

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Monday 12th January 2015

Subject: Application to vary a premises licence held by Bargain Booze Select Convenience 57 - 59 Main Street, Garforth, Leeds, LS25 1AF

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Garforth & Swillington	
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 Bargain Booze Ltd, for Bargain Booze Select Convenience 57 - 59 Main Street, Garforth, Leeds, LS25 1AF

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

The application has attracted representations from members of the public.

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.

Members are required to consider this application due to the receipt of representations.

2.0 History of Premises

The premises currently benefits from a premise licence that was granted at a hearing on 6th December 2010. Concerns were raised regarding the Prevention of Crime and Disorder in relation to underage sales and the Prevention of Public Nuisance in relation to noise and litter. Deliberation was made and certain

measures added to the licence and therefore the licence was granted and currently benefits from:

Sale by Retail of alcohol: Monday to Saturday 10:00 - 22:00 and Sunday 12:00 - 22:00 for consumption Off the premises.

- 2.1 The application is to extend the above licensable activity Everyday 07:00 - 23:00. The applicant also wishes to remove all seasonal variations and restrictions placed upon the licence regarding Easter Sunday. Namely the condition which reads:

The proposed hours of Easter Sunday trading shall be restricted to 10:00 - 16:00.

Seasonal variations to be removed: 23rd, 24th and 31st December 08:00 – 22:00

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

3.0 The Application

- 3.1 The applicant is Bargain Booze Ltd,

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

- 3.3 In summary the application is for

Supply of alcohol for consumption Off the Premises:

Everyday: 07:00 – 23:00

Times when the premise will be open to the public:

Everyday: 07:00 – 23:00

Other matters relevant to the application

- 3.4 Equality and Diversity / Cohesion and Integration

- 3.5 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.

4.0 Steps to promote the Licensing Objectives

No further steps have been offered with this application

5.0 Licensing Hours

- 5.1 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.

5.2 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.

5.3 A list of premises in the local area and their licensed hours and activities is provided at **Appendix C**

6.0 Location

6.1 A map which identifies the location of this premise is attached at **Appendix D**

7.0 Representations

7.1 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.

7.2 Representations from Responsible Authorities

7.2.1 There have been no representations from responsible authorities.

7.3 Other representations

7.3.1 The application has attracted representations from other persons.

7.3.2 The Licensing Section is in receipt of 2 individual objections received from members of the public with concerns regarding public nuisance and crime and disorder. Members attention is drawn to **Appendix E**

8.0 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.

9.0 Background Papers

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