

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

**Report to the Licensing Sub Committee**

**Date: Monday 22<sup>nd</sup> November 2012**

**Subject: Application to vary a premises licence held by Smokestack First, Second And Third Floors, 159A, Lower Briggate, Leeds, LS1 6LY**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): City and 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 to vary a premises licence held by Smokestack First, Second And Third Floors, 159A, Lower Briggate, Leeds, LS1 6LY

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

The application has attracted representations from a responsible authority.

For details of the application please refer to point 3.3 of this report.

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 34 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 An application for the conversion and variation of the former license into a premises licence was submitted in July 2005 under the Licensing Act 2003.

No objection to the application was received and a Premise Licence was duly granted.

An application to vary the licence was submitted in February 2008 where the applicant sought to extend the hours for licensable activities and removed embedded restrictions. Representations were received and the application was heard by the licensing committee where the application was granted subject to the applicant proposing to amend the application.

- 2.2 A copy of the existing licence is attached at Appendix A

## 3.0 The Application

- 3.1 The applicant is Mr Simon Ord,
- 3.2 The application form may be found at Appendix B to this report.
- 3.3 In summary the application is to extend the timings for licensable activities by an hour on Sundays to Thursdays. To trade until 03:00 hours. Please see the proposed timing of activities below;

- Sale of Alcohol
  - Live Music
  - Recorded Music
  - Performance of Dance
  - Anything of a similar description
  - Making Music
  - Facilities for Dancing
  - Entertainment of a similar description
- Mon – Thurs 10:00 – 03:00**  
**Fri & Sat 10:00 – 04:00**  
**Sunday 12:00 – 03:00**
- Late Night Refreshment
- Sun – Thurs 23:00 – 03:00**  
**Fri & Sat 23:00 – 04:00**

The applicant further wishes to remove conditions relating to children being admitted on the premises. Condition numbers 118, 220 and 221 have been requested to be removed, please refer to appendix A of the report to identify the conditions proposed. In place of these conditions the applicant proposes the following:

- Persons under the age of 18 shall only be permitted onto the premises, when accompanied by an adult, until 10pm daily.

#### 3.4 Equality and Diversity / Cohesion and Integration

3.5 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.

#### **4.0 Steps to promote the Licensing Objectives**

4.1 The applicant proposes to take specific steps to promote the licensing objectives identified in section “P” of the application form.

#### **5.0 Location**

5.1 A map which identifies the location of this premises is attached at Appendix C.

#### **6.0 Cumulative Impact Policy**

6.1 The premises are located within the Cumulative Impact Area 1.

6.2 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.

6.3 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 intends 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.

6.4 Details of the Cumulative Impact Policy specific to Area A and an outline of the evidence behind the reason for setting this Police is attached at Appendix D.

#### **7.0 Representations**

7.1 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.

#### 7.2 Representations from Responsible Authorities

7.2.1 Representation has been received from Leeds City Council Environmental Health.

7.3 The representation submitted by Leeds City Council Environmental Health remains as a matter for Members consideration. A copy of the same may be found at Appendix E.

7.4 Other representations

7.4.1 There are no other representations.

**8.0 Options Available to Members**

8.1 The Licensing sub-committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the 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.

8.2 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.

**9.0 Background Papers**

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