

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 18th April 2017

**Subject: Application for the grant of a premises licence for Oriental Star 64
Armley Ridge Road, Armley, Leeds, LS12 3NP**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Armley		
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 Mr Hui Yu Lin, for Oriental Star 64 Armley Ridge Road, Armley, Leeds, LS12 3NP.

This application is to sell alcohol for consumption off the premises as noted in 3.3.

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

The application has attracted representations from other persons.

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

Please note that although a certain part of Armley is covered by a CIP area, the location of this premises is not affected.

1 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 new 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 the premises

- 2.1 This is the first application for a premises licence for these premises.

3 The application

- 3.1 The applicant's name is Mr Hui Yu Lin.
- 3.2 The proposed designated premises supervisor is Mr Hui Yu Lin.
- 3.3 In summary the application is for:

Sale by retail of alcohol Wed - Mon 17:00 - 23:00 (Consumption off the Premises)

- 3.4 This premises is already trading as a chinese takeaway, please note that alcohol can only be ordered when purchasing food from the premises.

4 The operating schedule

- 4.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the proforma risk assessment which is attached at Appendix A.

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 There have been no representations from responsible authorities.

Other representations

- 6.3 The application has attracted representations from members of the public (described as 'other persons' in the legislation).
- 6.4 The Licensing Authority is in receipt of 10 representations. These include members of the public , local councillors, and a member of parliament.

- 6.5 In order to protect personal data, redacted copies of the representations are attached at Appendix C. Unredacted copies will be available at the hearing for Members consideration.
- 6.6 The Licensing Authority is also in receipt of 2 letters of support for this application. Redacted copies of this are attached at Appendix D. Unredacted copies will be available at the hearing for Members consideration.

7 Local Licensing Guidance

- 7.1 This application is in an area where the council has put in place Local Licensing Guidance. This means that the area in which this premises is situated have been identified by the Community Committees as vulnerable to problem drinking and there are additional issues that directly impact the promotion of the licensing objectives. The applicant has been sent the Local Licensing Guidance during the application process and has/has not volunteered conditions to mitigate these concerns. The Local Licensing Guidance is attached at Appendix E.

8 Licensing hours

- 8.1 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.
- 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.
- 8.3 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.
- 8.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix F.

9 Equality and diversity implications

- 9.1 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 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 the whole or part of the application.

10.2 Members of the licensing subcommittee are asked to note that they may not reject the whole or part of the application merely because they consider it desirable to do so. It must be appropriate in order to promote the licensing objectives.

11 Background papers

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