

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: 28th April 2014

Subject: Application to vary a premises licence held by Sainsbury's 12 - 16 Arndale Centre, Otley Road, Leeds, LS6 2UE

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Headingley	
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, held by Sainsbury's Supermarkets Limited, for Sainsbury's 12 - 16 Arndale Centre, Otley Road, Leeds, LS6 2UE.

A full description of the variation can be seen at 3.3 of this report.

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

The application has attracted representations from other persons.

The premises are located within an area covered by a Cumulative Impact Policy.

1.0 Purpose of this Report

- 1.1 To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") for 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.

2.0 History of Premises

- 2.1 On 4th July 2005, an application was received in the Licensing Office to convert a justices licence to a premises licence. The applicant was Somerfield Stores Limited. This application was granted, there being no representations received.

On 9th July 2009, an application was received to transfer the premises licence into the name of Sainsbury's Supermarkets Limited. This application was also granted.

On 12th February 2013, an application was submitted to extend the hours for the sale of alcohol to between 06:00 and midnight everyday, to add the activity of late night refreshment and to remove embedded restrictions attached to the licence and add conditions offered by the applicant.

This application attracted representations from other persons, therefore a sub-committee hearing was scheduled to determine the application.

On the 4th April 2013, an email was received from the applicants agent, informing the Licensing Office that they wished to withdraw the application.

- 2.2 A copy of the existing licence is attached at Appendix A.

3.0 The Application

- 3.1 The applicant is Sainsbury's Supermarkets Limited,
- 3.2 The application form may be found at Appendix B to this report.
- 3.3 In summary the application is to:

- Extend the hours for the sale of alcohol to between 07:00 hours and 23:00 hours daily.
- The removal of embedded restrictions attached to the licence.
- To include conditions offered by the applicant in section M of the operating schedule.

Non Standard Timings

No non-standard timings for bank holidays or special occasions are proposed.

4.0 Other matters relevant to the application

4.1 Equality and Diversity / Cohesion and Integration

4.2 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.

5.0 Steps to promote the Licensing Objectives

5.1 The applicant proposes to take specific steps to promote the licensing objectives identified in section 'M' of the application form.

6.0 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, given the potential for neighbouring premises to seek the same additional hours to prevent rivals gaining a commercial advantage.

6.3 A list of premises in the local area and their licensed hours and activities is provided at appendix C.

7.0 Location

7.1 A map which identifies the location of this premises is attached at Appendix D.

8.0 Cumulative Impact Policy

- 8.1 The premises are located within the Cumulative Impact Area 2.
- 8.2 Cumulative Impact means the potential impact on the promotion of the licensing objectives, where there are a significant number of licensed premises concentrated in one area.
- 8.3 An applicant wishing to obtain a new or varied licence for premises falling within any of the cumulative impact areas, must identify through the risk assessment process and/or operating schedule, the steps that they intend to take so that the council and responsible authorities can be satisfied with that granting of a new licence will not add to the impact already being experienced.
- 8.4 Details of the Cumulative Impact Policy specific to Area 2 and an outline of the evidence behind the reason for setting this policy is attached at Appendix E.

9.0 Representations

- 9.1 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.
- 9.2 Representations from Responsible Authorities
- 9.3 There have been no representations from responsible authorities.
- 9.4 Other representations
- 9.4.1 The application has attracted representations from other persons.
- 9.4.2 The licensing section is in receipt of 3 individual letters of objection, all opposed to the application on the grounds of public nuisance.
- 9.4.3 Please find attached, copies of the representations at Appendix F.
- 9.4.4 Full copies of the representations will be available at the hearing for Members consideration.

10.0 Options Available to Members

- 10.1 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.

10.2 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.

11.0 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy