

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

**Report to the Licensing Sub Committee**

**Date: Tuesday 29th March 2016**

**Subject: Application for the Grant of a Premises Licence for 7 Merrion Street, Leeds, LS1 6PQ**

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 Ham And Beer Limited for 7 Merrion Street, Leeds, LS1 6PQ.

The application is made for a premises wishing to operate as a charcuterie style bar with real ales, craft beers and wines. The application also explains that the premises will have a retail area with off licence capability.

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

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

The application has attracted representation from West Yorkshire Police.

## **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 applicant's name is Ham And Beer Limited.
- 3.2 The proposed designated premises supervisor is Mr Anthony Kitching.
- 3.3 In summary the application is for:

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

*Monday to Sunday 09:00 until 01:00 hours*

*Late Night Refreshment*

*Monday to Sunday 23:00 until 01:00 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.*

*At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour.*

## **4 The Operating Schedule**

- 4.1 The applicant proposes to promote the licensing objectives by taking the steps identified in Section M of the application form. A copy of the measures offered can be found 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 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 The application has attracted representation from West Yorkshire Police that offers suggested measures in order to promote the prevention of crime & disorder licensing objective. At the time of writing this report however no agreement has been reached and representation remains outstanding for Member's consideration. A copy of the representation made by West Yorkshire Police can be found at Appendix C.

## Other representations

- 6.3 There are no other representations.

## **7 Cumulative Impact Policy**

- 7.1 The premises are located within the 'Amber Zone' of the 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 this and an outline of the evidence behind the reason for setting this policy is attached at Appendix D.
- 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 E.

## **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