

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 8th December 2015

Subject: Application to vary a premises licence held by Wm Morrison Supermarkets Plc 69 Town Street, Horsforth, Leeds, LS18 5BP

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Horsforth		
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 Wm Morrison Supermarkets Plc, for Wm Morrison Supermarkets Plc 69 Town Street, Horsforth, Leeds, LS18 5BP

The purpose of the variation is to seek approval to extend the sale of alcohol and the opening hours of the premises, and to remove all embedded conditions from the current licence.

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

The application has attracted representations from other persons.

The premises are located within an area covered by a cumulative impact policy. The policy is in place in order to avoid saturation of licensed premises in the area. However as this application is for sale by retail of alcohol for consumption off the premises then the policy doesn't apply in this case.

1 Purpose of this report

- 1.1 To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") to vary 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 History of premises

- 2.1 An application to convert an existing Justices 'Off' licence was received on the 2nd August 2005. This was granted as applied for.
- 2.2 An application to vary the premises licence was received on the 27th August 2008. This application was to carry out structural alterations to the premises. This attracted a representation from West Yorkshire Police, however conditions were agreed therefore was withdrawn from the hearing.
- 2.3 An application for a minor variation was submitted on the 21st January 2010. This was to permit structural alterations to the premises and was granted as applied for.
- 2.4 An application for a minor variation was submitted on the 3rd September 2010. This was to permit structural alterations to the premises and was granted as applied for.
- 2.5 An application for a full variation was submitted on the 1st May 2012. This was to add and remove certain conditions and to also extend opening hours and sale of alcohol hours. Representations were received from responsible authorities and a member of the public. The applicant then withdrew the application so the hearing never took place and the current licence remained the same.
- 2.6 On the 10th January 2014, a minor variation application was submitted to permit structural alterations, this was granted as applied for.
- 2.7 Another minor variation was submitted on the 4th September 2015 to permit structural alterations, this was granted as applied for.
- 2.8 A copy of the existing licence is attached at Appendix A.

3 The application

- 3.1 The applicant is Wm Morrison Supermarkets Plc.
- 3.2 Briefly the application is to:
 - Add additional hours onto the sale of alcohol activity, increasing hours from
 - Mon-Sat 08:00 – 23:00
 - Sun 10:00 – 22:30 to

Everyday 06:00 – 00:00

- The applicant also wishes to remove certain embedded restrictions. A copy of the conditions to be removed can be found at Appendix B.

4 The operating schedule

- 4.1 The applicant considers that the existing measures are sufficient to promote the licensing objectives and no further measures are necessary.

5 Location

- 5.1 A map which identifies the location of this premises is attached at Appendix C.

6 Representations

- 6.1 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.

Representations from Responsible Authorities

- 6.2 There have been no representations from responsible authorities.

Other representations

- 6.3 The application has attracted representations from members of the public (described as 'other persons' in the legislation).
- 6.4 Entertainment Licensing is in receipt of one representation from a member of the public. This was opposed to on the grounds of public nuisance.
- 6.5 In order to protect personal data, redacted copies of the representations are attached at Appendix D. Original copies will be available at the hearing for Members consideration.

7 Cumulative Impact Policy

- 7.1 The premises are located within the cumulative impact area for Horsforth.
- 7.2 Cumulative impact means the potential impact on the promotion of the licensing objectives due to significant number of licensed premises concentrated in one area.
- 7.3 An applicant wishing to vary a licence for premises which fall within any of the cumulative impact areas must identify, through their operating schedule, the steps they intend to take so that the council and responsible authorities can be satisfied that granting this variation would not add to the impact already being experienced.
- 7.4 Details of the cumulative impact policy specific to area 5 and an outline of the evidence behind the reason for setting this policy is attached at Appendix E.

7.5 Members are directed to paragraphs 7.51 to 7.54 of the Statement of Licensing Policy which provides examples of how an application may be considered exceptional and the matters that the council would not normally take into consideration.

8 Licensing hours

8.1 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.

8.2 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.

8.3 A list of premises in the local area and their licensed hours and activities is provided at appendix F.

9 Equality and diversity implications

9.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the licensing subcommittee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

10 Options available to Members

10.1 The licensing subcommittee 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.
- Reject the whole or part of the application.

10.2 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.

11 Background papers

- Guidance issued under s182 Licensing Act 2003
- Statement of Licensing Policy