

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 29th September 2015

Subject: Application for the grant of a premises licence for Livera 17 Merrion Street, Leeds, LS2 8JE

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	City & Hunslet	
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 Mr Mercourios Markinakis, for Livera 17 Merrion Street, Leeds, LS2 8JE

The application is made for a shop wishing to provide the Sale by Retail of Alcohol for consumption off the premises. The hours applied for are noted at 3.3 of this report.

The initial hearing to determine this application was scheduled for 18th August 2015. The applicant's legal representative made a request for the hearing to be adjourned as the applicant was in the process of purchasing the business and transferring the lease in his own right.

Members resolved to grant the adjournment until 29th September 2015 in order for the applicant's legal representative to conclude the purchase of the business and transfer of lease.

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

The application has attracted representation from an responsible authority.

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 17 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 This is the first application for a premises licence.

3.0 The Application

- 3.1 The applicant is Mr Mercourios Markinakis
- 3.2 The application form may be found at Appendix A to this report.
- 3.3 In summary the application is for:

Supply of alcohol off the premises only

11:00 until 00:00 hrs Every Day

Times when the premises will be open the public:

11:00 until 00:00 hrs Every Day

Non Standard Timings:

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

4.0 Other matters relevant to the application

- 4.1 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.

5.0 Steps to promote the Licensing Objectives

- 5.1 The applicant proposes to take specific steps to promote the licensing objectives identified in the Pro-forma Risk Assessment; a copy of which may be found at Appendix B.

6.0 Proposed Designated Premises Supervisor

- 6.1 Mr Mercourios Makrinakis intends to be the Designated Premises Supervisor.

7.0 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 impact on the licensing objectives, given the potential for neighbouring premises to seek the same additional hours to prevent rivals gaining a commercial advantage.
- 7.4 A list of premises in the local area and their licensed hours and activities is provided at appendix C.

8.0 Location

- 8.1 A map which identifies the location of this premise is attached at Appendix D.

9.0 Cumulative Impact Policy

- 9.1 The premises are located within the Cumulative Impact City Centre – Amber Area
- 9.2 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.
- 9.3 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.
- 9.4 Details of the cumulative impact policy specific to City Centre and an outline of the evidence behind the reason for setting this policy is attached at Appendix E.
- 9.5 Members are directed to paragraphs 7.51 to 7.54 of the Statement of Licensing Policy which provides examples of how an application may be considered exceptional and the matters that the council would not normally take into consideration.

10.0 Representations

10.1 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.

10.2 Representations from Responsible Authorities

10.2.1 Representation has been received from West Yorkshire Police in their capacity as an responsible authority.

10.2.2 The representations from West Yorkshire Police remain as a matter for member's consideration. A copy of which may be found at Appendix F.

10.3 Other representations

10.3.1 There are no other representations.

11.0 Options Available to Members

11.1 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.

11.2 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.

12.0 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy
- Representations received from other persons