

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 3rd January 2012

Subject: Application for the Grant of a Premises Licence for Listce Bar/Nightclub 8 Church Walk, Leeds, LS2 7EG

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|---|---|--|
| Are specific electoral Wards affected? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If relevant, name(s) of Ward(s): | | |
| 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 for Listce Bar/Nightclub, 8 Church Walk, Leeds, LS2 7EG.

The application is made for a premises wishing to operate as a nightclub/bar proposing various provisions of Regulated Entertainment, Late Night Refreshment and the Sale of Alcohol. The provisions and the hours applied for are noted at 3.3 of this report.

The premises are located within an area covered by a Cumulative Impact Policy.

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

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 premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

2.0 History of Premises

2.1 These premises previously had the benefit of a licence issued under the Licensing Act 2003 after successfully converting a Public Entertainment Licence in the transitional period.

The holder of this premises licence was subject to administration proceedings on 23rd May 2007. No application to transfer was made within the statutory period and the licence subsequently lapsed.

3.0 The Application

3.1 The applicant is Ms Grace Musinga.

3.2 The application form can be found at Appendix A to this report.

3.3 In summary the application is for:

3.3.1 Films

Indoor Sporting Event

Live Music

Recorded Music

Performance of Dance

Anything of a Similar Description

Facilities for making music

Facilities for Entertainment of a Similar Description

10:00 until 02:30 hrs Monday to Wednesday

10:00 until 03:30 hrs Thursday and Friday

10:00 until 04:30 hrs Saturday

10:00 until 00:30 hrs Sunday

3.3.2 Late Night Refreshment

23:00 until 02:30 hrs Monday to Wednesday

23:00 until 03:30 hrs Thursday and Friday

23:00 until 04:30 hrs Saturday

23:00 until 00:30 hrs Sunday

3.3.3 Supply of Alcohol (for consumption on the premises)

10:00 until 02:00 hrs Monday

10:00 until 02:30 hrs Tuesday

10:00 until 02:00 hrs Wednesday

10:00 until 03:00 hrs Thursday and Friday

10:00 until 04:30 hrs Saturday

10:00 until 00:30 hrs Sunday

3.4 Non-standard timings:

Non-standard timings for Bank Holidays or special occasions are not proposed in this application.

4.0 Other matters relevant to the application

4.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub-Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

5.0 Steps to promote the Licensing Objectives

5.1 The applicant proposes to take the steps identified in the Pro-forma Risk Assessment to promote the licensing objectives; a copy of which may be found at Appendix B of this report.

6.0 Proposed Designated Premises Supervisor

6.1 Kalist Musinga intends to be the Designated Premises Supervisor.

7.0 Location

7.1 Maps which identify the location of the premise are attached at Appendix C.

8.0 Cumulative Impact Policy

8.1 The premises are located with the Cumulative Impact Area 1 – City Centre.

8.2 Cumulative impact means the potential impact on the promotion of the licensing objectives where there are a significant number of licensed premises concentrated in one area.

8.3 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 operating schedule the steps they intend to take, so that the council and responsible authorities can be satisfied that granting the licence will not add to the impact already being experienced.

8.4 Details of the Cumulative Impact Policy specific to Area 1 – City Centre, and an outline of the evidence behind the reason for setting this policy is attached at Appendix D.

9.0 Representations

9.1 Under the Act representations can be received from responsible authorities or interested parties. Representations must be relevant and, in the case of an interested party, must not be frivolous or vexatious.

9.2 Representations have been received from West Yorkshire Police, Environmental Protection Team and Health & Safety in their capacity as responsible authorities.

9.2.1 Any representation submitted may be agreed prior to a hearing. In this instance, the operating schedule has been amended to include measures agreed with Health and Safety Service. A copy of which may be found at Appendix E.

- 9.2.2 The representation submitted by Environmental Protection Team remains as a matter for Member's consideration. A copy of which is attached at Appendix F.
- 9.2.3 The representation submitted by West Yorkshire Police also remains a matter for Member's consideration. Member's attention is drawn to Appendix G of this report.
- 9.3 The application has attracted representations from interested parties.
- 9.3.1 The Licensing Section is in receipt of one letter of objection, which is opposed to this application on the grounds of public nuisance. A copy of the representation will be available at the hearing for Members consideration.

10.0 Options Available to Members

- 10.1 The Licensing sub-committee must take such of the following steps as it considers necessary 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.
 - Refuse to specify the said person as the designated premises supervisor.
 - Reject the whole or part of the application.
- 10.2 Members of the licensing sub committee 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 necessary in order to promote the licensing objectives.

11.0 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy
- Representations received from Interested Parties