

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Monday 18th May 2015

**Subject: Application to vary a premises licence held by Bar Fibre 168 Lower
Briggate, Leeds, LS1 6LY**

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

Summary of Main Issues

This is an application to vary a premises licence by Bar Fibre Limited in respect for Bar Fibre, 168 Lower Briggate, Leeds, LS1 6LY.

The variation is to seek approval of the proposed alterations to the internal layout of the premises. To summarise the alterations are to relocate new toilet facilities at basement level, new/relocation of fixed seating throughout the premises and the relocation of the bar servery on the Second Floor.

Full details of the internal alterations are listed within the application form and copies of the plans will be available on the day of the hearing.

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

Due to the premises location in the Red Area of the Leeds City Centre Cumulative Impact Area, the application has attracted outright representation from both West Yorkshire Police and the Licensing Authority.

The primary concerns of these authorities are the increase in size of the licensed area and the effects that it may have in an area already saturated with people visiting different premises.

Both representations remain outstanding and a matter for Member's consideration.

Purpose of this Report

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

2.0 History of Premises

- 2.1 Prior to the Licensing Act 2003, these premises operated under a Justices' On Licence, Public Entertainment Licence and a Special Hours Certificate.
- 2.2 An application to convert the above licenses in to a premises licence was received on 6th August 2005 which was duly granted as applied for.
- 2.3 Variation applications have been made since the initial grant proposing to extend the hours of licensable activities and remove and replace embedded/redundant conditions.
- 2.4 It was the variation application received by the Licensing Authority on 27th November 2006 that sought the extension for the terminal hour of the licensable activities under which the premises are currently permitted to operate.
- 2.5 No representations were received to this application and it was subsequently granted as requested.
- 2.6 On 22nd October 2010, an application to vary the layout of the premises was submitted. The application not only suggested alterations to the first and second floor of the premises, but offered a condition to prevent the removal of fixed seating on the second floor. Also offered in the application was a revision to the overall occupancy for the premises, with figures for each floor listed as follows:-

Ground Floor	170 persons
First Floor	150 persons
Second Floor	50 persons
- 2.7 The variation application was granted successfully and the conditions detailed above formed part of the outcome. It should be noted that these conditions currently remain on the licence and the application brought before the licensing sub-committee today, does not offer to remove or revise them.
- 2.8 A copy of the existing premises licence showing the full operating schedule can be viewed at Appendix A of this report.

3.0 The Application

3.1 The applicant is Bar Fibre Limited.

3.2 The application form can be found at Appendix B of this report, along with photographs of the interior décor which the applicant's representative intends to rely on at the hearings. Copies of the plans showing the proposed layout of each floor will be available on the day of the hearing.

3.3 In summary the application is for alterations to the internal layout of the premises only. Changes are not proposed to the licensable activities/hours.

4.0 Other matters relevant to the application

4.1 Equality and Diversity / Cohesion and Integration

4.2 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 'Section M' of the application form explains that 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.

6.0 Location

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

7.0 Cumulative Impact Policy

7.1 These premises are located within the Red Zone of the Leeds City Centre Cumulative Impact Area 1.

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

7.3 An applicant wishing to obtain a new or varied licence for premises falling within any of the cumulative impact areas must identify, through the risk assessment process (if used) and operating schedule, the steps that he or she intends to take so that the council and responsible authorities can be satisfied that granting a new licence will not add to the impact already being experienced.

7.4 Leeds City Centre Area 1 and an outline of the evidence behind the reason for setting this policy can be found at Appendix D of this report.

8.0 Representations

8.1 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.

8.2 Representations from Responsible Authorities

8.2.1 The application has attracted outright representation from both West Yorkshire Police and the Licensing Authority.

8.2.2 West Yorkshire Police have concerns over the increased area on the second floor. Such a change almost doubles the size of the capacity and consumption area on this floor with the ability to host extra customers in an area of the city already saturated with people visiting different venues.

8.2.3 It became apparent following a visit to the premises on the 23rd April 2015 that the alterations applied for have already been made. West Yorkshire Police's representation is accompanied by a print out from a social media website suggesting the second floor has been in use since the 2nd April 2015, a copy of which is attached to the representation.

8.2.4 West Yorkshire Police are also of the opinion that crime and disorder associated with these premises has reached an unacceptable level over the previous 6 months, including seven offences of Actual Bodily Harm and one allegation of attempted rape amongst others. A chronology of such incidents has been supplied by West Yorkshire Police and included with this representation.

8.2.5 Member's attention is drawn to a copy of West Yorkshire Police's representation and supplementary information at Appendix E.

8.3.1 The application has also attracted representation from the Licensing Authority on the grounds of prevention of crime & disorder and the prevention of public nuisance. The Licensing Authority is of the opinion that the application contains insufficient information about how the proposed changes will not add to the impact that is already being experienced in the area.

8.3.2 A copy of the Licensing Authority's representation is attached at Appendix F of this report.

8.4 Other representations

8.4.1 There are no other representations.

9.0 Options Available to Members

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

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

9.2 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.

10.0 Background Papers

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