

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: 1st September 2014

Subject: Application to vary a premises licence held by One-Stop 265 Hyde Park Road, Woodhouse, Leeds, LS6 1AG

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Hyde Park and Woodhouse		
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 One Stop Stores Ltd, for One-Stop 265 Hyde Park Road, Woodhouse, Leeds, LS6 1AG.

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 and responsible authorities.

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 In June 2005, an application was made for the conversion of a Justice's Licence to a premises licence. This was granted, there being no objections to the application. The hours granted were 08:00 to 23:00 Monday to Saturday and 10:00 to 22:30 on Sunday.
- 2.2 In October 2006, a further application was made to vary the premises licence. The hours sought were 07:00 to midnight every day. Representations were made to this application, therefore a sub- committee hearing was scheduled. The sub- committee decided to grant the application as requested, with the measures agreed with West Yorkshire Police forming part of the premises licence.
- 2.3 A copy of the existing licence is attached at Appendix A.

3.0 The Application

- 3.1 The applicant is One Stop 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
00:01 to 00:00 every day.
 - 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 further 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, here there are a significant number of licensed premises concentrated in one area.
- 8.3 An applicant wishing to obtain a new 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

9.2.1 Representations have been received from West Yorkshire Police and Leeds City Council Entertainment Licensing Department in their capacity as a responsible authority

9.2.2 The representation submitted by West Yorkshire Police remains as a matter for Members consideration. A copy of the same may be found at Appendix F.

9.2.3 The representation submitted by Leeds City Council Entertainment Licensing Department remains as a matter for Members consideration. A copy of the same may be found at Appendix G.

9.3 Other representations

9.3.1 The application has attracted representations from other persons.

9.3.2 The Licensing Section is in receipt of 13 individual letters of objection, a letter from a ward councilor, all of which are opposed to this application on the grounds of public nuisance.

9.3.3 Copies of the representations remain as a matter for Members consideration and may be found at Appendix H.

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