

**Report of the Head of Elections, Licensing and Registration**

**Report to the Licensing Sub Committee**

**Date: Tuesday 12th June 2018**

**Subject: Application for the grant of a premises licence for Space To Eat,  
7 Hirsts Yard, Duncan Street, Leeds, LS1 6NJ**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Hunslet & Riverside		
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 In The Pink Limited, for Space To Eat, 7 Hirsts Yard, Duncan Street, Leeds, LS1 6NJ.

This application is made following a time limited premises licence that expired on 24<sup>th</sup> April 2018. The application was initially granted at hearing by the Licensing Subcommittee for a 6 month period.

It should be noted that these premises reside within the 'Red Zone' of the Leeds city Centre Cumulative Impact Area.

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

The application has attracted representations from opposing the application entirely from West Yorkshire Police and the Licensing Authority.

## **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 representations.

## **2 History of the premises**

- 2.1 These premises have held two time limited premises licences. The first licence granted in January 2017 was limited to six months on request of the applicant who wanted to show that the additional CCTV, lighting and door supervision would reduce crime and disorder rather than contribute to it.
- 2.2 The latest premises was granted at a hearing by the Licensing Subcommittee on 24<sup>th</sup> October 2017 for a period of 6 months and expired on the 24<sup>th</sup> April 2018. The application was subject to representations from West Yorkshire Police and the Licensing Authority.
- 2.3 Members considered the evidence put before them and felt the application did allow them to make an exception to the council's Statement of Licensing Policy. The subcommittee resolved to grant the application as applied for, limited to a 6 month period and incorporated a requirement for three independent inspections of the night time economy area in this area.
- 2.4 To assist Members, a copy of the previous premises licence details can be found at Appendix A of this report. A copy of the decision notice following the hearing on the 24<sup>th</sup> October 2017 is also attached at Appendix B.
- 2.5 Members should note that the sole provision of late night refreshment, the hours applied for and the opening hours of the premises all reflect those that were granted in the initial licence.

## **3 The application**

- 3.1 The applicant's name is In The Pink Limited.
- 3.2 In summary the application is for:

*Late night refreshment*

*Monday to Sunday 23:00 to 05:00*

*Hours the premises propose to open to members of the public*

*Monday to Sunday 21:00 to 05:00*

*Non standard timings*

*The application does not propose any non-standard timings for bank holidays or special occasions.*

#### **4 The operating schedule**

- 4.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule which is attached at Appendix C.
- 4.2 The measures offered in the operating schedule mirror those premises in the latest time limited licence with the exception of the requirement for three independent inspections.

#### **5 Location**

- 5.1 A map which identifies the location of this premises is attached at Appendix D.

#### **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 Representations have been received from both West Yorkshire Police and the Licensing Authority in their capacity as a responsible authority which may be found at Appendix E and F.

##### Other representations

- 6.3 There are no other representations.

#### **7 Cumulative Impact Policy**

- 7.1 The premises are located within the 'Red Zone' of the cumulative impact area for the city centre.
- 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 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 city centre and an outline of the evidence behind the reason for setting this policy is attached at Appendix G.
- 7.5 Members are directed to paragraphs 7.67 to 7.70 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 adversely impact on the licensing objectives.
- 8.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix H.

## **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