

**Report of the Head of Licensing and Registration**

**Report to the Licensing Sub Committee**

**Date: 1st October 2012**

**Subject: Application for the grant of a premises licence for New World Cafe 26 - 30  
New Briggate, Leeds, LS1 6NU**

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 for New World Cafe 26 - 30 New Briggate, Leeds, LS1 6NU.

The applicant has applied for: Recorded music, Provision of facilities for making music, Late night refreshment and Sale by retail of alcohol. Full details of activities and hours can be found at 3.3 of this report.

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

The application has attracted representations from responsible authorities.

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

## **1.0 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 During 2005, a planning application was granted for a change of use of these premises, from retail to restaurant. The hours applied for were to 23:00 hours. Discussions at that time were that the restaurant would be on the ground floor and the upper floors would remain vacant and specifically would not be residential.

An application was submitted, in the Licensing Office, in October 2005 for the grant of a premises licence for the premises to be known as D'Fusion. The applicant was Di Fusion Leisure Limited. The activities applied for were: Live music, Recorded music, every day 11:00 – 04:00, Late night refreshment every day 23:00 – 04:00, sale of alcohol every day 11:00 – 03:00. The plan attached to the application, showed that all four floors would be used. Ground floor – café bar, first floor – restaurant, second floor – restaurant lounge, third floor – kitchen. Representations were received from responsible authorities and a hearing was held on 21<sup>st</sup> November 2005, to decide the application. The sub committee decided to grant the application in part as follows: provisional licence granted as requested, all licensable activities (except sale of alcohol which is to cease at 3am), to cease at 3:30 am and premises to close at 4 am. The sub committee also imposed the condition that a manager should be present on each floor, except basement, when licensable activities take place and sufficient door staff to be employed after 11pm. Agreements were also reached with some responsible authorities and these conditions formed part of the operating schedule.

On 27<sup>th</sup> September 2006, an application for variation to the premises licence was submitted. The variation was to increase the hours for the sale of alcohol on a Friday and Saturday to 5 am and all other activities until 6 am on a Friday and Saturday. Again representations were received from a responsible authority, but agreements were reached and the variation application was granted.

On 1<sup>st</sup> February 2007, a further application to vary the premises licence was received. This was to add two activities, performance of dance and provision of facilities for dancing, alter the existing ground floor bar café lounge to first floor and the existing first floor restaurant would transfer to the ground floor, remove the condition for electronic counter system for monitoring and replace with manually hand operated counter and remove the condition that people under 18 will not be admitted. A representation was submitted by West Yorkshire Police. The application was scheduled for hearing on 4<sup>th</sup> May 2007, the sub committee decided to grant the application in full, subject to the conditions offered by the applicant.

On 26<sup>th</sup> July 2007, a further application to vary the premises licence was received. This variation proposed to remove all conditions in Annex 2 and 3 of the operating schedule and replace those conditions with some proposed by the applicant. The variation was granted.

On 30<sup>th</sup> August 2007, a further application was made to vary the licence. It was to vary the layout of the premises and to include VIP dining rooms on the second floor. Each room to have the facility for karaoke. Also a variation of the condition requiring doorstaff to include an additional condition proposed by the applicant. This application was also granted.

On the 2<sup>nd</sup> April 2012 an application for review of the premises licence was received from West Yorkshire Police. The application for review, related to all four licensing objectives – The prevention of crime and disorder, Public safety, The prevention of public nuisance, The protection of children from harm. This application was heard at the sub committee on 22<sup>nd</sup> May 2012. The sub committee decided to revoke the premises licence. An appeal of this decision is pending.

On 1<sup>st</sup> August 2012, an application for the grant of a premises licence was received in the Licensing Office. The applicant is now New World Café Ltd.

### **3.0 The Application**

3.1 The applicant is New World Cafe Ltd,

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

3.3 In summary the application is for

Sale by retail of alcohol on the premises  
11:00 until 05:00 hours every day

Recorded music  
08:00 until 03:00 hours every day

Provision of facilities for making music  
13:00 until 05:00 hours every day

Late night refreshment  
23:00 until 03:00 hours every day

Times when the premises will be open to the public:  
08:00 until 05:00 hours every day

Non Standard Timings:

Non-standard timings for bank holidays or special occasions are not proposed.

#### **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 specific steps to promote the licensing objectives identified in section "P" of the application form.

#### **6.0 Proposed Designated Premises Supervisor**

- 6.1 Mr Man Kwong Lau intends to be the Designated Premises Supervisor.

#### **7.0 Location**

- 7.1 A map which identifies the location of this premise is attached at Appendix B.

#### **8.0 Cumulative Impact Policy**

- 8.1 The premises are located within the Cumulative Impact Area 1.
- 8.2 Cumulative Impact means the potential impact on the promotion of the licensing objectives, here 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 that they intend to take so that the council and responsible authorities can be satisfied with that granting of a new licence will not add to the impact already being experienced.
- 8.4 Details of the Cumulative Impact Policy specific to Area 1 and an outline of the evidence behind the reason for setting this Policy is attached at Appendix C.

## **9.0 Representations**

9.1 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.

### **9.2 Representations from Responsible Authorities**

9.2.1 Representations have been received from West Yorkshire Police, Health and Safety Service and Environmental Protection Team in their capacity as a responsible authority.

9.2.2 Any representations 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 D.

9.3 The representation submitted by West Yorkshire Police remains as a matter for Members consideration. A copy of the same may be found at Appendix E.

9.4 The representation submitted by Environmental Protection Team remains as a matter for Members consideration remains as a matter for Members consideration. A copy of the same may be found at Appendix F.

### **9.5 Other representations**

9.5.1 There are no other representations.

## **10.0 Options Available to Members**

10.1 The Licensing sub-committee 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.
- 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 appropriate in order to promote the licensing objectives.

## **11.0 Background Papers**

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy