

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Monday 28th May 2012

Subject: Application for the Variation of a Premises Licence for Co-op, 433 Spen Lane, West Park, Leeds, LS16 6JE

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Weetwood	
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 the Premises Licence held by Co-op at 433 Spen Lane, West Park, Leeds, LS16 6JE.

The application is made in respect of a convenience store and off licence proposing an extension to the hours for Sale by Retail of Alcohol. The hours applied for are noted at 3.3.1 of this report.

The original application was adjourned at hearing on the 16th April 2012. Members felt that agreements could be reached with the Relevant Authorities following further discussion.

The request to adjourn the hearing was not opposed by any party in attendance and Members therefore resolved to defer the application on the grounds detailed at 4.1 of this report.

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

The application has attracted an outright representation from the Environmental Protection Team, with further representation on behalf of local residents.

Recommendations

The Committee is asked to:

1. consider the application and any relevant representations; and
2. take any of the steps detailed at 8.1 they consider necessary for the promotion of the Licensing Objectives.

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

- 2.1 An application to convert the existing Justices' Off Licence into a Premises Licence was received by the Licensing Authority on 6th July 2005.
- 2.2 No representations were received in respect of this application and a Premises Licence was duly granted as requested.
- 2.3 A copy of the existing licence is attached at Appendix A of this report.

3.0 The Application

- 3.1 The applicant is Co-operative Group Food Ltd.
- 3.2 The application form may be found at Appendix B of this report.
- 3.3 In summary the application is for:
 - 3.3.1 Sale by Retail of Alcohol (for consumption off the premises)
06:00 until 23:00 hrs Monday to Sunday
 - 3.3.2 Time when the premises will be open to the public:
06:00 until 23:00 hrs Monday to Sunday
 - 3.3.3 Non Standard Timings:
No non standard timings for bank holidays or special occasion are proposed.

4.0 Other matters relevant to the application

4.1 Adjournment

- 4.1.1 The initial hearing to determine this application was scheduled for Monday 16th April 2012.

The hearing was adjourned pursuant to regulation 12 of the Licensing Act 2003 (Hearings) regulations 2005, as it was necessary for further consultation between the applicant' representative and the Environmental Protection Team.

In particular whilst listening to the representations made on behalf of the Environmental Protection Team, members felt that further discussions were necessary.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 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

- 5.1 The application proposes to take the steps identified in section "P" of the application form to promote the licensing objectives.

6.0 Location

- 6.1 A map identifying the location of these premises 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 An outright representation has been received from the Environmental Protection Team in their capacity as a Responsible Authority. Member's attention is drawn to Appendix D of this report.

7.3 Representations from Interested parties

- 7.3.1 The application has attracted representation from Interested Parties.
- 7.3.2 The Licensing Section is in receipt of a representation submitted by a local resident who resides in newly built flats adjacent to the premises. The author has included several neighbours in the representation at their request.

There are concerns over the noise and nuisance from customers using the premises and that this will become more prominent, including the assumption that, if granted, the variation would imply earlier deliveries to the premises. The representation also refers to making alcohol more available to alcohol dependant people living in the area.

7.3.3 A copy of the above representation will be available at the hearing for Members consideration.

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;
- 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