

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 27th September 2016

Subject: Application to Vary a Premises Licence held by Space, 10 - 20 Duncan Street, Leeds, LS1 6DL

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 In The Pink Limited for Space, 10 - 20 Duncan Street, Leeds, LS1 6DL.

This application is made to seek approval to include the ground and first floor within the licensed area and create a new entrance on the ground floor. Also proposed are alterations to the basement level which comprise of an extension of toilets and a new entrance area. A copy of the proposed plan will be available for viewing at the hearing.

The application also proposes to remove conditions that fall under Embedded Restrictions along with further measures under 'The Prevention of Crime and Disorder'. Each specific condition to be removed is detailed in the variation application at Appendix B of this report.

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 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 The premises are currently licensed under the Licensing Act 2003 for the sale by retail of alcohol, live music, recorded music and entertainment of a similar description to live music, recorded music and dance.
- 2.2 The permitted hours for the above activities are shown in a copy of the premises licence details attached at Appendix A of this report.

3 The application

- 3.1 The applicant is In The Pink Limited.
- 3.2 Briefly the application is to:
 - Vary the layout of the premises in accordance with the plans submitted with the application. These will be available for Members to view at the hearing;
 - Remove conditions listed under Embedded Restrictions of the premises licence; and
 - Remove conditions from Annex 2 of the premises licence which fall under 'The Prevention of Crime and Disorder'.
- 3.3 Members attention is drawn towards a copy of the proposed operating schedule/variation details at appendix B.

4 The operating schedule

- 4.1 The applicant considers that the existing measures are sufficient to promote the licensing objectives and no further measures are necessary.

5 Location

- 5.1 A map which identifies the location of this premises is attached at Appendix C.

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 have been received from West Yorkshire Police and the Licensing Authority in their capacity as a responsible authority.
- 6.3 The representation submitted by West Yorkshire Police expresses concerns over how the premises will manage the capacity figures for the venue given the proposed two separate entrances on two separate streets, the likelihood of the new licensed area operating as a stand-alone venue and the perception that a new club/late night bar has opened in the red area of the Cumulative Impact Area.
- This representation remains as a matter for Members consideration and a copy can be found at Appendix D.
- 6.4 The representation made by the Licensing Authority expresses similar concerns as above due to the severity of the problems already being experienced in the area. A copy of the representation can be viewed at Appendix E.

Other representations

- 6.4 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 Equality and diversity implications

- 8.1 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.

9 Options available to Members

9.1 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.
- Reject the whole or part of the application.

9.2 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.

10 Background papers

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