

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 14th June 2022

Subject: Application for the grant of a premises licence for Convenience Store, 344A Dewsbury Road, Leeds, LS11 7DJ

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Beeston & Holbeck		
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 Mr Kewmars Muhamad for 344A Dewsbury Road, Leeds, LS11 7DJ.

The application explains the premises intend to trade as a convenience store and proposes the sole provision sale by retail of alcohol for consumption off the premises, Monday to Sunday, 08:00 until 23:00 hours.

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

The application has attracted representations from West Yorkshire Police, Leeds City Council's Environmental Protection Team and Leeds City Council's Public Health.

Agreements by the applicant to a number of conditions suggested by both West Yorkshire Police and Environmental Protection Team have been reached resulted in the withdrawal of those representations. The representation on behalf of Public Health objects to the application outright and remains a matter for Members of the Licensing Sub Committee's consideration.

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 a representation.

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 Kewmars Muhamad.
- 3.2 The proposed designated premises supervisor is Kewmars Muhamad.
- 3.3 In summary the application is for:

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

- 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 M of the application form.
- 3.6 A map which identifies the location of these premises is attached at Appendix B.

4 Representations

- 4.1 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

- 4.2 Representations have been received from West Yorkshire Police, Environmental Health and Public Health, in their capacity as a responsible Authorities.
- 4.3 Any representation may be negotiated prior to the hearing and in this instance the operating schedule has been amended to include the measures agreed with both West Yorkshire Police and the Environmental Protection Team.
- 4.4 A copy of the representation on behalf of West Yorkshire Police and the subsequent agreement can be viewed at Appendix C.
- 4.5 A copy of the e-mail thread between the applicant and the Environmental Protection Team agreeing to an additional condition regarding is available at Appendix D.

- 4.6 The representation submitted on behalf of Public Health opposes the application entirely and remains a matter for Members' consideration. A copy of the representation may be found at Appendix E.

Other representations

- 4.7 There are no representations from other persons.

5 Licensing hours

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix F.

6 Equality and diversity implications

- 6.1 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.

7 Options available to Members

- 7.1 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.
- 7.2 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.

8 Background papers

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