



Report of the Assistant Chief Executive (Corporate Governance)

Report to the Licensing Sub Committee

Date: 20th April 2009

Subject: Application for the Variation of a Premises Licence for: Kobe, 106-108, New Road Side, Horsforth, Leeds LS18 4QB

Electoral Wards Affected:

Horsforth

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 variation of a Premises Licence for premises situated at 106/108, New Road Side, Horsforth, Leeds LS18 4QB, trading as the Kobe.

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 34 of the Licensing Act 2003 ("the Act") for a variation to a Premises Licence in respect of the Kobe, 106/108, New Road Side, Horsforth, Leeds LS18 4QB.

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

2.0 History of Premises

2.1 An application for the grant of a Premise Licence was originally submitted on the 5th August 2005, the premises then being called "Fat Franco's". The premises being described at that time as "a terraced property consisting of two floors, the first floor being used as a restaurant and the second floor as store rooms and offices".

Agreements were reached with Responsible Authorities concerning conditions being placed on the premise licence and there being no further objections the premise licence was issued on the 4th September 2005.

The premise licence covered the following activities and days and times

Sale by retail of alcohol	Every Day – 12:00 to 00:00
Late Night Refreshment	Every Day - 23:00 to 00:00

Non Standard Timings	Until 01:00am on New Year's Eve
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The Designated Premise Supervisor being Mr. Saoudi Refoufi.

On the 17th August 2007 a variation application was submitted to extend the provision of Late Night Refreshment and Sale of Alcohol from 11:00 to 00:30 Monday to Sunday.

No objections to the variation application were received and the varied licence was duly granted with effect from the 15th September 2007.

On the 12th February 2008 an application to transfer the Premise Licence into Arc Inspirations LLP name as well as advising of the premise name change to Kobe was received.

The revised Premise Licence was issued on the 29th February 2008.

On the 27th February 2008 Arc Inspirations LLP submitted a variation application to seek approval to structurally alter the premises in accordance with plans submitted with the application

Agreements were reached with Responsible Authorities concerning conditions being placed on the premise licence and there being no further objections the premise licence was issued on the 27th March 2008.

On the 29th April 2008 an application to vary the Designated Premise Supervisor from Mr. Saoudi Refoufi to Seema Dhiman was submitted and the revised premise licence issued on the 19th May 2008.

On the 2nd March 2009 an application to vary the Designated Premise Supervisor from Seema Dhiman to Katie Hollings was submitted and the revised premise licence issued on the 18th March 2009.

2.2 The premises currently have the benefit of a Premises Licence issued under the Licensing Act 2003 for the following activities:

Late Night Refreshment – Every Day 23:00 to 00:30
Sale by Retail of Alcohol – Every Day 11:00 to 00:30

The hours that the premises are open to the public are:

Every Day 11:00 to 01:00

2.2 A copy of the existing licence is attached as **Appendix “ A”** to this report.

3.0 The Application

The application is to extend the licensable activities allowed at the premises to include regulated entertainment Monday to Saturday 11:00 to 00:30 the following morning.

3.1 The applicants are Arc Inspirations LLP, 7 Cottage Road, Headingley, Leeds LS6 4DD.

3.2 The location and the proximity to neighbouring premises can be seen on the map provided, Members attention is drawn to **Appendix “ B ”**.

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

i) Proposed new licensable activities

B - Films

E - Live Music

F - Recorded Music

H - Anything of a similar description to that falling within (e) (f) (g)

I - Making Music

J - Dancing

K – Entertainment of a similar description to that falling within (i) or (j)

ii) Proposed new hours of licensable activities

Every Day – 11:00 – 00:30. As existing.

Non Standard Timings.

New Year’s Eve – From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.

iii) Proposed licence conditions

The applicants advise that it is not envisaged that any additional steps will be required as the style and operation of the premises will not change. All conditions on the existing premise licence will be carried over to the varied licence.

Times when the premises are open to the public

Every Day 11:00 to 01:00. As existing.

iv) Designated Premises Supervisor

Katie Hollings is the existing 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 Agreements reached with Responsible Authorities

West Yorkshire Police made representations and have reached agreements with the applicants:

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

4.3 **Interested Parties**

Members of the Public have submitted representations

Members are invited to consider Appendix “ E “ of this report.

4.4 Cllr B Cleasby has advised that he has received representations from local residents and intends to represent them at the hearing.

The objectors have requested that their personal details not be released but they do satisfy the requirements of the Licensing Act 2003 concerning the making of representations in that they live in the vicinity of the premises and their objections relate to Public Nuisance and Crime and Disorder issues

Members are invited to consider Appendix “ F “ 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 variation as requested.
- Grant the variation while imposing new conditions or altering in any way the existing operating schedule.
- Reject whole or part of the variation 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