

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: 27th July 2021

Subject: Application to vary a premises licence held by Kamala Food And Wine 430 Leeds & Bradford Road, Bramley, Leeds, LS13 1EP

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

This is an application to vary a premises licence, made by Mr Kanthasamy Senthuran, for Kamala Food And Wine 430 Leeds & Bradford Road, Bramley, Leeds, LS13 1EP.

Currently, the existing licence authorises the following:

Sale by retail of alcohol Mon-Sat 08:00 - 21:00 and Sun 10:00 - 21.00.

This application seeks to vary the hours to 00:00 - 23:59 (24 hours) every day.

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

The application has attracted representations from other persons and responsible authorities. The representation has been withdrawn by West Yorkshire Police due to agreement reached between them and the applicant prior to the hearing. Further details can be found at Appendix E of the report.

The twenty five individual letters of objection are still outstanding and remain a matter for member's consideration. Please refer to Appendix F for further information.

1 Purpose of this report

- 1.1 To advise Members of an application made under Section 34 of the Licensing Act 2003 ("the Act") to vary a 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 premises

- 2.1 The licensing authority received an application to convert from a justice's licence to a premises licence in 2005. This licence was granted as applied for and issued in November 2005.
- 2.2 In November 2020 we received a DPS Change and a Licence transfer application to change both to the current licence holder.
- 2.3 A copy of the existing licence is attached at Appendix A.

3 The application

- 3.1 The applicant is Mr Kanthasamy Senthuran.
- 3.2 Briefly the application is to:
 - Extend the opening hours and the sale of alcohol hours to every day, 00:00 - 23:59 (24 hours).
- 3.3 The application explains between the hours of 00:00 - 05:00, the admission of customers to the premises will be controlled via a security lock on the door
- 3.4 A copy of the redacted application form is attached at Appendix B.
- 3.5 The applicant proposes to promote the licensing objectives by taking the additional steps identified in Section 16 of the application form.

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 must be relevant and, in the case of members of the public, must not be frivolous or vexatious.

Representations from Responsible Authorities

- 5.2 A representation has been received from West Yorkshire Police (WYP) in their capacity as a responsible authority. Any representation may be negotiated prior to the hearing. In this instance agreements have been reached and the representation subsequently withdrawn. A copy of the representation along with the agreement may be found at Appendix D.

Other representations

- 5.3 Entertainment Licensing is in receipt of twenty three individual letters of objection from members of the public, an objection from the ward councillors and a letter from a member of parliament (all of which are opposed to this application on the grounds of public nuisance).
- 5.4 Two representations have been received from members of the public who have expressed concerns that they be at risk of retribution
- 5.5 In order to protect personal data, redacted copies of the representations are attached at Appendix E. Original copies will be provided 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 for 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. 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 impact on the licensing objectives.
- 6.3 A list of premises in the local area and their licensed hours and activities is provided at Appendix F.

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 variation as requested.
 - Grant the variation whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
 - Exclude any licensable activities to which the application relates.
 - Reject the whole or part of the application.

8.2 Members of the licensing subcommittee 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 appropriate in order to promote the licensing objectives and relevant to the application.

9 Background papers

- Guidance issued under s182 Licensing Act 2003
- Statement of Licensing Policy