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## Report of the Head of Elections, Licensing and Registration

### Report to the Licensing Sub Committee

Date: 17th April 2018

**Subject: Application for the grant of a premises licence for Papaya 501 Bradford Road, Stanningley, Pudsey, LS28 8EE**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Calverley & Farsley	
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:		

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### Summary of main issues

This is an application for the grant of a premises licence, made by Baboshka Limited, for Papaya 501 Bradford Road, Stanningley, Pudsey, LS28 8EE.

Please refer to point 2.3 of the report for details of the activities and timings.

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

The application has attracted representations from local ward councilors.

## **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 premises was previously licensed under the Licensing Act 2005 and traded under the name of the Farmers. The premises had the benefit of a licence for Sale of Alcohol, Regulated Entertainment and Late Night Refreshment between the hours of 10:00 – 01:00 Thursday to Saturday and 10:00 – 00:00 Sunday to Wednesday. The licence was surrendered in December 2015 by the premises licence holder.
- 2.2 The applicant's name is Baboshka Limited.
- 2.3 The proposed designated premises supervisor is Mr Sajid Pervaiz
- 2.4 In summary the application is for:

*Late Night Refreshment*

*Every Day 23:00 – 02:30*

*Recorded Music*

*Sale of Alcohol (for consumption on the premises)*

*Every Day 15:00 – 02:00*

*Non standard timings*

*From the start of permitted hours on New Year's Eve to the end of permitted hours New Year's Day.*

*An extra hour on the day when British Summer Time commences.*

## **3 The operating schedule**

- 3.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule and/or the proforma risk assessment which is attached at Appendix A.

## **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 responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

### Representations from Responsible Authorities

- 5.2 Representations have been received from West Yorkshire Police in their capacity as a responsible authority.
- 5.3 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 C.

### Other representations

- 5.4 The application has attracted representation from local ward councillors (described as 'other persons' in the legislation).
- 5.5 The licensing authority is in receipt of comments from the three ward councillors who have concerns regarding the application and are opposing it on the grounds of public nuisance.
- 5.6 A copy of the representation is attached at Appendix D.

## **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 E.

## **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.
  - 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.
- 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