

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 7th December 2020

Subject: Application for the grant of a premises licence for Stokrotka 195 Chapeltown Road (Units A,B & C), Chapeltown, Leeds, LS7 3DX

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 Mr Agar Khalil Hamid, for Stokrotka 195 Chapeltown Road (Units A,B & C), Chapeltown, Leeds, LS7 3DX.

The application mentions that the premises will operate as a small supermarket.

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

The application has attracted representations from other persons, ward councillors and a petition containing 79 signatures.

It should be noted that the hearing for this application was originally scheduled for the 10th November 2020, however it became apparent that the only the applicant was served with the notice of the hearing due to a technical error. To allow sufficient time for service of the notice of hearing documents in accordance with the hearing regulations, the hearing was rescheduled.

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 Agar Khalil Hamid.
- 3.2 At the time of submission the application does not propose a designated premises supervisor. If the application is successful, an individual with a personal licence will need to be appoint for alcohol sales to take place.
- 3.3 In summary the application is for:

*Sale by Retail of Alcohol (for consumption off the premises only)
Every Day 10:00 – 22:00*

- 3.4 A redacted version of the application is 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.
- 3.6 Further to receiving the application, the applicant's agent has instructed the Licensing Authority of a reduction to the hours for the sole proposed activity; Sale by Retail of Alcohol. The instruction is to reduce the hours from 06:00 – 00:00 Monday to Sunday, to 10:00 – 22:00 Monday to Sunday, a copy of which can be viewed at **Appendix B**.
- 3.7 It should be noted that the time the premises propose to open to the public have also been amended to reflect the timings detail above.
- 3.8 The applicant has submitted additional items in support of the application for Members of the Licensing Sub Committee to consider. These documents include a letter served on all objectors, where addresses have been provided, giving the applicant's background and an overview of the application, an assessment of the objections received to the application and data on crime and anti-social behavior in the vicinity of the premises. A copy of the supporting information can be found at **Appendix C**.

4 Location

- 4.1 A map which identifies the location of these premises is attached at **Appendix D**.

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 the local ward councillors and members of the public (described as 'other persons' in the legislation).
- 5.4 In total, the licensing authority is in receipt of 30 individual letters of objection, a petition containing 79 signatures and a joint letter of objection from the ward councillors, all of which are opposed to this application on the grounds of public nuisance and crime & disorder.
- 5.5 Of those public objector four have been received from members of the public who have expressed concern that they may be at risk of retribution should their details be made public. As such their personal details have been redacted and they will remain anonymous and would like their representations to be considered fully in their absence.
- 5.6 In order to protect personal data, redacted copies of the representations are attached at **Appendix E**, numbered 1 – 30, and the petition attached at **Appendix F**. Original copies of the representations will be circulated to Members of the Licensing Sub Committee in advance of the hearing.

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 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.
- 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