

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

**Report to Licensing Sub Committee**

**Date: 13th September 2022**

**Subject: Application to Vary a Premises Licence held by Booze Plus, 33 Tong Road, Leeds, LS12 1HQ**

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 to vary an existing premises licence made by Saqib Ahmed, for Booze Plus, 33 Tong Road, Leeds, LS12 1HQ.

The application seeks to increase the current hours for sale by retail of alcohol for consumption off the premises, to 24 hours a day, 7 days a week. The existing hours can be noted at 3.2 of this report.

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, Leeds City Council's Public Health Team and a local resident.

## **1 Purpose of this Report**

- 1.1 To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") to vary a 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 Premises**

- 2.1 July 2005 - an application to convert a Justices' Off Licence, under the previous regime, into a premises licence was received by the Licensing Authority and duly granted as applied for.
- 2.2 March 2022 – applications to transfer the premises licence to the current licence holder and to vary the licence to specify the current designated premises supervisor were received by the Licensing Authority. Both applications did not attract objections from West Yorkshire Police and they were granted as requested.
- 2.3 A copy of the existing premises licence details is attached at **Appendix A**.

## **3 The Application**

- 3.1 The applicant is Saqib Ahmed.
- 3.2 Briefly, the application is to:
  - Increase the licensable hours for the sale by retail of alcohol (for consumption off the premises) from Monday to Saturday 08:00 – 23:00 and Sunday 10:00 – 22:30, to Monday to Sunday 00:00 – 23:59.
- 3.3 A copy of the redacted application form is attached at Appendix B.
- 3.4 The applicant proposes to promote the licensing objectives by taking the additional steps identified in Section 16 of the application form.

## **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 must be relevant and, in the case of members of the public, must not be frivolous or vexatious.

### Representations from Responsible Authorities

- 5.2 On behalf of the responsible authorities the application has attracted representations from West Yorkshire Police, Leeds City Council's Environmental Protection Team and Leeds City Council's Public Health Team. Each

representation submitted by a responsible authority remains a matter outstanding for Members' consideration.

- 5.3 A copy of the representation by West Yorkshire Police can be found at **Appendix D**, which precedes the statements of three officers submitted in support of the police's representation.
- 5.4 A copy of the representation submitted by Leeds City Council's Environmental Protection Team may be found at **Appendix E**.
- 5.5 The representation on behalf of Leeds City Council's Public Health Team is available at **Appendix F** and includes an additional statement for consideration in the absence of any available representative.

#### Other representations

- 5.6 The application has attracted a representation from a member of the public (described as 'other persons' in the legislation), opposing the application on the grounds of crime & disorder and public nuisance.
- 5.7 In order to protect personal data, a redacted copy of the representation is attached at **Appendix G**. An original copy 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 for 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. 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 impact on the licensing objectives.
- 6.3 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 variation as requested.
- Grant the variation whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Reject the whole or part of the application.

8.2 Members of the licensing subcommittee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives and relevant to the application.

## **9 Background Papers**

- Guidance issued under s182 Licensing Act 2003
- Statement of Licensing Policy