

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 25th July 2017

**Subject: Application to vary a premises licence held by Nisshan Convenience Store
411 - 413 Harehills Lane, Harehills, Leeds, LS9 6AP**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Burmantofts & Richmond Hill		
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 Kanthasmy Mayuran, for Nisshan Convenience Store 411 - 413 Harehills Lane, Harehills, Leeds, LS9 6AP.

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

The application has attracted representations from other persons and 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 2nd August 2005 an application was received to convert a Justices 'Off' licence. This application received no representations and was granted as applied for.
- 2.2 Various Dps and transfer applications have been received since the original grant of the premises licence.
- 2.3 On the 2nd June 2017 an application was received to extend the sale by retail of alcohol .
- 2.4 A copy of the existing licence is attached at **Appendix A.**

3 The application

- 3.1 The applicant is Kanthasmy Mayuran, .

- 3.2 Briefly the application is to:

Vary the Sale by Retail of Alcohol hours from:

Monday to Saturday 08:00 – 23:00, Sunday 10:00 – 22:30

To the varied terms of

Sale by Retail of Alcohol Everyday 24hrs

4 The operating schedule

- 4.1 The applicant proposes to promote the licensing objectives by taking the additional steps identified in the operating schedule. A copy 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 Health in their capacity as a responsible authority. Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with Environmental Health. A copy of the representation may be found at **Appendix D.**

6.3 Other representations

6.4 The application has attracted representations from members of the public (described as 'other persons' in the legislation).

6.5 Entertainment Licensing is in receipt of one letter of objection, which is opposed to this application on the grounds of public nuisance and anti-social behavior.

6.6 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 **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.

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