

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 16th February 2016

**Subject: Application to Vary a Premises Licence held by Elland Road General Store,
86 Elland Road, Holbeck, Leeds, LS11 0AB**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

This is an application to vary a premises licence, made by Mr Iftikhar Mohmand, for Elland Road General Store, 86 Elland Road, Holbeck, Leeds, LS11 0AB

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

The application has attracted representations from a responsible authority.

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 a representation.

2 History of premises

2.1 The premises has the benefit of a premises licence to permit the sale of alcohol

Monday to Saturday	08:00 to 23:00
Sunday	10.00 to 22:30

2.2 Detail of the existing licence is attached at **Appendix A**.

3 The application

3.1 The applicant is Mr Iftikhar Mohmand

3.2 Briefly the application is to Increase trading to 24 hours a day

4 The operating schedule

4.1 The applicant proposes to promote the licensing objectives by taking the additional steps identified in the operating schedule attached at **Appendix B**

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

5 Location

5.2 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 Representations have been received from Leeds City Council Environmental Protection Team in their capacity as a responsible authority. A copy of the representation may be found at **Appendix D**.

6.3 The representation submitted by Environmental Noise Team remains as a matter for Members consideration.

Other representations

6.4 There are no other representations.

7 Local Licensing Guidance

7.1 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 but has not volunteered conditions to mitigate these concerns. The Local Licensing Guidance is attached at **Appendix E**.

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.
- Exclude any licensable activities to which the application relates.
- 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