

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 23rd November 2020

Subject: Application for the grant of a premises licence for Fat Hippo Restaurants Limited Ground Floor, White Rose House, 8 Otley Road, Headingley, Leeds, LS6 2AD

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Headingley & Hyde Park		
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 Fat Hippo Restaurants Limited, for Fat Hippo Restaurants Limited Ground Floor, White Rose House, 8 Otley Road, Headingley, Leeds, LS6 2AD.

These premises wish to operate as a restaurant providing sale by retail of alcohol everyday 11:00 -23:00 for consumption both on and off the premises. Further details are noted in 3.3 of this report.

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

The application has attracted representations from responsible authorities.

The premises are located within an area covered by a 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 Fat Hippo Restaurants Limited.
- 3.2 The proposed designated premises supervisor is Mr Matthew Leetham.
- 3.3 In summary the application is for:

*Sale by retail of alcohol (For consumption both on and off the premises)
Everyday 11:00 – 23:00*

- 3.4 Alcohol for consumption on and off the premises may only be sold as ancillary to food sales and all sales of alcohol must be accompanied by a food offering.
- 3.5 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule. A redacted version of the application has been attached at Appendix A.
- 3.6 In support of the application, the applicant has submitted additional information which includes case law, a drinks menu and a food menu. These items are located at Appendix B of the report.

4 Location

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

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 A representation have been received from The Licensing Authority in their capacity as a responsible authority. This remains as a matter outstanding for Member's consideration and a copy is available at Appendix D.

- 5.3 The application has attracted a representation from West Yorkshire Police, also in a capacity as a responsible authority. A copy of this representation can be found at Appendix E.
- 5.4 Some of the documentation supplied with the representations have been duplicated throughout this report. These have been included however to provide the Licensing Sub Committee with all of the information that has been served on the applicant relevant to his application.

Other representations

- 5.5 There are no other representations.

6 Cumulative Impact Policy

- 6.1 The premises are located within the cumulative impact area for Headingley.
- 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 Headingley and an outline of the evidence behind the reason for setting this policy is attached at Appendix F.
- 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 G.

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.
- Refuse to specify the said person as the designated premises supervisor.
- Reject the 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