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## Report of the Assistant Chief Executive (Corporate Governance)

### Report to the Licensing Sub Committee

Date: 4th October 2010

Subject: Application to vary a Premises Licence for Sainsbury's Supermarkets Limited

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#### Electoral Wards Affected:

Headingley

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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### Executive Summary

This report informs members of an application to vary a Premises Licence for premises situated at 70 - 74 Brudenell Road, Headingley, Leeds, LS6 1EG trading as Sainsbury's Supermarkets Limited.

Briefly the application consists of:

An application to extend the hours for sale of alcohol to 24 hours everyday and to add late night refreshment between the hours of 23:00 – 05:00 everyday.

The premises are located within an area covered by a Cumulative Impact Policy.

## **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 The Licensing Sub-Committee is required to consider this application due to the receipt to representations.

## **2.0 History of Premises**

- 2.1 An application for the conversion and variation of the former licence into a Premises Licence was submitted in July 2005 under the Licensing Act 2003. No objections were received and the application was granted as applied for.

In March 2010 a minor variation was submitted to remove the restriction relating to the opening hours of the premises. The application attracted an objection from Environmental Health and Ward Councillors and consequently the application was refused outright on the basis that the public nuisance objective was undermined.

A full application to vary the premises licence was submitted in April 2010, the application served was to remove the restriction of opening hours and remove redundant conditions. The application attracted concerns from Environmental Health however, the licensing committee were not of the opinion that the application undermined the licensing objectives and subsequently the application was granted as applied for incorporating the conditions proposed by the applicant and authorities.

- 2.2 The premises currently have the benefit of a Premises Licence issued under the Licensing Act 2003 for the following activities:

Sale by retail of alcohol	
Every Day	07:00 – 23:00

A copy of the existing licence (including all conditions) is attached at Appendix A.

## **3.0 The Application**

- 3.1 The applicant is Sainsbury's Supermarkets Limited,
- 3.2 The location of the premises can be found on the map attached as Appendix B.
- 3.3 A copy of the application and operating schedule are attached as Appendix C to this report. For the assistance of members, the Operating Schedule shows:
- 3.4 Proposed licensable activities

Sale by retail of alcohol
Provision of late night refreshment

### 3.5 Proposed hours of licensable activities

The proposed hours of licensable activities are as follows:

Sale by retail of alcohol Every Day	00:00 - 23:59
Provision of late night refreshment Every Day	23:00 - 05:00

### 3.6 Proposed times when the premises is open to the public

The premises propose to open to the public between the following hours

Everyday	00:00 - 23:59
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### 3.7 Steps to promote the licensing objectives

The applicant does not propose any further steps in section "P" of the application form to promote the licensing objectives.

### 3.8 Designated Premises Supervisor

Joanne Brown is nominated as the Designated Premises Supervisor.

## 4.0 **Relevant Representations**

4.1 Under the Act representations can be received from responsible authorities or interested parties. Representations must be relevant and, in the case of an interested party, must not be frivolous or vexatious.

- Environmental Health

Members are invited to consider Appendix D of this report.

4.2 Representations have been received from interested parties. Members are invited to consider Appendix E of this report.

## 5.0 **Matters Relevant to the Application**

5.1 Members of the Licensing Sub Committee must make decisions with a view to promoting the licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

5.2 In the making of their decision Members are obliged to have regard to the national guidance and the council's licensing policy. Members will be aware they must also have regard to the relevant representations made and evidence they hear.

5.3 Members should note that these premises fall within a Cumulative Impact Area. The Cumulative Impact Policy for this area reads as follows:

It is the council's policy, on receipt of relevant representations, to refuse applications in Area 2 for premises which are predominantly 'alcohol-led'. It is also the council's policy to refuse applications to materially extend the opening hours of any licensed premise within the area.

In addition it is also the council's policy on receipt of relevant representations to refuse applications for new premises seeking a licence to provide hot food between 11.00 pm and 5.00 am where the food is purchased to take away from the premises as opposed to premises where the food is to be consumed on the premises and whilst patrons are seated at tables provided for that purpose.

## 6.0 Options available to members

6.1 The licensing sub-committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- Grant the variation application as requested.
- Grant the variation application whilst modifying the conditions of the licence.
- Reject the whole or part of the variation application.

6.2 Members of the Licensing sub committee 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 necessary in order to promote the licensing objectives.

## Background Papers

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

# Premises Licence

## Public Register Copy

Premises Licence Number:

Initial licence issued from:

Current licence effective from:

**APPENDIX A**  
**24th November 2005**

**7th June 2010**

**Premises Address:** Sainsbury's Supermarkets Limited, 70 - 74 Brudenell Road,  
Headingley, Leeds, LS6 1EG

**Licensable activities authorised by this licence:** Sale by retail of alcohol,

### Times for licensable activities

Sale by retail of alcohol  
Every Day 07:00 - 23:00

### Opening hours of premises

Everyday 00:00 - 23:59

**Alcohol sales are permitted for consumption off the premises**

**Premises Licence Holder(s):** Sainsbury's Supermarkets Limited, 33 Holborn,  
London, EC1N 2HT

**Registered number of holder(s):** 03261722

**Designated Premises supervisor:** Joanne Brown

**Access to the premises by children is unrestricted.**  
**Detailed in full on Part A of this licence.**

Licence Issued under the authority of:

**N** Jackson.  
**25**

T N Jackson  
Assistant Chief Executive  
(Corporate Governance)

Licence produced on 04/08/2010



## **Annex 1 – Mandatory conditions**

1. No supply of alcohol may be made under this licence
  - a. At a time when there is no designated premises supervisor in respect of the premises licence, or
  - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### **Embedded restrictions attached to the licence by virtue of grandfather rights.**

3. None

## **Annex 2 – Conditions consistent with the Operating Schedule**

### **Additional details in respect of Licensable Activities authorised by this licence**

#### **4. Sale by retail of alcohol**

Seasonal Variations:

Non Standard Timings:

None Defined

#### **5. Concerns in respect of children**

None Defined

### **Conditions consistent with the operating schedule relating to the licensing objectives**

#### **General – All four licensing objectives**

None

#### **The prevention of crime and disorder**

#### **Conditions Consistent with the Operating Schedule**

#### **CCTV**

6. A CCTV system will be installed, or the existing system maintained! such system to be fit for the purpose.
7. The system will incorporate a camera covering each of the entrance doors and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
8. The system will incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.

9. The system will display on any recording the correct time and date of the recording.
10. A system will be in place to maintain the quality of the recorded image.

**Public safety**

**Conditions Consistent with the Operating Schedule**

11. The applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.

**The prevention of public nuisance**

**Conditions Consistent with the Operating Schedule**

12. Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

**The protection of children from harm**

**Condition as Amended and Agreed with West Yorkshire Police**

13. The licence holder shall ensure that all cashiers are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 21 years (or older if the licence holder so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All cashiers will be instructed, through training, that a sale shall not be made unless this evidence is produced.

**Annex 3 – Conditions attached after a hearing by the licensing authority**

**General – all four licensing objectives**

None

**The prevention of crime and disorder**

None

**Public safety**

None

**The prevention of public nuisance**

None

**The protection of children from harm**

None

**Annex 4 - Plans**

The plans for these premises are as those submitted with the application. A copy of which is held by Leeds City Council Licensing Authority.

Numbered; 4736G01-1.



**Leeds City Council**  
Entertainment Licensing

**Variation to a premises licence PREM/00560/V04**

**Sainsbury's Supermarkets Limited, 70 - 74 Brudenell Road, Headingley,**



Miles 0.005 0.01 0.015 0.02 0.025 0.03 0.035 0.04

This map is based upon the Ordnance Survey's Digital Data with the Permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office

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<b>Date:</b>	23 September 2010
<b>Scale:</b>	1:427



## Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST **SCANNED**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We Sainsbury's Supermarkets Limited  
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

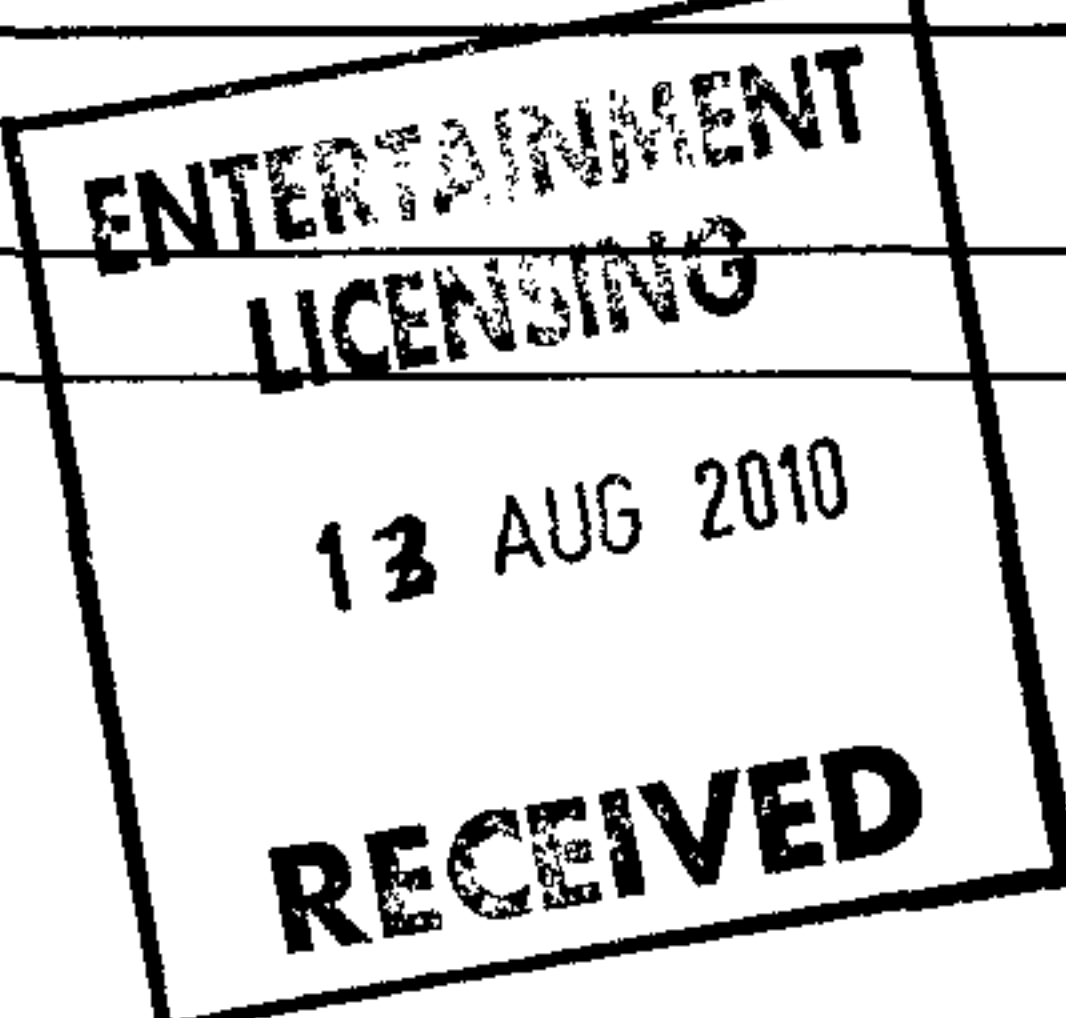
<b>Premises licence number</b> PREM/00560/VOA
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### Part 1 – Premises Details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Sainsbury's Supermarkets Limited 70-74 Brudenell Road Headingley			
<b>Post town</b>	Leeds	<b>Post code</b>	LS6 1EG

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£21,250

### Part 2 – Applicant details

<b>Daytime contact telephone number</b>	020 7695 4000		
<b>E-mail address (optional)</b>			
<b>Current postal address if different from premises address</b>	33 Holborn All correspondence to: Winckworth Sherwood LLP (Ref: DXC/26508/974/RPB) Minerva House 5 Montague Close London SE1 9BB		
<b>Post Town</b>	London	<b>Postcode</b>	EC1N 2HT

**Part 3 - Variation**

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day Month Year

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**Please describe briefly the nature of the proposed variation (Please see guidance note 1)**

A supermarket selling a broad range of groceries, household products and alcohol. Situated at 70-74 Brudenell Road, Headingley, Leeds, LS6 1EG

1. Extension of the hours for the sale of alcohol to 24 hours a day 7 days a week.
2. To include late night refreshment between the hours of 2300 and 0500 7 days a week.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

##### Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					



**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Tue					
			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					



F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Wed			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment you will be providing</u></b>		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>			
			<b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)			Indoors
			Outdoors			<input type="checkbox"/>
			Both			<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Mon						
Tue			<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)			
Wed						
Thur			<b><u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)			
Fri						
Sat						
Sun						



J

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b><u>Will the facilities for dancing be indoors or outdoors or both – please tick</u></b> (see guidance note 2)	Indoors <input type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
			<b><u>Please give a description of the facilities for dancing you will be providing</u></b>		
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for providing dancing facilities</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

K

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<b>Will the entertainment facility be indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon	0000	0500	The provision will take place inside the premises but customers may leave the premises with items purchased.		
	2300	2400			
Tue	0000	0500			
	2300	2400			
Wed	0000	0500	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
	2300	2400			
Thur	0000	0500	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5)		
	2300	2400			
Fri	0000	0500			
	2300	2400			
Sat	0000	0500			
	2300	2400			
Sun	0000	0500			
	2300	2400			

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption</b> (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 4)		
Mon	0000	2400			
Tue	0000	2400			
Wed	0000	2400			
Thur	0000	2400			
Fri	0000	2400			
Sat	0000	2400			
Sun	0000	2400			
			<b><u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		

**N**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 8)

The premises sell alcohol and other age restricted products.



<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	0000	2400	
Tue	0000	2400	
Wed	0000	2400	
Thur	0000	2400	
Fri	0000	2400	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)  The applicant may elect not to open the store, or part(s) of the store, 24 hours a day every day but requires the flexibility to do so subject to statutory or operational restrictions.
Sat	0000	2400	
Sun	0000	2400	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

1. The hours for the sale of alcohol are currently restricted to:

Monday to Sunday: 0700 to 2300

The above restrictions would be removed as a consequence of the proposed variation.

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

**P** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

The existing conditions on the licence are to remain unchanged.

**b) The prevention of crime and disorder**

**c) Public safety**

**d) The prevention of public nuisance**

**e) The protection of children from harm**

**Please tick yes**

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.**

Signature	<i>W. Newman Steward</i>
Date	12 August 2010
Capacity	Solicitors duly authorised on behalf of the Applicant

**Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)</b>			
DXC/26508/974/RPB Winckworth Sherwood LLP Minerva House 5 Montague Close			
<b>Post town</b>	London	<b>Post code</b>	SE1 9BB
<b>Telephone number (if any)</b>	020 7593 0234		
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>			
dcrawford@wslaw.co.uk			

### Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.





DXC/26508/974/RPB  
Winckworth Sherwood LLP  
Minerva House  
5 Montague Close  
London  
SE1 9BB



**Environmental Protection Team**  
Leeds City Council  
Kent Road  
Pudsey  
Leeds  
LS28 9BN

Contact: Ms Claire Simms  
Tel: 0113 214 6247  
Fax: 0113 214 6250  
claire.simms@leeds.gov.uk  
Your reference:  
Our reference: PREM/00403  
Date: 3<sup>rd</sup> September 2010

Dear Sir/Madam

## LICENSING ACT 2003

APPLICATION FOR VARIATION OF PREMISES LICENCE: Sainsbury Supermarkets Limited, 70 – 74 Brudnell Road, Headingley, Leeds, LS6 1EG

### This letter constitutes a full objection

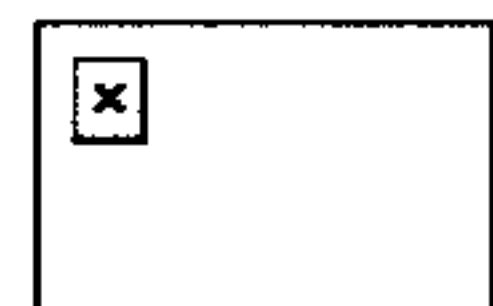
I refer to your application dated 12<sup>th</sup> August 2010 (received by this office on the 13<sup>th</sup> August 2010) in respect of the above premises.

The application premises are located on Brudnell Road. The premises are located on the end of a row of mixed use commercial and residential. The application premises have a flat above which I understand is not linked to the business. An increase in the extension of the hours for sale of alcohol to 24 hours a day, 7 days a week to include late night refreshment between the hours of 23:00 hours and 05:00 hours 7 days a week, could affect the occupants.

The next door hot food takeaway (68 Brudnell Road) also has an unlinked residential flat above. It is likely that this premises would also be affected. Further residential properties are situated directly in front and next to the applicant's premises.

Given that there are residential flats situated directly above and adjacent to the application premises, this Department fully objects to the proposed extension of hours for the sale of alcohol and late night refreshments as this could generate noise nuisance complaints from the residents from the following sources of noise:

- from customers coming and going from the premises;
- customers congregating outside;
- the arrival and departure of vehicles, the slamming of car doors, car stereos, revving of engines etc.





The problem could be exacerbated especially during the summer season as the residents would have their windows open for ventilation purposes.

In view of these concerns, it is recommended that this application be refused as the applicant would not be able to exercise any controls as set out in the operating schedule from the above-mentioned sources of noise and thereby would fail to meet the licensing objective in preventing public nuisance.

Should you have any questions about this letter, please do not hesitate to contact the above telephone number

Yours faithfully

Ms Claire Simms  
Technical Officer

**Glover, Barry**

**From:** Monaghan, Cllr James  
**Sent:** 16 August 2010 16:52  
**To:** Entertainment Licensing  
**Cc:** Matthews, Jamie; Hamilton, Cllr Martin  
**Subject:** Sainsbury's Supermarkets Limited, 70-74 Brudenell Road, Headingley, Leeds, LS6 1EG

Dear Licensing Officers and Panel,

I am writing to strongly object to the proposals submitted by Sainsbury's Supermarkets Limited to serve alcohol for 24 hours a day at 70-74 Brudenell Road, Headingley, Leeds, LS6 1EG. This follows fast on the heels from their recent permission to operate for 24 hours a day (excluding licensable activities) that all 3 ward councillors objected to (unfortunately due to a clerical error by the licensing team our objections arrived after the application had been granted).

Regarding the current application, I am objecting in my capacity as a ward member for several reasons. Firstly, this is a predominantly residential area with housing opposite, behind, adjacent and most importantly directly above the premises. 24 hour operation will have a significant impact on these residents already, and alcohol operation no matter how well managed in store will absolutely have an effect on those living in the direct vicinity from noise, disorder and other nuisance.

From experience of the Co-op, which has a 24 hour alcohol license in the area we know that there is a high volume of private hire vehicles dropping off people at all hours causing noise and traffic nuisance to residents. Plus there are large numbers of people that visit the store in the early hours who are already in a state of drink and are noisy, disruptive and in some cases disorderly to the point of committing crime. We would expect this to be the same if Sainsbury's were to receive a 24 hour alcohol license. This would be bad enough on an self contained out of the way site, but in a built-up residential area and when there are people living directly next to and above the premises it makes it completely unacceptable.

Those who do live above and in the direct vicinity will not be unlikely or unable to object because it is quite likely they are students and will not be back in Leeds until after this application has been heard. And although the majority of those that live nearby will be students that does not mean all nearby residents are students and it does not mean that they should be treated any differently to any other resident and be afforded a quiet night when they want one.

We already know the correlation between groups of drunk young people being in an area late at night and the effect this has on the crime figures. It is why we have the Cumulative Impact Policy in central Headingley, and why given the success of this initiative we are planning to extend it to this very area of Hyde Park in Headingley ward. 24 hour alcohol license would give people a reason to be out and about in this area late at night or early in the morning where in the past there has been no reason to be there.

I believe that granting Sainsbury's a 24 hour alcohol license will go against the licensing objectives and add to disorder in the area; at best through increased noise nuisance and anti social drunken behaviour to at worst disorder and criminal offences.

For this reason I urge the licensing panel to refuse the application even if the applicant can provide assurances that they are capable of managing the store internally, as they will not be able to control those people outside the store.

I would also urge the panel to consider the emerging licensing policy in regard

17/08/2010

to the redefined Cumulative Impact Policy.

Cllr James Monaghan  
Headingley ward

--  
Cllr James Monaghan  
Headingley ward

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**O'Brien, Victoria**

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**From:** Matthews, Jamie  
**Sent:** 17 August 2010 15:51  
**To:** O'Brien, Victoria  
**Subject:** RE: Minor Variation Application

Please can I object to the 24-hour alcohol license at Sainsburys on Brudenell Road.

The reasons for this are the same as Councillor Monaghan who has previously contacted you:

This application follows fast on the heels from their recent permission to operate for 24 hours a day (excluding licensable activities) that all 3 ward councillors objected to (unfortunately due to a clerical error by the licensing team our objections arrived after the application had been granted).

Regarding the current application, I am objecting in my capacity as a ward member for several reasons. Firstly, this is a predominantly residential area with housing opposite, behind, adjacent and most importantly directly above the premises. 24 hour operation will have a significant impact on these residents already, and alcohol operation no matter how well managed in store will absolutely have an effect on those living in the direct vicinity from noise, disorder and other nuisance.

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I believe that granting Sainsbury's a 24 hour alcohol license will go against the licensing objectives and add to disorder in the area; at best through increased noise nuisance and anti social drunken behaviour to at worst disorder and criminal offences.

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I would also urge the panel to consider the emerging licensing policy in regard to the redefined Cumulative Impact Policy.

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**From:** O'Brien, Victoria  
**Sent:** 17 August 2010 13:33  
**To:** Matthews, Jamie  
**Subject:** RE: Minor Variation Application

17/08/2010