

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 16th June 2015

Subject: Application to Vary a Premises Licence held by The Alchemist, Yorkshire House, Greek Street, Leeds, LS1 5RU

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 is made in respect of The Alchemist, Yorkshire House, Greek Street, Leeds, LS1 5RU.

The purpose of the variation is to seek approval for the alterations to the internal layout of the premises in accordance with plan submitted with the application. The application also includes the removal of the conditions attached to the current licence in order to replace them in their entirety with the conditions proposed in the operating schedule submitted with the application.

The reason behind the application is due a number of conditions contained within the licence that are considered redundant or inappropriate to the newly proposed style of operation.

Copies of the proposed plans will be available on the day of the hearing.

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

The application has attracted representation from West Yorkshire Police and the Environmental Protection Team, both offering measures to promote the objectives.

At the time of writing this report no agreements have been reached and representations remain a matter for Members to deliberate.

1.0 Purpose of this Report

- 1.1 To advise Members of a variation 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 These premises have the benefit of a premises licence which was granted during the transitional period on the 17th August 2005. At this time the premises were known as Prohibition.
- 2.2 Since the initial application, various applications have been received to vary the Designated Premises Supervisor and transfer the premises licence.
- 2.3 On the 9th February 2015, an application to transfer the premises licence to the current licence holder; The Alchemist Bar & Restaurant Limited, was received by the Licensing Authority. The application was not subject to representation by West Yorkshire Police the licence was granted as requested.
- 2.4 A copy of the existing licence is attached at Appendix A

3.0 The Application

- 3.1 The applicant is The Alchemist Bar & Restaurant Limited.
- 3.2 The application form may be found at Appendix B to this report.
- 3.3 Due to the change in style of operation following the transfer of the licence, the application proposes to remove the conditions attached to the current licence and replace them in their entirety. The application explains that the current licence contains a number of conditions which are considered outdated, redundant, ambiguous or inappropriate following the new licence holder's appointment.
- 3.4 The variation also seeks approval of alterations to the internal layout of the premise. Copies of the plans showing the proposed layout will be available on the day of the hearing for Member's viewing.
- 3.5 It should be noted that changes are not proposed to the existing licensable activities or 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 As detailed at 3.3 of this report, the application proposes to remove all of the conditions contained within the operating schedule of the current licence, and replace them with the newly proposed operating schedule submitted in addition to the variations. A copy of the proposed measures can be viewed at Appendix C of this report.

6.0 Location

6.1 A map which identifies the location of these premises is attached at Appendix D.

7.0 Cumulative Impact Policy

7.1 The premises are located within the Cumulative Impact Area 1 – ‘Amber Zone’.

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 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 intends 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.

7.4 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 E

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 Licensing Authority is in receipt of two representations which remain outstanding from the Responsible Authorities.

8.2.2 West Yorkshire Police have made a representation to this application which suggests additional measures in order to promote the licensing objectives. Member’s attention is drawn to a copy of this representation at Appendix F.

8.2.3 The second representation that this application has attracted is on behalf of the Environmental Protection Team. In this instance the representation suggests measures in order to promote the prevention of public nuisance. No agreement has been reached to those and the representation remains outstanding for Member’s consideration. A copy can be found at Appendix G of this report.

8.3 Other representations

8.3.1 There are no representations from other persons.

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
- Statement of Licensing Policy
- Local Licensing Guidance