

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 21st June 2022

**Subject: Application for the grant of a premises licence for Mleczko 329 - 333
Harehills Lane, Leeds, LS9 6AX**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Gipton & Harehills		
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 Karpaty Foods Ltd for Mleczko, 329 - 333 Harehills Lane, Leeds, LS9 6AX.

The application is made in respect of a premises wishing to operate as a convenience store with the sole licensable provision, sale by retail of alcohol 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.

The premises are located within Harehills Cumulative Impact Area.

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 Karpaty Foods Ltd.
- 3.2 The proposed designated premises supervisor is Patrycja Kornelia Para.
- 3.3 In summary the application is for:

Sale by Retail of Alcohol (for consumption off the premises)
Sunday to Thursday *08:00 – 22:00*
Friday and Saturday *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.

4 Location

- 4.1 A map which identifies the location of these 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 Representations have been received from Leeds City Council Entertainment Licensing, the Environment Protection Team, the Communities Team, Public Health, West Yorkshire Police Licensing Team and the Local Neighbourhood Policing Team Sergeant. Each representation on behalf of the Responsible Authorities objects to the application outright.
- 5.3 A compilation of the representations received from the Responsible Authorities is available at Appendix C

Other representations

- 5.4 The application has attracted a total of ten representations opposing the application from both members of the public and Ward Councillors (described as 'other persons' in the legislation).
- 5.5 A single representation has been received from a member of the public who has expressed concern that they may be at risk of retribution should their details be made public. As such, their personal details have been redacted and they will remain anonymous throughout the full application process. For this reason, despite their strength of feeling they will not be attending the hearing and would like their representations to be considered fully in their absence.
- 5.6 In order to protect personal data, redacted copies of the representations on behalf of other person are attached at Appendix D. Original copies will be circulated to Licensing Sub Committee Members in advance of the hearing.

6 Cumulative Impact Policy

- 6.1 The premises are located within the cumulative impact area for Harehills.
- 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 Harehills and an outline of the evidence behind the reason for setting this policy is attached at Appendix E.
- 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 F

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