

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: Tuesday, 5 March 2024

Subject: Application to Vary a Premises Licence held by Nisa 2 Ash Road, Headingley, Leeds, LS6 3JF

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Headingley & Hyde Park		
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 a premises licence made by Everyday Stores Limited, for Nisa, 2 Ash Road, Headingley, Leeds, LS6 3JF.

The application is made to extend the terminal hour of the Sale by Retail of Alcohol to 03:00 hours daily, to extend the terminal of Late Night Refreshment to 05:00 hours daily, and to allow the premises to open to the public 24 hours a day, 7 days a week.

This premises is located within the Headingley Cumulative Impact Area and Responsible Authorities and Ward Members have been notified of the application

The application has attracted representations from West Yorkshire Police and Entertainment Licensing, in their capacity as responsible authorities, and eleven representations on behalf of other persons including a joint representation by the Local Ward Councillors.

All representations remain a matter outstanding for the Licensing Sub Committee's consideration.

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 Nisa, 2 Ash Road, Headingley, Leeds, LS6 3JF.
- 1.2 Members are required to consider this application due to the receipt of representations.

2 History of Premises

- 2.1 On the 28 October 2016 a Premises Licence application was applied for proposing the following licensable activities; Sale by Retail of Alcohol, Monday to Sunday 05:00 - 00:00, and Late Night Refreshment, Monday to Sunday 23:00 - 00:00. The application did not receive any representations and the licence was granted as applied for.
- 2.2 On the 16 October 2018 an application was received to transfer the premises licence to the current holder, Everyday Stores Ltd. The application did not attract objections from West Yorkshire Police and was granted as applied for.
- 2.3 A copy of the existing licence is attached at **Appendix A**.

3 The Application

- 3.1 The applicant is, Everyday Stores Limited.
- 3.2 Briefly, the application is to extend the existing timings from::

Sale of alcohol (for consumption off the premises) Every day 05:00 - 00:00
Late night refreshment Every day 23:00 - 00:00

Opening hours of the premises to the public Every day 05:00 - 00:00

- 3.3 To:

Sale of alcohol (for consumption off the premises) Every day 05:00 - 03:00
Late night refreshment Every day 23:00 - 05:00

Opening hours of the premises to the public Every day 00:00 – 23:59

- 3.4 A redacted copy of the application form is attached at **Appendix B**.
- 3.5 The applicant considers that the existing measures are sufficient to promote the licensing objectives and no further measures have been offered.

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 members of the public, they must not be frivolous or vexatious.

Representations from Responsible Authorities

- 5.2 An outright representation has been received from the Licensing Authority. The representation remains as a matter for Members' consideration and a copy can be found at **Appendix D**.
- 5.3 An outright representation has been received from West Yorkshire Police and contains supporting information, such as officer statements and an incident log. A copy is available at **Appendix E** of the report.

Other representations

- 5.4 The application has attracted representations from elected members and members of the public (described as 'other persons' in the legislation). In total, the Licensing Authority is in receipt of 11 individual letters of objection, including a joint representation by the Local Ward Councillors. The representations primarily oppose the application on the grounds of public nuisance and crime and disorder.
- 5.5 In order to protect personal data, redacted copies of the representations are attached at **Appendix F** and the original versions will be provided to the Licensing Sub Committee Members in advance of the hearing.

6 Cumulative Impact

- 6.1 The premises are located within the Cumulative Impact Area for Headingley.
- 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 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 the variation would not add to the impact already being experienced in the area.
- 6.4 Details of the cumulative impact policy specific to Headingley and an outline of the evidence behind the reason for setting this policy is attached at **Appendix G**.
- 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 H**.

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 Sub Committee 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 Sub Committee 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 Sub Committee 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