

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 18th August 2015

Subject: Application for the grant of a premises licence for Pita Pit 40 Woodhouse Lane, Leeds, LS2 8LX

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	City & Hunslet	
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 for the grant of a premises licence, made by Vita Bite Ltd, for Pita Pit 40 Woodhouse Lane, Leeds, LS2 8LX

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

This application has attracted representations from the 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 17 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 This is the first application for a premises licence.

3.0 The Application

- 3.1 The applicant is Vita Bite Ltd
- 3.2 The application form may be found at Appendix A to this report.
- 3.3 In summary the application is for

Late Night Refreshment:

23:00 until 04:00 hrs Friday and Saturday

Times when the premises will be open to the public:

10:00 until 23:00 hrs Sunday to Thursday
10:00 until 04:00 hrs Friday and Saturday

Non Standard Timings:

No non-standard timings for bank holidays or special occasions are proposed.

4.0 Other matters relevant to the application

- 4.1 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.

5.0 Steps to promote the Licensing Objectives

- 5.1 The applicant proposes to take specific steps to promote the licensing objectives identified in the Pro-forma Risk Assessment; a copy of which may be found at Appendix B.

6.0 Licensing Hours

- 6.1 Members are directed to paragraphs 6.8 to 6.15 of 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.
- 6.3 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, given the potential for neighbouring premises to seek the same additional hours to prevent rivals gaining a commercial advantage.
- 6.4 A list of premises in the local area and their licensed hours and activities is provided at appendix C.

7.0 Location

- 7.1 A map which identifies the location of this premise is attached at Appendix D.

8.0 Cumulative Impact Policy

- 8.1 The premises are located within the Cumulative Impact City Centre – Red Zone
- 8.2 Cumulative impact means the potential impact on the promotion of the licensing objectives due to the significant number of licensed premises concentrated in one area.
- 8.3 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 the operating schedule, the steps they intend to take so that the council and responsible authorities can be satisfied that granting a new licence would not add to the impact already being experienced.
- 8.4 Details of the cumulative impact policy specific to City Centre and outline of the evidence behind the reason setting this Policy is attached at Appendix E.
- 8.5 Members are directed to paragraphs 7.51 to 7.54 of the Statement of Licensing Policy which provides examples of how an application may be considered exceptional and the matters that the council would not normally take into consideration.

9.0 Representations

- 9.1 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.

9.2 Representations from Responsible Authorities

9.2.1 Representations have been received from Environment Health, West Yorkshire Police and Entertainment Licensing in their capacity as responsible authorities.

9.2.2 Any representations submitted may be agreed prior to a hearing. In this instance the operating schedule has been amended to include measure agreed with Environmental Health. A copy of which may be found at Appendix F.

9.3 The representations submitted by West Yorkshire Police and Entertainment Licensing remain as matters for Members consideration. Copies of the representations may be found at Appendix G and Appendix H respectively.

9.4 Other representations

9.4.1 There are no other representations.

10.0 Options Available to Members

10.1 The licensing sub-committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the 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.
- Reject the whole or part of the application.

10.2 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.

11.0 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy
- Representations received from other persons