

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: 16 July 2012

Subject: Application to vary a premises licence held by Pizza Bella 32 Market Place, Wetherby, Leeds, LS22 6NE

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Wetherby	
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 Pizza Bella 32 Market Place, Wetherby, Leeds, LS22 6NE

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

The application has attracted representation from other persons namely Wetherby Town Council and the Ward Councillor.

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

- 2.1 The applicant made an application for a premises licence to provide late night refreshment which was granted on the 21st January 2006. The applicants made an application to include the sale of alcohol for off sales only on the 8th April 2008 this application was deemed invalid due to the applicants not advertising correctly in the local press. The applicants submitted another application in April 2008 which attracted representations from responsible authorities although agreements were reached with the responsible authorities the representations remained outstanding from the other persons. The application was heard before the sub-committee on the 2nd June 2008 the application was refused.
- 2.2 A copy of the existing licence is attached at Appendix **A**

3.0 The Application

- 3.1 The applicant is Altin Ltd.,
- 3.2 The application form may be found at Appendix **B** to this report.
- 3.3 In summary the application is for:
- 3.4 Sale of Alcohol
 - Sunday to Thursday
 - 17:00 – 00:00
 - Friday and Saturday
 - 17:00 – 00:30

4.0 Other matters relevant to the application

- 4.1 The applicants wishes to sell alcohol by way of pre-ordered home deliveries with a delivery of hot food only. The applicant does not wish to sell alcohol over the counter.
- 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

5.1 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 other persons. 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 There have been no representations from responsible authorities.

7.3 Representations from other persons

7.3.1 There is a representation from other persons

7.3.2 The application has received a representation from Wetherby Town Council and the Ward Councillor.

7.3.3 The representation from the Ward Councillor has subsequently been withdrawn on the grounds that the sale of alcohol is with pre-ordered deliveries and not over the counter.

7.3.4 The representation submitted by Wetherby Town Council remains as a matter for Members consideration. A copy of the same may be found at Appendix **D**

7.3.5 Options Available to Members

7.4 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.

7.5 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.

8.0 Background Papers

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