

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday, 8th August 2023

**Subject: Application for the Grant of a Premises Licence for In N Out,
17 Bradford Road, Stanningley, Pudsey, LS28 6AT**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Calverley & Farsley		
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 Mohammed Doski, for In N Out, 17 Bradford Road, Stanningley, Pudsey, LS28 6AT.

The application explains the premises intends to operate as a convenience store proposing the sale by retail of alcohol for consumption off the premises only.

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 and ten individual representations from other persons, including two on behalf of local ward councillors.

Agreements have been reached between the applicant, West Yorkshire Police and the Environmental Protection Team, resulting in additional measures being incorporated in to the operating schedule and a reduction to the hours for the sale by retail of alcohol; Sunday to Thursday 07:00 - 23:00 (as applied for) and Friday & Saturday 07:00 - 00:00. As a result both representations have been withdrawn.

The representations received from other persons remain outstanding for the Committee's consideration.

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 is Mr Mohammed Doski.
- 3.2 The proposed designated premises supervisor is Mohammed Doski.
- 3.3 As mentioned previously an agreement has been reached with the Environmental Protection Team leading to a reduced operating schedule as follows:

Sale by retail of alcohol (for consumption off the premises)
Sunday to Thursday *07:00 – 23:00*
Friday & Saturday *07:00 – 00:00*

- 3.4 A redacted version of the application can be found at **Appendix A**.
- 3.5 The applicant proposes to promote the licensing objectives by taking the steps identified in the Operating Schedule Document attached at **Appendix B**.

4 Location

- 4.1 A map which identifies the location of this 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 Any representation may be negotiated prior to the hearing and in this instance the operating schedule has been amended in accordance with the Environmental Protection Team's representation. A copy of the e-mail exchange may be found at **Appendix D**.
- 5.3 An agreement has also reached between the applicant and West Yorkshire Police. The measures suggested by the police have been adopted resulting in the representation being withdrawn and a copy, including the agreement, can be found at **Appendix E**.

Other Representations

- 5.4 The application has attracted ten individual representations from local ward councillors and local residents (described as 'other persons' in the legislation), opposed to the application primarily on the grounds of crime & disorder and public nuisance.
- 5.5 One representation has been received from a member of the public who has 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 have remained anonymous throughout the process. For this reason and despite their strength of feeling they will not be attending the hearing and would like their representations to be considered fully in their absence.
- 5.6 In order to protect personal data, redacted copies of the representations are attached at **Appendix F** 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 6.8 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.
- 6.2 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.
- 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.
 - 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