

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 29th March 2016

**Subject: Application to Vary a Premises Licence held by The Hedonist Project,
156 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):		
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 Oenothèque Limited for Hedonist Project, 156 Briggate, Leeds, LS1 6LY.

The application is made to seek approval to extend the hours for each licensable activity currently permitted by the premises licence. The application also suggests additional measures that include substantial food being available until the close of business and a minimum of 40 seats to be available at all times.

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.

Representations opposing this application in its entirety have been received from West Yorkshire Police 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") to vary 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 History of Premises

- 2.1 These premises currently benefit from a premises licence that was initially granted on 26th July 2007. At this time the premises were trading as Wokon Noodle Bar.
- 2.2 It is understood that shortly after the initial grant of the licence the premises became vacant.
- 2.3 It was on 28th September 2015 that an application to transfer the licence to current holder Oenotheque Limited was made. This application proceeded without representation from West Yorkshire Police and was granted as requested.
- 2.4 In accompaniment to the transfer application, an application for a minor variation was made. This application proposed to add the provision of recorded and live music on Fridays and Saturdays from 23:00 hours until 00:00 hours, seek approval of the proposed alterations to the premises layout, vary the opening hours of the premises in order to allow trading to commence at 08:00 hours and to add additional measures to promote the crime & disorder and public nuisance objectives.
- 2.5 The minor variation attracted sole representation from West Yorkshire Police that offered suggested measures in order to help further address any concerns regarding the prevention of crime & disorder. Such measures were accepted by the applicant and the minor variation was granted as requested subject to the agreement reached.
- 2.6 It should be noted that since the premises began trading as The Hedonist Project, several applications for Temporary Event Notice have been made. These applications have been made to extend the terminal hour for events where on average, the finishing time has been 02:00 hours.
- 2.7 A copy of the current premises licence details can be found at Appendix A of this report.

3 The Application

- 3.1 The applicant is Oenotheque Limited.
- 3.2 Briefly the application is to:
 - To extended the terminal hour for the sale by retail of alcohol, late night refreshment, live music and recorded music until 02:00 hours the following morning;

- To extend the opening hours to read Monday to Sunday 08:00 hours until 02:30 hours; and
- Add the following two conditions to the operating schedule:
 - Substantial food will be available at the premises each day until the close of business.
 - A minimum of 40 seats will be available at the premises at all times.

4 The Operating Schedule

4.1 No further steps have been offered other than the two additional measures detailed above.

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 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 objecting to this application in its entirety have been received from West Yorkshire Police and the Licensing Authority.

6.3 Both representations are made on the grounds of the premises location within the 'Red Zone' of the City Centre Cumulative Impact Area. Both representations also express concerns that the application contains insufficient information about how granting the application would not add to the problems already being experienced in this area.

6.4 The representation made by West Yorkshire Police can be found at Appendix C of this report.

6.5 The representation made by the Licensing Authority can be viewed at Appendix D.

Other representations

6.6 There are no other representations.

7 Cumulative Impact Policy

7.1 The premises are located within the 'Red Zone' of the Leeds City Council Cumulative Impact Area.

- 7.2 Cumulative impact means the potential impact on the promotion of the licensing objectives due to significant number of licensed premises concentrated in one area.
- 7.3 An applicant wishing to vary a licence for premises which fall within any of the cumulative impact areas must identify, through their operating schedule, the steps they intend to take so that the council and responsible authorities can be satisfied that granting this variation would not add to the impact already being experienced.
- 7.4 Details of the cumulative impact policy specific to this area and an outline of the evidence behind the reason for setting this policy is attached at Appendix E.
- 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 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.
- 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. 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.
- 8.3 A list of premises in the local area and their licensed hours and activities is provided at Appendix F.

9 Equality and Diversity Implications

- 10.1 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 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 subcommittee 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 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Statement of Licensing Policy