

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 7th June 2016

Subject: Application for the grant of a premises licence for Fresh Metro Cooperation 90 Town Street, Armley, Leeds, LS12 3AA

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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: 10.4 (1,2 & 3)		
NOT FOR PUBLICATION		
Exempt under Regulation 14 of the Licensing Act 2003 Hearings Regulations 2005 (SI 2005 No. 44)		
Appendix number: C & D		

Summary of main issues

This is an application for the grant of a premises licence, made by Fresh Metro Cooperation, for Fresh Metro Cooperation 90 Town Street, Armley, Leeds, LS12 3AA.

The applicant is applying for sale of alcohol for consumption off the premises, Everyday 08:00 – 23:30.

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

The application has attracted representations from other persons and responsible authorities.

Please note that although this area isn't covered by a Cumulative Impact Policy there are plans to make it so in the very near future.

1 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 new 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 the premises

- 2.1 This is the first application for a premises licence for these premises.

3 The application

- 3.1 The applicant's name is Fresh Metro Cooperation.
- 3.2 The proposed designated premises supervisor is Mr Dilan Sardar
- 3.3 In summary the application is for:

Activity

Sale by retail of alcohol Everyday 08:00 – 23:30

Non standard timings

No non-standard timings for bank holidays or special occasions are proposed.

4 The operating schedule

- 4.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule and/or the proforma risk assessment which is attached at Appendix A.

5 Location

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

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 West Yorkshire Police and West Yorkshire Trading Standards in their capacity as a responsible authority.
- 6.3 The representation submitted by West Yorkshire Police remains as a matter for Members consideration. A copy of the representation may be found at Appendix C.
- 6.4 The representation submitted by West Yorkshire Trading Standards remains as a matter for Members consideration. A copy of the representation may be found at Appendix D.
- 6.5 It should be noted that certain information submitted from West Yorkshire Police and West Yorkshire Trading Standards is potentially exempt information under the Access to Information Rule (10.4 (1,2 & 3) As it includes information relating to an individual and information which is likely to reveal the identity of an individual. This information is also replicated in Appendix C & D.

Other representations

- 6.6 The application has attracted representation from members of the public (described as 'other persons' in the legislation).
- 6.7 The licensing authority is in receipt of ten individual letters of objection, and a letter from the ward councilor, all of which are opposed to this application on the grounds of the four licensing objectives.
- 6.8 In order to protect personal data, redacted copies of the representations are attached at Appendix E. Unredacted copies will be available at the hearing for Members consideration.

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 and has/has not volunteered conditions to mitigate these concerns. The Local Licensing Guidance is attached at Appendix F.

8 Licensing hours

- 8.1 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.
- 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.

8.3 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.

8.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix G.

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 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.

10.2 Members of the licensing subcommittee are asked to note that they may not reject the whole or part of the application merely because they consider it desirable to do so. It must be appropriate in order to promote the licensing objectives.

11 Background papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy