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**Report of the Chief Officer Elections and Regulatory****Report to Licensing Sub Committee****Date: Tuesday, 18th April 2023****Subject: Application to vary a premises licence held by R S Mini Market, 121A Markham Avenue, Harehills, Leeds, LS8 4JD**

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:		

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**Summary of main issues**

This is an application to vary a premises licence made by Mr Shailendra Bhogal, for R S Mini Market, 121A Markham Avenue, Harehills, Leeds, LS8 4JD.

The application proposes to increase both the hours authorised for the sale by retail of alcohol and the hours the premises are open to the public from 11:00 - 23:00, to 08:00 - 23:00, every day.

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

The application has attracted representations from a number of responsible authorities and the local ward councillors.

The premises are located within an area designated under the Harehills Cumulative Impact Area.

## **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 February 2006: The application for the grant of a new premises license was received by the Licensing Authority. The application did not attract representations and the licence was duly granted.
- 2.2 November 2022: The Licensing Authority received a transfer application which proposed the current premises license holder, Mr Shailendra Bhogal. No objection to the application was made by West Yorkshire Police and it was granted as applied for.
- 2.3 A copy of the existing licence can be found at **Appendix A**.

## **3 The application**

- 3.1 The applicant is Mr Shailendra Bhogal.
- 3.2 The application is made to increase both the hours authorised for the sale by retail of alcohol and the hours the premises are open to the public from 11:00 - 23:00, to 08:00 - 23:00, Monday to Sunday.
- 3.3 A copy of the redacted application form is attached at Appendix B.
- 3.4 The applicant feels the existing measures are sufficient to promote the licensing objectives and no further measures have been offered in the proposed operating schedule.

## **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 Representations have been received from West Yorkshire Police, the Licensing Authority, the Environmental Protection Team and Public Health.

- 5.3 In this instance all representations by responsible authorities object to the application entirely and remain a matter outstanding for the Member's consideration.
- 5.4 Representations can be found attached to the report as follows:
- Leeds City Council's Licensing Authority at **Appendix D**;
  - Leeds City Council's Environmental Protection Team at **Appendix E**;
  - Leeds City Council's Public Health at **Appendix F**; and
  - West Yorkshire Police at **Appendix G**.

#### Other representations

- 5.5 The application has attracted a joint representation from the three local ward councilors (described as 'other persons' in the legislation), opposed to the application on the grounds of crime & disorder, public safety, public nuisance and the protection of children. A copy of the representation is available at **Appendix H** of the report.

### **6 Cumulative Impact**

- 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 significant number of licensed premises concentrated in one area.
- 6.3 An applicant wishing to vary a licence for premises which fall within any of the cumulative impact areas must identify, through their operating schedule, the steps they intend to take so that the council and responsible authorities can be satisfied that granting this variation 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 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 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.
- 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. 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.

- 7.3 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 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.
- 9.2 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.

## **10 Background papers**

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