

## **Black Swan, Call Lane, Leeds – Variation Application**

### **Risk Assessment Statement**

#### **Style of Operation**

Black Swan is a quintessential English pub, and very much a food led premises. It has been trading as such since 28<sup>th</sup> October 2014. The premises is owned and run by responsible and knowledgeable operators with vast experience of running premises both in Leeds and further afield.

The food offering is split over two floors; with homemade sourdough pizzas served on the ground floor and a full restaurant menu inspired by fine British food served on the first floor. Example menus are included with this application.

As well as this, Black Swan is proud of its high quality, premium priced drinks offering, and wants its customers to be able to enjoy drinks at the premises both before and after eating. Furthermore, the premises is happy for customers to attend for the purposes of drinking only, in the hope that they will be encourage to order pizzas, or be enticed to return to the premises in the future for a full meal.

Drinks are an important part of the offering, but food is the focus, with dedicated food and drink pairing events held on a regular basis. Certainly, this is not a vertical drinking venue and does not bring with it the associated problems with anti-social behaviour and crime and disorder. The premises provides extensive seating on both floors, and it is the consistent experience that customers who are drinking would always rather take a table and sit to enjoy the sophisticated and wide ranging offering.

#### **Clientele**

Being a food led pub premises as outlined above, the clientele is naturally more mature than those of other premises in the vicinity. The customers of Black Swan will attend the premises in small groups for food, drinks and to meet friends. They do not attend in large groups for extensive vertical drinking. The clientele are largely professionals; the premises does not attract students or other kinds of customers who cause the sorts of problems associated with the late night economy.

As such, the applicant is confident that the premises, by operating to later hours, simply does not have the propensity to contribute to the cumulative impact in the Call Lane area. It has traded successfully for 12 months without giving rise to problems in terms of crime and disorder or anti-social behaviour.

However, the applicant of course appreciates that the premises is situated in the ‘red zone’ of the Leeds City Centre Cumulative Impact Area. We believe that the measures outlined below, combined with the nature of the premises, demonstrate the exceptional nature of this application, and are sufficient to justify the grant of this extension.

#### **Capacity**

The premises is currently subject to a maximum capacity of 450 (as per condition 34 of the current premises licence).

Should the extended hours applied for be granted, the applicant would be willing to reduce this maximum to a total of 375 persons excluding staff. Naturally a reduction in the number of people who can be catered for at the premises, and therefore a reduction in the number who will be dispersing will have the effect of reducing any cumulative impact.

Furthermore, the premises currently has seated capacity for over half of that revised maximum occupancy number, emphasising that this is not a vertical drinking venue. Again, should the application be granted, the applicant would be willing to agree to the insertion of a condition providing that there must be a minimum of 175 seats provided on the premises at all times (with the exception of private hire events).

## **Dispersal**

Additionally, the premises will implement a detailed dispersal strategy, which will provide for managed gradual dispersal, lessening the impact on the area at any one time. Dispersal is presently managed by SIA registered door staff, despite the fact that there is no obligation on the licence for this to occur. The applicant would be happy to add a condition requiring a minimum of one SIA registered door supervisor to be employed at the premises from 21:00 until close Sunday to Thursday and two SIA registered door supervisors to be employed at the premises from 21:00 until close Friday and Saturday.

An amended dispersal policy is attached, and the additional conditions detailed below will be offered.

The first floor area will be accessible only to parties including diners (although individuals who are solely drinking but accompanying diners will be permitted) from 18:00 onwards. This area will then be closed at 02:00.

However, the ground floor will remain open, meaning that the number of customers dispersing at 02:00 will be less than is the case currently. Some customers from the first floor may move onto the ground floor, but the majority will disperse given that, as outlined above, the attraction of Black Swan is the availability of seating. If the seats are occupied, not many customers will remain to stand drinking. If the seats are unoccupied, then of course the premises would not have a problem with any remaining diners relocating to the ground floor.

In addition, given that all customers dispersing from the first floor will have been dining, the dispersal will naturally be very gradual as customers will leave when they have finished their meals.

The ground floor area will then be permitted to carry on the sale of alcohol and provision of regulated entertainment until 03:00 Sunday to Thursday and until 04:00 Friday to Saturday, with an additional half an hour provided for dispersal and late night refreshment.

Furthermore, there will be a last entry time (with the exception of returning smokers) of 02:00 Sunday to Thursday and 03:00 Friday to Saturday. This will provide for a full hour and 30 minutes of dispersal, just for the ground floor area of the premises, again meaning that dispersal will be very gradual. Taking into account the closing of the first floor at 02:00, this will mean that dispersal is effectively taking place over a period of an hour and 30 minutes Sunday – Thursday and two hours and 30 minutes Friday – Saturday. We would submit that this is truly exceptional.

We would further submit that such gradual dispersal will actually lessen the cumulative impact in the area. Currently, customers disperse from both floors at 02:00. This means that a large number of customers are directed onto Call Lane at once at a sensitive time, when police officers are changing shifts. Furthermore, these customers may not leave the Call Lane area, but rather migrate to other premises that are still open.

As such, we are confident that it would be preferable for Black Swan's customers to remain in the relaxed, seated environment of the premises, until such a time as they naturally decide to end their night and leave the area. Providing extended opening hours gives these customers that option.

Furthermore, the premises will come to an arrangement with a private hire taxi company who will operate a ring back service. Customers will be encouraged to wait inside for their taxis, and indeed will be provided with ample time in which to do so by virtue of the extended dispersal period.

### **Late Night Refreshment**

The premises will provide pizzas (whole or by the slice) in the ground floor area until 03:30 on Friday – Saturday. Our pizzas are very popular and are always in demand. This late night food offering will differentiate us from the other premises in the area, which are alcohol led. The effect of this will be that our customers will not leave the premises at the end of the night and migrate to late night takeaways. They will be able to enjoy the food offering whilst remaining on the premises and waiting for their taxis.

### **Temporary Event Notices**

We are confident that the extended opening hours will not cause problems in the area not only because of the extensive measures that we have devised, but also because the premises has experience in operating to these hours.

The premises has had the benefit of Temporary Event Notices permitting licensable activities until 04:00 plus 30 minutes dispersal on the following dates this year:

- 23 – 25 January
- 30 January – 1 February
- 6 – 8 February
- 12 – 14 February
- 20 – 22 February
- 27 February – 1 March
- 2 – 3 April
- 5 – 6 April
- 3 – 4 May

No representations were submitted in respect of these TENs, and no complaints were received or issues raised by any responsible authority following these dates. As such, the premises can clearly trade to these hours without adding to the cumulative impact, which again demonstrates the exceptional nature of this application.