

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Monday 27th October 2014

Subject: Application for the Grant of a Premises Licence for Morrisons M Local 12 -14 Infirmarary Street, Leeds, LS1 2JP

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	City & Hunslet	
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 for the grant of a premises licence, made by WM Morrisons Supermarkets PLC for Morrisons M Local 12 -14 Infirmarary Street, Leeds, LS1 2JP.

The application is made for a premises wishing to operate as a supermarket with the sole licensable provision of retail by sale of alcohol for consumption off the premises, the hours of which can be noted at 3.3 of this report.

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

The application has attracted representation from the West Yorkshire Police and a local business. The former of which has been agreed with suggested measures prior to the hearing and the latter which remains outstanding as a matter for Member's consideration.

Members should also note that these premises are located within the Amber Zone of Leeds City Council's Cumulative Impact Policy, detailed further at 9.0 of this report.

Purpose of this Report

- 1.1 To advise Members of an application made under Section 17 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 This is the first application for a premises licence.

3.0 The Application

- 3.1 The applicant is WM Morrisons Supermarkets PLC.
- 3.2 The application form may be found at Appendix A to this report.
- 3.3 In summary the application is for:
 - 3.3.1 Sale of Alcohol for consumption off the premises only
06:00 until 00:00 hours Monday to Sunday
 - 3.3.2 Times when the premises will be open to the public
06:00 until 00:00 hours Monday to Sunday
 - 3.3.3 Non-Standard Timings:
There are no non-standard timings for Bank Holidays or special occasions proposed in this application.

4.0 Other matters relevant to the application

- 4.1 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.

5.0 Steps to promote the Licensing Objectives

- 5.1 The applicant proposes to take the steps identified in Section 'P' of the application and the separate sheet attached at Appendix B to promote the licensing objectives.

6.0 Proposed Designated Premises Supervisor

- 6.1 Nicola Wood intends to be the Designated Premises Supervisor.

7.0 Licensing Hours

- 7.1 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.
- 7.2 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.
- 7.3 A list of premises in the local area and their licensed hours and activities is provided at appendix C.

8.0 Location

- 8.1 A map which identifies the location of this premise is attached at Appendix D.

9.0 Cumulative Impact Policy

- 9.1 The premises are located within the Amber Zone of Leeds City Centre Cumulative Impact Area (Area 1).
- 9.2 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.
- 9.3 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 intends 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.
- 9.4 Details of the Cumulative Impact Policy specific to Area 1, and an outline of the evidence behind the reason for setting the policy is attached at Appendix E.

10.0 Representations

- 10.1 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.
- 10.2 Representations from Responsible Authorities
- 10.2.1 Representation has been received from West Yorkshire Police, offering measures to uphold the prevention of crime and disorder objective. In this instance the

operating scheduled has been amended to include the agreed measures, a copy of which can be found at Appendix F of this report.

10.3 Other representations

10.3.1 The application has also attracted a representation from a local business. This representation expresses strong concern over the effect of adding further premises of this nature to the area and the negative impact on anti-social behavior it will have. A copy of this representation is attached at Appendix G for Members consideration.

11.0 **Options Available to Members**

11.1 The licensing sub-committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the application as requested.
- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates.
- Refuse to specify the said person as the designated premises supervisor.
- Reject the whole or part of the application.

11.2 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.

12.0 **Background Papers**

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy
- Representations received from other persons