

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: Monday 28th September 2020

Subject: Application to vary a premises licence held by Tesco, 11 Long Meadow Gate, Garforth, Leeds, LS25 2BX

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| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Garforth & Swillington | | |
| 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? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Summary of Main Issues

This is an application to vary a premises licence, made by Tesco Stores Ltd, for Tesco 11 Long Meadow Gate, Garforth, Leeds, LS25 2BX

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

Responsible authorities and Ward Members have been notified of this application. The application has attracted representations from members of the public who reside in close proximity to the premises.

The Ward Councillor for this area has also expressed concerns regarding noise nuisance. Residents have expressed concerns due to noise nuisance emanating from the premises and in particular noise created by deliveries to the premises. The ward councillor will be representing local residents at the hearing.

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 The premises has benefitted from a premises licence for a number of years. The original licence was granted through grandfather rights when the Licensing Act was first implemented back in 2005.
- 2.2 An application was received to transfer the licence in 2013 and the store then operated for a number of years as a One Stop Store.
- 2.3 In January 2020 an application was received by the licensing authority to Transfer the licence to Tesco Stores Ltd.
- 2.4 The premises currently benefits from the following licensable activity:

Sale of alcohol for consumption off the premises:

Monday to Saturday: 08:00 – 23:00
Sunday: 10:00 – 22:30

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

3 The Application

- 3.1 The applicant is Tesco Stores Ltd
- 3.2 Originally, the application was to:
- To increase the sale of alcohol for consumption Off the premises
Monday to Sunday: 06:00 - 00:00;
 - To remove all embedded restrictions on the licence; and
 - To update the approved layout of the store in accordance with the plan submitted with the application.
- 3.3 A copy of the redacted application form is attached at **Appendix B**
- 3.4 The applicant proposes to promote the licensing objectives by taking the steps identified in Part M of the application.

3.5 On receipt of public representations to this application, a representative of Tesco has contacted the licensing authority offering to revise the application by reducing the terminal hour applied for, resulting in the withdrawal of a single rep.

3.6 Therefore the variation application is now for the following:

- To increase the sale of alcohol for consumption Off the premises
Monday to Sunday: 06:00 - 23:00;
- To remove all embedded restrictions on the licence; and
- To update the approved layout of the store in accordance with the plan submitted with the application.

3.7 A copy of the e-mail detailing the change to the operating schedule can be found at **Appendix C**.

4 Location

4.1 A map which identifies the location of these premises is attached at **Appendix D**.

5 Representations

5.1 Under the Act representations can be received from anyone but must be relevant and, in the case of members of the public, must not be frivolous or vexatious.

Representations from Responsible Authorities

5.2 There have been no representations from responsible authorities.

Other representations

5.3 The application has attracted representations from a local ward councillor and members of the public (described as 'other persons' in the legislation).

5.4 Entertainment Licensing is in receipt of eight outstanding individual letters of objection from residents expressing concerns under the prevention of public nuisance licensing objective. In particular, the noise created from deliveries which occurs out of the premises permitted planning hours and the noise from the delivery lorries, as they manoeuvre in and out of the car park. A number of residents feel that the impact from noise, excessive light and pollution from exhaust fumes has a detrimental impact on the area.

5.5 In order to protect personal data, redacted copies of the representations are attached at **Appendix E**. Original copies will be available at the hearing for Members consideration.

5.6 A local ward councillor has indicated to the Licensing Authority he will be representing the views of local residents at the hearing.

6.0 Licensing Hours

- 6.1 Members are directed to paragraphs 6.6 to 6.13 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.
- 6.2 In brief the Policy states at 6.12 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.
- 6.3 A list of premises in the local area and their licensed hours and activities is provided at **Appendix F**.

7 Equality and Diversity Implications

- 7.1 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.

8 Options Available to Members

- 8.1 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.
- 8.2 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 and relevant to the application.

9 Background Papers

Guidance issued under s182 Licensing Act 2003
Statement of Licensing Policy