

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: 11th February 2025

Subject: Application to Vary a Premises Licence held by NYK Leeds, Ground Floor, 106 Burley Road, Burley, Leeds, LS3 1JP

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):		
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 NYK Leeds Limited, for NYK Leeds, Ground Floor, 106 Burley Road, Burley, Leeds, LS3 1JP.

The application proposes to extend the terminal hour for late night refreshment and the opening hours of the premises to 02:00 hours, every day of the week.

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

The application has attracted representations from local residents who object to the application on the grounds of public nuisance.

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 the 14 June 2024 an application for the grant of a premises licence was served on Licensing Authority. The application proposed late night refreshment and recorded music until 02:00 hours, Monday to Sunday.
- 2.2 The application attracted representations from West Yorkshire Police, the Environmental Protection Team and members of the public. Agreements with the authorities were reached resulting in the withdrawal of their representations. The application require the Licensing Sub Committee considered the application due to the three public representations outstanding.
- 2.3 At the hearing on the 30 July 2024 the Licensing Sub Committee resolved to grant the application, subject to the following modifications:
 - The hours during which the premises are licensed to provide late night refreshment shall be: Sunday to Thursday: 23:00 to 00:00 hours Friday and Saturday: 23:00 to 01:00 hours
 - The hours during which the premises shall be open to members of the public shall be: Sunday to Thursday: 11:00 to 00:00 hours Friday and Saturday: 11:00 to 01:00 hours
 - The premises will not be licensed to play recorded music, the Applicant's representative having confirmed that only background music will be played.
 - The licence holder shall provide litter patrols at intervals of 30 minutes.
- 2.4 A copy of the existing licence is attached at **Appendix A**.

3 The Application

- 3.1 The applicant is NYK Leeds Limited.
- 3.2 The application is made to extend the terminal hour for late night refreshment and the hours the premises are open to the public. The hours proposed are:

*Late Night Refreshment
Monday to Sunday 23:00 until 02:00 hours*

*Opening Hours of the premises
Monday to Sunday 11:00 until 02:00 hours*

- 3.3 A redacted copy of the application form is attached at **Appendix B**.
- 3.3 A noise and odour impact assessment provided by the applicant in support of their application can be found at **Appendix C**.

4 Location

- 4.1 A map which identifies the location of the premises is attached at **Appendix D**.

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 There have been no representations from responsible authorities.

Other Representations

- 5.3 The application has attracted nine individual representations from members of the public (described as 'other persons' in the legislation) who oppose the application mainly on the grounds of public nuisance.
- 5.4 Two representations have been received from members of the public who have expressed concerns that they be at risk of retribution, a decision is made to redact their identity.
- 5.5 In order to protect personal data, redacted copies of the representations are attached at **Appendix E** and the original versions will be provided to the Licensing Sub Committee in advance of the hearing.
- 5.6 The author of Objection #9 has supplied video footage in support of their representation which will be screened during the hearing.

6 Licensing Hours

- 6.1 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.
- 6.2 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.
- 6.3 A list of premises in the local area and their licensed hours and activities is provided at **Appendix F**.

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 Sub Committee 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 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.
- Reject the whole or part of the application.

8.2 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.

9 Background Papers

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