

**Report of the Head of Licensing and Registration**

**Report to the Licensing Sub Committee**

**Date: Monday 17<sup>th</sup> June 2013**

**Subject: Application to vary a premises licence made by Lynne Keenan in respect of Darbar Restaurant 17 Kirkgate, Leeds, LS1 6BY**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):		
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 Lynne Keenan, for Darbar Restaurant 17 Kirkgate, Leeds, LS1 6BY

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

The application has attracted representations from responsible authorities including West Yorkshire Police and Environmental Health.

Please refer to paragraph 3.3 for details of the application.

The premises are located within an area covered by a Cumulative Impact Policy.

## **1.0 Purpose of this Report**

- 1.1 To advise Members of an application made under section 34 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 An application for the conversion of the former licence into a premises licence was submitted in July 2005 under the Licensing Act 2003. No objection to the conversion application was received and a premise licence was duly granted for the existing hours and activities.
- 2.2 In March 2008 an application to vary the licence was submitted to extend the hours for licensable activities until 05:00 hours. Representations were received from Leeds City Council Environmental Health and West Yorkshire Police, agreements were reached with all parties and a licence was granted as applied for.
- 2.3 A minor variation was submitted in April 2010 applying to remove certain conditions attached to the premises licence and to make structural alterations. The application was refused due to receipt of representation from West Yorkshire Police as they felt the application would significantly change the nature of the business and result in the licensing objectives being undermined.
- 2.4 The licence was transferred from Raza Hussai to Lynne Keenan in May 2012.
- 2.5 A copy of the existing licence is attached at Appendix A

## **3.0 The Application**

- 3.1 The applicant is Lynne Keenan
- 3.2 The application form may be found at Appendix B to this report.
- 3.3 In summary the application is to change the primary use of the premises from a restaurant to a bar, in order to do this the applicant has applied to remove the following conditions;
  - At any time that the Premises Licence has effect, the sale of alcohol for consumption on the premises will be ancillary to the service of table meals.
  - At any time that the Premises Licence has effect a minimum of 60 covers shall be maintained at the premises.

Members are to note that all licensable activities and timings are to remain as existing.

#### **4.0 Other matters relevant to the application**

4.1 Members are to note that although the premises licence has the benefit of sale by retail of alcohol, the premises do not have an individual specified as the designated premises supervisor resulting in no alcohol sales to take place at the premises until the licence holder submits an application to nominate a person.

#### **4.2 Equality and Diversity / Cohesion and Integration**

4.3 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 does not propose any further measures to promote the licensing objectives.

#### **6.0 Location**

6.1 A map which identifies the location of this premises is attached at Appendix C.

#### **7.0 Cumulative Impact Policy**

7.1 The premises are located within the Cumulative Impact Area 1.

7.2 Cumulative impact means that the potential impact on the promotion of the licensing objectives here there are a significant number of licensed premises concentrated in one area.

7.3 An applicant wishing to obtain a new licence for premises falling within the cumulative impact areas must identify through the risk assessment process and/or operating schedule the steps that they intends to take so that the council and responsible authorities can be satisfied with that granting of a new licence will not add to the impact already being experienced.

7.4 Details of the Cumulative Impact Policy specific to Area 1 – City Centre and an outline of the evidence behind the reason for setting this Policy is attached at Appendix D.

#### **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 West Yorkshire Police and Environmental Health in their capacity as Responsible Authorities.

8.2.2 The representation submitted by West Yorkshire Police remains as a matter for members consideration. A copy of the same may be found at Appendix E.

8.2.3 The representation submitted by Leeds City Council Environmental Health remains as a matter for members consideration. A copy of the same may be found at Appendix F.

### 8.3 Other representations

8.3.1 There are no other representations.

## 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 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.

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