

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

**Report to Licensing Sub Committee**

**Date: 12<sup>th</sup> September 2023**

**Subject: Application to vary a premises licence held by Club Atomic 156 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 to vary a premises licence, made by Atomic Business Ltd, for Club Atomic 156 Briggate, Leeds, LS1 6LY.

This application is to vary the following licensable activities: Sale by retail of alcohol and Performance of recorded music. As noted in 3.2.

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

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

The premises are located within the Red Zone area of the cumulative impact area (CIA). As noted in 6.1.

## **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 On 20<sup>th</sup> July 2007 an application for a Premises Licence was applied for and subsequently granted after the 28 days consultation period.

On 28<sup>th</sup> September 2015 a transfer application and a minor application was submitted. The transfer was granted. The minor variation was to add the provision of recorded music, live music, changes to the premises layout and to add conditions. Following agreements reached with WYP the minor variation was granted subject to further conditions to those offered on the operating schedule which were agreed.

On 10<sup>th</sup> February 2016 a full variation was applied for to increase the hours of licensable activities to 02:00hours every day. This application was refused by the Licensing subcommittee on 29<sup>th</sup> March 2016. This decision was reached due to the premises being situated within a CIA.

On 9<sup>th</sup> July 2020 a time limited Premises Licence application was applied for, this was to extend the licensable activities until 03:00 hours each day. The application attracted a representation from West Yorkshire Police (WYP) but, only on the basis the expiry date of the time limited Premises Licence was reduced from 02/01/2022 to 30/09/2021. The request to this reduction was agreed and the time limited Premises Licence was subsequently granted. The main reason for the grant was, due to COVID protocols in place at the time of submission and the then government guidelines which urged all authorities to assist the trade to reopen.

On 24<sup>th</sup> August 2021 a further time limited application was submitted, which mirrored the above application. This application was granted due to the same circumstances and expired on 30<sup>th</sup> September 2022.

On 26<sup>th</sup> April 2023 A Licence Transfer application to Atomic Business Ltd and Dps change were submitted and granted. The Premises name changed to Club Atomic.

On 9<sup>th</sup> June 2023 a Minor Variation was submitted but refused only on the basis that the Sale of alcohol cannot be extended under this type of application.

On 15<sup>th</sup> June 2023 a Full Variation application was received as noted in this report at 3.2.

2.2 A copy of the existing licence is attached at Appendix A.

### **3 The application**

3.1 The applicant is Atomic Business Ltd,

3.2 Briefly the application:

#### **Current licensing activities and hours:**

##### **Sale by retail of alcohol**

**Monday to Thursday 11:30 - 23:00**

**Friday & Saturday 11:30 - 00:00**

**Sunday 12:00 - 22:30**

##### **Provision of late night refreshment**

**Friday & Saturday 23:00 - 00:00**

##### **Performance of live music**

**Friday & Saturday 23:00 - 00:00**

##### **Performance of recorded music**

**Friday & Saturday 23:00 - 00:00**

**To varying the following licensable activities (All other Licensable Activities stay as existing) :**

##### **Sale by retail of alcohol**

**Monday to Saturday 11:30 - 02:30**

**Sunday 08:00 - 02:30**

##### **Performance of recorded music**

**Monday to Saturday 11:30 - 03:00**

**Sunday 08:00 - 03:00**

3.3 The applicant proposes to promote the licensing objectives by taking the additional steps identified within the application form. A copy of the redacted application form is attached at Appendix B.

### **4 Location**

4.1 A map which identifies the location of this premises is attached at Appendix C.

### **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 Environmental Protection Team (EPT) in their capacity as a responsible authority. A copy of the representation may be found at Appendix D.
- 5.3 Representations have been received from West Yorkshire Police (WYP) in their capacity as a responsible authority. A copy of the representation may be found at Appendix E.
- 5.4 Representations have been received from the Licensing Authority (LA) in their capacity as a responsible authority. A copy of the representation may be found at Appendix F.

## Other representations

- 5.5 There are no other representations.

## **6 Cumulative Impact**

- 6.1 The premises are located within the cumulative impact area for City Centre.
- 6.2 Cumulative impact means the potential impact on the promotion of the licensing objectives due to significant number of licensed premises concentrated in one area.
- 6.3 An applicant wishing to vary a licence for premises which fall within any of the cumulative impact areas must identify, through their operating schedule, the steps they intend to take so that the council and responsible authorities can be satisfied that granting this variation would not add to the impact already being experienced.
- 6.4 Details of the cumulative impact policy specific to City Centre and an outline of the evidence behind the reason for setting this policy is attached at Appendix G .
- 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 for 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. 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 impact on the licensing objectives.

7.3 A list of premises in the local area and their licensed hours and activities is provided at appendix H.

## **8 Equality and diversity implications**

10.1 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 variation as requested.
- Grant the variation 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 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.

## **10 Background papers**

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