

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: 27th September 2022

Subject: Application to Vary a Premises Licence held by The Canary Bar, Leeds Dock, Hunslet, Leeds, LS10 1EG

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): _South - HUNRIV - A Holding Code		
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 to vary a premises licence made by Allied London One Limited, for The Canary Bar, Leeds Dock, Hunslet, Leeds, LS10 1EG.

Since submission of the application a number of changes have been made to the operating schedule resulting in a reduction to the initial proposal. The final proposal is to extend the external area and to amend an existing condition and incorporate new conditions.

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

The application has attracted representations from Leeds City Council's Licensing Authority and a number of local residents expressing concerns on the grounds of crime & disorder, public safety, public nuisance and the protection of children.

1 Purpose of this Report

- 1.1 To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") to vary a 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 Premises

- 2.1 **May 2020** - An application for the grant of a new premises licence which was heard by a Licensing Sub Committee due to the receipt of representations from local residents. The committee resolved to grant the application, subject to a condition prohibiting loud speakers in external areas of the premises or in entrance lobbies which open directly onto external areas.
- 2.2 **June 2022** - An application for a minor variation was sought by the applicant to expand the external area. The application attracted a number of comments from local residents which demonstrated that granting the licence could adversely impact the licensing objectives.
- 2.3 The application was rejected by the Licensing Authority on the grounds of the potential for noise disturbance from an increased number of patrons using a significantly expanded outside area for consumption of food/drinks and the potential for noise disturbance from outside areas to continue into the evenings, adversely affecting the use and enjoyment of nearby residences.
- 2.4 A copy of the premises licence details is attached at **Appendix A**.

3 The Application

- 3.1 The applicant is Allied London One Limited.
- 3.2 Further to subsequent amendments of the proposed operating schedule, the application is:
 - To licence the external area delineated on the plan accompanying the application (to be shared with the Licensing Sub Committee in advance of the hearing);
 - To amend condition 15 so that the restriction on open containers of alcohol being taken away from the premises is disapplied as part of wider public and private events taking place within the dockside area; and
 - To include 4 additional measures relating to monitoring the external area, the clearing of glasses/bottles from the external area and added signage.
- 3.3 A copy of the redacted application at the time of submission can be found at **Appendix B**, however the current proposed operating schedule following amendments and including agreed conditions can be seen in the e-mail attached at **Appendix C**. *nb: Those agreed conditions relate to a measure suggested by*

the Licensing Authority and a measure suggested by a local ward councillor, resulting in both representations being withdrawn.

4 Location

- 4.1 A map which identifies the location of the premises is attached at **Appendix D**.

5 Representations

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

Representations from Responsible Authorities

- 5.2 Representations have been received from Leeds City Councils Licensing Authority in their capacity as a responsible authority. Any representation may be negotiated prior to the hearing and in this instance, the operating schedule has been amended to include the measures agreed. A copy of the representation and agreement may be found at **Appendix E**.
- 5.3 Members may wish to note that the application initially attracted representations from Leeds City Council's Environmental Protection Team and Planning Department. In light of the reduced operating schedule however, both departments have withdrawn their objections.

Other representations

- 5.4 The application has attracted representations from members of the public (described as 'other persons' in the legislation).
- 5.5 The Licensing Authority is in receipt of five individual representations from other persons who oppose the application on the grounds of the prevention of crime & disorder, public safety, the prevention of public nuisance and the protection of children from harm.
- 5.6 It should be noted that one of those representations has been received from a member of the public who has expressed concerns that they may be at risk of retribution. The party in this instance will remain anonymous throughout the full application process.
- 5.7 In order to protect personal data, redacted copies of the representations are attached at **Appendix F** and original copies will be provided to Licensing Sub Committee Members in advance of the hearing.

6 Equality and Diversity Implications

- 6.1 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.

7 Options Available to Members

7.1 The licensing subcommittee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the variation as requested.
- Grant the variation whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Reject the whole or part of the application.

7.2 Members of the licensing subcommittee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives and relevant to the application.

8 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Statement of Licensing Policy