

**Report of the Chief Officer Elections and Regulatory**

**Report to the Licensing Sub Committee**

**Date: Tuesday, 30 April 2024**

**Subject: Application for the Grant of a Premises Licence for Booze 4 U,  
220 Roundhay Road, Leeds, LS8 5AA**

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 for the grant of a premises licence made by Sagoo Properties Limited, for Booze 4 U, 220 Roundhay Road, Leeds, LS8 5AA.

The application explains that it is made by the landlord of the premises for a “shadow licence”. The existing premises licence is currently subject to appeal proceedings following a decision by the Licensing Sub Committee to revoke the licence.

That revocation followed a review sought by West Yorkshire Police on the grounds of failed test purchases and seizures from the premise of non-duty paid/counterfeit cigarettes and non-complaint electronic cigarettes.

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

The application has attracted representations from the Licensing Authority, the Environmental Protection Team, the Local Neighborhood & Communities Team, Public Health, West Yorkshire Police and the Local Ward Councillors.

The premises are located within an area covered by a cumulative impact policy.

## **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 Members of the Licensing Sub Committee met to consider an application to review an existing premises licence for these premises on 9 February 2024. That licence was granted in August 2009 and the holder at the time of the review was and currently is, Mr Yasin Eliasy.
- 2.2 The review was sought by West Yorkshire Police and made following an operation which resulted in the seizure of large amounts of non-compliant electronic cigarettes and non-duty paid cigarettes from the premises. Earlier visits to the premises had also resulted in the seizure of a large amount of counterfeit cigarettes and a failed test purchase for counterfeit cigarettes.
- 2.3 At the review hearing the Licensing Sub Committee unanimously resolved to revoke the licence, a decision which is currently suspended due to an ongoing appeal. The hearing to consider the appeal is listed for the 17 June 2024 at Kirklees Magistrates' Court.
- 2.4 To assist the Members a copy of the licence held by Mr Eliasy and subject to appeal proceedings is available at **Appendix A**.

## **3 The Application**

- 3.1 The applicant is Sagoo Properties Limited.
- 3.2 The proposed Designated Premises Supervisor is Shalinder Sagoo.
- 3.3 In summary, the application is for:

*Sale by Retail of Alcohol (for consumption off the premises)  
Every Day 00:00 – 23:59*

- 3.4 A redacted version of the application is attached at **Appendix B**.
- 3.5 The applicant is willing to undertake all of the conditions attached to the existing licence to promote the licensing objectives.

## **4 Location**

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

## **5 Representations**

5.1 Under the Act representations can be received from anyone but they must be relevant and, in the case of a member of the public, must not be frivolous or vexatious.

### Representations from Responsible Authorities

5.2 Representations have been received from the following Responsible Authorities:

- Entertainment Licensing – copy located at **Appendix D**
- Entertainment Licensing Enforcement – copy located at **Appendix E**
- Environmental Protection Team – copy located at **Appendix F**
- Local Neighborhood & Communities Team – copy located at **Appendix G**
- Public Health – copy located at **Appendix H**
- West Yorkshire Police – copy located at **Appendix I**

### Other representations

5.3 The application has attracted a representation from the Local Ward Councillors (described as ‘other persons’ in the legislation) who oppose the application on the grounds of all four licensing objectives. A copy of the representation can be seen at **Appendix J**.

## **6 Cumulative Impact Policy**

6.1 These premises are located within the Harehills & Burmantofts Cumulative Impact Area.

6.2 Cumulative impact means the potential impact on the promotion of the licensing objectives due to the significant number of licensed premises concentrated in one area.

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

6.4 Details of the cumulative impact policy specific to Harehills & Burmantofts and an outline of the evidence behind the reason for setting this policy is attached at **Appendix K**.

6.5 Members are directed to paragraph 7.44 of the Statement of Licensing Policy which provides examples of how an application may demonstrate there will be no impact and paragraph 7.45 which provides examples of the matters that the council would not normally take into consideration.

## **7 Licensing Hours**

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 A list of premises in the local area and their licensed hours and activities is provided at **Appendix L**.

## **8 Equality and Diversity Implications**

- 8.1 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.

## **9 Options Available to Members**

- 9.1 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.
  - Refuse to specify the said person as the designated premises supervisor.
  - Reject the whole or part of the application.
- 9.2 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.

## **10 Background Papers**

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy