

**Licensing and Registration**

Civic Hall
Leeds LS1 1UR

Private & Confidential

Paddy Whur
Woods Whur 2014 Limited
Devonshire House
38 York Place
Leeds
LS1 2ED

Contact: Susan Holden

Tel: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

Your ref:

16th November 2017

Dear Mr Whur

Viaduct, 11 Briggate, Leeds, LS1 6EP**Application for a variation of a premises licence under the Licensing Act 2003
Licensing Authority Letter of Representation**

Thank you for submitting your application for the above premises, and for meeting with me yesterday.

The area in which the subject premises is located is within a cumulative impact area. It is the council's policy, on receipt of relevant representations, to refuse new and variation applications in this area for alcohol led premises such as bars, pubs and nightclubs and for premises seeking late night refreshment such as takeaways and late opening restaurants, unless the applicant can demonstrate that their application would not impact on the cumulative effect of such licensed premises in the area.

Specifically your application falls within the red area of the City Centre CIP. As stated at 7.20 of the Statement of Licensing Policy 2014 to 2018 the council will seek to refuse all applications in these red areas on the basis that the impact on the licensing objectives are at such a level that the area cannot support any more premises opening or extending their operation no matter how impressive the concept or application is.

I refer you to 7.67 to 7.70 of the Policy which describes how, when considering the presumption against grant in a CIP area, the council will need to be satisfied that the grant of this variation will not impact on the cumulative impact of existing licensed premises in the area. It will be for you to advise the council how your application would allow Members to make an exception to the policy.



I also refer you to 7.69 of the Policy which describes examples of factors the licensing authority will not consider as meeting the standard of rebuttal include:

- That the premises will be well managed and run as all licensed premises should meet this standard.
- That the premises will be constructed to a high standard.
- That the applicant operates similar premises elsewhere, such as in another licensing authority area, without complaint.

I note that your application is to vary the existing licence to extend the area for licensable activities to the first floor as shown on the plan submitted with the application. You also intend to remove outdated and redundant conditions and to add a condition relating to the control of customers within the premises.

During our meeting you explained how you intend for your security staff control the numbers within the premises, with the one entrance point and three egress points and the use of a clicker system and an hourly recording of the capacity numbers. You undertook to provide these details in writing but this is yet to be received. To aid you in the drafting of these details we would expect these measures to be included in your operating schedule and so be included on the licence as conditions.

The main part of your application is to bring into public use the first floor of the building. Your intention is to remove part of the floor to provide a viewing area for the stage, similar to that found in a theatre. This balcony area will have a bar and will improve the flow of customers through the building. However although you have provided some information on how capacity will be controlled, and are planning to provide more detail for this, your application does not address how this first floor area will be controlled. Specifically my concern is that public safety could be compromised if objects fall from the balcony area onto the dance/viewing area below. Can you advise how you intend to control this, for example if you are planning to provide security staff to monitor this area? Again we would expect these measures to be included in your operating schedule and so be included on the licence as conditions.

Bearing in mind the severity of the problems being experienced in the area with this area suffering from the highest levels of violent crime and disorder incidences in the city centre, with an increase in the last 12 months of over 17% in this area, the Licensing Authority is of the opinion that despite your application offering a number of measures around capacity and control of numbers it still does not contain sufficient information about how your proposed business would not add to the impact already being experienced in the area.

Therefore the licensing authority submits a formal representation against your application on the grounds of the prevention of crime and disorder and public safety and will recommend to the licensing sub-committee that this application is refused. However should you be able to provide additional information, with amendments to your operating schedule to secure these measures as conditions on the licence we may be prepared to withdraw our representation.

Should you have any questions, please contact us.

Yours faithfully

A solid black rectangular box used to redact the signature of Susan Holden.

Susan Holden
Principal Licensing Officer
Entertainment Licensing