

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: 14th January 2025

**Subject: Application to Vary a Premises Licence held by Carousel & Home,
117 Albion Street, Leeds, LS2 8DY**

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 to vary a premises licence made by Lindum Leisure Limited, for Carousel & Home, 117 Albion Street, Leeds, LS2 8DY.

This application is made to extend the timings of existing licensable activities, as detailed at paragraph 3.2 of the report.

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 City Centre Cumulative Impact Area, albeit not in either of the designated red zones.

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 These premises have had the benefit of a premises licence since the introduction of the Licensing Act 2003, in November 2005. The premises at that time was known as Tiger Tiger.
- 2.2 Over the years various applications have been received, including general variations, minor variations, transfer applications and applications to specify new individuals as the designated premises supervisor.
- 2.3 On the 22 January 2024 an application to transfer the licence to the current holder, Lindum Leisure Limited, was received and granted as applied for.
- 2.4 A copy of the existing licence is attached at Appendix A.

3 The Application

- 3.1 The applicant is Lindum Leisure Limited.
- 3.2 Briefly, the application is to extend the following licensable activities/timings:

Sale by retail of alcohol, Live Music, Record Music, Performance of Dance and Entertainment of a Similar Description

Sunday to Thursday 11:00 to 04:00
Friday & Saturday 11:00 to 05:00

Late Night Refreshment

Sunday to Thursday 23:00 to 04:00
Friday & Saturday 23:00 to 05:00

Opening hours to the public

Sunday to Thursday 11:00 to 04:30
Friday & Saturday 11:00 to 05:30

- 3.3 A copy of the redacted application form is attached at Appendix B.
- 3.4 The applicant has not offered any additional measures to promote the licensing objectives, however some information has been provided in ‘Section M’ of the application form.

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 West Yorkshire Police and the Environmental Protection Team in their capacity as responsible authorities.
- 5.3 In this instance, the representations have been withdrawn following the applicant agreeing with both agencies to adopt additional measures. A copy of the representations and agreements can be found at Appendix D in respect of West Yorkshire Police, and at Appendix E in respect of the Environmental Protection Team.

Other Representations

- 5.4 The application has attracted representations from members of the public (described as 'other persons' in the legislation).
- 5.5 Entertainment Licensing is in receipt of three individual letters of objection, all of which are opposed to this application on the grounds of public nuisance.
- 5.6 In order to protect personal data, redacted copies of the representations are attached at Appendix F and the original versions will be provide to the Licensing Sub Committee in advance of the hearing.

6 Cumulative Impact

- 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 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 7.44 of the Statement of Licensing Policy which provides examples of how an application may demonstrate there will be no impact and paragraph 7.45 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 6.8 to 6.15 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 6.14 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

- 8.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub Committee 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 Sub Committee 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 Sub Committee 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