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**APPLICATION FOR THE VARIATION OF A PREMISES LICENCE: THE REGENT, 15-17
REGENT STREET, CHAPEL ALLERTON, LEEDS, LS7 4PE**

On 25th June 2007 the Licensing Sub-Committee heard an application brought by Spirit Group Ltd, Jubilee House, Second Avenue, Burton-Upon-Trent, DE14 2WF for the variation of a premises licence in respect of the premises known as the Regent, 15-17 Regent Street, Chapel Allerton, Leeds, LS7 4PE.

The applicant sought to vary the following condition contained within the current premises licence.

TO REMOVE 'Patrons shall not be allowed to use the beer garden, or any external area after 23:00 hours'

And **TO REPLACE** with 'No consumption of food or alcohol in the beer garden, or any external area after 23:00 hours'.

Further to an agreement with West Yorkshire Police (WYP), the applicant then proposed to amend the condition to 'No consumption of food or alcohol and no licensable activities will be allowed in the beer garden or any external area after 23:00 hours'.

The hours of licensable activities were proposed to remain as granted in the premises licence.

This letter represents the formal decision of the Sub-Committee in respect of the application.

Preliminary Procedural Issues

The Sub-Committee considered preliminary matters of a purely procedural nature. There were no declarations of interest made. The Sub-Committee agreed that the procedure for the hearing would not be varied. The Sub-Committee then decided to exclude the public from that part of the meeting where Members would deliberate on the application as presented. This would allow them to have a full and frank discussion on all matters put before them and this fact outweighed the public interest in not doing so.

Prior to the hearing that Sub-Committee had considered the Licensing Officers report which included a copy of the application as submitted. The report also included written representations received from local residents Ms A Birdsall, Mrs V Belton, Ms E Luddington, Ms M Price and Mrs A Sladdin.

The Sub-Committee then went on to consider the application

The Hearing

Mrs Irene Stephenson, Area Manager for the Spirit Group attended the hearing.

In determining the application the Sub-Committee took into account the written submissions from the responsible authorities contained within the report and the Notices of Hearing. These had been circulated to the parties prior to the hearing.

After considering the evidence and submissions the Sub-Committee would need to satisfy itself that granting the variation would promote the licensing objectives.

In reaching its decision, the Sub-Committee had regard to the provisions of the Licensing Act 2003, guidance under Section 182 of that Act and the council's own Licensing Policy.

In particular the Sub-Committee took into account Sections 34 & 35 of the Act because these were the most relevant to the application and Chapter 2 of the Guidance relating to the prevention of crime and disorder, public nuisance and public safety.

The Sub-Committee then went on to consider the following paragraphs of the Licensing Policy as the Sub-Committee took the view that these paragraphs had a bearing on the applications:

11:05 to 11:10	Crime & Disorder
11:11 to 11:22	Public Safety
11:23 to 11:28	Public Nuisance

As there were no objectors or responsible authorities present the Sub-Committee then considered the representations made on behalf of the applicant by Ms. Stephenson. The Sub-Committee noted that the application for the variation to the licence was in response to the smoking ban which had recently come into force. The aim of the variation was to provide a smoking area on the premises for patrons of the bar to use and would ensure that patrons were contained on the premises and not smoking on the street. It was the intention to use a specific area near the back door to the beer garden which would have a canopy and some heaters for patrons to use. Ms. Stephenson indicated on the map included in the report the area on the premises. The applicant felt that they could adequately police the area during opening hours to ensure that patrons were not drinking or eating in the area after 23:30.

The Sub-Committee was advised that The Regent was often confused with another two premises nearby which had a later licence and whose patrons often walked across the beer gardens of the premises. The applicant was aware of the disruption this caused to residents and was taking steps to address the matter.

Members of the Sub-Committee asked what alternative provision would be made if the application was turned down. Ms. Stephenson advised that those patrons who wished to smoke would have to smoke on the street outside the premises which would cause a greater disturbance to local residents and staff would find it almost impossible to police. In summing up the Sub-Committee noted that the applicant had learnt much from the smoking ban which had been in place for a longer period in Scotland and Wales. Staff at all of their premises were trained in the company's strict policy on the smoking ban and additional signage would be put up reminding patrons of the ban.

The Decision

The Sub-Committee discussed the application in a closed session and received legal advice on the options open to them with regard to the application. Members noted the written submissions objecting to the variation. The representations made by the applicant in support of the application were also taken into consideration by the Sub-Committee.

The Sub-Committee particularly took into consideration the fact that the application had been made as an attempt by the applicant to address the new smoking legislation and to avoid nuisance to local residents and that the outside areas would be regularly monitored by staff to ensure adherence to the proposed conditions. After careful consideration the decision of the Sub-Committee was to grant the variation in the following terms:

The condition attached to the Premise Licence which states 'Patrons should not be allowed to use the beer garden or external drinking area after 23:00' be removed and replaced with:

- 'Patrons consuming alcohol and/or food, or carrying on any other licensable activity, shall not be allowed to use the beer garden or any external area after 23:00 hours.
- Patrons shall not be allowed to use any external area for any purpose after 23:30 hours Monday to Thursday; 00:30 hours Friday and Saturday and 23:00 hours on Sunday"

In making its decision the Sub-Committee was satisfied that the grant of the licence with the imposed conditions was in line with the Council's own Licensing Policy and the provisions of the Licensing Act 2003. The Sub-Committee particularly noted that that the applicant had made steps toward dealing with the noise from the car park area and urged the applicant to maintain this.

Yours sincerely

Laura Pilgrim
Governance Services Officer