

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday, 18th October 2022

Subject: Application for the Grant of a Premises Licence for Shimlas Leeds Ltd 293 Roundhay Road, Leeds, LS8 4HS

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 Mr Rahat Javid, for Shimlas Leeds Ltd, 293 Roundhay Road, Leeds, LS8 4HS.

The application was originally scheduled to be heard on the 20th September 2022 and adjourned to allow interested parties sufficient time to consider and respond to supporting information supplied by the applicant's representative. This information is included in the report as an item for the committee to consider.

The application proposes the following; Late Night Refreshment, Monday to Saturday 23:00 – 03:00, Sunday 23:00 – 02:30, and performance of recorded music, Monday to Sunday 11:00 – 00:00.

Responsible authorities and Ward Members have been notified of this application

The application has attracted representations from the responsible authorities and other persons. An agreement to suggested measures has been reached with West Yorkshire Police, resulting in their representation being withdrawn, and all other representations remain a matter outstanding for the Licensing Sub Committee's consideration.

Members may wish to note that the Harehills Cumulative Impact Assessment does not apply in this instance as the application does not propose alcohol sales.

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 Rahat Javid.
- 3.2 In summary the application is for:

Late Night Refreshment

Monday to Saturday 23:00 – 03:00

Sunday 23:00 – 02:30

Performance of Recorded Music

Monday to Sunday 11:00 – 00:00

Opening times of the premises

Monday to Saturday 11:00 – 03:00

Sunday 11:00 – 02:30

- 3.3 A redacted version of the application has been attached at **Appendix A**.
- 3.4 The applicant proposes to promote the licensing objectives by taking the steps identified in Section M of the application form and by completing the pro-forma risk assessment which can be found at **Appendix B**.
- 3.5 Late items have been submitted by the applicant to support the application, which include a noise impact assessment and a highways supporting statement attached at **Appendix B.1**

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 West Yorkshire Police and Leeds City Council's Environmental Protection Team in their capacity as responsible authorities.
- 5.3 The representation by the Environmental Protection Team objects to the application outright on the grounds of public nuisance. A copy may be found at **Appendix D**.
- 5.4 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 West Yorkshire Police. A copy of the e-mail detailing the agreement can be found at **Appendix E**.

Other representations

- 5.5 The application has attracted representation from members of the public and ward councillors (described as 'other persons' in the legislation).
- 5.6 The Licensing Authority is in receipt of 6 individual objections and a petition containing 32 signatures, primarily on the grounds of crime & disorder, public safety and public nuisance.
- 5.7 In order to protect personal data, redacted copies of the representations are attached at **Appendix F** and a redacted copy of the petition is attached at **Appendix G**.
- 5.8 Original copies of the representation and petition will be provided to 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 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 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.
- 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