

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: Tuesday 24 September 2024

Subject: Application to Vary a Premises Licence held by Sabura, 246 Dewsbury Road, Hunslet, Leeds, LS11 6JQ

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Hunslet & Riverside		
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 Antonio Carlos Duarte Soares, for Sabura, 246 Dewsbury Road, Hunslet, Leeds, LS11 6JQ.

This application is to amend the plans to include the outdoor eating area at the front of the premises, to add conditions to the premises licence and to extend the hours of licensable activities.

The application has attracted representations from West Yorkshire Police, the Environmental Protection Team and other persons. Those representations have been withdrawn following agreements reached.

Representations haven been received from two Local Ward Councillors, however one has been withdrawn following the applicant agreeing to reduce the hours for licensable activities. The other Local Ward Councillor representation remains outstanding for the Sub Committee's consideration.

This application appeared before the Sub Committee on the 20 August 2024. Without representation on behalf of the applicant at the hearing the remaining Councillor objecting to the application applied for an adjournment to allow further engagement. The Sub Committee felt it would be beneficial for both parties to hold discussions and for the applicant (and/or their representative) to be present at the hearing. The Members resolved to grant the adjournment.

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 served to the Licensing Authority in July 2019 attracting representations from West Yorkshire Police and a Local Ward Councillor. Agreements were reached between all parties and the licence was granted.
- 2.2 An application to vary the licence was submitted in February 2021. The application sought to extend the hours for licensable activities and attracted representations. On hearing the matter the Sub Committee resolved to grant the licence, subject to reducing the hours applied for and attaching additional conditions to promote the licensing objectives.
- 2.3 Applications to transfer the licence to the current holder and to specify the current designated premises supervisor were received by the Licensing Authority in July 2023. Both applications were granted as applied for.
- 2.4 A copy of the existing licence is attached at Appendix A.

3 The Application

- 3.1 The applicant is Antonio Carlos Duarte Soares.
- 3.2 Following the agreement reached with the Ward Councillor, the application proposes to:
 - Alter the plans to include the outdoor eating area at the front of the premises;
 - Add additional conditions to the licence;
 - Extend the existing hours for the Sale by Retail of Alcohol to:

Sunday to Thursday	11:00 to 00:00
Friday and Saturday	11:00 to 01:30
 - Extend the existing hours for Late Night Refreshment to:

Sunday to Thursday	23:00 to 23:30
Friday and Saturday	23:00 to 00:00
- 3.3 A redacted copy of the application form is attached at Appendix B.
- 3.4 The applicant proposes to promote the licensing objectives by taking the additional steps identified in the document at Appendix C.

4 Location

- 4.1 A map which identifies the location of the premises is attached at Appendix D.

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 and the Environmental Protection Team in their capacity as responsible authorities.
- 5.3 Any representation may be negotiated prior to the hearing and in this instance agreements have been reached with each authority regarding the adoption of additional measures.
- 5.4 A copy of the representation and the agreement reached with West Yorkshire Police may be found at Appendix E.
- 5.5 A copy of the representation and the agreement reached with the Environmental Protection Team can be found at Appendix F.

Other Representations

- 5.6 Originally, the application attracted individual representations from two Local Ward Cllrs, of which both were opposed to the application. Having liaised with the elected members the Applicant has offered to reduce the hours applied for, resulting in Cllr Wray withdrawing his representation before the original hearing on the 20 August 2024. A copy of the representation and subsequent email thread with Councillor Wray can be found at Appendix G.
- 5.7 The remaining representation by Cllr Carlisle was outstanding at the time the matter was heard by the LSC on 20 August 2024. Without representation on behalf of the Applicant present at the hearing, Councillor Carlisle made an application to adjourn the hearing to allow further discussion to be had between himself and the applicant. The Licensing Authority understands a meeting between those parties was held on 10 September 2024 and the applicant's representative drafted and offered a number of further measures to form part of the proposed operating schedule. Councillor Carlisle has confirmed in writing that he feels those measures should be put before the Licensing Sub Committee for consideration and determination. A copy of the e-mail outlining the latest measures offered by the Applicant can be found at Appendix H.

6 Licensing Hours

- 6.1 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.
- 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. 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.

- 6.3 A list of premises in the local area and their licensed hours and activities is provided at Appendix I.

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 Sub Committee 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 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.
 - Exclude any licensable activities to which the application relates.
 - Reject the whole or part of the application.
- 8.2 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.

9 Background Papers

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