

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: 24th September 2024

Subject: Application to Vary a Premises Licence held by Eri Red Sea, 97 Roundhay Road, Leeds, LS8 5AQ

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|--|---|--|
| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 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? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Summary of Main Issues

This is an application to vary a premises licence held by Eri Red Sea Ltd. in relation to Eri Red Sea, 97 Roundhay Road, Leeds, LS8 5AQ.

The application proposes to extend the hours for the Sale by Retail of Alcohol and the hours the premises are open to the public.

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

The application has attracted representations from Entertainment Licensing, the Environmental Protection Team, Public Health, West Yorkshire Police and all three Local Ward Councillors.

The premises are located in an area which is covered by the Harehills & Burmantofts 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 The application for the grant of a premises licence was received by the Licensing Authority on 22 February 2023 and attracted representations from West Yorkshire Police, Entertainment Licensing, Public Health and Elected Members of the Gipton & Harehills Ward.
- 2.2 Due to the receipt of representations the matter was listed for hearing on the 18 April 2023. The Licensing Sub Committee resolved to grant the licence, subject to incorporating the conditions offered by the Applicant, and by making the following modifications to the operating schedule:
- a. The sale by retail of alcohol (for consumption off the premises) shall be permitted to take place:
 - Monday to Friday 17:30 to 20:30 hours
 - Saturday and Sunday 09:00 to 20:30 hours;
 - b. To substitute the figure of "25%" with "15%", in relation to the condition offered by the Applicant limiting the sales area committed at any one time to the sale, the exposure for sale, or the display of alcohol;
 - c. To add the condition, "The name of the premises shall not contain any reference to alcohol"; and
 - d. To add the condition, "There shall be no advertisement of alcohol products external to the premises and no externally-facing internal window displays of alcohol products".
- 2.3 A redacted version of the existing licence can be found at **Appendix A**.

3 The Application

- 3.1 The Applicant is Eri Red Sea Ltd.
- 3.2 In brief, the application proposes to authorise:

Sale by Retail of Alcohol

| | |
|---------------------------|----------------------|
| <i>Monday to Thursday</i> | <i>07:00 - 03:00</i> |
| <i>Friday to Sunday</i> | <i>07:00 - 05:00</i> |

The hours the premises are open to the public

| | |
|---------------------------|----------------------|
| <i>Monday to Thursday</i> | <i>07:00 - 03:00</i> |
| <i>Friday to Sunday</i> | <i>07:00 - 05:00</i> |

- 3.3 A redacted copy of the application form is attached at **Appendix B**.
- 3.4 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 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 objecting to the application outright have been received from Entertainment Licensing, the Environmental Protection Team, Public Health and West Yorkshire Police.

- 5.3 A copy of each agency representation can be found at:

- a. Leeds City Council's Entertainment Licensing - **Appendix D** (supplied in support is a copy of the decision notice outlining the Sub Committee's decision to grant the licence in April 2023)
- b. Leeds City Council's Environmental Protection Team - **Appendix E**
- c. Leeds City Council's Public Health Service - **Appendix F**
- d. West Yorkshire Police - **Appendix G**

Other Representations

- 5.4 The application has attracted two representation from the Local Ward Councillors (described as 'other persons' in the legislation), one of which has been signed jointly. Those representations are available at:
- a. Councillors Salma Arif & Asghar Ali - **Appendix H**
 - b. Councillor Ali Mothin - **Appendix I**

6 Cumulative Impact

- 6.1 The premises are located within the Harehills & Burmantofts Cumulative Impact Area.
- 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 & Burmantofts and an outline of the evidence behind the reason for setting this policy is attached at **Appendix J**.
- 6.5 Members are also 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 K**.

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 be relevant to the application.

10 Background Papers

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