

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: 1st June 2021

Subject: Application to vary a premises licence held by Costcutters 3 - 5 Blenheim View, Leeds, LS2 9QA

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):		
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 made by Mr Thangarasa Yogarasa, for Costcutters, 3 - 5 Blenheim View, Leeds, LS2 9QA.

The application is made to amend the operating schedule to extend the time of alcohol sales to 00:00 – 23:59 every day and to include late night refreshment from 23:00 to 05:00 every day.

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

The application has attracted a representation from the Environmental Protection Team, which suggests measures aimed at promoting the prevention of public nuisance licensing objective.

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 October 2016: The Licensing Authority received the first premises license application. The application proposed sale by retail of alcohol, Monday to Sunday 07:00 to 22:00 hours. The application was granted as applied for.
- 2.2 October 2020: An application to transfer the premises license holder was received by the Licensing Authority. The application proposed Mr Thangarasa Yogarasa as the premises license holder and without attracting representation from West Yorkshire Police, the application was granted as requested.
- 2.3 A copy of the existing licence is attached at **Appendix A**.

3 The application

- 3.1 The applicant is Mr Thangarasa Yogarasa.
- 3.2 Briefly the application is to:
 - The application proposes to increase the hours for sale of alcohol from the current timings, Monday to Sunday 07:00 – 22:00, to Monday to Sunday 00:00 – 23:59.
 - In addition to the increased hours for alcohol sales, the application proposes to add the activity of late night refreshment Monday to Sunday 23:00 to 05:00.
- 3.3 A copy of the redacted application form is attached at **Appendix B**.
- 3.3 The applicant proposes to promote the licensing objectives by taking the additional steps identified under Section M of the application form.

4 Location

- 4.1 A map which identifies the location of this premises is attached at **Appendix C**.

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 A representation has been received from Leeds City Council Environmental Protection Team in their capacity as a responsible authority.
- 5.3 The representation by the Environmental Protection Team offers two conditions to promote the prevention of public nuisance licensing objective. Such conditions aim to reduce the hours of proposed licensable activities and also to add a measure preventing noise nuisance during the use of plant and machinery.
- 5.4 Without an agreement being reached to the measures suggested, this remains a matter outstanding for the Licensing Sub Committee's consider and a copy of the representation may be found at **Appendix D**.

Other representations

- 5.5 There are no other representations.

6 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 E**.

7 Equality and diversity implications

- 10.1 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