

Report of the head of licensing and registration

Report to the licensing sub committee

Date: 7th November 2011

Subject: Application for the grant of a premises licence for Jaldi Jaldi, 44A Woodhouse Lane, Woodhouse, Leeds, LS2 8LX

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

1. This is an application for the grant of a premises licence for Jaldi Jaldi, 44A Woodhouse Lane, Woodhouse, Leeds, LS2 8LX
2. The premises are located within an area covered by a Cumulative Impact Policy.
3. The applicants wish to provide Late Night Refreshment - on the premises - every day between the hours of 23:00 to 05:00.
4. The premises will be open to the public every day between 08:00 to 05:00 however the applicants indicate that the premises may operate opening times within the specified hours depending on local demand.
5. Responsible authorities have been served with copies of the application and Ward Members have been notified of the application.

Recommendations

The committee is asked to:

6. to consider the application and any relevant representations.

7. Take any of the steps detailed at 5.2, if any, they consider necessary for the promotion of the licensing objectives.

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 Background Information

- 2.1 This is the first application for the grant of a premises licence relating to these premises

3 Main Issues

- 3.1 The applicant is Mumtaz Jaldi Jaldi Ltd,
- 3.2 The location of the premises can be found on the maps attached as Appendix A.
- 3.3 The applicants wish to provide Late Night Refreshment - on the premises - every day between the hours of 23:00 to 05:00.
- 3.4 The premises will be open to the public every day between 08:00 to 05:00 however the applicants indicate that the premises may operate opening times within the specified hours depending on local demand.
- 3.5 A copy of the application is attached as Appendix B to this report. For the assistance of members, the Operating Schedule shows:

3.5.1 Proposed licensable activities

Provision of late night refreshment

3.5.2 Proposed hours of licensable activities

The proposed hours of licensable activities are as follows:

Provision of late night refreshment
Every Day

23:00 - 05:00

3.5.3 Proposed times when the premises is open to the public

The premises propose to open to the public between the following hours

Everyday

08:00 - 05:00

3.5.4 Steps to promote the licensing objectives

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

3.6 Relevant Representations

3.6.1 Under the Act representations can be received from responsible authorities or interested parties. Representations must be relevant and, in the case of an interested party, must not be frivolous or vexatious.

3.6.2 Representations have been received from the following Responsible Authorities:

West Yorkshire Police Authority

Members are invited to consider Appendix C of this report.

3.7 Matters Relevant to the Application

3.7.1 Members of the Licensing Sub Committee must make decisions with a view to promoting the licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

3.7.2 In the making of their decision Members are obliged to have regard to the national guidance and the council's licensing policy. Members will be aware they must also have regard to the relevant representations made and evidence they hear.

4 **Corporate Considerations**

4.1 Consultation and engagement

4.1.1 The application was subject to a 28 days consultation period in accordance with the Licensing Act 2003. Blue site notices were placed by the applicant on the premises and these were checked by Liaison and Enforcement Officers during the consultation period. The application was advertised in a newspaper circulating in the local area. Representations received during this 28 day consultation.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 The council has adopted a Statement of Licensing Policy which sets out the principles the council will use to exercise its functions under the Licensing Act 2003 and in which care has been taken in matters of equality, diversity and human rights. This policy is reviewed every three years. The council has completed equality, diversity, cohesion and integration screening and impact assessments with regards to the consultation process undertaken during the review of the policy.

4.3 Council Policies and City Priorities

4.3.1 When determining an application the licensing sub committee must have regard for the Licensing Act 2003 Statement of Licensing Policy which sets out the principles the council will use to exercise its functions under the Licensing Act 2003. Applicants are expected to read the policy before making their application and the council will refer to the policy when making its decisions.

4.3.2 The licensing regime contributes to the following aims:

By 2030, Leeds will be fair, open and welcoming

- Local people have the power to make decisions that affect them
- There is a culture of responsibility, respect for each other and the environment
- Our services meet the diverse needs of our changing population
- Everyone is proud to live and work

By 2030, Leeds' economy will be prosperous and sustainable

- Opportunities to work with secure, flexible employment and good wages

By 2030, all Leeds' communities will be successful

- Communities are safe and people feel safe

4.3.3 The licensing regime contributes to the following city priorities:

Best city... for communities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.4 Resources and Value for Money

4.4.1 The licensing process, including the licensing sub committee, generates a cost to the council. The majority of these costs are covered by the application fee. The fees are set by Statute, and there is little option to increase the fee to cover all the cost. However, the Police Reform and Social Responsibility Bill, due to receive Royal assent in November 2011, may allow local authorities to set their own fees in the future based on full cost recovery.

4.5 Legal Implications, Access to Information and Call In

4.5.1 Applicants and people making representations are able to challenge the licensing sub-committee's decision by appealing to the Magistrates Court. Legal advice is provided during the sub committee hearing and during deliberations to mitigate the risk to the council.

4.6 Risk Management

4.6.1 Full training and legal advice is provided to members sitting on Licensing Sub Committee in order to mitigate the risk of legal challenge.

5 Conclusions

- 5.1 An application has been received under the Licensing Act 2003 which is brought before a licensing sub committee for determination.
- 5.2 The licensing sub-committee must take such of the following steps as it considers necessary 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.
- 5.3 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 necessary in order to promote the licensing objectives.

6 Recommendations

The committee is asked to:

- Consider the application and any relevant representations
- Take any of the steps detailed at 5.2, if any, they consider necessary for the promotion of the licensing objectives.

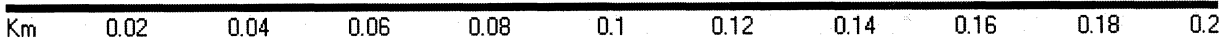
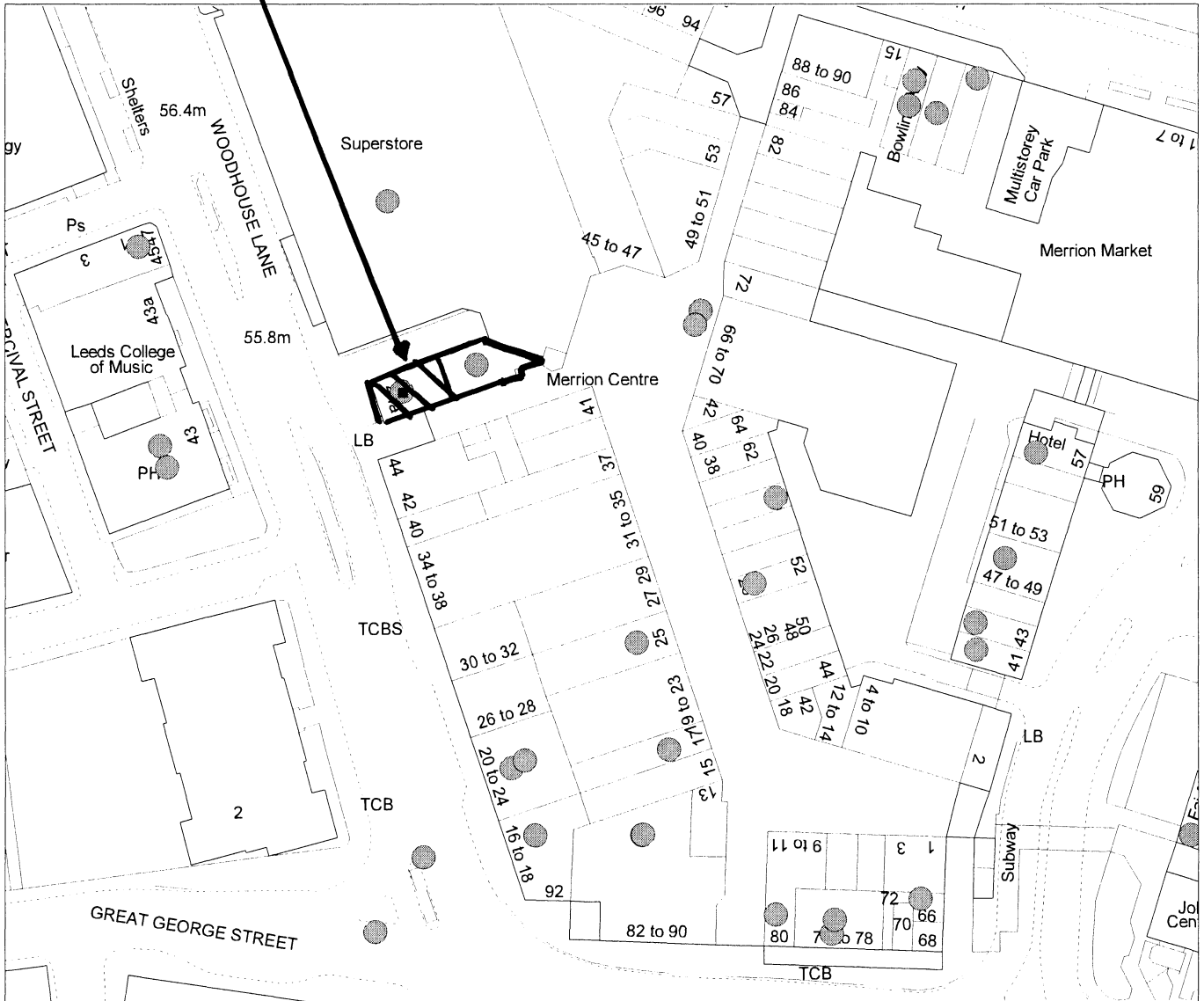
7 Background Papers

- 7.1 Guidance issued under s182 Licensing Act 2003
- 7.2 Leeds City Council Licensing Policy



JALDI JALDI, 44A, WOODHOUSE LANE, LEEDS LS2 8LX

APPLICATION FOR THE GRANT OF A PREMISES LICENCE



This map is based upon the Ordnance Survey's Digital Data with the Permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office

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Date:	27 October 2011
Scale:	1:1250

**Application for a premises licence to be granted
under the Licensing Act 2003**

Mumtaz Jaldi Jaldi Ltd

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

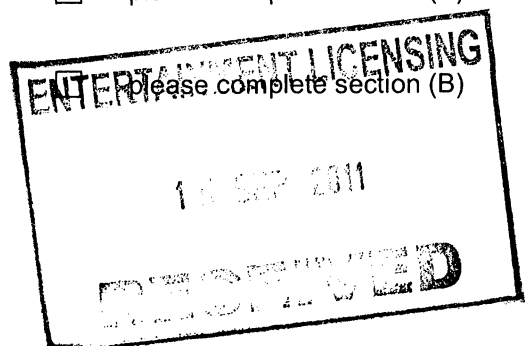
Postal address of premises or, if none, ordnance survey map reference or description Jaldi Jaldi 44a Woodhouse Lane Merrion Centre			
Post town	Leeds	Post code	LS2 8LX

Telephone number at premises (if any)	01332 422531
Non-domestic rateable value of premises	£31,750

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)



Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Mumtaz Jaldi Jaldi Ltd
Address Unit 1, Orchard Business Park Scout Road Mytholmroyd Hebden Bridge HX7 5HZ
Registered number (where applicable) 06926148
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional) info@jaldijaldi.com

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year		
0	1	1	0	2	0	1

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year		
-	-	-	-	-	-	-

<p>Please give a general description of the premises (please read guidance note1) The premises operates as a 'take home' food outlet providing a range of quality meals made with fresh health ingredients.</p>

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
			Outdoors <input type="checkbox"/>	
			Both <input type="checkbox"/>	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sun				

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>	
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name	
Address	
Postcode	
Personal Licence number (if known)	
Issuing licensing authority (if known)	

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

There will be a register on the premises recording any incidents.
Staff will receive training on their responsibilities under the Licensing Act 2003.

b) The prevention of crime and disorder

1. Management and staff will remain vigilant of all activities on the premises.
2. The premises will operate CCTV whilst trading, images from which will be retained for a minimum of 31 days.
3. In accordance with risk assessments and Police advice (to be reviewed periodically) the premises will;
 - participate in the local Street Marshall scheme and,
 - participate in the local BACIL radio scheme.
4. Management will ensure at least 2 staff (one of which will be male) on duty when the store trades between the hours of 10pm and 5am.

c) Public safety

Management and staff will ensure any emergency exits remain maintained and free of obstruction.

d) The prevention of public nuisance

Management and staff will encourage customers to leave the premises in an orderly manner. Staff will be tasked with regularly clearing the immediate outside areas of any litter from the premises.

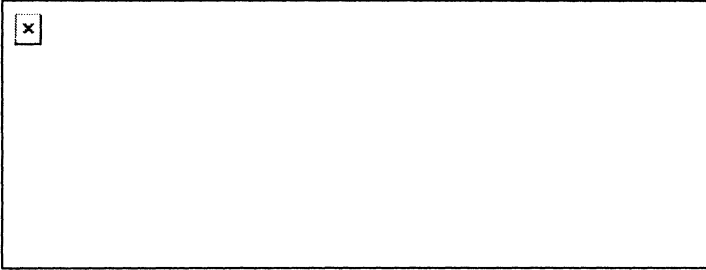
e) The protection of children from harm

Given the hours concerned, risk assessments haven't currently any risks to children during licensable hours. This will be kept under periodic review and where needed further measures may be implemented.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Darren Langeveld Prolicensing Pure Offices Plato Close			
Post town	Leamington Spa	Post code	CV34 6WE
Telephone number (if any)	07768 058550		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) darren@prolicensing.co.uk			

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Leeds District Licensing Department

Licensing Department

Millgarth Police Station
Millgarth Street
Leeds
LS2 7HX

Tel: 0113-2413072

Fax: 0113-2413123

Email:

catherine.arkle@westyorkshire.pnn.police.uk

Website:

Your ref:
Our ref:

13th October 2011

Darren Langeveld
Prolicensing
Pure Offices
Plato Close
Leamington Spa
CV34 6WE



cc. Entertainment Licensing Section. Leeds City Council, Civic Hall, Leeds. LS1 1UR

RE: JALDI JALDI, 44A, WOODHOUSE LANE, MERRION CENTRE, LEEDS, LS2 8LX
NEW PREMISES LICENCE – LICENSING ACT 2003:
POLICE – LETTER OF REPRESENTATION – CUMULATIVE IMPACT POLICY:

Thank you for submitting your application for the above premises, received at the address above on 15th September 2011.

The application relates to premises which fall within one of the areas of Leeds currently subject to a policy of cumulative impact, as detailed in the present Statement of Licensing Policy 2011-2013, issued by Leeds City Council as the licensing authority.

The area concerned in this particular case is Area 1 Leeds City Centre.

Therefore, in line with the current statutory guidance issued by the Secretary of State under Section 182 Licensing Act 2003, West Yorkshire Police make representations based on the cumulative impact policy of the area concerned and highlighted above, where the licensing objectives and particularly the prevention of crime and disorder and prevention of public nuisance objectives, are being adversely affected.

CIP - Area 1 – Leeds City Centre:

There has been a policy of cumulative impact in Leeds City Centre since January 2005, as a part of the original Statement of Licensing Policy issued by Leeds City Council, made to introduce the 'transitional provisions' of Licensing Act 2003 in February 2005 to full implementation in November 2005.

As a part of the process back then, in 2004 West Yorkshire Police provided detailed statistical analysis of

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alcohol related crime and disorder and anti social behaviour, in relation to specific areas of the City Centre.

The original policy only applied to certain isolated parts of Leeds City Centre.

In 2007, as part of the first 3 year review of Leeds City Council's Statement of Licensing Policy, further statistical evidence was produced by West Yorkshire Police to ascertain if there was the continuing need for a policy of cumulative impact in Leeds City Centre.

As a result, in December 2007 the revised Statement of Licensing Policy 2007-2010 was issued by Leeds City Council, and whilst the policy of cumulative impact for Leeds City Centre was to continue, there was very little if any relevant change in the wording of the policy and no change at all in the affected areas of the City Centre.

A second review of the Statement of Licensing Policy has taken place in Leeds in 2010 and a 3rd edition has been issued by Leeds City Council as recently as early January 2011.

During this lengthy process, West Yorkshire Police, after being requested to do so, once again provided an up to date 2 year statistical overview of violent offences and anti-social behaviour in Leeds City Centre as a whole.

As a result, on this occasion the policy of cumulative impact for Leeds City Centre has radically changed, both in -:

- 1. a significantly increased geographical area, and**
- 2. modification of the wording of the policy, to include all types of alcohol led premises, rather than just a specific type of premises serving alcohol.**

The current Statement of Licensing Policy goes into further detail about the significant changes recently made and highlighted above.

For instance-:

- Paragraph 7.16 – “In the five years since the cumulative policy for the city centre was introduced, the City Centre has changed. Recent crime statistics show three main hot spots for crime and disorder:
 1. Call Lane, Boar Lane and the area behind the Corn Exchange
 2. Woodhouse Lane, Merrion Way and Wade Lane
 3. The east end of The Headrow and New Briggate.
- Paragraph 7.17 – “Other areas of concern include the Eastgate area and Briggate”.
- Paragraph 7.19 – “On reviewing these facts and the previous cumulative impact policy, the council has amended the geographical area of the cumulative impact policy to incorporate the crime hotspots.....”.
- Paragraph 7.20 – “In addition there is rising concern about premises which have not been included within the scope of the previous policy, such as restaurants serving hot food and drink after 11pm. These premises have also contributed to crime, disorder and public nuisance in the city centre.
- The previous policy referenced high volume vertical drinking establishments. This reference has been removed as it is recognised that all alcohol led premises can contribute to crime and disorder in the area.....”

The wording for the current policy of cumulative impact for Leeds City Centre therefore now reads-:

“It is the council's policy, on receipt of relevant representations, to refuse new and variation applications in Area 1 for alcohol led premises such as bars, pubs and nightclubs and for premises seeking late night refreshment such as takeaways and late opening restaurants, unless the applicant can demonstrate that their application would not add to the cumulative impact of such licensed premises in the area”.

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Therefore, in terms of location, in terms of operating as a late night takeaway and in terms of the proposed trading until 05:00hrs every day, West Yorkshire Police consider that this application implicates the current policy of cumulative impact for Leeds City Centre in every respect, and would rely on paragraphs 13.29 and 13.30 of the current Section 182 guidance in making this representation.

***PC Cath Arkle
Divisional Licensing Officer
City & Holbeck***

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