

**Report of the Chief Officer Elections and Regulatory**

**Report to the Licensing Sub Committee**

**Date: 7th September 2022**

**Subject: Application for the grant of a premises licence for Moon Light Unit 1, 139 Street Lane, Roundhay, Leeds, LS8 1AA**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Roundhay	
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 Tuncay Hormetli, for Moon Light, Unit 1, 139 Street Lane, Roundhay, Leeds, LS8 1AA.

The application proposes to operate as a restaurant and bar premises which have applied for the following licensable activities; sale by retail of alcohol, provision of late night refreshment, live music, recorded music, dance and entertainment of a similar description.

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

The application has attracted representations from Leeds City Council's Environmental Protection Team, ward councilors and members of the public on the grounds of crime and disorder, public safety, public nuisance and the protection of children.

## 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 Tuncay Hormetli.
- 3.2 The proposed designated premises supervisor is Tuncay Hormetli.
- 3.3 In summary the application is for:

*The sale by retail of alcohol (for consumption both on and off the premises)*

*Thursday to Saturday 11:00 – 01:00*

*Sunday to Wednesday 11:00 – 23:30*

*Provision of late night refreshment*

*Thursday to Saturday 23:00 – 01:00*

*Sunday to Wednesday 23:00 – 23:30*

*Performance of recorded music*

*Thursday to Saturday 11:00 – 01:30*

*Sunday to Wednesday 11:00 – 00:00*

*Performance of live music, Performance of dance and Entertainment of a similar description*

*Monday to Sunday 19:00 – 23:00*

*Opening times of the premises*

*Thursday to Saturday 11:00 – 01:30*

*Sunday to Wednesday 11:00 – 00:00*

- 3.4 A redacted version of the application has been attached at **Appendix A** which includes, at Section M, a number of conditions offered by the applicant to promote the licensing objectives.
- 3.5 Further conditions proposed by the applicant to uphold the licensing objectives can be viewed in a copy of the completed pro-forma risk assessment available at **Appendix B**.

## **4 Location**

- 4.1 A map which identifies the location of the 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 Leeds City Council's Environmental Protection Team in their capacity as a responsible authority, which may be found at **Appendix D**. It should be noted that at the time of writing no agreement has been reached between the applicant regarding the additional measures suggested by the Environmental Protection Team.

### Other representations

- 5.3 The application has attracted representation from members of the public (described as 'other persons' in the legislation).
- 5.4 The licensing authority is in receipt of 44 individual letters of objection, including a joint objection on behalf of all three ward councillors, and 5 letters expressing support. All objections which oppose to this application are on the grounds of crime and disorder, public safety, public nuisance and the protection of children from harm.
- 5.5 A number of representations objecting to the application have been received from members of the public who have 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 process. For this reason, despite their strength of feeling they will not be attending the hearing and would like their written representations to be considered fully in their absence.
- 5.6 The representations objecting to the application are attached at **Appendix E**.
- 5.7 The representation expressing support for the premises are available at **Appendix F**.
- 5.8 In order to protect personal data the agenda contains redacted copies of all representations received on behalf of other persons and original copies will be provided to the Licensing Sub Committee Members in advance of the hearing.

## **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 G**.

## **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.
  - Exclude any licensable activities to which the application relates.
  - 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