

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: 3rd March 2014

Subject: Application for the grant of a premises licence for; Spice Zone 67 Pendas Way, Stanks, Leeds, LS15 8HU

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: N/A		

Summary of main issues

This is an application for the grant of a premises licence, made by Mr Eron Miah for Spice Zone, 67 Pendas Way, Stanks, Leeds, LS15 8HU.

Please refer to paragraph 3.3 for proposed timings of licensable activities.

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

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

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 History of Premises

2.1 This is the first application for a premises licence.

3.0 The Application

3.1 The applicant is Mr Eron Miah.

3.2 The application form may be found at Appendix A to this report.

3.3 In summary the application is for;

- **Sale of Alcohol**
Monday to Saturday 17:00 – 22:30
Sunday 15:00 – 22:30

4.0 Other matters relevant to the application

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 The applicant proposes to take specific steps to promote the licensing objectives identified in section "M" of the application form.

5.2 Proposed Designated Premises Supervisor

5.3 Mr Eron Miah intends to be the Designated Premises Supervisor.

6.0 Licensing Hours

6.1 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.

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. 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, given the potential for neighbouring premises to seek the same additional hours to prevent rivals gaining a commercial advantage.

6.3 A list of premises in the local area and their licensed hours and activities is provided at Appendix B.

7.0 Location

7.1 A map which identifies the location of this premise is attached at Appendix C.

8.0 Representations

8.1 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

8.2 Representations from Responsible Authorities

8.2.1 Representations have been received from Leeds City Council Environmental Health and Leeds City Council Health and Safety team.

8.2.2 Any representations submitted may be agreed prior to a hearing. In this instance the operating schedule has been amended to include measures agreed.

8.2.3 A copy of the agreement reached with Leeds City Council Environmental Health will be found at Appendix D.

8.2.4 A copy of the agreement reached with Leeds City Council Health and Safety team will be found at Appendix E.

8.3 Other representations

8.3.1 The application has attracted three representations from other persons on the grounds of public nuisance. A copy of the representations can be found at Appendix F.

9.0 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 application as requested.
- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates.
- Refuse to specify the said person as the designated premises supervisor.
- 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.

10.0 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy
- Representations received from other persons