

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday 22nd September 2020

Subject: Application for the Grant of a Premises Licence for Zuber Mini Market, 29 - 31 Seaforth Place, Harehills, Leeds, LS9 6AF

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 for the grant of a premises licence made by Mr Sarwat Hama Abdulla, for Zuber Mini Market, 29 - 31 Seaforth Place, Harehills, Leeds, LS9 6AF.

The application explains that the premises will operate as a small local retail shop.

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

The application has attracted representations from several responsible authorities, local ward councillors and a local resident, many of which object to the application entirely.

The premises are located within an area covered by the Harehills Cumulative Impact Policy.

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 Mr Sarwat Hama Abdullah.
- 3.2 The proposed designated premises supervisor is Mr Hallo Omid.
- 3.3 In summary the application is for:

*Sale by Retail of Alcohol (for consumption off the premises)
Monday to Sunday 07:00 until 22:30 hours*

Non-standard timings

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

- 3.4 A redacted version of the application has been attached at Appendix A.
- 3.5 The applicant proposes to promote the licensing objectives by taking the steps identified in Section M of the application form. In addition and primarily due to the premises location with the cumulative impact area, the applicant has provided supporting information under Part 3 of the attached premises licence application form.

4 Location

- 4.1 A map which identifies the location of these 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 Outright representations have been received from numerous responsible authorities to this application, including representations from the Licensing Authority, Cleaner Neighbourhoods, Communities & Environment and West Yorkshire Police.

- 5.3 The primary grounds for objection from many of the responsible authorities are the premises location within the Harehills Cumulative Impact Area and the severity of the problems being experienced in that area. Existing complaints and current statistics demonstrate the area is suffering from issues relating to anti-social behaviour and a high level of deprivation, leading to issues relating to children and alcohol related crime. The area is also served by a large number of existing off licensed premise and the responsible authorities are not satisfied that the application contains sufficient information on how granting the licence will not add to the impact already being experienced in the area.
- 5.4 The representation submitted by the Licensing Authority can be found at Appendix C of the report.
- 5.5 The application has attracted a representation from the Cleaner Neighbourhoods Team, which located at Appendix D.
- 5.6 A representation on behalf of the Communities & Environment Team has been made to this application. Member's attention is drawn to Appendix E of this report.
- 5.7 The application has attracted representation from the West Yorkshire Police Licensing Department, which can be found at Appendix F.
- 5.8 A representation to this application has been made by the Sergeant of the Local Neighbourhood Policing Team, viewable at Appendix G of the report.

Other representations

- 5.9 The application has attracted representations from two local ward councillors and a local resident (described as 'other persons' in the legislation).
- 5.10 The representations from the local ward councillors object to the application on the grounds of alcohol related issues. A copy of these representations are attached at Appendix H for Member's consideration.
- 5.11 It should be noted that Councillor Salma Arif has been approached by local constituents requesting their views and concerns to be represented at the hearing.
- 5.12 The application has attracted a representation from a local resident expressing concerns in relation an increase in crime and anti-social behavior in the area. In order to protect personal data, a redacted copy of the representation is attached at Appendix I and an original copy will be available at the hearing for Member's consideration.

6 Cumulative Impact Policy

- 6.1 These premises are located within the Harehills Cumulative Impact Area.
- 6.2 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.

- 6.3 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.
- 6.4 Details of the cumulative impact policy specific to Harehills and an outline of the evidence behind the reason for setting this policy is attached at Appendix J.
- 6.5 Members are directed to paragraph 7.37 of the Statement of Licensing Policy which provides examples of how an application may demonstrate there will be no impact and paragraph 7.38 which provides examples of the matters that the council would not normally take into consideration.

7 Licensing Hours

- 7.1 Members are directed to paragraphs 6.6 to 6.13 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 6.12 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 adversely impact on the licensing objectives.
- 7.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix K.

8 Equality and Diversity Implications

- 8.1 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.

9 Options Available to Members

- 9.1 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 whole or part of the application.

9.2 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.

10 Background Papers

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