

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 3rd January 2012

Subject: Application to Vary a Premises Licence held by Star Chef Takeaway, 15B North Lane, Headingley, Leeds, LS6 3HW

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 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 held by Star Chef Takeaway, 15B North Lane, Headingley, Leeds, LS6 3HW.

The application is made in respect of a Chinese takeaway proposing an extension to the terminal hour of their sole provision; Late Night Refreshment. The times applied for are noted at 3.3.1 of this report.

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

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

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 A valid application for the grant of a Premises Licence was received by the Licensing Department on 24th August 2005.

The application proceeded without representation from either Responsible Authorities or Interested Parties and was therefore granted as requested.

The premises received a Premises Licence authorising the provision of Late Night Refreshment; Monday to Sunday from 23:00 hours to 00:00 hours.

2.2 A copy of the current licence is attached at Appendix A.

3.0 The Application

3.1 The applicant is Zhuming Wu.

3.2 The application form can be found at Appendix B of this report.

3.3 In summary the application is for:

3.3.1 Late Night Refreshment

23:00 until 02:00 hrs Monday to Sunday

3.3.2 Times when the premises will be open to the public:

17:00 until 02:00 hrs Monday to Sunday

3.3.3 Non-standard timings:

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

4.0 Other matters relevant to the application

Equality and Diversity / Cohesion and Integration

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 In addition to the measures already contained within the licence, the applicant proposes to take the steps identified within the Pro-forma Risk Assessment to promote the licensing objectives. A copy of the risk assessment can be found at Appendix C of this report.

6.0 Location

6.1 Maps which identify the location of these premises are attached at Appendix D.

7.0 Cumulative Impact Policy

- 7.1 The premises are located with the Cumulative Impact Area 2 – Headingley/Hyde Park.
- 7.2 Cumulative impact means the potential impact on the promotion of the licensing objectives where 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 they intend to take, so that the council and responsible authorities can be satisfied that granting the licence will not add to the impact already being experienced.
- 7.4 Details of the Cumulative Impact Policy specific to Area 2 – Headingley/Hyde Park, and an outline of the evidence behind the reason for setting this policy is attached at Appendix E.

8.0 Representations

- 8.1 Under the Act representations can be received from responsible authorities and interested parties. Representations must be relevant and, in the case of an interested party, must not be frivolous or vexatious.

Representations from Responsible Authorities

- 8.2 Representations have been received from the following Responsible Authorities:
- 8.2.1 West Yorkshire Police
An outright objection has been received from West Yorkshire Police, a copy of which is attached at Appendix F.
- 8.2.3 Environmental Health
A full objection has been submitted by Environmental Health, a copy of which can be found at Appendix G.
- 8.2.4 City Development Department
A further outright objection has been received from the Development Department, a copy of which is listed at Appendix H of this report.

Representations from Interested parties

- 8.3 The application has also attracted representations from a total of four Ward Councillors, two local residents' associations and a further four local residents, all of which are primarily opposed to this application on the grounds of crime and disorder and public nuisance.
- 8.4 Copies of the representations will be available at the hearing for Members consideration.

9.0 Options Available to Members

9.1 The Licensing sub-committee must take such of the following steps as it considers necessary 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.
- Reject the whole or part of the application.

9.2 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 necessary in order to promote the licensing objectives.

10.0 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy
- Representations received from Interested Parties