

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 27th October 2015

**Subject: Application for the grant of a premises licence for Tatra Sklep,
20 - 22 Branch Road, Armley, Leeds, LS12 3AQ**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Armley	
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:		
<p>NOT FOR PUBLICATION Exempt under Regulation 14 of the Licensing Act 2003 Hearings Regulations 2005 (SI 2005 No.44)</p> <p>Appendix E and F</p>		

Summary of main issues

This is an application for the grant of a premises licence made by Tatra Sklep Limited, for Tatra Sklep 20 - 22 Branch Road, Armley, Leeds, LS12 3AQ.

This application is for a grocery store wishing to provide sale by retail of alcohol for consumption off the premises. The hours applied for are noted in 3.3.

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

The application has attracted representations from the ward councillors 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 On the 27th May 2015 an application for a premises licence was submitted by Mr Sardar. Following a full objection from West Yorkshire Police this application was withdrawn on the 2nd July 2015.
- 2.2 On the 24th August 2015 another application for a premises licence was submitted by Mr Hassan on behalf of Tatra Sklep Limited. Due to the non-payment of the application fee this application was deemed invalid.
- 2.3 On the 9th September 2015 this application for a premises licence was received.

3.0 The Application

- 3.1 The applicant is Tatra Sklep Ltd, 20 - 22 Branch Road, Armley, Leeds, LS12 3AQ.
- 3.2 In summary the application is for the sale by retail of alcohol for consumption off the premises everyday 08:00 – 23:00.
- 3.3 The operating schedule appropriate to this application may be found at **Appendix A** to this report.

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 specific steps to promote the licensing objectives identified in section P of the application form and attached at **Appendix A**.

6.0 Licensing Hours

- 6.1 Members are directed to paragraphs 6.8 to 6.15 of 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.

- 6.3 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.
- 6.4 A list of premises in the local area and their licensed hours and activities is provided at **Appendix B**.

7.0 Location

- 7.1 A map which identifies the location of this premises is attached at **Appendix C**.
- 7.2 This application is in an area where the council has put in place Local Licensing Guidance. This means that the area in which this premises is situated have been identified by the Community Committees as vulnerable to problem drinking and there are additional issues that directly impact the promotion of the licensing objectives. The applicant has been sent the Local Licensing Guidance during the application process and has not volunteered conditions to mitigate these concerns. The Local Licensing Guidance 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 It should be noted that certain information submitted by West Yorkshire Police and Trading Standards is potentially exempt information under the Access to Information Rule (10.4 (1,7)), as it includes information relating to an individual.

Representations from Responsible Authorities

- 8.3 Representations have been received from Trading Standards, Environmental Protection Team Protection Team and West Yorkshire Police.
- 8.4 The representation submitted by West Yorkshire Police is a full objection and remains as a matter for Members consideration. A copy of which may be found at **Appendix E**.
- 8.5 The representation submitted by Trading Standards is a full objection and remains as a matter for Members consideration. A copy of which may be found at **Appendix F**.
- 8.6 Any representations submitted may be agreed prior to a hearing. In this instance the operating schedule has been amended to include measures agrees with Environmental Protection Team Protection. A copy of which may be found at **Appendix G**.

Other representations

8.7 The application has attracted representations from Councillor Alice Smart and Councillor James Mckenna who is chair of the Armley Community Forum .

8.8 The representation submitted by Councillor Smart is attached at **Appendix H**.

8.9 The representation submitted by Councillor Mckenna is attached at **Appendix I**.

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.
- 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 subcommittee 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 Statement of Licensing Policy
- Representations received from other persons
- Local Licensing Guidance (if relevant)