



Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Thursday 27th February 2014

Subject: Review of the Premises Licence for La Boheme, Cross York Street, Leeds, LS2 7EE

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:		

Executive Summary

This report informs Members of an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003, sought by West Yorkshire Police in respect of La Boheme, Cross York Street, Leeds, LS2 7EE. The licensing authority is now under a duty to review the premises licence held by these premises.

1.0 Purpose of this Report

1.1 This report provides Members with the background and history to the making of the review application made by West Yorkshire Police (**Appendix A**). The report sets out the relevant law when reviewing licences under the Licensing Act 2003 ("the Act"), and informs members of the options available to them when reviewing a premises licence.

2.0 Background Information

2.1 An application to grant a premises licence for these premises was received by the Licensing Authority on 24th September 2007, under the name Loft Creative Event Space. The application attracted a representation with suggested measures that were later agreed from the Environmental Protection Team (EPT), along with several representations from local residents expressing concerns of crime & disorder and public nuisance incidents when the premises were previously trading as 'Northern Light'.

- 2.2 As a result of these public representations, the application was put before a Licensing Sub Committee for consideration by Members on the 28th January 2008.
- 2.3 The Sub Committee had regard to the representations by local residents and other information presented to them, including the history of the premises. The committee felt that granting the premises licence in line with the measures agreed with EPT would alleviate the concerns of residents whilst upholding the licensing objectives, including the addition of a further condition requiring the licence holder to meet at least every 3 months with the residents to discuss any problems/concerns that they may have.
- 2.4 The premises licence remained in force throughout several changes to the premises licence holder and Designated Premises Supervisor, until an application to vary the licence was made on 16th August 2010.
- 2.5 The variation was to seek an extension to the current licensable hours in order to secure key events that were being lost due to a terminal hour of 04:00 hours on the Thursday, Friday & Saturday evenings/mornings. The variation proposed to extend those timings until 06:00 hours every day of the week.
- 2.6 As before, the application attracted representation. On this occasion however it was only the Health & Safety Team that objected with a suggested measure that was agreed by the applicant to form part of the operating schedule. On receipt of that agreement, the variation application was granted as requested subject to the above inclusion.
- 2.7 Further transfers of the licence and DPS took place following the above variation application, including a change to the name of the premises on 7th February 2012. It was at this time that the premises became known as The Cannons.
- 2.8 On the 21st December 2012, the current premises licence holder Wildcard Leisure Ltd was appointed. The application to transfer the premises licence also stipulated a name change to the premises as it is currently known; La Boheme.

3.0 Premises Licence

- 3.1 The premises licence holder is Wildcard Leisure Limited.
- 3.2 A copy of the premises licence can be found at **Appendix B** of this report. In summary, the premises licence permits the following:
- 3.2.1 Sale by Retail of Alcohol
11:00 until 06:00 hours Monday to Sunday
- 3.2.2 Late Night Refreshment
23:00 until 05:00 hours Monday to Sunday

- 3.2.3 Performance of a Play
Exhibition of a Film
Indoor Sporting Events
Boxing or Wrestling
Performance of Live Music
Performance of Recorded Music
Performance of Dance
Entertainment Similar to Live Music, Recorded Music or Dance
09:00 until 06:00 hours Monday to Sunday
- 3.2.4 Times the premises are open to the public
09:00 until 06:15 hours Monday to Sunday
- 3.2.5 Non-standard Timings:
An additional hour to the standard and non standard times on the day when British Summertime commences.
- New Years Eve - From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.
- To follow ACPO Guidelines i.e. to trade for up to 3 hours beyond or before the standard times on no more than 12 occasions a year provided an operating plan covering any additional measures that will be taken to meet the Licensing Objectives shall be completed. Seven days notice of such events to be given to the Police and Licensing Authorities. The Police have a right to veto the event by giving notice to the Designated Premises Supervisor 72 hours before the event.

4.0 Designated Premises Supervisor

- 4.1 The Designated Premises Supervisor for the premises is Mr David Knight.

5.0 Location

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

6.0 Main Issues

- 6.1 The grounds for review centre principally on crime and disorder and public safety, following several incidents of serious disorder in the latter half of 2013. These include under-age drinking, violence and drug-taking, along with numerous reports on behalf of local residents regarding noise nuisance.
- 6.2 Evidence has been obtained by visits to the premises by the Responsible Authorities and police which clearly show that the DPS and management are unable, even after considerable liaison with the police, to run the premises successfully without hosting promotions and events that culminate in crime and disorder, threaten public safety, result in public nuisance and jeopardise the safety of children.
- 6.3 In addition to the review application, West Yorkshire Police have provided supplementary evidence which is attached at **Appendix D** for Members consideration. This includes witness statements, a chronology of events leading up

to the review and a report from the Environmental Protection Team of noise nuisance complaints from local residents.

7.0 Relevant Representations/Letters of Support

7.1 Under the Act representations/support can be received from responsible authorities and or other persons. Representations must be relevant and, in the case of other people, must not be frivolous or vexatious.

7.2 A letter has been received on behalf of Urban Edge Group Limited; the landlords of the premises. In summary, it explains that Urban Edge Group Limited have only become aware of the incidents set out in the review application since the review proceedings have been launched. It also highlights their feelings that the current DPS and premises licence holder are unable to manage the venue in a satisfactory manner that uphold the four licensing objectives. Also included is a copy of the notice of possession hearing scheduled to take place at Leeds County Court on the 10th April 2014. A copy of this letter and hearing notice is attached at **Appendix E** for Member's consideration.

8.0 Matters Relevant to the Application

8.1 Members of the Licensing Sub Committee must make decisions which are appropriate to the promotion of the licensing objectives. These are:

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

8.2 In making their decision, Members are obliged to have regard to guidance issued under Section 182 of the Act. A copy of the relevant section is attached at **Appendix F**. Members must also have regard to the Council's licensing policy, the relevant representations made and evidence that they hear.

9.0 Implications for Council Policy and Government

9.1 It is the stated licensing policy of the Council that when considering a review the authority will take into account all relevant circumstances, but will view the matters listed in paragraph 13.15 of the policy with particular seriousness.

10.0 Legal and Resource Implications

10.1 There are no resource implications in determining the review.

10.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrate's Court.

11.0 Recommendations

- 11.1 Members are requested to determine this review. The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- to modify the conditions of the licence (which includes adding new conditions or any alteration or omission of an existing condition);
 - exclude any licensable activities to which the application relates;
 - to remove the Designated Premises Supervisor;
 - to suspend the licence for a period not exceeding 3 months; and/or
 - to revoke the licence.
- 11.2 Members may decide that no action is necessary and that the circumstance of the review does not require the Committee to take any steps to promote the licensing objectives.
- 11.3 Members should note the guidance also suggests it is open to Members to issue an informal warning to the licence holder or to recommend improvement within a particular time. However the Guidance further provides that where responsible authorities have already issued such warnings, the issuing of another warning should not be repeated.
- 11.4 Where the Committee decide that a modification of conditions or exclusion of licensable activities may be imposed, this can either be permanently or for a temporary period of up to three months.
- 11.5 Members are directed to paragraphs 11.25 to 11.31 of the Statutory Guidance which related to reviews arising in connection with crime.
- 11.6 Members of the Licensing Committee are asked to note that they may not take any of the steps outlined above merely because they consider it desirable to do so. It must be appropriate for the promotion of the licensing objectives.

12.0 Background Papers

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

Appendices

Appendix A	Review Application
Appendix B	Premises Licence
Appendix C	Premises Location
Appendix D	Supplementary Information
Appendix E	Letter from Landlord
Appendix F	Section 182 Guidance