



Elections, Licensing and Registration

Civic Hall
Leeds LS1 1UR

Private & Confidential

Rebecca Ingram
Kuit Steinart Levy LLP
3 St. Mary's Parsonage
Manchester
M3 2RD

Contact: James Kennedy
Tel: 0113 247 4095
Fax: 0113 224 3885
Email: seamus.kennedy@leeds.gov.uk
Our ref: PREM/03651/001
9th September 2015

Dear Ms Ingram,

**Black Swan - 37, Call Lane, Leeds LS1
Application for a new Premises Licence
Licensing Act 2003**

Thank you for submitting your application for the above premises, received at the address above on 14th August 2015.

The area in which the subject premises are located is within a cumulative impact area. It is the council's policy, on receipt of relevant representations, to refuse new and variation applications in this area for alcohol led premises such as bars, pubs and nightclubs and for premises seeking late night refreshment such as takeaways and late opening restaurants, unless the applicant can demonstrate that their application would not impact on the cumulative effect of such licensed premises in the area.

Specifically your application falls within the red area of the City Centre CIP. As stated at 7.20 of the Statement of Licensing Policy 2014 to 2018 the Council will seek to refuse all applications in these red areas on the basis that the impact on the licensing objectives are at such a level that the area cannot support any more premises opening or extending their hours no matter how impressive the concept or application is. The council will only grant applications in the red zone in exceptional cases. It will be for you to advise the council how your application would be an exceptional case.

In addition, I refer you to 7.51 to 7.53 of the Policy which describes how, when considering the presumption against grant in a CIP area, the council will need to be satisfied that the grant will not impact on the cumulative impact of existing licensed premises in the area.

Cont.

**Website: www.leeds.gov.uk
Switchboard: 0113 222 4444**



INVESTOR IN PEOPLE

Applicants will often suggest measures which they assert will demonstrate there will be no impact. Examples of factors the licensing authority may consider as demonstrating there will be no impact may include, though are not limited to:

- Small premises who intend to operate before midnight.
- Premises which are not alcohol led and only operate during the day time economy
- Instances where the applicant is relocating their business to a new premises but retaining the same style of business.
- Conditions which ensure that the premises will operate in a particular manner such as a minimum number of covers or waiter/waitress service to secure a food led operation.

Examples of factors the licensing authority will not consider as meeting the standard of rebuttal include:

- That the premises will be well managed and run as all licensed premises should meet this standard
- That the premises will be constructed to a high standard
- That the applicant operates similar premises elsewhere, such as in another licensing authority area, without complaint
- That without this application the business will no longer be viable.


As the licensing authority is of the opinion that your application contains insufficient information about how your application would not add to the impact already being experienced in the area, we are submitting a formal representation against your application on the grounds of:

1. Prevention of crime and disorder
2. Public nuisance

I enclose the guidance note relating to the cumulative impact policy.

Should you have any questions, please contact us.

Yours sincerely


James Kennedy
Principal Liaison and Enforcement Officer
Entertainment Licensing