

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 18th October 2016

Subject: Application for the grant of a premises licence for Leeds French Wine 197 Chapeltown Road, Chapeltown, Leeds, LS7 3DX

| | | |
|---|---|--|
| Are specific electoral Wards affected? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If relevant, name(s) of Ward(s): Chapel Allerton | | |
| 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 for the grant of a premises licence, made by Pomidou Import Ltd, for Leeds French Wine 197 Chapeltown Road, Chapeltown, Leeds, LS7 3DX.

The application is for the sale by retail of alcohol and late night refreshment as detailed in 3.3.

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

The application has attracted representations from other persons and Responsible authority.

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 for
- | | | |
|---------------------------|---------------------|----------------|
| Sale by retail of alcohol | Monday to Friday | 11:00 – 23:00 |
| | Saturday and Sunday | 14:00 – 00:00. |

This licence lapsed due to the insolvency of the licence holder.

3 The application

- 3.1 The applicant's name is Pomidou Import Ltd, .
- 3.2 The proposed designated premises supervisor is Mr Fabien P Dacleu.
- 3.3 In summary the original application was for:

Sale by retail of alcohol

| | |
|-------------------|---------------|
| Monday | 16:00 – 23:00 |
| Tuesday to Sunday | 14:00 – 03:00 |

Late night refreshment

| | |
|---------|---------------|
| Tuesday | 23:00 – 03:00 |
|---------|---------------|

This was subsequently reduced by the applicant to :-

Sale by retail of alcohol

| | |
|---------------------|---------------|
| Monday to Friday | 11:00 – 23:00 |
| Saturday and Sunday | 14:00 – 00:00 |

Late night refreshment

| | |
|---------------------|---------------|
| Saturday and Sunday | 23:00 – 00:00 |
|---------------------|---------------|

These hours and activities are now the subject of this application.

The operating schedule

- 3.4 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 A Representation has been received from Environmental Protection Team in their capacity as a responsible authority. Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with Environmental Protection Team. A copy of the agreement may be found at Appendix C.

Other representations

- 5.3 The application has attracted representation from members of the public.
- 5.4 The licensing authority is in receipt of two individual letters of objection, both of which are opposed to this application on the grounds of public nuisance.
- 5.5 In order to protect personal data, redacted copies of the representations are attached at Appendix D. Unredacted copies will be available at the hearing for Members consideration.

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 impact on the licensing objectives, given the potential for neighbouring premises to seek the same additional hours to prevent rivals gaining a commercial advantage.

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