

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 12th December 2017

Subject: Application to Vary a Premises Licence held by Viaduct, 11 Briggate, Leeds, LS1 6EP

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 application is made to vary the premises licence held by Viaduct Leisure Limited in respect of Viaduct, 11 Briggate, Leeds, LS1 6EP.

The variation proposes to extend the area for licensable activities to the first floor of the premises, to remove several conditions which are now considered outdated and/or covered by the fire risk assessment and to add a condition regarding entry to the premises, security staff instructions/numbers and monitoring. Further details regarding these measures are contained in this report.

Members should note 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.

The application has attracted representations from West Yorkshire Police and the Licensing Authority. Both representations offer additional measures aimed at promoting the prevention of crime and disorder licensing objective and a request for further information on how the first floor balcony area will be appropriately managed.

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 have benefitted from a premises licence following transition too the current legislation on 24th November 2005. An application to convert and vary the existing Justices' On Licence and Public Entertainment Licence were granted successfully.
- 2.2 On 10th September 2008 the Licensing Authority received an application to vary the existing premises licence that proposed an extension to the hours for all permitted licensable activities. The variation attracted several representations from the responsible authorities which were ultimately resolved prior to reaching a hearing. The application was granted as requested, subject to those agreements.
- 2.3 A further application to vary the premises licence was received on 1st July 2010. On this occasion the application proposed to alter the layout of the premises, to add live music and entertainment of a similar description, to vary the terminal hour for all licensable activities on Sundays only and to remove/amend the embedded restrictions/other conditions in the operating schedule.
- 2.4 The application drew representations from West Yorkshire Police and the Health & Safety Team, with agreements reached in regards to the measures suggested by each authority. The licence was therefore granted in accordance with those agreements.
- 2.5 In addition to the above applications, only requests to appoint new individuals as Designated Premises Supervisor have been received. All such applications have been successful without representation from West Yorkshire Police.
- 2.6 Member's attention is drawn to a copy of the current premises licence details at Appendix A.

3 The Application

- 3.1 The applicant is Viaduct Leisure Limited.
- 3.2 Briefly the application is to:
 - Extend the area for licensable activities to the first floor of the premises as per the plan submitted with the application. A copy of this is included in this report at Appendix B.
 - Remove numerous conditions which are now considered outdated and no longer relevant to the premises. The applicable section in the application form

which requires the applicant to describe the nature of the variation, details the conditions proposed for removal. A partial copy of the application form providing this explanation is attached at Appendix C for Member's consideration; and

- To add a condition regarding entry to the premises by customers and the implementation of a policy/procedure on entry/egress, evacuation, monitoring by staff/door staff and training. The wording provided by the applicant can be viewed in the attached partial copy of the application form.

4 The Operating Schedule

- 4.1 With the exception to the above condition regarding entry, evacuation etc, the applicant considers that the existing measures are sufficient to promote the licensing objectives and no further conditions are necessary.

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 representation from both West Yorkshire Police and the Licensing Authority in their capacity as responsible authorities.
- 6.3 The representation made by West Yorkshire Police offers additional measures aimed at promoting the prevention of crime and disorder objective. These are in relation to the maintenance of a suitable CCTV system, a supervisor's register, a specification for a minimum number of door staff, to ensure a member of door staff is available on the first floor of the premises and to operate a communication link.
- 6.4 At the time of writing this report no agreement has been reached and it remains a matter outstanding for Member's consideration. A copy of the representation can be viewed at Appendix E of this report.
- 6.5 A representation has also been submitted by the Licensing Authority who have concerns in relation to public safety and have requested further information on how the first floor balcony area will be monitored. Member's attention is drawn to a copy of this representation at 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 Members should note that 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 in an updated CIP evidence report produced in January. In the meantime they have been included at Appendix H of this report for Members to view.

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.
 - Exclude any licensable activities to which the application relates.
 - 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