

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday, 28th March 2023

Subject: Application for the Grant of a Premises Licence for Off Licence, 6 - 8 Town Street, Armley, Leeds, LS12 3AB

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 for the grant of a premises licence made by Mr Kaewan Salam Hamarashed, for 6 - 8 Town Street, Armley, Leeds, LS12 3AB trading as an off licence.

The applicant applied for sale by retail of alcohol (for consumption off the premises), Mon-Sat 07:00 - 23:00 and Sun 10:00 - 23:00.

During the consultation period the applicant amended the application to the following:

Sale by retail of alcohol (for consumption off the premises), Mon-Sat 10:00 - 22:00 and Sun 10:00 - 21:00.

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

The application has attracted representations from other persons and responsible authorities which remain a matter outstanding for Member's consideration.

The premises are located within an area covered by a cumulative impact policy.

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 Kaewan Salam Hamarashed.
- 3.2 The proposed designated premises supervisor is, Mr Kaewan Salam Hamarashed.
- 3.3 Further to the revised operating schedule, the application is made for:

Sale by retail of alcohol (for consumption off the premises), Mon-Sat 10:00 - 22:00 and Sun 10:00 - 21:00
- 3.4 A copy of the application form can be found at Appendix A.
- 3.5 The applicant proposes to promote the licensing objectives by taking the steps identified at section M of the application form.

4 Location

- 4.1 A map which identifies the location of the 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, they must not be frivolous or vexatious.

Representations from Responsible Authorities

- 5.2 A representation has been received from West Yorkshire Police in their capacity as a responsible authority which may be found at Appendix C.
- 5.3 The Licensing Authority also received a representation from Environmental Health in their capacity as a responsible authority which can be viewed at Appendix D.
- 5.4 A representation has been submitted by the Licensing Authority in their capacity as a responsible authority. A copy of this document may be found at Appendix E.

- 5.5 A representation has been received from the Public Health Localities and Primary Care Team, which is attached at Appendix F.
- 5.6 The Licensing Authority is also in receipt of a representation from the Safer Communities Team which may be found at Appendix G.

Other representations

- 5.7 The application has attracted representation from local ward councillors and members of the public (described as 'other persons' in the legislation).
- 5.8 The licensing authority is in receipt of twenty-five individual letters of objection all of which are oppose the application on the grounds of public nuisance, crime & disorder and public safety.
- 5.9 Four representations 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. 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.
- 5.10 In order to protect personal data, redacted copies of the representations are attached at Appendix H and original copies will be provided to the 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 Armley.
- 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 Armley and an outline of the evidence behind the reason for setting this policy is attached at Appendix I.
- 6.5 Members are directed to paragraph 7.44 of the Statement of Licensing Policy which provides examples of how an application may demonstrate there will be no impact and paragraph 7.45 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 6.8 to 6.15 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 6.14 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 consider 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 J.

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