

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: 26th January 2015

Subject: Application for the Grant of a Premises Licence for Tesco Stores Ltd

Tesco Express, Elland Road, Churwell, Morley, Leeds, LS27 7TB

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Morley North	
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 Tesco Stores Ltd, for Tesco Stores Ltd Tesco Stores Limited, Tesco Express, Elland Road, Churwell, Morley, Leeds, LS27 7TB

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

The application has attracted representations from other persons and responsible authorities

1.0 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 The premises has the benefit of a premises licence.

2.2 The stores is licensed every day

Sale of Alcohol 07:00 to 23:00

2.3 The applicants have applied to open an hour earlier for the sale of alcohol by way of an application for a new premises licence to replace the one in force. Tesco will surrender the existing licence if the new licence is deemed granted.

3.0 The Application

2.4 The applicant is Tesco Stores Ltd,

2.5 The application form may be found at Appendix A to this report.

2.6 In summary the application is for every day

Sale of Alcohol 06:00 to 23.00

3.0 Other matters relevant to the application

3.1 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.

4.0 Steps to promote the Licensing Objectives

4.1 The applicant proposes to take specific steps to promote the licensing objectives identified in section "P" of the application form.

5.0 Proposed Designated Premises Supervisor

5.1 Dylan Ryder proposes to be the Designated Premises Supervisor

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 **F**.

7.0 Location

7.1 A map which identifies the location of this premise is attached at Appendix **B**.

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 representations from responsible authorities.

8.2.2 Representations have been received from West Yorkshire Police and the Development Department.

8.2.3 The representation from Development is still outstanding. A copy which may be found at Appendix **C**

8.2.4 Any representations submitted may be agreed prior to hearing. In this instance the operating schedule has been amended to include measure agreed with West Yorkshire Police. A copy which may be found at Appendix **D**

8.3 Other representations

8.3.1 The application has attracted representations from other persons.

8.3.2 The Licensing Department is in receipt of a letter of representation from a Ward Member on the grounds of Crime and Disorder and Public Nuisance.

8.3.3 Copy of the representation may be found 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 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.

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
- Representations received from other persons