

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 10th November 2015

Subject: Application for the Grant of a Premises Licence for Black Swan 37 Call Lane, Leeds, LS1 7BT

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:		
Appendix number:		

Summary of Main Issues

This is an application for the grant of a premises licence made by Mr Simon Ord for Black Swan, 37 Call Lane, Leeds, LS1 7BT.

Members should note that although this is application for a new premises licence, the premises do currently benefit from an existing premises licence. The application explains that its purpose is to supersede the existing licence by way of proposing an entirely new operating schedule, which includes an extension to the terminal hour for licensable activities.

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

The application has attracted representation from West Yorkshire Police, the Environmental Protection Team and the Licensing Authority. Each representation is made as an objection to the application in its entirety. It is felt that the application does not contain sufficient information on how granting the licence would not add to the impact that is already being experienced in the area.

The premises are located within the 'Red Zone' of the City Centre CIP.

It should be noted that the initial hearing this application took place on 29th September 2015. A request to adjourn the application was made by the applicant's legal representative which all parties, including the sub-committee, were happy to agree to.

1.0 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.

2.0 History of the premises

- 2.1 As mentioned earlier this application is made to supersede a premises licence that is already in effect for these premises.
- 2.2 The initial premises licence was granted during the transitional period as a conversion of the existing Justices' On Licence, Special Hours Certificate and Public Entertainment Licence. The premises at that time were known and trading as Bar Room Bar (BRB).
- 2.3 Mr Simon Ord was appointed as the current premises licence holder on 6th August 2014. It was at this time that premises were also re-branded as the Black Swan.
- 2.4 In order to provide Members with an overview of the current premises licence

3.0 The Application

- 3.1 The applicant is Mr Simon Ord.
- 3.2 The application form can be found at Appendix B to this report.
- 3.3 In summary the application is for:

Sale by retail of alcohol (for consumption both on and off the premises)

Live Music

Recorded Music

Entertainment Similar Description

10:00 until 03:00 hours Sunday to Thursday

10:00 until 04:00 hours Friday & Saturday

Late Night Refreshment

10:00 until 03:30 hours Sunday to Thursday

10:00 until 04:30 hours Friday & Saturday

Times when the premises will open to the public:

10:00 until 03:30 hours Sunday to Thursday

10:00 until 04:30 hours Friday & Saturday

Non-standard timings

From the start of time on New Year's Eve to the terminal hour on New Year's Day.

On the day that British Summertime commences, an additional hour to negate its effect.

4.0 Other matters relevant to the application

4.1 Adjournment

4.2 This application was originally scheduled for hearing on Tuesday 29th September 2015.

4.3 The Licensing Subcommittee heard from Ms Rebecca Ingram of Kuits Solicitors, who made an application for an adjournment of the hearing due the unavailability of Mr Lyons, a partner at Kuits Solicitors, who had been supporting the applicant, Mr Simon Ord, in his application.

4.4 Ms Ingram advised the Licensing Subcommittee that Mr Lyons was absent on annual leave.

4.5 PC Cath Arkle of West Yorkshire Police and Mr Gurdip Mudhar from the Council's Environmental Protection Team had both submitted representations and therefore attended the hearing in the event that the adjournment application was not successful. They had indicated however that they had no objection to the adjournment request.

4.6 The Licensing Subcommittee therefore resolved to grant the adjournment as requested and decided to reserve the matter to themselves.

4.7 Implications

4.8 At the time of writing this report there were no implications for equality and Diversity. Any decision taken by the Licensing Sub-Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

5.0 Steps to promote the Licensing Objectives

5.1 Additional documentation has been submitted with the application. This includes a risk assessment statement, a dispersal policy, a copy of the menu and the proposed operating schedule.

5.2 The operating schedule identifies the steps the applicant proposes to take in order to promote the licensing objectives. A copy of this schedule along with other supplementary information can be found at Appendix C.

6.0 Proposed Designated Premises Supervisor

6.1 Mr Simon Ord intends to be and remain as the Designated Premises Supervisor for the premises.

7.0 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 impact on the licensing objectives, given the potential for neighbouring premises to seek the same additional hours to prevent rivals gaining a commercial advantage.
- 7.4 A list of premises in the local area and their licensed hours and activities is provided at appendix D.

8.0 Location

- 8.1 A map which identifies the location of these premises is attached at Appendix E.

9.0 Cumulative Impact Policy

- 9.1 These premises are located within the 'Red Zone' of Leeds City Centre Cumulative Impact Area.
- 9.2 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.
- 9.3 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.
- 9.4 Details of the cumulative impact policy specific to the city centre 'Red Zone' and an outline of the evidence behind the reasons for setting this policy is attached at Appendix F.
- 9.5 Members are directed to paragraphs 7.51 to 7.54 of the Statement of Licensing Policy which provides examples of how an application may be considered exceptional and the matters that the council would not normally take into consideration.

10.0 Representations

10.1 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

10.2 Representations from Responsible Authorities

10.2.1 The application has attracted outright representation from West Yorkshire Police, the Environmental Protection Team and the Licensing Authority.

Each Authority has concerns over the potential impact that granting this application may have in an area where the licensing objectives are already being adversely affected.

10.2.2 Member's attention is drawn to a copy of the representation by West Yorkshire Police at Appendix G of this report.

10.2.3 A copy of the representation submitted by the Environmental Protection Team can be found at Appendix H.

10.2.4 The representation made by the Licensing Authority is attached at Appendix I.

10.3 Other representations

10.3.1 No other representations have been received to this application.

11.0 Options Available to Members

11.1 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.
- Refuse to specify the said person as the designated premises supervisor.
- Reject the whole or part of the application.

11.2 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 appropriate in order to promote the licensing objectives.

12.0 Background Papers

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