

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday 20th August 2019

**Subject: Application for the Grant of a Premises Licence for Senayt Cafe/Bar,
3 Gathorne Street, Chapeltown, Leeds, LS8 5AF**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Chapel Allerton		
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 Senayt Okubay Fetle, for Senayt Cafe/Bar, 3 Gathorne Street, Chapeltown, Leeds, LS8 5AF.

The application is made for a premises wishing to operate as a restaurant and café with the licensable provisions sale by retail of alcohol, recorded music, and originally late night refreshment. Information on the removal of this activity from the application is detailed below.

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

The application has attracted representations from West Yorkshire Police, the Environmental Protection Team and the Planning Department.

The former two representations remain outstanding for Member's consideration, whilst the representation by the planning department has involved discussions with the applicant. This has led to the submission of an amended application with a reduction to the hours originally applied for, and the removal of late night refreshment from the application. The reduced hours now reflect the hours of operation under the current planning approval.

In addition to the representations from the responsible authorities, three representations from members of the public have been received to this application.

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 Ms Senayt Okubay Fetle.
- 3.2 The proposed designated premises supervisor is Mr Mehari Andemariam.
- 3.3 For the information of Members, the original application received on the 7th June 2019 proposed the following:

Sale by retail of alcohol and Recorded Music

<i>Mon to Thurs</i>	<i>11:00 until 02:00 hours</i>
<i>Fri and Sat</i>	<i>11:00 until 05:00 hours</i>
<i>Sun</i>	<i>11:00 until 18:00 hours</i>

Late Night Refreshment

<i>Mon to Thurs</i>	<i>23:00 until 02:00 hours</i>
<i>Fri and Sat</i>	<i>23:00 until 05:00 hours</i>

The revised application following receipt of the representation from the planning department, proposes the following licensable activities/hours:

Sale by retail of alcohol and Recorded Music

<i>Mon to Sat</i>	<i>09:00 until 22:00 hours</i>
<i>Sun</i>	<i>09:00 until 23:00 hours</i>

- 3.4 A redacted version of the revised application is attached at **Appendix A**.

4 Location

- 4.1 A map which identifies the location of the 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 West Yorkshire Police have made a representation in their capacity as a responsible authority. The representation suggests additional measures aimed at promoting the prevention of crime and disorder licensing objective with no agreement being reached with the applicant. Member's attention is drawn to a copy of the representation at **Appendix C**.
- 5.3 The application has drawn representation from the Environmental Protection Team in their capacity as a responsible authority. This representation suggests one additional measure, also without an agreement being reached with the applicant. A copy can be viewed at **Appendix D**.
- 5.4 The application has attracted interest from the Planning Department who recommended a reduction in the hours applied for. This reduction was to bring the hours for licensable activities in line with the current planning permission, which the applicant's representative has accepted by way of revised the application. A copy of the representation which has since been withdrawn subject to the reduction in hours, is attached at **Appendix E**.

Other representations

- 5.5 The application has attracted representation from members of the public (described as 'other persons' in the legislation).
- 5.6 The licensing authority is in receipt of three individual letters of objection, all of which are opposed to this application on the grounds of public nuisance and crime and disorder.
- 5.7 In order to protect personal data, redacted copies of the representations are attached at **Appendix F**. Original copies will be available at the hearing for Members consideration.

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 G**.

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 subcommittee 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 subcommittee 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 subcommittee 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