

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: 12th May 2014

Subject: Application to vary a premises licence held by Asda Supermarket Cross Green, Otley, LS21 1HE

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Otley and 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 Asda Stores Ltd, for Asda Supermarket Cross Green, Otley, LS21 1HE

The applicant has applied to increase the hours for the sale of alcohol daily.

Full details of activities and hours can be found 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.

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 The premises have the benefit of a premises licence.
- 2.2 The licence was originally applied for by Netto Foodstore Limited in April 2009, this was for the sale of alcohol between the hours of 08:00 and 23:00 Monday to Saturday and 10:00 and 22.30 Sunday.
- 2.3 Representations were received to the application and a sub- committee hearing was held to determine the application. Members resolved to grant the application as amended with conditions agreed with the responsible authorities and imposed by the sub- committee.
- 2.4 The current activities and hours are: the sale of alcohol, Monday to Saturday – 08:30 to 20:00 and Sunday 10:00 to 17:00.
- 2.5 In September 2011, a transfer application was received to transfer the licence to the name of Asda Stores Limited. This application was granted, there being no representations.
- 2.6 On 24th October 2013, an application was received to extend the hours for the sale of alcohol from 06:00 to midnight every day and add the activity of late night refreshment.
- 2.7 This application attracted representations from responsible authorities and other persons, therefore a sub- committee hearing was arranged to determine the application. The application also received a letter of support from another person.
- 2.8 The hearing was scheduled for the 16th December 2013 but on the 12th December 2013 the application was withdrawn by the applicant's agent.
- 2.9 On the 14th March 2014, an application was submitted to vary the licence. The variation is to extend the hours for the sale of alcohol from 07:00 to 23:00.
- 2.10 A copy of the existing licence is attached at Appendix A.

3.0 The Application

3.1 The applicant is Asda Stores Ltd,

3.2 The application form may be found at Appendix B to this report.

3.3 In summary the application is for:

Sale of alcohol off the premises
07:00 until 23:00 hours every day

Times when the premises will be open to the public:
07:00 until 23:00

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 There is to be no change to the steps already taken to promote the licensing objectives, they are to remain the same as on the current licence.

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 Representations

8.1 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.

8.2 Representations from Responsible Authorities

8.2.1 There have been no representations from responsible authorities.

8.3 Other representations

8.3.1 The application has attracted representations from other persons.

8.3.2 The licensing section is in receipt of one letter of objection from a local resident and a letter of objection from a ward councilor. They are opposed to the application on the grounds of public nuisance.

8.3.3 Copies of the representations are available at Appendix E.

9.0 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.
- Exclude any licensable activities to which the application relates.
- 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.

10.0 Background Papers

- Guidance issued under s182 Licensing Act 2003

- Leeds City Council Licensing Policy