

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 14th February 2017

Subject: Application for the Grant of a Premises Licence for Howl 112 Vicar Lane, Leeds, LS2 7NL

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 Howl Bar Limited for a premises to be known as Howl, 112 Vicar Lane, Leeds, LS2 7NL.

The application explains that premises wish to operate as a bar with live music for older and alternative clientele.

Members should note that these premises reside within the 'Amber Zone' of the Leeds City Centre Cumulative Impact Area. Further information on the policies in place for this area is included in this report.

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

The application has attracted representation from the Environmental Protection Team which offers specific measures to uphold the prevention of public nuisance licensing objective. At the time of writing this report this representation remains a matter for Member's consideration.

1 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 a representation.

2 History of the premises

- 2.1 This is the first application for a premises licence for these premises.

3 The application

- 3.1 The applicant's name is Howl Bar Limited.
- 3.2 The proposed designated premises supervisor is Mr Daniel Joseph Horigan.
- 3.3 In summary the application is for:

Sale by Retail of Alcohol (for consumption on the premises)

Time and Days

Performance of Plays

Live Music

Recorded Music

Performance of Dance

Sunday to Thursday 12:00 until 02:00 hours

Friday and Saturday 12:00 until 05:00 hours

Non standard timings

At the start of British Summertime, the terminal hours for all licensable activities shall be extended by one hour.

From the end of permitted hours on the New Year's Eve, to the start of permitted hours on New Year's Day.

4 The operating schedule

- 4.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule, which can be found at Appendix A of this report.

5 Location

- 5.1 A map identifying the location of these premises is attached at Appendix B.

6 Representations

- 6.1 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.

Representations from Responsible Authorities

- 6.2 The application has attracted representation from the Environmental Protection Team in their capacity as a responsible authority. A copy of which can be found at Appendix C of this report.
- 6.3 The Environmental Protection Team feels that not enough information has been provided in the application to demonstrate how the premises will uphold the prevention of public nuisance licensing objective when operating. No agreement has been reached and the representation remains a matter for Member's consideration.

Other representations

- 6.4 There are no other representations.

7 Cumulative Impact Policy

- 7.1 The premises are located within the 'Amber Zone' of the Leeds City Centre Cumulative Impact Area.
- 7.2 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.
- 7.3 An applicant wishing to obtain a new licence for a 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.
- 7.4 Details of the cumulative impact policy specific to this area and an outline of the evidence behind the reason for setting this policy is attached at Appendix D.
- 7.5 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.

8 Licensing hours

- 8.1 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.
- 8.2 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.
- 8.3 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.

8.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix E.

9 Equality and diversity implications

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

10 Options available to Members

10.1 The licensing subcommittee 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.

10.2 Members of the licensing subcommittee are asked to note that they may not reject the whole or part of the application merely because they consider it desirable to do so. It must be appropriate in order to promote the licensing objectives.

11 Background papers

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