

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

**Report to the Licensing Sub Committee**

**Date:** Tuesday 11<sup>th</sup> August 2015

**Subject:** Application for the Grant of a Premises Licence for Archies, Arches V and W, Granary Wharf, Dark Neville Street, Leeds, LS1 4BR

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 Ossett Brewery Taverns Limited for Archies, Arches V and W, Granary Wharf, Dark Neville Street, Leeds, LS1 4BR.

The application explains that the proposal is for a premises wishing to operate as a Café Bar with all day dining, a full drinks menu and entertainment.

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

The application has attracted representations from West Yorkshire Police, Environmental Protection Team, the Health & Safety Team, other persons and an e-mail in support of the application.

At the time of writing this report the representation from West Yorkshire Police and Health & Safety Team have been withdrawn subject to agreement over the suggested control measures.

All other representations that have been received remain outstanding.

## **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 It should be noted that there is a premises licence currently in force for these premises which according to the Licensing Authority's records, was previously known as Wasabi Teppan-Yaki Restaurant.
- 2.2 It is understood that the holder of this licence has since vacated the premises and the licence has been suspended due to non-payment of the annual fee.

## **3.0 The Application**

- 3.1 The applicant is Ossett Brewery Taverns Limited.
- 3.2 The application form may be found at Appendix A to this report.
- 3.3 In summary the application is for:

Sale by Retail of Alcohol (for consumption on the premises)

Recorded Music

07:30 until 00:00 hours Sunday to Thursday

07:30 until 01:00 hours Friday and Saturday

Time when the premises will be open to the public:

07:30 until 00:00 hours Sunday to Thursday

07:30 until 01:00 hours Friday and Saturday

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 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 the steps identified in section 'M' of the application form to promote the licensing objectives.

## **6.0 Proposed Designated Premises Supervisor**

6.1 Samantha Louise Foster intends to be the Designated Premises Supervisor.

## **7.0 Licensing Hours**

7.1 Members are directed to paragraphs 6.8 to 6.15 of 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.

7.3 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.

7.4 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 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 The application has attracted representations from the Health & Safety Team, West Yorkshire Police and the Environmental Protection Team.

9.2.2 Each of the above authorities has suggested control measures in order to ensure the premises uphold the licensing objectives when operating. The measures offered by West Yorkshire Police and the Health & Safety Team have been agreed, whilst the representation by the Environmental Protection Team remains outstanding at the time of writing this report.

9.2.3 A copy of the representation made by Environmental Protection Team can be viewed at Appendix D of this report.

9.2.4 The representation made by West Yorkshire Police inclusive of the agreed measures can be found at Appendix E of this report.

9.2.5 Measures which have been agreed by Leeds City Council's Health and Safety Team are attached to this report at Appendix F.

### 9.3 Other representations

9.3.1 In addition to the representations received from the relevant authorities the application has also attracted a total of 11 representations from other person, primarily the residents of Watermans Place with concerns over the potential increase in crime and disorder and the public nuisance that granting this licence might bring. Copies of these representations are attached at Appendix G.

9.3.2 The application has also attracted a letter supporting the application from a resident of Watermans Place who is of the opinion that consistency between licensed premises in the area is of interest to both commercial and residential properties. A copy can be found at Appendix H.

## 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 Statement of Licensing Policy