

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday, 30th May 2023

**Subject: Application for the Grant of a Premises Licence for Sushi Nakamura,
4 Eastgate, Leeds, LS2 7JL**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Little London & Woodhouse		
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 made by Hana Matsuri Limited, for Sushi Nakamura, 4 Eastgate, Leeds, LS2 7JL.

The application is made for a premises wishing to operate as a Japanese fine dining restaurant.

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

The application has attracted representations from West Yorkshire Police and the Environmental Protection Team.

The premises are located within the Leeds City Centre Cumulative Impact Area, albeit not in either of the two designated red zones.

1 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 new 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 the Premises

- 2.1 This is the first application for a premises licence for these premises.

3 The Application

- 3.1 The applicant's name is Hana Matsuri Limited.
- 3.2 The proposed designated premises supervisor is Kaoru Nakamura.
- 3.3 In summary the application is for:

*Sale by retail of alcohol (for consumption both on and off the premises)
Every day 11:00 – 01:00*

*Late night refreshment
Every day 23:00 – 01:00*

*Recorded Music
Every day 11:00 – 01:00*

*Non standard timings
No non-standard timings for bank holidays or special occasions are proposed.*

- 3.4 A redacted version of the application has been attached at Appendix A.
- 3.5 The applicant proposes to promote the licensing objectives by taking the steps identified in Section M of the applications form.

4 Location

- 4.1 A map which identifies the location of the premises is attached at Appendix B.

5 Representations

- 5.1 Under the Act representations can be received from anyone but they must be relevant and, in the case of a member of the public, must not be frivolous or vexatious.

Representations from Responsible Authorities

- 5.2 Representations have been received from West Yorkshire Police and Environmental Health in their capacity as responsible authorities.

- 5.3 The representation submitted by West Yorkshire Police offers a number of suggested measures to promote the crime prevention objective. No agreement has been reached between the applicant and West Yorkshire Police, therefore the matter remains outstanding for the committee's consideration and a copy of the representation may be found at Appendix C.
- 5.4 Agreements have been reached between the applicant and the Environmental Protection Team, resulting in measures to uphold the prevention of public nuisance licensing objective being incorporated into the operating schedule. A copy of the representation from the Environmental Protection Team and the agreement can be found at Appendix D.

Other representations

- 5.5 There are no other representations.

6 Cumulative Impact Policy

- 6.1 The premises are located within the cumulative impact area for Leeds City Centre, albeit not in either of the two areas of special concern designated as red zones.
- 6.2 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.
- 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 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.
- 6.4 Details of the cumulative impact policy specific to Leeds City Centre and an outline of the evidence behind the reason for setting this policy is attached at Appendix E.
- 6.5 Members are directed to paragraph 7.44 of the Statement of Licensing Policy which provides examples of how an application may demonstrate there will be no impact and paragraph 7.45 which provides examples of the matters that the council would not normally take into consideration.

7 Licensing Hours

- 7.1 Members are directed to paragraphs 6.8 to 6.15 of the Statement of Licensing Policy which states the criteria that will be applied to any decision for new applications or variations which include extending hours.
- 7.2 In brief the Policy states at 6.14 that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so.
- 7.3 The council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications

which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not adversely impact on the licensing objectives.

7.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix F.

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 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.

9.2 Members of the licensing subcommittee are asked to note that they may not reject the whole or part of the application merely because they consider it desirable to do so. It must be appropriate in order to promote the licensing objectives.

10 Background Papers

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