

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Monday 30th January 2012

Subject: Application to vary a premises licence held by Nisa Malvern Beeston Road, Beeston, Leeds, LS11 8ND

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Beeston & Holbeck	
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 held by Nisa Malvern Beeston Road, Beeston, Leeds, LS11 8ND

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

The Premises was previously known as The Malvern and operated as a public house with the facility to provide alcohol for consumption both off and on the premise. The licence also provided the facilities for entertainment and late night refreshment.

This application has been received in order to vary the licence to remove the facilities of entertainment, late night refreshment and to vary the supply of alcohol for consumption off the premise only. All conditions in relation to the removed activities, have been requested to also be removed and replaced with those offered at section P of the application.

It is the applicants intention to open the premise from 07:30 for the sale of alcohol. The Premise is currently licensed from 10:00 for all licensable activities Monday to Saturday and 12:00 on Sunday.

The variation application has attracted representation from Councillor's and the Environmental Protection team, recognised as a responsible authority under the Licensing Act 2003.

1.0 Purpose of this Report

- 1.1 To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") for 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.

2.0 History of Premises

The Premise currently benefits from a Premise Licence granted under the Licensing Act 2003. The application to convert and vary was granted at the Licensing sub committee on 30th September 2005. The application did attract representations which were subsequently agreed and the application was granted as applied for with the addition of certain conditions.

From the date of Grant to the present time a number of applications have been received to vary the Designated Premise Supervisor or Transfer the Licence, all of which were successful and no representations were received.

A Transfer and Designated Premise Supervisor application was received on 7th December 2011 which was granted with immediate effect as no representations were received. Therefore, the premise is now under new management, hence the need to vary the original licence.

- 2.1 A copy of the existing licence is attached at Appendix **A**

3.0 The Application

- 3.1 The applicant is Jiten Patel
- 3.2 The application form may be found at Appendix **B** to this report.
- 3.3 In summary the application is for

Supply of alcohol for consumption off the Premise:

Monday to Saturday	07:30 – 00:00
Sunday	07:30 – 23:00

Times when the Premises will be open to the public:

Monday to Saturday	07:30 – 00:30
Sunday	07:30 – 23:30

4.0 Other matters relevant to the application

4.1 It is brought to Members attention that it is the applicants intention to remove all conditions both embedded and agreed to be replaced with those at page 19 of the application.

4.2 Equality and Diversity / Cohesion and Integration

4.3 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub-Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

5.0 Steps to promote the Licensing Objectives

The applicant proposes to take specific steps to promote the licensing objectives identified in section P of the application form

6.0 Location

6.1 A map which identifies the location of this premise is attached at Appendix C.

7.0 Representations

7.1 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.

7.2 Representations from Responsible Authorities

7.2.1 Environmental Protection Team

An objection has been received from the Environmental Protection Team to which no agreement has been reached. Members attention is drawn to Appendix D

7.3 Representations from Interested parties

7.3.1 The application has attracted representations from interested parties.

The Licensing Section is in receipt of two objections received from local Councillor's both with regards to the opening hours of the premises which may lead to Public Nuisance to local residents. Members attention is drawn to Appendix E.

8.0 Options Available to Members

8.1 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 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.

8.2 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.

9.0 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy
- Representations received from Interested Parties