
Report of the Head of Chief Officer Elections and Regulatory**Report to the Licensing Sub Committee****Date: 16th October 2018****Subject: Application to vary a premises licence held by Deli 46, 46 Carlton Lane, Rothwell, Leeds, LS26 0DJ**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):		
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 to vary a premises licence, made by Mr Atabak Karvani Dilmaghani, for Deli 46 46 Carlton Lane, Rothwell, Leeds, LS26 0DJ

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

The application has attracted representations from other persons.

Purpose of this report

- 1.1 To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") to vary 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 History of premises

- 2.1 The premises was a shop offering groceries and off sales of alcohol. The premises licence was transferred July 2018 into the name of the current premises licence holder.
- 2.2 A copy of the existing licence is attached at Appendix A.

3 The application

- 3.1 The applicant is Mr Atabak Karvani Dilmaghani,
- 3.2 Briefly the application is to:
 - Add sale of alcohol for on sales - Sunday to Thursday - 12:00 until 22:00 Friday & Saturday - 12:00 until 23:00
 - Add recorded music - Sunday to Thursday - 09:00 until 22:00 Friday & Saturday - 09:00 until 23:00
 - Vary the plans of the premises to outline its refurbishments from a shop to a café/deli
 - Add control measures from the pro forma risk assessment to promote the licensing objectives

4 The operating schedule

- 4.1 The applicant proposes to promote the licensing objectives by taking the additional steps identified in the application form and pro forma risk assessment which is attached at Appendix B.

5 Location

- 5.1 A map which identifies the location of this premises is attached at Appendix C.

6 Representations

- 6.1 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

6.2 There have been no representations from responsible authorities.

Other representations

6.3 The application has attracted representations from members of the public (described as 'other persons' in the legislation).

6.4 Entertainment Licensing is in receipt of four individual letters of objection including two letters from the ward councilors, all of which are opposed to this application on the grounds of public nuisance & public safety.

6.5 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.

7 Licensing hours

7.1 Members are directed to paragraphs 6.8 to 6.15 for 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. 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.

7.3 There are no licensed premises in the vicinity therefore a list of nearby premises cannot be included.

8 Equality and diversity implications

10.1 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.

9 Options available to Members

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

- Grant the variation as requested.
- Grant the variation whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates.
- Reject the whole or part of the application.

- 9.2 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.

10 Background papers

- Guidance issued under s182 Licensing Act 2003
- Statement of Licensing Policy