

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Wednesday, 23rd August 2023

Subject: Application for the Grant of a Premises Licence for TJ's Pizza 341 Kirkstall Road, Burley, Leeds, LS4 2HD

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Kirkstall		
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 Javed Aqib & Mr Adam Javid, for TJ's Pizza, 341 Kirkstall Road, Burley, Leeds, LS4 2HD.

The application proposes Late Night Refreshment; every day 23:00 - 01:00.

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

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

Agreements have been reached between the Applicant, West Yorkshire Police and Leeds City Council Environmental Protection Team, resulting in a number of suggested measures being incorporated into the proposed operating schedule and those representations have been withdrawn. The representation received from a local resident remains outstanding for the Licensing Sub Committee's consideration.

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 applicants' names are Mr Javed Aqib & Mr Adam Javid.
- 3.2 In summary the application is for:

*Late night refreshment
Every Day 23:00 - 01:00*

- 3.3 A redacted version of the application has been attached at **Appendix A**.
- 3.4 The applicant proposes to promote the licensing objectives by taking the steps identified in section M of the application.

4 Location

- 4.1 A map which identifies the location of this premises is attached at **Appendix B**.

5 Representations

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

Representations from Responsible Authorities

- 5.2 Any representation may be negotiated prior to the hearing and in this instance the operating schedule has been amended in accordance with the Environmental Protection Team's representation. A copy of the representation and agreement may be found at **Appendix C**
- 5.3 An agreement has also reached between the applicant and West Yorkshire Police. The measures suggested by the police have been adopted resulting in the representation being withdrawn and a copy, including the agreement, can be found at **Appendix D**.

Other Representations

- 5.4 The application has attracted representation from a member of the public (described as 'other persons' in the legislation) who opposes the application on the grounds of public nuisance.
- 5.5 The representations has been received from the individual who have expressed concern that they may be at risk of retribution should their details be made public. As such their personal details have been redacted and they will remain anonymous. For this reason, despite their strength of feeling they will not be attending the hearing and would like their representations to be considered fully in their absence.
- 5.6 In order to protect personal data a redacted copy of the representation is attached at **Appendix E** and an original copy will be provided to Licensing Sub Committee Members in advance of the hearing.
- 5.7 In response to receiving a redacted version of the public representation the Applicant has asked the Licensing Authority to act as an intermediary by facilitating an exchange of e-mails with a view to addressing the objector's concerns. The objector's concerns and representation remain for the Committee to consider and a copy of the correspondence can be seen at **Appendix F**.

6 Licensing Hours

- 6.1 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.
- 6.2 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.
- 6.3 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 adversely impact on the licensing objectives.
- 6.4 A list of premises in the local area and their licensed hours and activities is provided at **Appendix G**.

7 Equality and Diversity Implications

- 7.1 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 application as requested.
- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Reject the whole or part of the application.

8.2 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.

9 Background Papers

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