

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 12th April 2022

Subject: Application for the grant of a premises licence for Lietuvaite Shop Ltd, 15 Branch Road, Armley, Leeds, LS12 3AQ

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 for the grant of a premises licence made by Lietuvaite Shop Ltd, for Lietuvaite Shop Ltd 15 Branch Road, Armley, Leeds, LS12 3AQ.

The applicant has applied for the following; Sale by retail of alcohol, Everyday 10:00 – 20:00 (for consumption off the premises).

Responsible authorities and Ward Members have been notified of this application. The application has attracted representations from other persons and responsible authorities and 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 covered by a cumulative impact policy.

Please note the applicant applied for a licence for this premises in 2021 which attracted representations, as a consequence the application was heard at a licensing sub-committee and members made the decision to refuse the application. Further details of this are detailed within the body of the report.

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 On the 11th May 2021, the licensing authority received an application for a new premises licence from the same applicant. This application sought alcohol sales every day from 09:00 – 21:00 (for consumption off the premises).
- 2.2 The application attracted several representations and as such, the application was considered by a Licensing Sub Committee on the 20th July 2021. Members resolved to refuse the application in accordance with the Armley Cumulative Impact Assessment and on the grounds that it did not sufficiently demonstrate how granting the application would not add to the adverse effects already being experienced in the area.

3 The Application

- 3.1 The applicant's name is Lietuvaite Shop Ltd.
- 3.2 The proposed designated premises supervisor is Ruslanas Zirnikas
- 3.3 In summary the application is for:

*Sale by Retail of Alcohol (for consumption off the premises)
Monday to Sunday 10:00 – 22:00*

- 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 18 of the application form.

4 Location

- 4.1 A map which identifies the location of this 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 An outright representation has been received from West Yorkshire Police in their capacity as a responsible authority and is attached at Appendix C.
- 5.3 The Licensing Authority also received a representation from the Public Health Localities and Primary Care Team which can be viewed at Appendix D.
- 5.4 A representation was received from the Licensing Authority in their capacity as a responsible authority. This can be found at Appendix E.

Other representations

- 5.5 Entertainment Licensing are in receipt of two letters of objections; one from a Member of Parliament and the other on behalf of all three Local Ward Councillors. Member's attention is drawn to a copy of the representations at Appendix F.

6 Cumulative Impact Policy

- 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 the significant number of licensed premises concentrated in one area.
- 6.3 An applicant wishing to obtain a new licence for premises falling within any of the cumulative impact areas must identify, through the risk assessment process and/or the operating schedule, the steps they intend to take so that the council and responsible authorities can be satisfied that granting a new licence 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 G.
- 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 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.
- 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.
- 7.3 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.

- 7.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix H.

8 Equality and Diversity Implications

- 8.1 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 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.

- 9.2 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.

10 Background Papers

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