

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Monday 5th December 2011

Subject: Application for the grant of a premises licence for Silver Vase, 2 Stainbeck Lane, Meanwood, Leeds, LS7 3QY

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Chapel Allerton	
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

1. This is an application for the grant of a premises licence for Silver Vase, 2 Stainbeck Lane, Meanwood, Leeds, LS7 3QY.
2. This application is made in respect of a premises wanting to operate as a takeaway with the provision of Late Night Refreshment. The hours applied for are noted at 3.3.2 of this report.
3. The premises are located within an area covered by a Cumulative Impact Policy.
4. Responsible authorities have been served with copies of the application and Ward Members have been notified of the application.

Recommendations

The committee is asked to:

5. consider the application and any relevant representations; and
6. take any of the steps detailed at 5.2, if any, they consider necessary for the promotion of the licensing objectives.

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 Background Information

- 2.1 Although this hearing is to determine the grant of a Premises Licence, these premises previously held a licence authorising Late Night Refreshment that reflected the hours applied for on this occasion, namely:-

Monday to Wednesday	23:00 - 23:30
Thursday to Sunday	23:00 - 00:00

The previous licence holder; C Y Wan Limited, was subject to administration proceedings and declared dissolved on 12th January 2010. No transfer application was submitted within the statutory 7 day period and the licence subsequently lapsed.

3.0 Main Issues

- 3.1 The applicant is Mr Cuong Bang.
- 3.2 The location of the premises can be found on the maps attached as **Appendix A**.
- 3.3 A copy of the application is attached as **Appendix B** to this report. For the assistance of members, the Operating Schedule shows:

3.3.1 Proposed licensable activities

Provision of late night refreshment

3.3.2 Proposed hours of licensable activities

The proposed hours of licensable activities are as follows:

Provision of late night refreshment

Monday to Wednesday	23:00 - 23:30
Thursday to Sunday	23:00 - 00:00

3.3.3 Proposed times when the premises is open to the public

The premises propose to open to the public between the following hours

Monday to Wednesday	17:00 - 23:30
Thursday to Sunday	17:00 - 00:00

3.3.4 Steps to promote the licensing objectives

The applicant proposes to take the steps identified in Section P of the application form to promote the licensing objectives.

3.4 Relevant Representations

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.

3.4.1 Representations have been received from the following Responsible Authorities:

- **West Yorkshire Police**
An outright objection has been submitted by West Yorkshire Police. Members are invited to consider **Appendix C** of this report.

3.4.2 Representations have been submitted by the following Interested Parties:

- **Ward Councillors**
Member's attention is drawn to **Appendix D** of this report.
- **Local Residents**
Members are invited to consider **Appendix E** of this report.

3.4.3 Contrary to the above, Interested Parties can make submissions supporting the application. In this instance a local resident has submitted an e-mail expressing such. Member's attention is drawn to **Appendix F**.

3.5 Cumulative Impact Policy

These premises are located within the Cumulative Impact Area 4 – Chapel Allerton. The council's policy in respect of this area provides the following:

It is the council's policy, on receipt of relevant representations, to refuse new and variation applications in Area 4 for licenses for pubs, clubs, bars, café bars, restaurants and takeaways, unless the applicant can demonstrate that their application would not add to the cumulative impact of such licensed premises in the area.

3.6 Matters Relevant to the Application

Members of the Licensing Sub Committee must make decisions with a view to promoting the licensing objectives which are:

- 3.2.1 The prevention of crime and disorder
- 3.2.2 Public safety
- 3.2.3 The prevention of public nuisance
- 3.2.4 The protection of children from harm

In the 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.

4.0 Corporate Considerations

4.1 Consultation and Engagement

The application was subject to a 28 days consultation period in accordance with the Licensing Act 2003. Blue site notices were placed by the applicant on the premises and these were checked by Liaison and Enforcement Officers during the consultation period. The application was advertised in a newspaper circulating in the local area. Representations received during this 28 day consultation.

4.2 Equality and Diversity / Cohesion and Integration

The council has adopted a Statement of Licensing Policy which sets out the principles the council will use to exercise its functions under the Licensing Act 2003 and in which care has been taken in matters of equality, diversity and human rights. This policy is reviewed every three years. The council has completed equality, diversity, cohesion and integration screening and impact assessments with regards to the consultation process undertaken during the review of the policy.

4.3 Council Policies and City Priorities

When determining an application the licensing sub committee must have regard for the Licensing Act 2003 Statement of Licensing Policy which sets out the principles the council will use to exercise its functions under the Licensing Act 2003. Applicants are expected to read the policy before making their application and the council will refer to the policy when making its decisions.

The licensing regime contributes to the following aims:

By 2030, Leeds will be fair, open and welcoming

- 4.2.1 Local people have the power to make decisions that affect them
- 4.2.2 There is a culture of responsibility, respect for each other and the environment
- 4.2.3 Our services meet the diverse needs of our changing population
- 4.2.4 Everyone is proud to live and work

By 2030, Leeds' economy will be prosperous and sustainable

- 4.2.5 Opportunities to work with secure, flexible employment and good wages

By 2030, all Leeds' communities will be successful

- 4.2.6 Communities are safe and people feel safe

The licensing regime contributes to the following city priorities:

Best city... for communities:

- 4.2.7 Reduce crime levels and their impact across Leeds
- 4.2.8 Effectively tackle and reduce anti-social behaviour in communities

4.4 Resources and Value for Money

The licensing process, including the licensing sub committee, generates a cost to the council. The majority of these costs are covered by the application fee. The fees are set by Statute, and there is little option to increase the fee to cover all the cost. However, the Police Reform and Social Responsibility Bill, due to receive Royal assent in November 2011, may allow local authorities to set their own fees in the future based on full cost recovery.

4.5 Legal Implications, Access to Information and Call In

Applicants and people making representations are able to challenge the licensing sub-committee's decision by appealing to the Magistrates Court. Legal advice is provided during the sub committee hearing and during deliberations to mitigate the risk to the council.

4.6 Risk Management

Full training and legal advice is provided to members sitting on Licensing Sub Committee in order to mitigate the risk of legal challenge.

5.0 Conclusions

5.1 An application has been received under the Licensing Act 2003 which is brought before a licensing sub committee for determination.

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

- 5.2.1 Grant the application as requested;
- 5.2.2 Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule;
- 5.2.3 Exclude any licensable activities to which the application relates;
- 5.2.4 Refuse to specify the said person as the designated premises supervisor.
- 5.2.5 Reject the whole or part of the application.

5.3 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.

6.0 Recommendations

The committee is asked to:

- 6.2.1 Consider the application and any relevant representations; and
- 6.2.2 Take any of the steps detailed at 5.2, if any, they consider necessary for the promotion of the licensing objectives.

7.0 Background Papers

7.1 Guidance issued under s182 Licensing Act 2003

7.2 Leeds City Council Licensing Policy