

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: 20th November 2018

Subject: Application to vary a premises licence held by Krakus 54 Harehills Road, Harehills, Leeds, LS8 5LE.

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 to vary a premises licence, made by Miss Anna Strychaz, for Krakus 54 Harehills Road, Harehills, Leeds, LS8 5LE.

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 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 On the the 16th April 2017 an application for a premises licence was received. This application did not receive any representations and therefore was granted as applied for.

On the 2nd the March 2018 a Dps application was received to specify Ismail Mostafa as Dps.

On the 12th September 2018 a Dps application was received to specify Anna Strychaz as Dps.

On the 16th September 2018 a variation to this Premises Licence was received.

2.2 In respect of enforcement involvement with these premises, there has been no complaints received since the grant of the premises licence until the issues raised within the representation of a member of the public. As a result a complaint was raised and investigated by Senior Liaison & Enforcement Officer Mr Michael Waters.

Mr Waters attended at the premises on 18th October 2018 and discussed the alleged sales to underage. This was vehemently denied and the staff member offered to view the CCTV to check. This was declined as there was no specific date or time on which to search. There were no issues in or around the shop at the time of the visit at 15:30. Mr Waters reminded staff of their responsibilities under the Licensing Act 2003 to diligently verify the age of anyone purchasing alcohol.

2.3 A copy of the existing licence is attached at Appendix A.

3 The application

3.1 The applicant is Miss Anna Strychaz

3.2 Briefly the application is to:

To vary the opening hours and licensable activities to everyday 24 hours

3.3 A copy of the redacted application form is attached at Appendix B.

4 The operating schedule

4.1 The applicant has offered the conditions from the Risk Assessment Proforma – Gipton and Harehills Local Licensing Guidance. This is detailed in the redacted application form. 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 anyone but must be relevant and, in the case of members of the public, must not be frivolous or vexatious.

Representations from Responsible Authorities

- 6.2 A Representation has been received from West Yorkshire Police in their capacity as a responsible authority. The representation submitted by West Yorkshire Police remains as a matter for Members consideration. A copy of the representation may be found at Appendix D.
- 6.3 A Representation have been received from The Licensing Authority in their capacity as a responsible authority. The representation submitted by The Licensing Authority remains as a matter for Members consideration. A copy of the representation may be found at Appendix E.

Other representations

- 6.4 The application has attracted representations from members of the public (described as 'other persons' in the legislation).
- 6.5 The licensing authority is in receipt of fourteen individual letters of objection, twelve who are being represented at the subcommittee hearing by the Gipton and Harehills Councillors. These Ward Councillors have also objected their own right. All representations are opposed to this application on the grounds of Crime and Disorder and Public Nuisance.
- 6.6 In order to protect personal data, redacted copies of the representations are attached at Appendix F. Unredacted copies will be available at the hearing for Members consideration.

7 Local Licensing Guidance

- 7.1 This application is in an area where the council has put in place Local Licensing Guidance. This means that the area in which this premises is situated have been identified by the Community Committees as vulnerable to problem drinking and there are additional issues that directly impact the promotion of the licensing objectives. The applicant has been sent the Local Licensing Guidance during the application process and has/has not volunteered conditions to mitigate these concerns. The Local Licensing Guidance is attached at Appendix G.

8 Licensing hours

- 8.1 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.

8.2 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.

8.3 A list of premises in the local area and their licensed hours and activities is provided at appendix H.

9 Equality and diversity implications

9.1 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.

10 Options available to Members

10.1 The licensing subcommittee 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.
- Reject the whole or part of the application.

10.2 Members of the licensing subcommittee 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 and relevant to the application.

11 Background papers

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