

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 7th March 2017

Subject: Application to vary a premises licence held by Biedronka 225 Roundhay Road, Leeds, LS8 4HS

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Gipton & Harehills		
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 Mr Alan Amiri, for Biedronka 225 Roundhay Road, Leeds, LS8 4HS.

This application is for Sale by retail of alcohol as noted in 3.2

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

The application has attracted representations from responsible authorities.

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 On the 17th September 2014, an application was submitted for a premises licence for the premises known as Biedronka. The applicant was Mr Mohammed. The application was granted as applied for :-

Sale by retail of alcohol Everyday 07:00 - 00:00

2.2 On the 19th August 2015 an application was received to transfer the premises licence to Mr Amiri, which was successful.

2.3 Also on the 19th August 2015 an application was received to vary the Dps to Mr Shores Hatah Mohammed, this was successful.

2.4 On the 5th February 2016 an application for a review of the premises licence was submitted by the Licensing Authority. This application was submitted due to persistent breaches of the premises licence conditions, mainly with regards to the CCTV. This application was heard before the sub-committee on the 5th April 2016. As the CCTV issues had been addressed the members served Mr Amiri with a warning that the premises will be closely monitored by West Yorkshire Police and the Licensing Authority.

2.5 On the 12th February 2016 an application was received to vary the Dps to Mr Amiri , this was successful.

2.6 On the 17th January 2017 this application to vary the premises licence was received.

2.7 A copy of the existing licence is attached at Appendix A.

3 The application

3.1 The applicant is Mr Alan Amiri, .

3.2 Briefly the application is to:

- To vary the sale by retail of alcohol to everyday 24 hours.

4 The operating schedule

4.1 The applicant proposes to promote the licensing objectives by taking the additional steps identified in the operating schedule, Local licensing guidance proforma and the proforma risk assessment which is attached at Appendix B.

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 Representations have been received from Environmental Protection Team in their capacity as a responsible authority. This remains as a matter for Members consideration, A copy of the representation may be found at Appendix D.
- 6.3 An email from West Yorkshire Police recommending the reduction in conditions offered by the applicant on the Pro-Forma was received. It was felt these would not benefit the applicant, This was agreed and a copy of the email may be found at Appendix E.

Other representations

- 6.4 There are no other representations.

7 Licensing hours

- 7.1 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.
- 7.2 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.
- 7.3 A list of premises in the local area and their licensed hours and activities is provided at appendix F,

8 Equality and diversity implications

- 10.1 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.

9 Options available to Members

- 9.1 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.

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 Background papers

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