

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

**Report to the Licensing Sub Committee**

**Date: 2nd December 2022**

**Subject: Application for the Grant of a Premises Licence for Residence 74,  
5-7 North Lane, Headingley, Leeds, LS6 3HG**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Headingley & Hyde Park		
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 RS (Headingley) Ltd, for Residence 74, 5-7 North Lane, Headingley, Leeds, LS6 3HG.

The application explains the site has been acquired by the owners of Residence 74, who intend to serve breakfast, brunch and evening meals complimented by a wine and cocktail menu.

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

The application has attracted a representation from West Yorkshire Police - suggesting a number of measures accepted by the applicant and resulting in the representation being withdrawn. Those measures include the premises remaining predominately food led and the sale of alcohol to be restricted to accompanying food orders.

The application has also attracted representations from other persons, which remain a matter outstanding for the committee's consideration.

Members should note that the premises are located within an area covered by the Headingley and Hyde Park Cumulative Impact Policy.

## **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 RS (Headingley) Ltd.
- 3.2 The proposed designated premises supervisor is Salar Eftekhary.
- 3.3 In summary the application is for:

*Sale of alcohol for consumption both on and off the premises  
Sunday to Thursday 09:00 until 23:00  
Friday and Saturday 09:00 until 23:30*

*Live music and recorded music  
Sunday to Thursday 09:00 until 23:30  
Friday and Saturday 09:00 until 00:00*

*Non standard timings  
No non-standard timings for bank holidays or special occasions are proposed.*

- 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 18 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 Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with West Yorkshire Police. A copy of the agreement may be found at Appendix C.

## Other Representations

- 5.3 The application has attracted ten individual representations from members of the public (described as 'other persons' in the legislation), opposed to the application on the grounds of public nuisance and public safety
- 5.4 In order to protect personal data, redacted copies of the representations are attached at Appendix D and original copies will be provided to the Licensing Sub Committee in advance of the hearing.

## **6 Cumulative Impact Policy**

- 6.1 The premises are located within the cumulative impact area for Headingley and Hyde Park.
- 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 Headingley and Hyde Park and an outline of the evidence behind the reason for setting this policy is attached at Appendix E.
- 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.

## **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 F.

## **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.
- Refuse to specify the said person as the designated premises supervisor.
- 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