:00 - 01:30**

Times when the premises will be open to the public  
**Every Day 09:00 - 01:30**

Non Standard Timings:

From the end of permitted hours on New Year's Eve, to the start of permitted hours on New Year's Day.

#### **4.0 Other matters relevant to the application**

- 4.1 The maximum number of events per year for this premises licence is restricted to 100 and all events must be pre booked and West Yorkshire Police given 14 days prior notice of each event.
- 4.2 Events are to be limited to either the ground floor or the basement and not both at the same time with a capacity of 500 customers per floor.
- 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 proposed to take specific steps to promote the licensing objective identified in section P of the application form.

#### **6.0 Proposed Designated Premises Supervisor**

- 6.1 Mr Stephen Mark Hawkins intends to be the Designated Premises Supervisor.

#### **7.0 Licensing Hours**

- 7.1 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.
- 7.2 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.
- 7.3 A list of premises in the local area and their licensed hours and activities is provided at Appendix B.

#### **8.0 Location**

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

#### **9.0 Cumulative Impact Policy**

- 9.1 The premises are located within the Cumulative Impact City Centre area 1.

- 9.2 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.
- 9.3 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.
- 9.4 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.

## **10.0 Representations**

10.1 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.

### **10.2 Representations from Responsible Authorities**

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

10.2.2 The representations from all agencies excluding Health & Safety remain a matter for member's consideration.

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

10.4.1 A copy of the representation made by Leeds City Council Environmental Health can be found at Appendix F.

10.4.2 In support of their representation, Environmental Health has provided the Licensing Authority with a copy of an e-mail detailing information on the recent submission of a noise abatement notice. Members can view a copy of this e-mail at Appendix G.

10.4.3 It should be noted that due to the sensitive nature and the possible ongoing legal issues that surround this notice the above appendix has been excluded from the public domain. A copy will however be included with the agenda for Member's consideration.

10.5.1 West Yorkshire Police's representation can be found at Appendix H. In addition to this representation, supplementary information has been received on behalf of West Yorkshire Police which they intend to rely on at the hearing. A copy of which is attached to the representation.

10.6.1 Representation was received from Leeds City Council Health and Safety team however, an agreement was reached between both parties. A copy of the agreement can be found at Appendix I.

### 10.3 **Other representations**

10.3.1 The application has attracted a letter of support from the management of the Corn Exchange.

10.3.2 A copy of the same may be found at Appendix J.

### 11.0 **Options Available to Members**

11.1 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.

11.2 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.

### 12.0 **Background Papers**

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy
- Representations received from other persons