

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 11th October 2022

**Subject: Application for the grant of a premises licence for Jamrock Leeds Ltd,
30 - 31 Kirkgate, Leeds, LS2 7DR**

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 for the grant of a premises licence made by Jamrock Leeds Ltd, for Jamrock Leeds, 30 - 31 Kirkgate, Leeds, LS2 7DR.

This application explains the premises will operate as a ground floor restaurant with seating capacity for approximately 50 people and proposes the sale by retail of alcohol and late night refreshment. The hours applied for can be noted in 3.3 of this report.

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

The application has attracted representations from other persons and responsible authorities.

The premises are located within the Leeds City Centre Cumulative Impact Area, albeit not in either of the two designated red zones.

Please note this application was due to be heard on the 13th September 2022. However, due to the passing of Her Majesty, Queen Elizabeth II, and the national period of mourning that followed, the original hearing was deferred.

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 Although this application is for the grant of a new premises licence, the Licensing Sub Committee may wish to note that the premises have previously had the benefit of a premises licence under the Licensing Act 2003.
- 2.2 The former licence was held by DPSK Ltd, trading as Domino's Pizza, and authorised the provision of late night refreshment, Monday to Sunday, from 23:00 hours until 05:00 hours.
- 2.3 DPSK Ltd surrendered the premises licence in September 2020.

3 The application

- 3.1 The applicant's name is Jamrock Leeds Ltd.
- 3.2 The proposed designated premises supervisor is Mr Maysam Elyasi
- 3.3 In summary the application is for:

Sale by retail of Alcohol (for consumption both on and off the premises)

Sunday to Thursday 12:00 – 22:30

Friday and Saturday 12:00 – 01:00

Late Night Refreshment

Friday and Saturday 23:00 – 01:30

Non-standard timings

On New Year's Eve from 12.00 to 01.00 hours the following day

- 3.4 A redacted version of the application is 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 the 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 representation has been received from West Yorkshire Police in their capacity as a responsible authority.
- 5.3 Any representations may be negotiated prior to the hearing and in this instance the operating schedule has been amended to incorporate two measures suggested by the police. A copy of the representation and agreement can be viewed at **Appendix C**.
- 5.4 No other formal representations have been raised by the remaining responsible authorities, however discussions have taken place between the applicant and the Environmental Protection Team agreeing to an additional condition to promote the public nuisance objective. Members' attention is drawn to a copy of the e-mail exchange at **Appendix D**.

Other representations

- 5.5 The application has attracted representation from members of the public (described as 'other persons' in the legislation).
- 5.6 The licensing authority is in receipt of 3 individual letters of objection, all of which are oppose the application on the grounds of public nuisance.
- 5.7 In order to protect personal data, redacted copies of the representations are attached at **Appendix E**. Original copies will be provided to Licensing Sub Committee Members in advance of the hearing.

6 Cumulative Impact Policy

- 6.1 The premises are located within the cumulative impact area for Leeds City Centre, albeit not in either of the two areas of special concern designated as red zones.
- 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 Leeds City Centre and an outline of the evidence behind the reason for setting this policy is attached at **Appendix F**.

- 6.5 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. Licensing hours
- 6.6 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.
- 6.7 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.
- 6.8 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.
- 6.9 A list of premises in the local area and their licensed hours and activities is provided at **Appendix G**.

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