

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: 1st March 2022

Subject: Application to vary a premises licence held by Armley Food Centre, 26-30 Town Street, Armley, Leeds, LS12 3AB

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Armley		
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 to vary a premises licence made by Mr Shamil Khalil for Armley Food Centre, 26-30 Town Street, Armley, Leeds, LS12 3AB.

The applicant has applied for the following:

- To increase the licensable area as identified in the plan submitted with the application;
- To increase the hours for the sale of alcohol from existing to 07.00 – 01:00; and
- To add conditions to the licence.

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

The application has attracted representations from other persons and responsible authorities. As a consequence the applicant has decided to amend the times on the application and now proposes the following:

- To shift the hours for the sale of alcohol from existing to 08:00 – 22:00.

At the time of writing this report all representations remain outstanding and a matter for member's consideration.

The premises are located within an area designated as a cumulative impact area.

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 A new premises licence application was submitted to the licensing authority in November 2011. The application was sought to permit sale by retail of alcohol for consumption off the premises, every day from 09:00 – 23:00. The application attracted representations, however agreements were reached between all parties and the scheduled hearing was dispensed with.
- 2.2 The licensing authority received applications to change the designated premises supervisor and the licence holder within the next few years. All were granted as applied for.
- 2.3 In September 2020, an application to transfer the licence to the current licence holder was submitted. This was granted as applied for.
- 2.4 An application to change the designated premises supervisor was received by the Licensing authority in December 2021, which was also granted as applied for.
- 2.5 A copy of the existing licence is attached at Appendix A.

3 The application

- 3.1 The applicant is Mr Shamil Khalil.
- 3.2 Briefly the application is to:
 - To increase the licensable area as identified in the plan submitted with the application.
 - To increase the hours for the sale of alcohol from existing to 07:00 – 01:00.
 - To add conditions to the licence.
- 3.3 A copy of the application form is available at Appendix B, which includes the measures suggested by the applicant to promote the licensing objectives.
- 3.3 Further to the receipt of representations the applicant has amended the operating schedule as follows: Sale by retail of alcohol from existing to 08:00 – 22:00.
- 3.4 The agent has informed us that some of the proposed conditions have been offered in error and has requested they be retracted. For clarity, those conditions have been highlighted on the application form.
- 3.5 An email from the applicant's representative outlining the revised operating schedule can be viewed at Appendix C.

4 Location

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

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 in their capacity as a responsible authority. A copy of the representation may be found at Appendix E.
- 5.3 The Licensing Authority also received a representation from Environmental Health in their capacity as a responsible authority. A copy of this may be found at Appendix F.
- 5.4 A representation has been received from the Public Health Localities and Primary Care Team which can be viewed at Appendix G.
- 5.5 The Licensing Authority received a representation from the Safer Stronger Communities Team. This may be found at appendix H.
- 5.6 A representation was received from the Licensing Authority in their capacity as a responsible authority. This is attached at Appendix I.

Other representations

- 5.7 Entertainment Licensing is in receipt of two individual letters of objection, one from a Member of Parliament and the other from Local Ward Councillors.
- 5.8 In order to protect personal data, redacted copies of the representations are attached at Appendix J. Original copies will be provided to Members of the Licensing Sub Committee in advance of the hearing.
- 5.9 The proposed times offered by the applicant have been distributed to all objectors and at the time of writing this report, no objection has been withdrawn. As such, all representations remain outstanding.

6 Cumulative Impact

- 6.1 The premises are located within the cumulative impact area for Armley.
- 6.2 Cumulative impact means the potential impact on the promotion of the licensing objectives due to significant number of licensed premises concentrated in one area.
- 6.3 An applicant wishing to vary a licence for premises which fall within any of the cumulative impact areas must identify, through their operating schedule, the steps they intend to take so that the council and responsible authorities can be satisfied that granting this variation would not add to the impact already being experienced.

- 6.4 Details of the cumulative impact policy specific to Armley and an outline of the evidence behind the reason for setting this policy is attached at Appendix K.
- 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 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.
- 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. 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.
- 7.3 A list of premises in the local area and their licensed hours and activities is provided at appendix L.

8 Equality and diversity implications

- 10.1 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 variation as requested.
 - Grant the variation whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
 - Reject the whole or part of the application.
- 9.2 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.

10 Background papers

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