

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: Tuesday, 3rd October 2023

Subject: Application to Vary a Premises Licence in respect of ParmNfrites, 29 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 & Hyde Park	
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 Amir Khan for ParmNfrites, 29 Otley Road, Headingley, Leeds, LS6 3AA.

The application is made to add the provision of Late Night Refreshment to the premises licence, Sunday to Thursday, 23:00 – 00:00 and Friday & Saturday, 23:00 – 02:00. The existing licensable activities for Sale by Retail of Alcohol and Record Music are to remain as existing.

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

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

The premises are located within an area designated as a cumulative impact area.

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 premises licence was originally granted to Growlers Leeds Limited in June 2019, t/a Growlers. The activities and times applied for were the sale of alcohol and recorded music, from 12:00 until 23:00 hours, Monday to Sunday.
- 2.2 In May 2023 an application to transfer the premises licence to Amir Khan, the current licence holder, was received. The application did not attract a representation from West Yorkshire Police and the application was granted as applied for.
- 2.3 A copy of the existing licence is attached at Appendix A.

3 The Application

- 3.1 The applicant is Amir Khan.
- 3.2 Briefly the application is to:
- Include the provision of Late Night Refreshment:
Sunday to Thursday 23:00 – 00:00
Friday & Saturday 23:00 – 02:00
- 3.3 A redacted copy of the application form is attached at Appendix B.
- 3.3 The applicant proposes the additional measures (re signage) specified in section M of the application form to promote the licensing objectives.

4 Location

- 4.1 A map which identifies the location of the premises is attached at Appendix C.

5 Representations

- 5.1 Under the Act representations can be received from anyone but must be relevant and, in the case of members of the public, must not be frivolous or vexatious.

Representations from Responsible Authorities

- 5.2 Representations have been received from Leeds City Council's Environmental Protection Team and West Yorkshire Police in their capacity as responsible authorities.

- 5.3 The representation submitted by Leeds City Council's Environmental Protection Team suggests additional measures, including a restriction limiting the terminal hour for Late Night Refreshment to 00:00 hours every day. Without any agreement being reached the representation remains as a matter outstanding for Committee's consideration and a copy may be found at Appendix D.
- 5.4 Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with West Yorkshire Police. A copy of the representation and agreement may be found at Appendix E.

Other Representations

- 5.5 The application has attracted representations from members of the public (described as 'other persons' in the legislation).
- 5.6 Entertainment Licensing is in receipt of eleven individual letters of objection including one on behalf of a local neighbourhood group, all of which are opposed to this application on the grounds of public nuisance, crime and disorder and public safety.
- 5.7 In order to protect personal data, redacted copies of the representations are attached at Appendix F and original copies will be provided to Licensing Sub Committee Members in advance of the hearing.

6 Cumulative Impact

- 6.1 The premises are located within the cumulative impact area for Headingley.
- 6.2 Cumulative impact means the potential impact on the promotion of the licensing objectives due to significant number of licensed premises concentrated in one area.
- 6.3 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.
- 6.4 Details of the cumulative impact policy specific to Headingley and an outline of the evidence behind the reason for setting this policy is attached at Appendix G.
- 6.5 Members are directed to paragraph 7.44 of the Statement of Licensing Policy which provides examples of how an application may demonstrate there will be no impact and paragraph 7.45 which provides examples of the matters that the council would not normally take into consideration.

7 Licensing Hours

- 7.1 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.
- 7.2 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.
- 7.3 A list of premises in the local area and their licensed hours and activities is provided at appendix H.

8 Equality And Diversity Implications

- 8.1 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.

9 Options Available to Members

- 9.1 The Licensing Sub Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- Grant the 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 appropriate in order to promote the licensing objectives and relevant to the application.

10 Background Papers

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