

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: 28th August 2012

Subject: Application to vary a premises licence held by Brooklyn Bar 50 Call Lane, Leeds, LS1 6DT

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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: 10.4 (7)		
Appendix number:		
This appendix is regarded as exempt under the provisions of Paragraph 14 of the Licensing Act 2003 (Hearings Regulations 2005).		

Summary of main issues

This is an application to vary a premises licence held by Brooklyn Bar 50 Call Lane, Leeds, LS1 6DT.

A full description of the variation can be seen at 3.3 of this report.

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

The application has attracted representations from responsible authorities.

The premises are located within an area covered by a Cumulative Impact Policy.

1.0 Purpose of this Report

- 1.1 To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") for 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.

2.0 History of Premises

- 2.1 The first application for a premises licence for these premises was made by Nowuk.Net Limited in September 2008 and due to the receipt of representations, was listed for hearing before the Licensing Sub Committee at their meeting held on the 17th November 2008.

After discussion at the hearing, it was decided by the applicants to withdraw their application.

A second application was again submitted by Nowuk.Net Limited on the 24th November 2008 and due to the receipt of representations, the application was listed for hearing for decision before the Licensing Sub Committee at their meeting held on the 16th February 2009.

The decision of the Licensing Sub Committee was that a premises licence should be granted in the terms sought, with additional conditions being incorporated into the operating schedule along with the conditions offered by the applicant. A premises licence was duly issued to Nowuk.Net Limited.

In March 2010, as a result of enquiries into alterations into the layout of the premises, it came to light that the former premises licence holder, Nowuk.Net Limited, was dissolved as a company on the 8th September 2009.

As no application to transfer the premises licence had been submitted within the statutory time period, the premises licence lapsed on the 16th September 2009 and there had been no premises licence in place relating to these premises until an application was received in the Licensing Office on 7th April 2010.

The applicants were 68 John William Street Ltd. Due to the receipt of representations, the application was listed for hearing before the Licensing Sub Committee at their meeting held on the 1st June 2010.

The decision of the Licensing Sub Committee was to grant the licence as per the application with the conditions as proposed and agreed by the parties.

- 2.2 The premises licence granted, permits the following activities and hours:
- 2.3 Sale by retail of alcohol
Films
Live music

Recorded music
Entertainment similar to live music, recorded music or dance
Provision of facilities for making music
Provision of facilities for dancing
Provision of facilities for anything similar to making music or dancing

Monday to Saturday 11:00 to 03:00
Sunday 12:00 to 03:00

L – Late night refreshment

Every day 23:00 to 03:00

Non standard timings

On New Year's Eve - from the end of permitted hours on New Year's Eve, to the start of permitted hours on the following day.

An additional hour to the standard and non standard times on the day British Summertime commences.

2.4 A copy of the existing licence is attached at Appendix A

3.0 The Application

3.1 The applicant is 68 John William Street Limited,

3.2 The application form may be found at Appendix B to this report.

3.3 In summary the application is to remove the condition relating to the first floor that reads: The sale of alcohol on the first floor of the premises is permitted only as ancillary to a table meal.

3.4 Also to extend the following licensable activities:

Sale by retail of alcohol on and off the premises
11:00 until 04:30 Monday to Saturday
12:00 until 04:30 Sunday

Recorded music
11:00 until 04:30 Monday to Saturday
12:00 until 04:30 Sunday

Provision of facilities for dancing
11:00 until 04:30 Monday to Saturday
12:00 until 04:30 Sunday

Late night refreshment
23:00 until 04:30 every day

Times when the premises will be open to the public:
11:00 until 05:00 Monday to Saturday
12:00 until 05:00 Sunday

Non Standard Timings:

No further non standard timings are requested for this application.

4.0 Other matters relevant to the application

4.1 Equality and Diversity / Cohesion and Integration

4.2 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.

5.0 Steps to promote the Licensing Objectives

5.1 The applicant proposes to take specific steps to promote the licensing objectives identified in section 19 of 20 of the application form.

6.0 Location

6.1 A map which identifies the location of this premises is attached at Appendix C.

7.0 Cumulative Impact Policy

7.1 The premises are located within the Cumulative Impact Area 1.

7.2 Cumulative impact means the potential impact on the promotion of the licensing objectives here there are a significant number of licensed premises concentrated in one area.

7.3 An applicant wishing to obtain a new licence for premises falling within any of the cumulative impact areas must identify through the risk assessment process and/or operating schedule the steps that they intends to take so that the council and responsible authorities can be satisfied with that granting of a new licence will not add to the impact already being experienced.

7.4 Details of the Cumulative Impact Policy specific to Area 1 and an outline of the evidence behind the reason for setting this Policy is attached at Appendix D.

Representations

7.5 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

7.6 Representations from Responsible Authorities

7.6.1 Representations have been received from West Yorkshire Police and Environmental Protection Team in their capacity as a responsible authority.

7.6.2 No representations have been agreed.

7.6.3 The representation submitted by West Yorkshire Police remains as a matter for Members consideration. A copy of which may be found at appendix E.

7.6.4 It should be noted that certain information submitted by West Yorkshire Police, within the application is potentially exempt information under Access to Information Rule 10.4 (7), as it includes information which relates to information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. This information is contained within appendix F.

7.6.5 The representation submitted by Environmental Protection Team remains as a matter for Members consideration. A copy of the same may be found at appendix G.

7.7 Other representations

7.7.1 There are no other representations.

8.0 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.
- Exclude any licensable activities to which the application relates.
- 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.

9.0 Background Papers

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