

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: 12th November 2024

**Subject: Application to Vary a Premises Licence held by Flying Tandoori 250
Easterly Road, Gipton, Leeds, LS8 3ES**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Gipton & Harehills		
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 Mr Arshad Mehmood, for Flying Tandoori, 250 Easterly Road, Gipton, Leeds, LS8 3ES.

The application proposes to 1) extend the provision of late night refreshment on Friday and Saturday evenings until 00:30 hours, and 2) extend the opening hours of the premises to open from 12:00 noon daily and to close 00:30 hours on Friday and Saturday evenings.

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

The application has attracted representations from the Environmental Protection Team and one other person.

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 This premises currently holds a Premises Licence issued under the Licensing Act 2003, authorising the following:

Provision of late night refreshment
Every Day 23:00 - 23:30

The hours the premises are open to the public are:
Every Day 17:00 - 23:30

- 2.1 A copy of the existing licence is attached at Appendix 1.

3 The Application

- 3.1 The applicant is Mr Arshad Mehmood.
- 3.2 Briefly, the application is made to extend the opening hours each day of the week and late night refreshment on Friday and Saturday evenings only.
- 3.3 The proposed hours for late night refreshment are:

Friday & Saturday 23:00 - 00:30
Sunday to Thursday to remain as existing

- 3.4 The proposed opening hours for premises are:

Friday & Saturday 12:00 - 00:30
Sunday to Thursday 12:00 - 23:30

- 3.5 A copy of the redacted application form is attached at Appendix 2.
- 3.6 The applicant considers that the existing measures are sufficient to promote the licensing objectives and no further measures have been offered.

4 Location

- 4.1 A map which identifies the location of the premises is attached at Appendix 3.

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 A representation has been received from Environmental Health in their capacity as a responsible authority and remains as a matter for Members consideration. In response, the applicant's agent wrote to Environmental Health and an officer has responded. The representation remains outstanding, and a copy of the representation and subsequent correspondence may be found at Appendix 4.

Other Representations

- 5.3 The application has attracted one representation from a member of the public (described as 'other persons' in the legislation) expressing concerns in relation to public nuisance.
- 5.4 In order to protect personal data a redacted copy of the representation is attached at Appendix 5 and a copy of the original version will be provided to the Licensing Sub Committee before the hearing.

6 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.
- 6.3 A list of premises in the local area and their licensed hours and activities is provided at Appendix 6.

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 Sub Committee 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 Sub Committee 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 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 and relevant to the application.

9 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Statement of Licensing Policy