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Democratic Services

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Our Ref: A61/JG
Your Ref: Gangsters

20 July 2007

Dear Sir

APPLICATION FOR THE VARIATION OF A PREMISES LICENCE AT "GANGSTERS LITTLE BISTRO", 52B NORTH LANE, HEADINGLEY, LEEDS LS6 3HU

On 4th June 2007 the Licensing Sub Committee heard an application made by Mr Azhar Kadhem of 95 Holt Lane, Cookridge, Leeds LS16 7PJ for the variation of a premises licence in respect of premises at 52B North Lane, Headingley, Leeds LS6 3HU.

The applicant sought the following:

Supply of late night refreshment:

Monday to Sunday 23:00 hours until 01:00 hours

Hours premises are to be open to the public:

Monday to Sunday 17:00 hours until 01:00 hours

This letter represents the formal decision of the Sub Committee in respect of the application.

Preliminary Procedural Issues

The Sub Committee considered preliminary matters of a purely procedural nature. There were no declarations of interest made.

Prior to the hearing the Sub Committee had considered the Licensing Officers Report and the written representations received from the West Yorkshire Police and four local residents

FINAL

With no responsible authorities or objectors in attendance the Sub Committee permitted the applicant 10 minutes in which to make his case. This time limit was imposed having regard to the relevant Regulations and in the interests of consistency and the efficiency of business.

The Sub Committee then went on to consider the application.

The Hearing

The Sub Committee considered the verbal submissions of the applicant Mr Kadhem, which addressed the application and the comments of the interested parties.

In determining the application the Sub Committee took into account written submissions from the above responsible authorities contained within the report and the Notices of Hearing. These had been circulated to the Parties prior to the hearing.

After considering the evidence and submissions the Sub Committee needed to satisfy itself that granting the licence would promote the licensing objectives.

In reaching this decision the Sub Committee had regard to the provisions of the Licensing Act 2003, guidance under Section 182 of that Act and the Council's own Licensing Policy.

In particular the Sub Committee took into account Sections 34 & 35 of the Act because these were the most relevant to the application and Chapter 7 of the Guidance relating to the prevention of crime and disorder, public nuisance and public safety

The Sub Committee then went on to consider the following paragraphs of the Licensing Policy as the Sub Committee took the view these paragraphs had bearing on the application.

| | |
|----------------|------------------|
| 11:05 to 11:10 | Crime & Disorder |
| 11:11 to 11:22 | Public Safety |
| 11:23 to 11:28 | Public Nuisance |

Reasons for the decision

Members began by noting the following information provided by the Legal Adviser to the Sub Committee:

- The current permitted hours of operation of the premises were:
Monday to Saturday 23:00 hours until 23:30 hours
- A Premises Licensing was issued under the Licensing Act 2003

The Sub Committee began by considering the verbal representation made by Mr Kadhem, owner/operator of the premises who spoke in support of the application. Mr Kadhem explained that other similar late night refreshments providers in the vicinity were operating

FINAL

until the hours of 01.00 and he was requesting the same operating hours. It was reported that the objection from West Yorkshire Police was on the grounds that the proposed operating hours were excessive and should be inline with other similar premises operating within the vicinity i.e. 00.30. In addressing the objections from Local Residents Mr Kadhemi said that two of the objections were from residents who lived some distance away from his premises, who referred to noise nuisance from cars and people walking home, but this was not necessary from his premises. A further letter referred to the Cumulative Impact Area, the Sub Committee's legal advisor confirmed that late night takeaways do not form part of the Cumulative Impact Policy for this area. The final objection was on the grounds of safeguarding Headingley's future sustainability.

The Decision

The Sub Committee having regard to the written submissions from the West Yorkshire Police and four local residents were minded to grant the application on the grounds that other similar late night refreshments providers in the vicinity were operating until the hours of 00.30

The application to vary the Premises Licence was therefore granted. The hours of operation shall therefore be extended as follows:

Monday to Sunday 17:00 hours until 00:30 hours

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the Sub Committee. You must make this appeal within 21 days of this letter reaching you.

Appeals should be addressed to the Magistrates Court at:
Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP

and accompanied by a copy of this decision letter and the court fee of £75.00.

Yours faithfully,

John Grieve
Clerk to the Licensing Sub Committee