

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 8th December 2015

Subject: Application for the Grant of a Premises Licence for Northern Guitars/Guitar Cafe 41 Call Lane, Leeds, LS1 7BT

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|---------------------------------------------------------------------------------|-----------------------------------------|----------------------------------------|
| 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 Mr David Baguley and Mr Richard Wade, for Northern Guitars/Guitar Café, 41 Call Lane, Leeds, LS1 7BT.

The application is made in respect of a premises which currently operates as an independent retail guitar shop. The application explains that the small café/bar is aimed at playing jazz/blues and country rock music. The premises will focus on offering 'Yorkshire Street Food', along with craft ales, bottle beers and draught ales from local micro breweries.

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

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

The application has attracted representations from West Yorkshire Police and the Licensing Authority. An e-mail expressing support for the application has also been received on behalf of Hilary Benn MP.

1 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 new 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 History of the premises

- 2.1 This is the first application for a premises licence for these premises.

3 The application

- 3.1 The application specifies Mr David Baguley and Mr Richard Wade as the proposed licence holders.
- 3.2 The proposed designated premises supervisor is Mr David Baguley.
- 3.3 In summary the application is for:

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

Recorded Music

Live Music (revised, please see 3.4 of this report)

Monday to Sunday 10:00 until 00:00 hours

Late Night Refreshment

Monday to Sunday 23:00 until 00:00 hours

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.

- 3.4 Please note that following discussions with the Environmental Protection Team, the applicant has agreed to amend the operating schedule and reduce the terminal hour each day for Live Music. Live Music is now offered; Monday to Sunday 10:00 until 23:00 hours.

4 The operating schedule

- 4.1 The applicant proposes to take the steps identified in Section M of the application form to promote the licensing objectives. A copy of this section is attached at Appendix A of this report.

5 Location

- 5.1 A map which identifies the location of these premises is attached at Appendix B.

6 Representations

- 6.1 Under the Act representations can be received from responsible authorities and/or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

Representations from Responsible Authorities

- 6.2 Representations have been received from West Yorkshire Police and the Licensing Authority on the grounds that these premises are located within the 'Red Zone' of the Leeds City Centre Cumulative Impact Area.
- 6.3 The above authorities have concerns over the potential impact that granting this application may have to an area already saturated with licensed premises.
- 6.4 The representation submitted by West Yorkshire Police can be viewed at Appendix C of this report.
- 6.5 The representation submitted by the Licensing Authority can be found at Appendix D.

Other representations

- 6.6 The application has attracted an e-mail expressing support for the application from Hilary Benn MP. Member's attention is drawn towards a copy of this e-mail at Appendix E.

7 Cumulative Impact Policy

- 7.1 These premises are located within the 'Red Zone' of Leeds City Centre Cumulative Impact Area.
- 7.2 Cumulative impact means the potential impact on the promotion of the licensing objectives due to the 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 the operating schedule, the steps they intend to take so that the council and responsible authorities can be satisfied that granting a new licence would not add to the impact already being experienced.
- 7.4 Details of the cumulative impact policy specific to the city centre 'Red Zone' and an outline of the evidence behind the reasons for setting this policy is attached at Appendix F.
- 7.5 Members are directed to paragraphs 7.51 to 7.54 of the Statement of Licensing Policy which provides examples of how an application may be considered exceptional and the matters that the council would not normally take into consideration.

8 Licensing hours

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix G.

9 Equality and diversity implications

- 9.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the licensing subcommittee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

10 Options available to Members

- 10.1 The licensing subcommittee 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 subcommittee are asked to note that they may not reject the whole or part of the application merely because they consider it desirable to do so. It must be appropriate in order to promote the licensing objectives.

11 Background papers

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