

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 27th June 2017

Subject: Application to Vary a Premises Licence held by Hirst's Yard, 11-13 Hirst's Yard, Leeds, LS1 6NJ

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| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 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? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Summary of Main Issues

This is an application to vary the premises licence held by Hirst Yard Limited for Hirst's Yard, 11-13 Hirst's Yard, Leeds, LS1 6NJ.

The application is made to vary the layout of the premises as per the plans submitted with the application and to replace all conditions under Annex 2 and Annex 3 of the premises licence with the measures suggested in the attached operating schedule.

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 entirely have been received from West Yorkshire Police and the Licensing Authority, with a further representation from the Environmental Protection Team offering suggested measures.

At the time of writing this report, no agreement with the Environmental Protection Team has been reached.

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 have had the benefit of a premises licence since the inception of the Licensing Act 2003 subject to an application to convert the existing Justices' On Licence, Special Hours Certificate and Public Entertainment Licence.
- 2.2 The application at this time was solely to convert the existing licences and it was granted as requested, effective from the 24th November 2005
- 2.3 On 28th January 2010 the licence holder made an application to vary the premises licence with a proposal to extend the hours for sale by retail of alcohol, recorded music and facilities for dancing. Facilities for regulated entertainment have since been deregulated following the introduction of the Live Music Act 2012.
- 2.4 The application did not attract any representations and it was subsequently granted as requested. The approved hours have remained in place until now and can be examined at the copy of the premises licence attached to this report.
- 2.5 Throughout its existence the licence has changed hands on numerous occasions. The current licence holder Hirst Yard Ltd was successfully appointed by way of a transfer application on the 31st October 2016.
- 2.6 The activities authorised to take place at the premises include the sale by retail of alcohol, live music, recorded music, performance of dance and entertainment of a similar description to live music, recorded music or dance.
- 2.7 The hours for the above activities and all the measures to be replaced by the application to vary can be viewed in the copy of the premises licence attached at Appendix A of this report.

3 The Application

- 3.1 The applicant is Hirst Yard Limited.
- 3.2 Briefly the application is to:
 - To alter the layout of the premises in accordance with the plans submitted with the application. A copy of the plans will be available for Member's consideration on the day of the hearing; and
 - To replace all conditions under Annex 2 and Annex 3 of the premises licence with the measures suggested in the operating schedule as detailed at point 4 of this report.

4 The operating schedule

- 4.1 The proposed operating schedule showing the new measures to replace the current conditions can be viewed at Appendix B. Also attached is a copy of the premises dispersal policy.

5 Location

- 5.1 A map indentifying the location of these 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, the Licensing Authority and the Environmental Protection Team in their capacities as responsible authorities.
- 6.3 The representations submitted by West Yorkshire Police and the Licensing Authority object to the application being granted in its entirety. Both representations explain that many of the conditions on the premises licence are indeed outdated and welcome the majority of the replacement conditions.
- 6.4 However there is concern that conditions 18 and 19, regarding food and bar snacks being available whilst the premises are open and sufficient staff are present to offer a waiter/waitress service are proposed for removal without any subsequent replacement measures offered.
- 6.5 The removal of food related conditions coupled with the replacement of the restaurant with a dance floor provides the impression that the nature of the premises will become entirely alcohol led. It is felt that such a change of operation in an area subject to the 'Red Zone' of the Leeds City Centre Cumulative Impact Policy will add to the detrimental effects already being experienced in that area.
- 6.6 The representation submitted by West Yorkshire Police remains as a matter for Member's consideration. A copy which can be found at Appendix D.
- 6.7 The representation on behalf of the Licensing Authority also remains outstanding. Member's attention is drawn to Appendix E of this report.
- 6.8 In addition to the above, the application has also attracted a representation from the Environmental Protection Team. On this occasion this representation offers suggested measures with an aim to promote the prevention of public nuisance licensing objective. These measures remain unresolved and can be viewed in the copy of the representation attached at Appendix F.

Other representations

6.9 There are no other representations.

7 Cumulative Impact Policy

7.1 The premises are located within the 'Red 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 area and an outline of the evidence behind the reason for setting this policy is attached at Appendix G.

7.5 Members are directed to paragraphs 7.67 to 7.70 of the Statement of Licensing Policy which provides examples of how an application may be considered as demonstrating there will be no impact on the licensing objectives 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