



LICENSING SUB-COMMITTEE

MEETING TO BE HELD IN LEEDS CIVIC HALL ON

MONDAY, 12TH MAY, 2008 AT 10.00 AM

MEMBERSHIP

Councillors

G Hyde - Killingbeck and Seacroft
C Townsley - Horsforth
G Wilkinson - Wetherby

**Agenda compiled by:
Tel No:
Governance Services
Civic Hall
LEEDS LS1 1UR**

**Laura Pilgrim
247 4359**

A G E N D A

Item No	Ward	Item Not Open		Page No
1	Hyde Park and Woodhouse		<p>"THE FAVERSHAM" - APPLICATION FOR THE VARIATION OF A PREMISES LICENCE FOR THE PREMISES KNOWN AS "THE FAVERSHAM" 1-5 SPRINGFIELD MOUNT, WOODHOUSE, LEEDS, LS2 9NG</p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) on an application received for the variation of a Premises Licence in respect of "The Faversham" 1-5 Springfield Mount, Woodhouse, Leeds, LS2 9NG.</p> <p>(Report Attached)</p>	1 - 4
2	City and Hunslet		<p>"SMOKESTACK" (FORMERLY SOUL CIRCUS) APPLICATION FOR THE VARIATION OF A PREMISES LICENCE FOR THE PREMISES KNOWN AS "SMOKESTACK" 159A LOWER BRIGGATE, LEEDS, LS1 6LY</p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) on an application received for the variation of a Premises Licence in respect of "Smokestack" 159a Lower Briggate, Leeds, LS1 6LY.</p> <p>(Report Attached)</p>	5 - 10
3	City and Hunslet		<p>"ACADEMY" (FORMERLY LIQUID & ENVY) - APPLICATION FOR THE GRANT OF A PREMISES LICENCE FOR THE PREMISES KNOWN AS "ACADEMY" 55 COOKRIDGE STREET, LEEDS, LS1 3AW</p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) on an application received for the grant of a Premises Licence in respect of "Academy" 55 Cookridge Street, Leeds, LS1 3AW.</p> <p>(Report Attached)</p>	11 - 14



Report of the Assistant Chief Executive (Corporate Governance)

Report to the Licensing Sub Committee

Date: Monday 12th May 2008

Subject: Application for the Variation of a Premises Licence for The Faversham, 1-5 Springfield Mount, Woodhouse, Leeds, LS2 9NG.

Electoral Wards Affected:

Hyde Park & Woodhouse

X

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

This report informs members of an application for the variation of a Premises Licence for the premises situated at 1-5 Springfield Mount, Woodhouse, Leeds, LS2 9NG, trading as The Faversham.

The responsible authorities are served with copies of the application by the applicant and Ward Members have been notified of the application.

1.0 Purpose of this Report

To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") for a variation to an existing Premises Licence, in respect of The Faversham, 1-5 Springfield Mount, Woodhouse, Leeds, LS2 9NG.

The Licensing Sub-Committee is required to consider this application due to the receipt of representations.

2.0 History of Premises

2.1 Prior to the introduction of the Licensing Act 2003, The Faversham operated under a Special Hours Certificate with the benefit of a Public Entertainment Licence. On 5th August 2005, an application to convert and vary was received by the Licensing Authority which was subject to an hearing due to the receipt of representations. Agreements were reached between the applicant, West Yorkshire Police and LCC Health & Safety Team prior to the hearing. Environmental Health Services and representations submitted by members of the public remained outstanding up to the date of hearing (29th September 2005).

At the aforementioned hearing, the Licensing Sub-committee resolved to grant the application to vary the premises licence in part. Proposed hours for licensable activities were reduced and additional conditions to promote the licensing objectives were imposed (for further clarification, please see 'Appendix A').

2.2 The premises currently have the benefit of a Premises Licence, issued under the Licensing Act 2003 for the following licensable activities:

- E** Live Music
- G** Performance of Dance
- I** Provision of Facilities for Making Music
- J** Provision of Facilities for Dancing
- L** Late Night Refreshment
- M** Sale by Retail of Alcohol

2.3 The hours of operation are as follows:

Live Music
Performance of Dance
Facilities for Making Music
Facilities for Dancing

Sunday to Thursday	11:00 – 04:00
Friday & Saturday	11:00 – 05:00

Late Night Refreshment

Sunday to Thursday	23:00 – 04:00
Friday & Saturday	23:00 – 05:00

Sale by Retail of Alcohol

Sunday to Thursday	11:00 – 03:00
Friday & Saturday	11:00 – 04:00

2.4 The hours that the premises are open to the public are:

Sunday to Thursday	11:00 – 03:30
Friday & Saturday	11:00 – 04:30

2.5 A copy of the existing licence (including all conditions) is attached at **Appendix A**.

3.0 The Application

3.1 The applicants are **Sound Trading Ltd**.

3.2 The location and the proximity to neighboring premises can be seen on the map provided, Members attention is drawn to **Appendix B**.

3.3 A copy of the application and operating schedule are attached as **Appendix C** to this report. For the assistance of members, the Operating Schedule shows:

i) Proposed new licensable activities

The applicant proposes the following additional licensable activities:

- F** Recorded Music
- H** Anything of a Similar Description
- K** Facilities for Entertainment of a Similar Description

ii) Proposed new hours of licensable activities

The applicant proposes to alter the existing hours of licensable activities to reflect the following:

- Live Music**
- Recorded Music**
- Performance of Dance**
- Anything of a Similar Description**
- Facilities for Making Music**
- Facilities for Dancing, Facilities for Entertainment of a Similar Description, Sale by Retail of Alcohol**

Sunday to Thursday	11:00 – 06:00
Friday & Saturday	11:00 – 09:00

Late Night Refreshment

Everyday	23:00 – 05:00
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The applicant does not suggest any non-standard timing.

iii) Proposed amendment to existing licence conditions

The applicant requests amendments to the following conditions:

- a. "The number of licensed outdoor events shall be limited to 6 per year", and replaced with "The number of licensed outdoor events shall be limited to 12 per year."
- b. "The use of the beer garden and any external area to cease at 22:00 hours", and replace with "The use of the beer garden and any external area to cease at 22:00 hours except for smokers using the designated smoking area."
- c. "No person under the age of 18 will be permitted to any part of the premises unless accompanied by an adult", and replace with "No person under the age of 16 will be admitted to the premises unless accompanied by an adult."
- d. "No person under the age of 18 will be allowed on the premises after 22:00 hours", and replace with "Unless attending a private function, no person under the age of 18 will be allowed on the premises after 23:00 hours."

iv) Times when the premises proposes to be open to the public

Sunday to Thursday	11:00 – 06:30
Friday & Saturday	11:00 – 09:30

v) Designated Premises Supervisor

Mr Gary Morton is to remain as the Designated Premises Supervisor.

4.0 Relevant Representations

4.1 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.

4.2 Responsible authorities have made the following representations:-

- **West Yorkshire Police**

Member's are invited to consider **Appendix D** of this report.

5.0 Matters Relevant to the Application

5.1 Members of the Licensing sub committee must make decisions with a view to promoting the licensing objectives which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

5.2 In making of their decision Members are obliged to have regard to the national Guidance and the Council's Licensing Policy. Members will be aware they must also have regard to the relevant representations made, and the evidence they hear.

6.0 Options Available to Members

6.1 The licensing sub-committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- Grant the variation as requested.
- Grant the variation while imposing new conditions or altering in any way the existing operating schedule.
- Reject whole or part of the variation application.

6.2 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.

Background Papers

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



Originator: Barry Glover

Tel: 0113 - 2474096

Report of the Assistant Chief Executive (Corporate Governance)

Report to the Licensing Sub Committee

Date: 12th May 2008

Subject: Application for the Variation of a Premises Licence for Smokestack (Formerly Soul Circus) 159a, Lower Briggate, Leeds LS1 6LY

Electoral Wards Affected:

City and Hunslet

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

This report informs members of an application for the variation of a Premises Licence for premises situated at 159a, Lower Briggate, Leeds LS1 6LY trading as The Smokestack.

The responsible authorities are served with copies of the application by the applicant and Ward Members have been notified of the application.

1.0 Purpose of this Report

To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") for a variation to a Premises Licence in respect of The Smokestack, 159a, Lower Briggate, Leeds LS1 6LY.

The Licensing Sub-Committee is required to consider this application due to the receipt of representations.

2.0 History of Premises

An application for the conversion only of the former Justices Licence, Public Entertainment Licence and Late Night Refreshment House Licence was submitted by the then Licence Holder, Mr M G Coward on the 4th August 2005.

Copies of licences in respect of the above activities were supplied however the applicant did not supply a copy of the Special Hours Certificate.

No objection to this application was submitted and a premise Licence was duly issued.

On the 22nd February 2006, Mr G Coward submitted a variation application in order to extend the licensing facilities for the provision of regulated entertainment and sale by retail of alcohol from 2:00am to 4:00am on Friday, Saturday and Sunday.

Representations were received in relation to this variation application as a result of which the variation application was heard before the Licensing Sub Committee on the 21st April 2006.

The sub Committee were informed during the hearing that the current planning permission only allowed the premises to operate until 02:00hrs.

At the hearing the Sub Committee resolved to grant the application to vary the Premise Licence in part on Friday and Saturday nights and the applicant offered to withdraw the application for extended hours on Sunday.

It was stressed that the extension of licensable activities until 04:00 should not be utilised until the Licensing Department were informed that an amendment to the premises planning permission had been made successfully.

A copy of the decision letter relating to this hearing is attached as **Appendix "A"** to this report.

On the 18th May 2007 planning permission, with conditions attached, was granted for an extension of hours.

A copy of the decision notice relating to the granting of planning permission is attached as **Appendix "B"** to this report.

Following receipt of confirmation of the successful planning application a Premise Licence was issued in June 2007

An application for the transfer of the Premise Licence from Mr Coward to Mr S Ord was submitted and granted in October 2007.

2.1 The premises currently have the benefit of a Premises Licence issued under the Licensing Act 2003 for the following activities:

- E Live Music
- F Recorded Music
- G Performance of Dance
- H Anything of a Similar Description to that falling within (E), (F) or (G)
- I Provision of Facilities for Making Music
- J Provisions of Facilities for Dancing
- K Provision of Facilities for Entertainment of a Similar Description to that falling within (I) or (J)
- L Late Night Refreshment
- M Sale by retail of Alcohol

2.2 The hours of operation are as follows:

- E Live Music
- F Recorded Music
- G Performance of Dance
- H Anything of a Similar Description to that falling within (E), (F) or (G)
- I Provision of Facilities for Making Music
- J Provisions of Facilities for Dancing
- K Provision of Facilities for Entertainment of a Similar Description to that falling within (I) or (J)

Monday to Thursday	10:00 – 02:00
Friday & Saturday	10:00 – 04:00
Sunday	12:00 – 00:00 (Midnight)

L Late Night Refreshment

Monday to Thursday	23:00 – 02:00
Friday & Saturday	23:00 – 04:00
Sunday	00:01 - 02:00

M Sale by retail of Alcohol

Monday to Thursday	10:00 – 02:00
Friday & Saturday	10:00 – 04:00
Sunday	12:00 – 22:30

2.3 The hours that the premises are open to the public are:

Monday to Thursday	10:00 – 02:30
Friday & Saturday	10:00 – 04:30
Sunday	12:00 – 02:00

2.4 A copy of the existing premise licence is attached as **Appendix “C”** to this report

3.0 The Application

3.1 The applicant is Mr Simon Ord

3.2 The location and the proximity to neighboring premises can be seen on the map provided, Members attention is drawn to **Appendix “ D “**.

3.3 A copy of the application, operating schedule and pro forma risk assessment are attached as **Appendix “ E “** to this report. For the assistance of members, the Operating Schedule shows:

i) **Proposed new licensable activities**

The applicant does not propose to alter the activities

ii) **Proposed new hours of licensable activities**

Monday to Thursday	10:00 – 04:00
Friday & Saturday	10:00 – 04:00 (as existing)
Sunday	12:00 – 02:00

iii) Proposed amendment to existing licence conditions

To remove the embedded conditions relating the Special Hours Certificate.

iv) Times when the premises are open to the public

Monday to Saturday	10:00 – 04:30
Sunday	12:00 – 02:30

v) Designated Premises Supervisor

Nicholas Stewart Ord is the existing Designated Premises Supervisor

4.0 Relevant Representations

4.1 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.

4.2 Responsible authorities have made the following representations:-

- **Environmental Health Services have made representation**

Member's are invited to consider **Appendix " F "** of this report

4.3 Interested Parties

- **Yorkshire Metropolitan Housing have made representation**

Member's are invited to consider **Appendix " G "** of this report.

- **Representations received from Members of the Public**

Member's are invited to **consider Appendix " H "** of this report.

5.0 Matters Relevant to the Application

5.1 Members of the Licensing sub committee must make decisions with a view to promoting the licensing objectives which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

5.2 In making of their decision Members are obliged to have regard to the national Guidance and the Council's Licensing Policy. Members will be aware they must also have regard to the relevant representations made and evidence they hear.

6.0 Options Available to Members

- 6.1 The licensing sub-committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:
- Grant the variation as requested.
 - Grant the variation while imposing new conditions or altering in any way the existing operating schedule.
 - Reject whole or part of the variation application
- 6.2 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.

Background Papers

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

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Originator: Barry Glover

Tel: 0113 - 2474096

Report of the Assistant Chief Executive (Corporate Governance)

Report to the Licensing Sub Committee

Date: 12th May 2008

Subject: Application for the Grant of a Premises Licence for Academy (formerly Liquid & Envy and previously Creation) 55, Cookridge Street, Leeds LS2 3AW.

Electoral Wards Affected:

City & Hunslet

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

This report informs members of an application for the grant of a Premises Licence for premises situated at 55, Cookridge Street, Leeds LS2 3AW trading as Academy.

The responsible authorities are served with copies of the application by the applicant and Ward Members have been notified of the application.

1.0 Purpose of this Report

To advise Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for the grant of a Premises Licence in respect of The Academy, 55 Cookridge Street, Leeds LS2 3AW.

The Licensing Sub-Committee is required to consider this application due to the receipt of representations.

2.0 History of Premises

2.1 The premises currently hold a valid premises licence under the Licensing Act 2003 in the name of Liquid & Envy, this licence being transferred to the applicants (The Academy Group) on the 6th March 2008.

2.2 For the benefit of members a copy of the premise licence is attached as **Appendix "A"** to this report.

3.0 The Application

3.1 The applicants are Academy Music Group of 211, Stockwell Road, London, SW9 9SL.

3.2

3.2 The location and the proximity to neighboring premises can be seen on the map provided, Members attention is drawn to **Appendix “ B “**.

3.3 A copy of the application and operating schedule are attached as **Appendix “ C “** to this report. For the assistance of members, the Operating Schedule shows:

i) Proposed licensable activities

- A Plays
- B Films
- E Live Music
- F Recorded Music
- G Performance of Dance
- H Anything of a Similar Description to that falling within (E), (F) or (G)
- I Provision of Facilities for Making Music
- J Provisions of Facilities for Dancing
- K Provision of Facilities for Entertainment of a Similar Description to that falling within (I) or (J)
- L Late Night Refreshment
- M Supply of Alcohol

ii) Proposed hours of licensable activities

The proposed hours of licensable activities are as follows:

- A Plays
- B Films
- E Live Music
- F Recorded Music
- G Performance of Dance
- H Anything of a Similar Description to that falling within (E), (F) or (G)
- I Provision of Facilities for Making Music
- J Provisions of Facilities for Dancing
- K Provision of Facilities for Entertainment of a Similar Description to that falling within (I) or (J)
- M Supply of Alcohol

Monday to Thursday 10:00 to 04:00
Friday to Saturday 10:00 to 06:00
Sunday 12:00 to 06:00

L Late Night Refreshment

Monday to Thursday 23:00 to 04:00
Friday to Sunday 23:00 to 06:00

Non Standard Timings and Seasonal Variations

On the Four Saints Days (St Patrick's, David's, George's and Andrew's Day) and on the Friday, Saturday and Monday of Bank Holiday Weekends and on the occasion of events of local, national or international significance or for charitable events, the finish time for all licensable activities will be extended by one hour over and above the standard times requested on the basis of 10 days notice to the police and only by agreement with the Police.

On Bank Holiday Monday's to extend the hours for all licensable activities to 06:00.

To extend the terminal hour on New Year's Eve to the beginning of the standard timings on New Year's Day.

iii) Steps to promote licensing objectives

The applicant proposes to take the steps to promote the licensing objectives identified in section "P" of the application form

iv) Proposed times when the premises is open to the public

The premises propose to open to the public between the following hours:

Monday to Thursday 10:00 to 04:30
Friday to Saturday 10:00 to 06:30
Sunday 12:00 to 06:30

v) Proposed Designated Premises Supervisor

Richard Antony Maides intends to be the Designated Premises Supervisor

4.0 Relevant Representations

4.1 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.

4.2 Responsible authorities have made the following representations:-

- **Leeds City Council Environmental Health Services Department**

Members are invited to consider **Appendix " D "** of this report

4.3 Agreed Representations

Representations may be submitted by Responsible Authorities and agreed prior to a hearing.

Conditions agreed with the following Responsible Authorities

- **Leeds City Council Health and Safety Department**

Members are invited to consider **Appendix “ E “** of this report

5.0 Matters Relevant to the Application

5.1 Members of the Licensing sub committee must make decisions with a view to promoting the licensing objectives which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

5.2 In making of their decision Members are obliged to have regard to the national Guidance and the Council’s Licensing Policy. Members will be aware they must also have regard to the relevant representations made and evidence they hear.

6.0 Options Available to Members

6.1 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 whole or part of the application

6.2 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.

Background Papers

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