



Report of the Assistant Chief Executive (Corporate Governance)

Report to the Licensing Sub Committee

Date: 23rd March 2009

Subject: Application for the Grant of a Premises Licence for Distrikt , Lower Ground Floor of 7 Duncan Street, Leeds LS1 6DQ.

Electoral Wards Affected:

City & Hunslet

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

This report informs members of an application for the grant of a Premises Licence for premises situated in the lower ground floor of 7 Duncan Street, Leeds LS1 6DQ and to trade as Distrikt.

The responsible authorities are served with copies of the application by the applicant and Ward Members have been notified of the application.

1.0 Purpose of this Report

To advise Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for the grant of a Premises Licence in respect of Distrikt,, lower ground floor of 7 Duncan Street, Leeds LS1 6DQ.

The Licensing Sub-Committee is required to consider this application due to the receipt of representations.

2.0 History of Premises

2.1 This is the first application for a Premises Licence for these premises.

2.2 On February 23rd 2009 the Licensing Sub Committee met to consider the application.

Prior to hearing the sub committee were made aware of additional documents internal layout plans, however were advised that these additional plans had not

been advertised and would not form the basis on which the application would be determined. The applicants solicitor requested that the hearing be adjourned for two weeks to clarify the situation with the plans. The applicants solicitor also acknowledged the late receipt of the noise report and the objectors concern over sufficient time to address the documentation. The Hearing was adjourned until Monday 23rd March 2009 at 10:00 am

- 2.3 Members should note that the premises fall within Area 1 – The City Centre - this area being covered by the Cumulative Impact Policy. For the assistance of members the policy for this area is as follows:-

“It is the council’s policy on receipt of relevant representations to refuse applications in Area 1 for night clubs and for pubs and clubs which are characterised as large capacity vertical drinking premises (sometimes called high volume vertical drinking establishments) which are premises with large capacity used primarily or exclusively for the sale or consumption of alcohol, and which have little or no seating for patrons.

It is also the council’s policy on receipt of relevant representations to refuse applications for new premises seeking a licence to provide hot food between 11.00 pm and 5.00 am where the food is purchased to take away from the premises as opposed to premises where the food is to be consumed on the premises and whilst patrons are seated at tables provided for that purpose.”

3.0 The Application

- 3.1 The applicants are Mr. Peter Hall of Flat C, 22 Shire Oak Road, Headingley, Leeds LS6 22DE and Mr. Jonathon Simons of Flat 4 Ashfield, 8 Grove Road, Headingley, Leeds LS6 2AQ.

- 3.2 The location and the proximity to neighboring premises can be seen on the map provided; Members attention is drawn to **Appendix “A”**.

- 3.3 A copy of the application and operating schedule are attached as **Appendix “B”** to this report. For the assistance of members, the Operating Schedule shows:

i) Proposed licensable activities

- E Live Music
- F Recorded Music
- G Performance of Dance
- H Anything of a Similar Description to that falling within (E), (F) or (G)
- I Provision of Facilities for Making Music
- J Provisions of Facilities for Dancing
- K Provision of Facilities for Entertainment of a Similar Description to that falling within (I) or (J)
- L Late Night Refreshment
- M Supply of Alcohol

ii) Proposed hours of licensable activities

The proposed hours of licensable activities are as follows:

- E Live Music
- F Recorded Music

- G Performance of Dance
- H Anything of a Similar Description to that falling within (E), (F) or (G)
- I Provision of Facilities for Making Music
- J Provisions of Facilities for Dancing
- K Provision of Facilities for Entertainment of a Similar Description to that falling within (I) or (J)
- M Supply of Alcohol

Monday to Saturday 08:00 to 02:00
 Sunday 08:00 to 01:00

L Late Night Refreshment

Monday to Saturday 23:00 to 02:00
 Sunday 23:00 to 01:00

Non Standard Timings and Seasonal Variations

A further additional two hours from 02:00 to 04:00 every Friday, Saturday and a further three hours from 01:00 to 04:00 for each May Bank Holiday, Spring/Whitsun Bank Holiday, every August Bank Holiday and also for every Thursday, Friday, Saturday, Sunday and Monday of the Easter Bank Holiday weekend. Also for every Christmas Eve and Boxing Day. An additional hour to the standard and non standard times on the day British Summertime begins.

To extend the permitted hours from New Year's Eve to the end of New Year's Day.

iii) Steps to promote licensing objectives

The applicant proposes to take the steps to promote the licensing objectives identified in section "P" of the application form

iv) Proposed times when the premises is open to the public

The premises propose to open to the public between the following hours:

Monday to Saturday 08:00 to 02:30
 Sunday 08:00 to 01:30

v) Proposed Designated Premises Supervisor

Jonathon Simons intends to be the Designated Premises Supervisor

4.0 Relevant Representations

- 4.1 Under the Act representations can be received from responsible authorities or interested parties. Representations must be relevant and, in the case of an interested party, must not be frivolous or vexatious.

4.2 **Interested Parties have made the following representations:-**

- **Members of the Public have submitted representations**

Members are invited to consider **Appendix “C”** of this report

4.3 **Agreed Representations**

Representations may be submitted by Responsible Authorities and agreed prior to a hearing.

Conditions agreed with the following Responsible Authorities

➤ **West Yorkshire Police**

Members are invited to consider **Appendix “D”** to this report

➤ **Leeds City Council Health and Safety Department**

Members are invited to consider **Appendix “E”** of this report

➤ **Leeds City Council Environmental Health Department**

Members are invited to consider **Appendix “F”** of this report

4.4 **Additional Information submitted by Applicant**

➤ **Noise Report**

➤ **Risk Assessment**

Members are invited to consider **Appendix “G”** of the report

4.5 **Decision Letter from previous Hearing.**

Members are invited to consider **Appendix “H”** of this report

5.0 **Matters Relevant to the Application**

5.1 Members of the Licensing sub committee must make decisions with a view to promoting the licensing objectives which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

5.2 In making of their decision Members are obliged to have regard to the national Guidance and the Council’s Licensing Policy. Members will be aware they must also have regard to the relevant representations made and evidence they hear.

6.0 Options Available to Members

- 6.1 The licensing sub-committee must take such of the following steps as it considers necessary 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 whole or part of the application
- 6.2 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 necessary in order to promote the licensing objectives.

Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy