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## Report of the Assistant Chief Executive (Corporate Governance)

### Report to the Licensing Sub Committee

**Date: Monday 15th September 2008**

**Subject: Application for the Grant of a Premises Licence for an Off Licence (trading under an unknown name), 14 Eldon Terrace, Woodhouse, Leeds, LS2 9AB**

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#### Electoral Wards Affected:

Hyde Park & Woodhouse

X

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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## Executive Summary

This report informs members of an application for the grant of a Premises Licence for a premises situated at 14 Eldon Terrace, Woodhouse, Leeds, LS2 9AB, trading as an Off Licence under an unknown name.

The responsible authorities are served with copies of the application by the applicant and Ward Members have been notified of the application.

### 1.0 Purpose of this Report

To advise Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for a Premises Licence in respect of an Off Licence, 14 Eldon Terrace, Woodhouse, Leeds, LS2 9AB. The Licensing Sub-Committee is required to consider this application due to the receipt of representations.

### 2.0 History of Premises

2.1 This is the first application for a Premises Licence for these premises.

### 3.0 The Application

3.1 The applicant is Mr. Arshad Hussain.

- 3.2 The location and the proximity to neighboring premises can be seen on the map provided; Members attention is drawn to **Appendix A**.
- 3.3 A copy of the application and operating schedule are attached as **Appendix B** to this report. For the assistance of members, the Operating Schedule shows:

**i) Proposed licensable activities**

**L** Late Night Refreshment

**M** Supply of Alcohol for consumption 'OFF' the Premises

**ii) Proposed hours of licensable activities**

The proposed hours of licensable activities are as follows:

**Late Night Refreshment**

Monday to Saturday 23:00 – 02:00

Sunday 23:00 – 01:00

**Supply of Alcohol for consumption 'OFF' the Premises**

Monday to Saturday 08:00 – 02:00

Sunday 10:00 – 01:00

**iii) Proposed times when the premises is open to the public**

The premises propose to open to the public between the following hours:

Monday to Saturday 08:00 – 02:00

Sunday 10:00 – 01:00

**iv) Proposed Designated Premises Supervisor**

Mr. Aashiq Hussain intends to be the Designated Premises Supervisor.

**v) Steps to promote licensing objectives**

The applicant proposes to take the steps to promote the licensing objectives identified in section "P" of the application form.

**vi) Cumulative impact policy**

These premises fall within the Cumulative Impact Policy Area 3. The council's policy on this area, provides the following:-

*It is the council's policy in respect of Area 3 that, on receipt of relevant representations, necessary conditions will be applied to all premises licences in the area to ensure that the problems experienced in Areas 1 and 2 are not displaced into Area 3.*

*Such conditions might include (but are not limited to):*

- *Restriction of hours*
- *Restriction of capacity*

*Or the authority may refuse to grant the licence or variation sought due to the impact on the licensing objectives.*

#### **4.0 Relevant Representations**

4.1 Under the Act representations can be received from responsible authorities or interested parties. Representations must be relevant and, in the case of an interested party, must not be frivolous or vexatious.

4.2 Responsible authorities have made the following representations:

- **West Yorkshire Police**

Member's are invited to consider **Appendix C** of this report.

4.3 Interested parties have made the following representations:

- **Members of the Public**

Member's are invited to consider **Appendix D** of this report.

#### **5.0 Agreed Representations**

5.1 In conjunction with the above, representations received from responsible authorities can be agreed prior to the hearing.

5.2 Conditions agreed with the following responsible authorities:

- **LCC Environmental Health Team**

Member's are invited to consider **Appendix E** of this report.

#### **6.0 Matters Relevant to the Application**

6.1 Members of the Licensing sub committee must make decisions with a view to promoting the licensing objectives which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

6.2 In making their decision, Members are obliged to have regard to the national Guidance and the Council's Licensing Policy. Members will be aware they must also have regard to the relevant representations made and evidence they hear.

## **7.0 Options Available to Members**

7.1 The licensing sub-committee must take such of the following steps as it considers necessary 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 whole or part of the application

7.2 Members of the Licensing sub committee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

### **Background Papers**

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