

**Report of the Head of Elections, Licensing and Registration**

**Report to the Licensing Sub Committee**

**Date: 24th November 2015**

**Subject: Application to vary a premises licence held by Whites Deli 9 Otley Road, Headingley, Leeds, LS6 3AA**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Headingley	
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 Whites Deli Ltd, for Whites Deli 9 Otley Road, Headingley, Leeds, LS6 3AA.

A full description of the variation can be seen at 3.2 of this report.

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

The application has attracted representations from other persons and/or responsible authorities.

The premises are located within an area covered by a cumulative impact policy.

## **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 The first application for these premises was received in the Licensing Office on the 8<sup>th</sup> January 2015.

The application was granted, there being no representations received within the allotted time scale.

A minor variation was submitted on the 5<sup>th</sup> March 2015, to amend the closing time of the premises, to half hour later, to allow drinking up time. This application was also granted.

- 2.2 A copy of the existing licence is attached at Appendix A.

## **3 The application**

- 3.1 The applicant is Whites Deli Ltd

- 3.2 Briefly the application is to:

- Vary the hours for the sale of alcohol, from 9:00 until 22:30 Monday to Saturday and 10:00 until 22:30 Sunday to the hours of 9:00 until midnight every day.
- To add live music 9:00 until 22:30 every day.
- To add recorded music 9:00 until 00:30 every day.
- To add late night refreshment 23:00 until midnight every day.

## **4 The operating schedule**

- 4.1 The applicant considers that the existing measures are sufficient to promote the licensing objectives and no further measures are necessary.

## **5 Location**

- 5.1 A map which identifies the location of this premises is attached at Appendix B.

## **6 Representations**

- 6.1 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.

### Representations from Responsible Authorities

- 6.2 Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with Environmental Health. A copy of the agreement may be found at Appendix C.

### Other representations

- 6.3 The application has attracted representations from members of the public (described as 'other persons' in the legislation).
- 6.4 Entertainment Licensing is in receipt of four individual letters of objection, all of which are opposed to this application on the grounds of public nuisance and crime and disorder.
- 6.5 In order to protect personal data, redacted copies of the representations are attached at Appendix D. Unredacted copies will be available at the hearing for Members consideration.

## **7 Cumulative Impact Policy**

- 7.1 The premises are located within the cumulative impact area for Area 2.
- 7.2 Cumulative impact means the potential impact on the promotion of the licensing objectives due to significant number of licensed premises concentrated in one area.
- 7.3 An applicant wishing to vary a licence for premises which fall within any of the cumulative impact areas must identify, through their operating schedule, the steps they intend to take so that the council and responsible authorities can be satisfied that granting this variation would not add to the impact already being experienced.
- 7.4 Details of the cumulative impact policy specific to Area 2 and an outline of the evidence behind the reason for setting this policy is attached at Appendix E.
- 7.5 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.

## **8 Licensing hours**

- 8.1 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.

8.2 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, given the potential for neighbouring premises to seek the same additional hours to prevent rivals gaining a commercial advantage.

8.3 A list of premises in the local area and their licensed hours and activities is provided at appendix F.

## **9 Equality and diversity implications**

10.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the licensing subcommittee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

## **10 Options available to Members**

10.1 The licensing subcommittee 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.

10.2 Members of the licensing subcommittee 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 Background papers**

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