

**Report of the Chief Officer Elections and Regulatory**

**Report to the Licensing Sub Committee**

**Date: Tuesday 15<sup>th</sup> October 2019**

**Subject: Application for the Grant of a Premises Licence for House Of Fu, 163 Briggate, Leeds, LS1 6LY**

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 House Of Fu Limited, for House Of Fu, 163 Briggate, Leeds, LS1 6LY.

These premises intend to trade as a Japanese themed restaurant over the ground floor and basement level of the premises. The ground floor will operate as a traditional restaurant, whilst the basement will take inspiration from a type of eatery commonly found in Tokyo known as 'Izikaya'.

Additionally the application proposes to feature 3 small karaoke rooms on the basement level of the premises, each capable of seating 6-7 people.

The minimum number of covers offered by the applicant is 50 across the ground floor and 70 (including 20 in private rooms) across the basement. The intention is to operate by way of table service only, with alcohol sales ancillary to an accompanying sale of food.

Responsible authorities and Ward Members have been notified of this application. It has attracted representations from West Yorkshire Police and the Licensing Authority in their capacities of responsible authorities.

The grounds for the above representations focus primarily on the premises location within the red area of the City Centre Cumulative Impact Area.

## **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 is the first application for a premises licence for these premises.

## **3 The Application**

- 3.1 The applicant's name is House Of Fu Limited.
- 3.2 The proposed designated premises supervisor is Mr Simon James Stevens.
- 3.3 In summary the application is for:

*Sale by retail of alcohol, Performance of recorded music, Performance of live music*

<i>Sunday to Thursday</i>	<i>11:00 until 00:00 hours</i>
<i>Friday &amp; Saturday</i>	<i>11:00 until 01:00 hours</i>

*Late night refreshment*

<i>Sunday to Thursday</i>	<i>23:00 until 00:00 hours</i>
<i>Friday &amp; Saturday</i>	<i>23:00 until 01:00 hours</i>

*Non-standard timings*

*The proposed non-standard timings are as follows:*

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

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

- 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**

4.2 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

4.3 The application has attracted a representation from West Yorkshire Police in their capacity as a responsible authority. A copy of which may be found at Appendix C of this report.

4.4 A representation has also been received from the Licensing Authority in their capacity as a responsible authority. This is available for Members to view at Appendix D.

4.5 Both representations share similar grounds for objection. They are made on the basis of the premises location within the red area of the City Centre Cumulative Impact Area, and express concerns over the addition of a licensed premises adding to the severity of the problems already experienced in this location.

4.6 The representations by West Yorkshire Police and the Licensing Authority remain outstanding, and a matter of Member's consideration.

### Other representations

4.7 There are no other representations.

## **5 Cumulative Impact Policy**

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

5.2 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.

5.3 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.

5.4 Details of the cumulative impact policy specific to Leeds City Centre and an outline of the evidence behind the reason for setting this policy is attached at Appendix E.

5.5 Members are directed to paragraph 7.37 of the Statement of Licensing Policy which provides examples of how an application may demonstrate there will be no impact and paragraph 7.38 which provides examples of the matters that the council would not normally take into consideration.

## **6 Licensing Hours**

6.1 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.

6.2 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.

6.3 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.

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

## **7 Equality and Diversity Implications**

7.1 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.

## **8 Options Available to Members**

8.1 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.

8.2 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.

## **9 Background Papers**

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