

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 26th September 2023

**Subject: Application for the Grant of a Premises Licence for Pintxos 44,
12A Austhorpe Road, Cross Gates, Leeds, LS15 8DX**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Crossgates & Whinmoor		
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 Naki Akarsu, for Pintxos 44, 12A Austhorpe Road, Cross Gates, Leeds, LS15 8DX.

The application explains the premises wish to operate as a tapas restaurant and wine bar, proposing the sale by retail of alcohol and regulated entertainment, Monday to Sunday, 12 noon to 2am the following morning.

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

The application has attracted representations from West Yorkshire Police, a Local Residents' Association and a local resident. An agreement with West Yorkshire Police to both amend the operating schedule and to incorporate additional measures has been reached resulting in the representation being withdrawn. The two representations by other persons remain a matter outstanding.

Negotiations between the applicant and the author of Objection 01 have been unsuccessful and the measures suggested by the objector can be found in a copy of their representation.

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 is the first application for a premises licence for these premises.

3 The Application

- 3.1 The applicant's name is Naki Akarsu.
- 3.2 The proposed designated premises supervisor is Naki Akarsu.
- 3.3 In summary the application is for:

Sale by retail of alcohol

Every Day 12:00 – 01:30 (as agreed with West Yorkshire Police)

Performance of live music

Every Day 12:00 - 02:00

Performance of recorded music

Every Day 12:00 - 02:00

Performance of dance

Every Day 12:00 - 02:00

- 3.4 Non-standard timings and seasonal variations:

All authorised licensable activities to be extended to 04:00 on Christmas Eve, Christmas Day, New Year's Eve, New Year's Day and Bank Holidays.

- 3.5 A redacted version of the application has been attached at **Appendix A**.
- 3.6 The applicant proposes to promote the licensing objectives by taking the steps identified in Section M of the application form.

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 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 Any representation may be negotiated prior to the hearing. In this instance an agreement with West Yorkshire Police has been reached resulting in amendments to the operating schedule, namely:
- to reduce the terminal hour for the sale of alcohol to 01:30 hours;
 - to remove the external terrace areas from the proposed licensable area; and
 - to include the measures agreed with West Yorkshire Police.
- 5.3 A copy of the West Yorkshire Police representation and agreement may be found at **Appendix C**.

Other Representations

- 5.4 The application has attracted representations from a Local Residents Association and a local resident (described as 'other persons' in the legislation) opposed to the application on the grounds of crime & disorder, public safety and public nuisance.
- 5.5 One representation has been received from an objector who has 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 will remain anonymous. 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.
- 5.6 In order to protect personal data redacted copies of the representations are attached at **Appendix D**, and original copies will be circulated to the Licensing Sub Committee Members in advance of the hearing.

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 adversely impact on the licensing objectives.
- 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 Sub Committee 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 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.
- 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 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.

9 Background Papers

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