

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

### **Report to the Licensing Sub Committee**

**Date: Tuesday 24<sup>th</sup> October 2017**

**Subject: Application for the Grant of a Premises Licence for Space To Eat,  
7 Hirsts Yard, Duncan Street, Leeds, LS1 6NJ**

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 In The Pink Limited for Space To Eat, 7 Hirsts Yard, Duncan Street, Leeds, LS1 6NJ.

The application was originally scheduled for hearing on the 15<sup>th</sup> August 2017 however no party on behalf of the applicant attended. Members felt it was appropriate to adjourn the hearing to allow the applicant's representative the opportunity to attend and put forward their client's case.

This application is made following a time limited premises licence that expired 31st July 2017. The application was initially granted at hearing by the Licensing Sub Committee for a 6 month period.

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

Both Responsible Authorities and Ward Members have been notified of this application.

The application has attracted representations opposing the application entirely from West Yorkshire Police and the Licensing Authority.

## **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 These premises have recently held a premises licence which was granted at hearing by the Licensing Sub Committee on 31st January 2017. The application was subject to representations from West Yorkshire Police, the Environmental Protection Team and the Licensing Authority.
- 2.2 Members considered the evidence put before them and felt the application did represent an exception to the Council's City Centre CIP Policy. The Panel therefore resolved to grant the application as applied for, limited to a 6 month period and incorporated the measures suggested by the Environmental Protection Team.
- 2.3 To assist Members a copy of the premises licence details can be found at Appendix A of this report. A copy of the decision notice following the hearing on the 31st January 2017 is also attached at Appendix B.
- 2.4 Members should note that the sole provision of late night refreshment, the hours applied for and the opening hours of the premises all reflect those that were granted in the initial licence.

## **3 The Application**

- 3.1 The applicant's name is In The Pink Limited.
- 3.2 In summary the application is for:

### *Late Night Refreshment*

*Monday to Sunday 23:00 until 05:00 hours*

### *Hours the premises propose to open to members of the public*

*Monday to Sunday 21:00 until 05:00 hours*

### *Non standard timings*

*The application does not propose any non-standard timings for bank holidays or special occasions.*

## **4 The Operating Schedule**

- 4.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule which is attached at Appendix C.

- 4.2 The measures offered in the operating schedule do generally mirror those present in the time limited licence. However there are a few measures under the licensing objective 'the prevention of public nuisance' which have not been included. Such measures are detailed at points 12. to 16. of the attached premises licence details.

## **5 Location**

- 5.1 A map which identifies the location of these premises is attached at Appendix D.

## **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 representations from both West Yorkshire Police and the Licensing Authority in their capacities as responsible authorities.
- 6.3 The representation made by West Yorkshire Police makes reference to the time limited licence which was supposed to allow for responsible authorities and the Licensing Authority to assess the impact of the operation.
- 6.4 The representation also mentions that the premises have been visited twice since the time limited licence was granted. On both occasions several issues were identified which included breaches of the premises licence conditions. Further information along with a chronology of these visits can be viewed at Appendix E.
- 6.5 A representation to this application has also been submitted by the Licensing Authority who are of opinion that the application contains insufficient information on how granting the application will not add to the effects already being experienced in the area. Member's attention is drawn to Appendix F.

### Other representations

- 6.6 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 exceptional and the matters that the council would not normally take into consideration.
- 7.6 We are now in receipt of the most recent Night Time Economy Related Crime Stats (September 2017) produced by West Yorkshire Police. We are awaiting the incorporation of these stats within an updated CIP evidence report and for Member's consideration they have been included at Appendix H of this report.

## **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 adversely impact on the licensing objectives.
- 8.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix I.

## **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.
  - 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