

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday 5th April 2022

Subject: Application for the Grant of a Premises Licence for Indigo, 81 Roundhay Road, Leeds, LS8 5AQ

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 for Indigo, 81 Roundhay Road, Leeds, LS8 5AQ.

The application explains that the premises intends to operate as a small grocery store offering the sale by retail of alcohol for consumption off the premises, 24 hours a day, 7 days a week.

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

The application has attracted representations from other persons and/or responsible authorities. These included a Local Ward Councillor, the Local NPT Sgt. on behalf of West Yorkshire Police, LCC Public Health Team and LCC Environmental Protection Team.

Further to submitting the application, the applicant's representative has amended the operating schedule by reducing the hours applied for from 08:00 until 23:30 every day. The reduced terms have resulted in the Environmental Protection Team withdrawing their representation, subject to the agreement of an additional condition restricting delivery times.

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 Dawit Keflamariam Berih.
- 3.2 The proposed designated premises supervisor is is Mr Dawit Keflamariam Berih.
- 3.3 In summary, the original application proposed:

Sale by Retail of Alcohol (for consumption off the premises)
Monday to Sunday 00:00 – 23:59

- 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.
- 3.6 Further to the receipt of representations the applicant has offered to revise the proposed operating schedule as follows:

Sale by Retail of Alcohol (for consumption off the premises)
Monday to Sunday 08:00 – 23:30

- 3.7 A copy of the e-mail confirming the reduced timings is available at **Appendix B**.

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 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 Representations have been received from the following responsible authorities; Leeds City Council Environmental Protection Team, West Yorkshire Police and Leeds City Council Public Health Team.
- 5.3 Any representation may be negotiated prior to the hearing. Due to the reduced operating hours the Environmental Protection Team have withdrawn their outright representation to the application, subject to a condition restricting deliveries to and from the premises between the hours of 07:00 and 21:00. A copy of the e-mail exchange in relation to the agreement can be found at **Appendix D**.
- 5.4 The representation received from the Local Neighbourhood Policing Team Sergeant on behalf of West Yorkshire Police remains as a matter for Members consideration. A copy of the representation may be found at **Appendix E**.
- 5.5 The representation submitted by LCC Public Health Team also remains a matter outstanding for Member's consideration, a copy of which is available at **Appendix F**.

Other representations

- 5.6 The application has attracted a representation on behalf of a Local Ward Councillor (described as 'other persons' in the legislation). The representation objects to the application on the grounds of all four licensing objectives and Members' attention is drawn to a copy at **Appendix G** of the report.

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 H**.

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