

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 15th November 2016

Subject: Application for the grant of a premises licence for The E Den, Arch 3, Church Walk, Leeds, LS2 7EG

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 Your Eco Solutions Ltd, for The E Den, Arch 3, Church Walk, Leeds, LS2 7EG

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

The application has attracted representations from other persons and responsible authorities.

The premises are located within an area covered by a cumulative impact policy.

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 Your Eco Solutions Ltd,
- 3.2 The proposed designated premises supervisor is John Peter Simister
- 3.3 In summary the application is for:

Anything of a similar description to that falling within live music, recorded music and performance of dance

<i>Sunday to Thursday</i>	<i>09:00 until 03:00</i>
<i>Friday & Saturday</i>	<i>09:00 until 06:00</i>

Late night refreshment

<i>Sunday to Thursday</i>	<i>23:00 until 03:00</i>
<i>Friday & Saturday</i>	<i>23:00 until 05:00</i>

Supply of alcohol

<i>Sunday to Thursday</i>	<i>11:00 until 03:00</i>
<i>Friday & Saturday</i>	<i>11:00 until 04:30</i>

This application has been subsequently amended following agreements made between the applicant and Environmental Health Service, the new terms as follows:

Anything of a similar description to that falling within live music, recorded music and performance of dance

<i>Monday to Wednesday</i>	<i>09:00 until 00:30</i>
<i>Thursday to Sunday</i>	<i>09:00 until 01:30</i>

Late night refreshment

<i>Monday to Wednesday</i>	<i>23:00 until 00:30</i>
<i>Thursday to Sunday</i>	<i>23:00 until 01:30</i>

Supply of alcohol

Monday to Wednesday 09:00 until 00:30
Thursday to Sunday 09:00 until 01:30

Non standard timings

No non-standard timings for bank holidays or special occasions are proposed.

- 3.4 The regulated entertainment is to cover customers use of online video gaming stations to play on X Box, Playstation, PCs etc.

4 The operating schedule

- 4.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the proforma risk assessment which is attached at Appendix A.

5 Location

- 5.1 A map which identifies the location of this 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 have been received from West Yorkshire Police and Environmental Health in their capacity as responsible authorities.
- 6.3 Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with Environmental Health. A copy of the agreement may be found at Appendix C.
- 6.4 The representation submitted by West Yorkshire Police remains as a matter for Members consideration. A copy of the representation may be found at Appendix D.

Other representations

- 6.5 The application has attracted representation from members of the public (described as 'other persons' in the legislation).
- 6.6 The licensing authority is in receipt of two individual letters of objection and a letter from the ward councilor, all of which are opposed to this application on the grounds of public nuisance and public safety.
- 6.7 In order to protect personal data, redacted copies of the representations are attached at Appendix E. Unredacted copies will be available at the hearing for Members consideration.

7 Cumulative Impact Policy

- 7.1 The premises are located within the cumulative impact area for Area 1 - City Centre Green Zone.
- 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 Area 1 - City Centre Green Zone and an outline of the evidence behind the reason 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