

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: 7th January 2025

**Subject: Application to Vary a Premises Licence held by Carpatica 2 Ltd.,
24 - 26 Tong Road, Farnley, Leeds, LS12 1HX**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Armley		
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 Carpatica 2 Ltd., for Carpatica 2, 24 - 26 Tong Road, Farnley, Leeds, LS12 1HX.

The applicant has applied to extend the Sale by Retail of Alcohol and the opening times to 00:00 – 23:59 hours daily.

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

The application has attracted representations from responsible authorities and other persons, which remain a matter for Member’s consideration. Further details of this can be found at 5.2 of the report.

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 An application for a premises licence was submitted in September 2023 and attracted representations, requiring the matter to be determined by the Licensing Sub Committee. Members unanimously resolved to grant the application, subject to incorporating the additional conditions agreed between the Applicant, West Yorkshire Police and the Environmental Protection Team.
- 2.2 Applications to change the Designated Premises Supervisor have been received following grant of the licence.
- 2.3 A copy of the existing licence is attached at Appendix A.

3 The Application

- 3.1 The applicant is Carpatica 2 Ltd.
- 3.2 Briefly, the application is to:

Amend the sale of alcohol and opening hours as follows:

- From Sunday to Thursday 08:00 - 23:00 hours, and Friday & Saturday 08:00 - 00:00 hours.
- To 00:00 – 23:59 hours.

- 3.3 The applicant proposes to promote the licensing objectives by taking the additional steps identified in 'Section M' of the application form, which include:
 - A night hatch to be installed at the premises which will used for the sale of all goods between 23:00 and 07:00 hours; and
 - No customers will be allowed access to the premises between 23:00 and 07:00 hours.
- 3.4 A copy of the application form can be found at Appendix B.

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 An outright objection has been received from West Yorkshire Police in their capacity as a responsible authority. A copy of this can be found at Appendix D.
- 5.3 An outright objection has been received from the Environmental Protection Team, which can be viewed at Appendix E.
- 5.4 A representation has been submitted by Public Health. A copy can be found at Appendix F.

Other Representations

- 5.5 The Licensing Authority has received representations from the Neighbourhood Centres Co-ordinator, two Local Ward Councillors and two members of the public. The grounds for objection relate to the prevention of public nuisance and the prevention of crime and disorder.
- 5.6 The representation from the Neighbourhood Centres Co-ordinator can be found at Appendix G.
- 5.7 Redacted copies of the representations from the Local Ward Councillors and members of the public can be found at Appendix H.
- 5.8 It should be noted that the authors of the public representations have expressed concerns that they may be at risk of retribution. As such, they have remained anonymous throughout the whole process.

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.
- 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