

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

**Report to the Licensing Sub Committee**

**Date: Tuesday, 15th August 2023**

**Subject: Application for the Grant of a Premises Licence for Kasa, 278A Belle Isle Road, Belle Isle, Leeds, LS10 3QJ**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Middleton Park		
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 Jon Atkin Ltd, for Kasa, 278A Belle Isle Road, Belle Isle, Leeds, LS10 3QJ.

The application is made in respect of a convenience store which is currently licensed under the Licensing Act 2003, proposing to authorise alcohol sales for consumption off the premises 24 hours a day, 7 days a week.

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

The application has attracted representations from other persons and responsible authorities.

## **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**

The premises currently has the benefit of a premises licence which authorises the sale by retail of alcohol, Monday to Sunday, 07:00 – 23.00. The Applicant has confirmed that the existing licence will be surrendered should this application be successful.

## **2 The Application**

- 2.1 The applicant’s name is Jon Atkin Ltd.
- 2.2 The proposed designated premises supervisor is Aqueel Ahmed Bashir.
- 2.3 In summary, the application is for:

*Sale by Retail of Alcohol (for consumption off the premises)  
Monday to Sunday 00:00 – 23:59*

*Non standard timings  
No non-standard timings for bank holidays or special occasions are proposed.*

- 2.4 A redacted version of the application is attached at Appendix A.
- 2.5 The applicant proposes to promote the licensing objectives by taking the steps identified in Section M of the application form.

## **3 Location**

- 3.1 A map which identifies the location of this premises is attached at Appendix B.

## **4 Representations**

- 4.1 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

- 4.2 Representations have been received from West Yorkshire Police and the Environmental Protection Team in their capacity as responsible authorities.

- 4.3 The representation submitted by the Environmental Protection Team suggests an additional condition restricting the delivery timings and a reduction in the hours applied for; Monday to Sunday 07:00 – 23:00. The hours suggested reflect the hours authorised under the existing premises licence and with no agreement reached, the matter remains outstanding for the Committee’s consideration. A copy of the representation can be found at Appendix C.
- 4.4 Any representation may be negotiated prior to the hearing and in this instance the operating schedule has been amended to include the measures agreed with West Yorkshire Police. A copy of the e-mail outlining the representation and the agreement may be found at Appendix D.

#### Other Representations

- 4.5 The application has attracted representations from members of the public and two Local Ward Councillors (described as ‘other persons’ in the legislation).
- 4.6 The Licensing Authority is in receipt of thirty individual letters of objection from local residents, a joint objection from two Local Ward Councillors and an objection sent on behalf of a resident via a Local MP. All representations referred to in this paragraph oppose application primarily on the grounds of public nuisance.
- 4.7 Ten of the representations received from members of the public have expressed concern that they may be at risk of retribution should their details be made public. As such, their personal details have been redacted and they have remained anonymous throughout the full process. For this reason, despite their strength of feeling, they will not be attending the hearing and would like their representations to be considered fully in their absence.
- 4.8 In order to protect personal data redacted copies of the representations are attached at Appendix E and original copies will be provided to Licensing Sub Committee Members in advance of the hearing.
- 4.9 In addition to those referred to above the application has attracted a representation expressing support for the application, which may be found at Appendix F.

### **5 Licensing Hours**

- 5.1 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.
- 5.2 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.
- 5.3 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.

5.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix G.

## **6 Equality and Diversity Implications**

6.1 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.

## **7 Options Available to Members**

7.1 The Licensing Sub Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the 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.

7.2 Members of the Licensing Sub Committee 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.

## **8 Background Papers**

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