

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 27th October 2015

Subject: Application to Vary a Premises Licence held by Brooklyn Bar 50 Call Lane, Leeds, LS1 6DT

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 made by Brooklyn Bar Limited for Brooklyn Bar, 50 Call Lane, Leeds, LS1 6DT.

The application is made to seek approval of proposed alterations to premises plan as per the plan submitted with the application, and to amend condition 56.1 of the operating schedule to read 40 seats will be maintained of the first floor of the premises, rather than 40 covers.

A copy of the plan will be provided at the hearing for Members to view and further information on the condition to be revised is contained throughout this report.

It should be noted that these premises reside within the 'Red Zone' of the Leeds City Centre Cumulative Impact Area and the nature of the variation triggers that policy.

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

Representations opposing this application in its entirety have been received from West Yorkshire Police, the Environmental Protection Team and the Local Licensing Authority.

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 These premises currently benefit from a premises licence that attracted representations during its application process and subsequently scheduled for hearing on 1st June 2010. At the hearing Members carefully considered the application and noted the measure that had been agreed with West Yorkshire Police. Members were satisfied that granting the application would not have an adverse effect on the Licensing Objectives.
- 2.2 On 3rd July 2012 an application was made to vary the premises licence. This application proposed to extend the hours for licensable activities and remove a condition which read 'The sale of alcohol on the first floor of the premises is permitted only as an ancillary to a table meal'.
- 2.3 The application attracted outright representations from West Yorkshire Police and the Environmental Protection Team, both expressing concerns over the implication of the Cumulative Impact Policy.
- 2.4 The application was brought before the Licensing Sub-Committee on 28th August 2012 where Members decided to grant the application in part, but refused to extend the hours of operation.
- 2.5 They agreed to remove the condition as suggested but replace it with two new conditions they felt would promote the licensing objectives. Those conditions are:
 - 40 full covers are to be maintained on the first floor of the premises at all times when the premises are open; and
 - A full meal menu is to be available at all times when the premises are open.
- 2.6 Members should note that the application they are considering today proposes to amend the above condition regarding maintenance of 40 covers.
- 2.7 A copy of the current premises licence is attached at Appendix A of this report.

3.0 The Application

- 3.1 The applicant is Brooklyn Bar Limited.
- 3.2 The application form can be found at Appendix B to this report.

- 3.3 The application is made to seek approval of the proposed alterations to premises plan as per the plan submitted with the application. In summary the alterations comprise of the removal of the existing bar counter on the first floor and installation of a new small bar on the same floor.
- 3.4 Copies of the proposed plans will be available for Members to view on the day of the hearing.
- 3.5 The application also proposes to amend condition 56.1 of Annex 3 of the premises licence which currently reads; '40 full covers are to be maintained on the first floor at all times when the premises are open', to the proposed wording of; '40 seats are to be maintained on the first floor at all times when the premises are open'.

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 The application explains that the style and operation of the premises will not change and the conditions attached to the current licence will continue to be adhered to.

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 C.

7.0 Location

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

8.0 Cumulative Impact Policy

- 8.1 The premises are located within the 'Red Zone' of the Leeds City Centre Cumulative Impact Area.
- 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 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.
- 8.4 Details of the Cumulative Impact Policy specific to the 'Red Zone' and an outline of the evidence behind the reason for setting this Policy is attached at Appendix E of this report.

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 which object to this application in its entirety have been received from West Yorkshire Police, the Environmental Protection Team and the Licensing Authority.
- 9.3 Each representation expresses concern that amending the condition in respect of the first floor will result in a more alcohol-focused bar which could have a cumulative impact in an area already saturated with licensed premises by way of increased anti-social behavior and public nuisance.
- 9.4 The representation made by West Yorkshire Police is attached to this report at Appendix F.
- 9.5 The representation made by the Environmental Protection Team can be found at Appendix G of this report.
- 9.6 Member's attention is drawn to a copy of the Licensing Authority's at Appendix H of this report.
- 9.7 Other representations
 - 9.7.1 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 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.

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
- Statement of Licensing Policy
- Local Licensing Guidance (if relevant)
- Representations received from responsible authorities