

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 19th September 2017

**Subject: Application to vary a premises licence held by Morrisons 89 Otley Road,
Guiseley, Leeds, LS20 8PS**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Guiseley and Rawdon		
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 Morrisons Supermarkets Plc, for Morrisons 89 Otley Road, Guiseley, Leeds, LS20 8PS.

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

The application has attracted representations from other persons.

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 the existing premises licence was received in July 2005.
- 2.2 An application to vary the licence to extend the sale of alcohol hours was received in September 2010.
- 2.3 A full variation was also received in October 2015 to extend the sale of alcohol hours.
- 2.4 Since the initial application, various applications have been received to vary the designated premises supervisor and permit minor structural alterations to the licence.
- 2.5 A copy of the existing licence is attached at Appendix A.

3 The application

- 3.1 The applicant is Wm Morrisons Supermarkets Plc.
- 3.2 Briefly the application is to:
 - Add late night refreshment and the sale of alcohol for consumption on the premises.
 - To remove and add certain conditions

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 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 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).

6.3.1 The licensing section is in receipt of 2 individual letters of objection which are opposed to this application on the grounds of public nuisance .

6.4 In order to protect personal data, redacted copies of the representations are attached at Appendix C. 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 D.

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.
- Exclude any licensable activities to which the application relates.
- 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
- Representations received from other people