

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

**Report to the Licensing Sub Committee**

**Date: 24th October 2023**

**Subject: Application for the grant of a premises licence for Railway Street Arches 78 And 79, Railway Street, Richmond Hill, Leeds, LS9 8HB**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): <b>Burmantofts &amp; Richmond Hill</b>		
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 DMC Brewery Ltd, for 78-79 Railway Street Arches 78 And 79, Railway Street, Richmond Hill, Leeds, LS9 8HB.

The application is for a double railway arch to be used as a microbrewery with a taproom offering on and off sales of alcohol, provision of films, performance of live and recorded music and provision of late night refreshment.

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

The application has attracted representations from other persons.

## **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 DMC Brewery Ltd.
- 3.2 The proposed designated premises supervisor is Giuseppe Romano.
- 3.3 In summary the application is for:

*Sale by retail of alcohol (for consumption on and off the premises)*  
*Sunday to Thursday 10:00 - 00:00*  
*Friday to Saturday 10:00 - 03:00*

*Provision of films*  
*Thursday 20:00 - 23:00*

*Performance of live music*  
*Friday 18:00 - 23:00*  
*Saturday 12:00 - 23:00*  
*Sunday 12:00 - 18:00*

*Performance of recorded music*  
*Wednesday 16:00 - 23:00*  
*Thursday 16:00 - 00:00*  
*Friday & Saturday 12:00 - 00:00*  
*Sunday 12:00 - 22:00*

*Provision of late night refreshment*  
*Sunday to Thursday 23:00 - 00:00*  
*Friday & Saturday 23:00 - 03:00.*

*Non standard timings*

*Sale by retail of alcohol, performance of recorded music, provision of late night refreshment*

*New Year's Eve until 03:00*

3.4 A redacted version of the application has been attached at **Appendix A**.

#### **4 Location**

4.1 A map which identifies the location of this 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 Representations have been received from Environmental Health in their capacity as a responsible authority.

5.3 Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with Environmental Health. A copy of the agreement may be found at **Appendix C**.

##### Other representations

5.4 The application has attracted representation from members of the public (described as 'other persons' in the legislation).

5.5 The licensing authority is in receipt of an objection from local ward councillors and nine individual letters of objection opposed to this application on the grounds of public nuisance and two individual letters in support.

5.6 A copy of the representation submitted by the local ward councillors is available at **Appendix D** of the report.

5.7 Two representations have been received from members of the public who have expressed concern that they may be at risk of retribution should their details be made public. As such their personal details have been redacted and they will remain anonymous. For this reason, despite their strength of feeling they will not be attending the hearing and would like their representations to be considered fully in their absence.

5.8 In order to protect personal data, redacted copies of the representations in objection are attached at **Appendix E** and redacted copies of the representations in support are attached at **Appendix F**. Original copies will be available at the hearing for Members 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 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