

**Report of the Chief Officer Elections and Regulatory**

**Report to the Licensing Sub Committee**

**Date: Tuesday, 30 July 2024**

**Subject: Application for the Grant of a Premises Licence for NYK Leeds, Ground Floor, 106 Burley Road, Burley, Leeds, LS3 1JP**

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 NYK Leeds Limited, for NYK Leeds, Ground Floor, 106 Burley Road, Burley, Leeds, LS3 1JP.

This application proposes Late Night Refreshment and the Performance of Recorded Music. The hours applied for can be noted at 3.2 of this report.

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

Agreements have been reached with West Yorkshire Police and the Environmental Protection Team to adopt additional measure and to reduce the terminal hour of the Performance of Recorded Music. As result, the representations by those authorities have been withdrawn.

In respect of other persons, the application has attracted three individual representations from members of the public which remain a matter outstanding for the Sub Committee's consideration.

## 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 valid 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 NYK Leeds Limited.
- 3.2 In summary the application is for:

*Late Night Refreshment*  
*Everyday* 23:00 – 02:00

*Performance of recorded music*  
*Everyday* 11:00 – 23:00\*

\*terminal hour reduced as per the agreement reached with the Environmental Protection Team.

- 3.3 A redacted version of the application has been attached at **Appendix A**.

## 4 Location

- 4.1 A map which identifies the location of this 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 Protection Team in their capacity as a responsible authority.
- 5.3 Any representation may be negotiated prior to the hearing and in this instance the operating schedule has been amended to include the measures agreed with West Yorkshire Police. A copy of the agreement may be found at **Appendix C**.
- 5.4 Agreements have also been reached with the Environmental Protection Team for the applicant to adopt additional measures and to reduce the terminal hour of Recorded Music. A copy of the agreement can be found at **Appendix D**.

## Other Representations

- 5.5 The application has attracted three representations from members of the public (described as 'other persons' in the legislation), which are opposed to this application mainly on the grounds of public nuisance and public safety.
- 5.6 Two representations have been received from members of the public who have expressed concern that they may be at risk of retribution should their details be made public. As such their personal details have been redacted and they will remain anonymous. For this reason, despite their strength of feeling they will not be attending the hearing and would like their representations to be considered fully in their absence.
- 5.7 In order to protect personal data, redacted copies of the representations are attached at **Appendix E** and original copies will be provided to the Licensing Sub Committee in advance of the hearing.

## **6 Licensing Hours**

- 6.1 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.
- 6.2 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.
- 6.3 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.
- 6.4 A list of premises in the local area and their licensed hours and activities is provided at **Appendix F**.

## **7 Equality and Diversity Implications**

7.1 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.

## **8 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 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.
- Reject the whole or part of the application.

8.2 Members of the Licensing Sub Committee 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.

## **9 Background Papers**

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