

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday 2nd February 2021

Subject: Application for the Grant of a Premises Licence for Regency Smart Supermarket 105 Vicar Lane, Leeds, LS1 6PJ

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Little London & Woodhouse		
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 Wenlin Chen, for Regency Smart Supermarket, 105 Vicar Lane, Leeds, LS1 6PJ.

The application explains the premises will operate as a supermarket including an online shopping application and website. The application proposes the sole provision of sale by retail of alcohol for consumption both on and off the premise, including the delivery of alcohol products within the hours specified in the application form and noted at 3.3 of this report.

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

The application has attracted outright representation from West Yorkshire Police.

These premises are situated in an area subject to the City Centre Cumulative Impact Assessment 2020. It should be noted however that the hours being applied for do not fall within the specified peak hours (23:00 – 04:00) and the application is therefore not subject to the restrictions outlined in the 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 a representation.

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 Wenlin Chen.
- 3.2 The proposed designated premises supervisor is Mr Wenlin Chen.
- 3.3 In summary the application is for:

*Sale by retail of alcohol
Monday to Sunday 10:00 – 21:00 hours*

- 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.

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 A representation opposing the application outright has been received from West Yorkshire Police in their capacity as a responsible authority. The representation is made on the grounds of enquiries with North Yorkshire Police, which indicate the individual named as the applicant and the proposed DPS are connected to immigration issues and the exploitation of vulnerable people. The representation also explains that two family businesses in North Yorkshire have had their premises licences revoked in the past year.
- 5.3 The representation by West Yorkshire Police remains as a matter for Member's consideration and a copy can be found at **Appendix C**.

Other representations

5.4 There are no other representations.

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.
- 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