

**Report of the Chief Officer Elections and Regulatory**

**Report to Licensing Sub Committee**

**Date: 16th January 2024**

**Subject: Application to vary a premises licence held by Papa Johns 54 Austhorpe Road, Cross Gates, Leeds, LS15 8DX**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Crossgates & Whinmoor		
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 PJ Corp Stores Limited, for Papa Johns 54 Austhorpe Road, Cross Gates, Leeds, LS15 8DX

The application proposes an increase of activity of late night refreshment from 23:00 until 05:00, every day. Essentially permitting the premises to open and trade 24 hours a day.

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

The application has attracted representations from responsible authorities: Leeds City Councils Environmental Protection Team and Planning Department regarding the prevention of public nuisance.

## **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 September 2016 the first premises licence application was served on the licensing authority. The application received valid representation and was scheduled for a hearing. After deliberation of the application it was subsequently granted with additional conditions.
- 2.2 November 2023 the licensing authority received a transfer application which proposed a new and the current premises licence holder.
- 2.3 A copy of the existing licence is attached at **Appendix A**.

## **3 The application**

- 3.1 The applicant is PJ Corp Stores Limited.
- 3.2 Briefly the application is to:
  - Extend their current hours to 5am, 7 days per week.
- 3.3 A copy of the redacted application form is attached at **Appendix B**.
- 3.3 The applicant proposes to promote the licensing objectives by taking the additional steps identified in Section M of the application which is attached at Appendix B.

## **4 Location**

- 4.1 A map which identifies the location of this 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. Environmental Protection Team and the Planning Department in their capacity as a responsible authority.
- 5.3 Any representation may be negotiated prior to the hearing, in this instance the representations received are outright objections. A copy of the representations may be found at the following appendices.

- 5.4 A copy of the representation submitted by Leeds City Council, Environmental Protection Team is available at **Appendix D** of the report.
- 5.5 A copy of the representation submitted by Leeds City Council, Planning Department is available at **Appendix E** of the report.

#### Other representations

- 5.6 There are no other representations.

### **6 Licensing hours**

- 6.1 Members are directed to paragraphs 6.6 to 6.13 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.
- 6.2 In brief the Policy states at 6.12 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.
- 6.3 A list of premises in the local area and their licensed hours and activities is provided at **Appendix F**.

### **7 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.

### **8 Options available to Members**

- 8.1 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.
- 8.2 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 and relevant to the application.

### **9 Background papers**

- Guidance issued under s182 Licensing Act 2003

- Statement of Licensing Policy