

**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 The Leeds Club,  
3 Albion Place, Leeds, LS1 6JL**

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 Marstons PLC for The Leeds Club, 3 Albion Place, Leeds, LS1 6JL.

The application proposes the following:

- To vary the layout of the premises in accordance with the plans submitted with the application;
- To remove the licensable provision performance of plays;
- To extend the terminal hour of all licensable activities by an additional 30 minutes;
- To bring forward the start times for alcohol sales and regulated entertainment to 10:00 hours; and
- To replace all conditions on the operating schedule with the measures suggested in the application form in order to modernise them.

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 a representation from West Yorkshire Police which offers suggested measures. The majority of these measures have been agreed apart from one in relation to the outside seating area being included within the licensed area . Further information regarding this matter is contained throughout this report.

## **1 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 initial premises licence application for these premises was received by the Licensing Authority on 7th February 2013.
- 2.2 The application attracted representations from West Yorkshire Police and the Health & Safety Team, both offering additional measures in order to promote the respective licensing objectives.
- 2.3 The measure suggested by the above two authorities were agreed prior to a hearing and the application was subsequently granted as requested, subject to the agreed measures being incorporated in to the operating schedule.
- 2.4 Marstons PLC are the current occupier of the premises following their acquisition and made an application to transfer the licence on the 5th April 2017. The application explains that works are to commence on site with a view to a substantial refurbishment and rebranding to reflect the operative style of Lost and Found.
- 2.5 A copy of the current premises licence details are attached at Appendix A of this report. This shows the currently permitted licensable activities/hours and the full operating schedule listing each current condition.
- 2.6 A copy of the plan shows the proposed layout of the Basement Level, Ground Floor (including the external seating area) and First Floor will be provided at the hearing for Member's consideration.

## **3 The application**

- 3.1 The applicant is Marstons PLC.
- 3.2 In summary, the application is to:
  - To vary the layout of the premises in accordance with the plans submitted with the application;
  - To remove the licensable provision performance of plays;
  - To extend the terminal hour of all licensable activities by an additional 30 minutes(all activities to cease at 02:00 hours, Monday to Sunday);
  - To bring forward the start times for alcohol sales and regulated entertainment to 10:00 hours; and

- To replace all conditions on the operating schedule with the measures suggested in the application form in order to modernise them.

#### **4 The operating schedule**

5 The applicant proposes to replace all of the conditions within the operating schedule with the measures detailed in Section M of the application form. A copy of which is attached at Appendix B of this report.

#### **6 Location**

6.1 A map identifying the location of these premises is attached at Appendix C.

#### **7 Representations**

7.1 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

7.2 The application has attracted a representation from West Yorkshire Police offering suggested measures aimed at upholding the prevention of crime and disorder licensing objective.

7.3 Such measures look to address the availability of a communication link with other premises in the area, the employment of SIA registered door staff on beyond a certain time and the requirement to notify West Yorkshire in advance of any externally promoted events. All of these measures have been agreed as per the Signed Part 2.

7.4 There is however one condition where discussions between the applicant and West Yorkshire Police have not progressed. That condition put before Members today is worded as follows:

*'There shall be no mobile external bar or facilities for preparation of late night refreshment in the outside area to be covered by the street café licence (application is made for this outside area to be licensed in relation to the provision of retail sale of alcohol and late night refreshment – if this is for consumption only then there is no necessity for this area to be licensed).'*

7.5 Dialogue from the applicant's representative indicates their client has no intention to place an external/mobile bar in the outside area, only to allow waiter/waitress service in this area as that is where the sale by retail of alcohol will be appropriated to.

7.6 The representation submitted by West Yorkshire Police which remains outstanding for Members consideration is attached at Appendix D. This includes the Part 2 agreement clearly showing the above condition marked with a strike through.

- 7.7 The e-mail in response to the representation by West Yorkshire Police can be found at Appendix E of this report. This outlays the applicants intention of use for the outside area.

### Other representations

- 7.8 There are no other representations.

## **8 Cumulative Impact Policy**

- 8.1 The premises are located within the 'Amber Zone' of the Leeds City Centre Cumulative Impact Area.
- 8.2 Cumulative impact means the potential impact on the promotion of the licensing objectives due to a significant number of licensed premises concentrated in one area.
- 8.3 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.
- 8.4 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 F.
- 8.5 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.

## **9 Licensing hours**

- 9.1 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.
- 9.2 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.
- 9.3 A list of premises in the local area and their licensed hours and activities is provided at appendix G.

## **10 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.

## **11 Options available to Members**

11.1 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.

11.2 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.

## **12 Background papers**

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