



## Report of the Chief Officer Elections and Regulatory

### Report to the Licensing Sub Committee

Date: Tuesday 26th March 2019

Subject: Application for the grant of a premises licence for Restaurant/Bar,  
Unit 2.36, Trinity Leeds, Albion Street, Leeds, LS1 5AY

|   |   |  |
|---|---|--|
| Are specific electoral Wards affected?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| If relevant, name(s) of Ward(s):  | Little London & Woodhouse               |  |
| 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 is made for the grant of a premises licence made by Land Securities Trinity Limited for a Restaurant/Bar at Unit 2.36, Trinity Leeds, Albion Street, Leeds, LS1 5AY.

The application is made by the landlord to replace a premises licence that previously lapsed due to the licence holder becoming insolvent. The application explains that the use of the premises will remain as a bar/restaurant and the licensable activities/hours applied for reflect those of the lapsed licence.

It should be noted that these premises are in the Leeds City Centre Cumulative Impact Area, but outside the Red Zone.

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

The application has attracted a representation from West Yorkshire Police suggested additional measures to uphold the prevention of crime and disorder licensing objective. No agreement to these measures has been reached and remains a matter outstanding for Members; 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 representations.

## **2 History of the premises**

- 2.1 This application is made for the grant of a premises licence, however it should be noted that the previous licence lapsed due to insolvency of the licence holder.
- 2.2 This application mirrors the licensable activities and hours the premises previously benefitted from.

## **3 The application**

- 3.1 The applicant's name is Land Securities Trinity Limited.
- 3.2 At this time the application does not propose a designated premises supervisor. The applicant's view is to appoint one in the future once a tenancy agreement has been reached.

Members should be noted that if this application is successful, the sale by retail of alcohol will not be authorised until a valid DPS has been appointed.
- 3.3 In summary the application is for:

*Sale by Retail of Alcohol*  
*Monday to Sundays 11:00 until 02:30 hours*

*Late night Refreshment*  
*Monday to Sunday 23:00 until 03:00 hours*

*Recorded Music*  
*Monday to Sunday 11:00 until 02:30 hours*

*Non standard timings*  
*At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour*

*From the end of normal permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.*

- 3.4 A redacted version of the application has been attached at Appendix A.
- 3.5 The applicant proposes to promote the licensing objectives by taking the steps identified in Section M of the application form.

## **4 Location**

4.1 A map which identifies the location of these premises is attached at Appendix B.

## **5 Representations**

5.1 Under the Act representations can be received from anyone but they must be relevant and, in the case of a member of the public, must not be frivolous or vexatious.

### Representations from Responsible Authorities

5.2 A representations have been received from West Yorkshire Police in their capacity as a responsible authority which may be found at Appendix C.

5.3 The representation offers suggested measures in order promote the prevention of crime and disorder. However no agreement has been reached with the applicant and the matter remains outstanding for Members' consideration.

### Other representations

5.4 There are no other representations.

## **6 Cumulative Impact Policy**

6.1 The premises are located within the cumulative impact area for Leeds City Centre.

6.2 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.

6.3 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.

6.4 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.

6.5 Members are directed to paragraphs 7.32 to 7.39 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.

## **7 Licensing hours**

7.1 Members are directed to paragraphs 6.6 to 6.13 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 6.12 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 adversely impact on the licensing objectives.
- 7.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix E.

## **8 Equality and diversity implications**

- 8.1 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.

## **9 Options available to Members**

- 9.1 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.
  - Reject the whole or part of the application.
- 9.2 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.

## **10 Background papers**

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