

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 6th October 2020

Subject: Application for the grant of a premises licence for Deliziosa 138 Harrogate Road, Leeds, LS7 4NZ

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 Deliziosa Limited for Deliziosa, 138 Harrogate Road, Leeds, LS7 4NZ.

The application mentions that the premises will operate as an Italian Delicatessen and Restaurant.

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

The application has attracted representations from members of the public and ward councilors.

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 Deliziosa Limited.
- 3.2 At the time of the application being made there is no proposed designated premises supervisor.
- 3.3 In summary the application is for:
 - Sale by retail of alcohol
 - Every Day 07:00 - 23:00

 - Non standard timings
 - On Christmas Eve and New Year's Eve licensable activities to be extended until 01:00 hours.
- 3.4 A redacted version of the application has been attached at **Appendix A**. The applicant proposes to promote the licensing objectives by taking the steps identified in Section 18 on the application form.

4 Location

- 4.1 A map which identifies the location of this 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 There have been no representations from responsible authorities.

Other representations

- 5.3 The application has attracted representations from both members of the public and ward councilors (described as 'other persons' in the legislation).
- 5.4 The application has received a total of 30 representations, one being submitted by all three ward councilors which is numbered 1 within Appendix C. All other representations numbered 2-30 are from members of the public some being local residents who express concerns with public nuisance.

5.5 It should be noted that one objector has indicated that they wish to remain anonymous throughout the full application process for fear of repercussions.

5.6 In order to protect personal data, redacted copies of the representations are attached at **Appendix C**. Unredacted copies will be available at the hearing for Members consideration.

6 Licensing hours

6.1 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.

6.2 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.

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 D**.

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