

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: Tuesday, 30 April 2024

Subject: Application to Vary a Premises Licence held by Go Local (with Gulf Petrol Station), Green Lane, Yeadon, Leeds, LS19 7BU

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Otley & Yeadon		
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 Tharmalingam Nitharshan, for Go Local (with Gulf Petrol Station), Green Lane, Yeadon, Leeds, LS19 7BU.

The application is made to extend the Sale by Retail of Alcohol to 24 hours a day, 7 days a week, and to add the provision of Late Night Refreshment, from 23:00 hours to 05:00 hours every day.

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

The application has attracted representations from West Yorkshire Police (withdrawn following an agreement) and from other persons both opposed to and in support of the application.

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 premises licence for these premises was granted during the transitional period in November 2005. The licence was granted authorising the Sale by Retail of Alcohol for consumption off the premises between 08:00 - 23:00 Monday to Saturday, and 10:00 - 22:30 Sunday.
- 2.2 On 15 February 2024 applications were received to appoint the current licence holder and DPS, Tharmalingam Nitharshan. The applications did not attract objections from West Yorkshire Police and they were 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 Tharmalingam Nitharshan.
- 3.2 Briefly, the application is to:
 - Extend the Sale by Retail of Alcohol for consumption off the premises to 00:00 – 23:59 hours, Monday to Sunday.
 - Add the provision of Late Night Refreshment from 23:00 until 05:00 hours, Monday to Sunday.
- 3.3 A copy of the redacted 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 attached at Appendix C.

4 Location

- 4.1 A map which identifies the location of this 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 A representation has been received from West Yorkshire Police and in this instance, the operating schedule has been amended to include a number of suggested measures. As a result, the representation has been withdrawn and a copy of the agreement may be found at Appendix E.

Other representations

- 5.3 The application has attracted representations from members of the public (described as 'other persons' in the legislation) comprising of four individual objections (including one from a registered charity) which oppose the application on the grounds of public nuisance.
- 5.4 In order to protect personal data redacted copies of the representations are attached at Appendix F and the original versions will be provided to Members of Licence Sub Committee in advance of the hearing.
- 5.5 Entertainment Licensing is also in receipt of a number of template letters signed by individuals expressing support for the application. Redacted copies of the letters are available at Appendix G and as above, the originals will be shared with the Sub Committee ahead of the hearing.

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 H.

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 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