

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: 27th July 2021

Subject: Application to vary a premises licence held by Londis 249 Low Lane, Horsforth, Leeds, LS18 5NY

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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 Kanthasamy Senthuran, for Londis 249 Low Lane, Horsforth, Leeds, LS18 5NY.

The hearing to consider this application was originally scheduled for the 23rd June 2021. Further to a request from the applicant's agent however it has been deferred.

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

The application has attracted representations from other persons and/or responsible authorities.

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 were granted a premises licence in April 2019 for the sale of alcohol for consumption off the premises, every day between the hours of 06:00 and 23:00. On the 16th February 2021, an application was received for both the transfer of the licence and change of dps, to Kanthasamy Senthuran.
- 2.2 The full variation was received in the licensing office on the 27th April 2021.
- 2.3 A copy of the existing licence is attached at Appendix A.

3 The application

- 3.1 The applicant is Kanthasamy Senthuran,
- 3.2 Briefly the application was to:
 - Extend the hours for the sale of alcohol and the hours of opening to 24 hours, also add the activity of late night refreshment, as the premises has a Costa coffee machine. Between the hours of midnight and 05:00, all sales will be via a hatch.
 - Remove and replace all current non mandatory conditions, except public nuisance conditions, these will remain the same as currently on the premises licence. The applicant also proposes a further new condition namely: staff to monitor outside the shop to check that youths aren't congregating causing a nuisance.
 - The applicant's agent has since informed the Licensing Authority and the objectors to the application, that a decision has been made to reduce the hours applied for the sale of alcohol, to Sunday to Thursday 06:00 until midnight and Friday & Saturday 06:00 until 01:00 and late night refreshment Sunday to Thursday 23:00 until midnight and Friday & Saturday 23:00 until 01:00.
 - The application submitted for 24 hours, included reference to a serving hatch being used after 11pm. This was proposed with good intentions, but with the reduction of hours, the applicant deems that the serving hatch is not appropriate or necessary, and proposes to amend this so that customers continue going inside the shop after 11pm for their purchases.
- 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 additional steps identified in section 16 of the application form, a copy of the same is attached at Appendix B.

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.
- 5.2 A representation has been received from The Environmental Protection Team in their capacity as a responsible authority. A copy of the representation may be found at Appendix D.

Other representations

- 5.3 The application has attracted representations from members of the public (described as 'other persons' in the legislation).
- 5.4 Entertainment Licensing is in receipt of a letter of representation from Horsforth Town Council, who are opposed to the application on the grounds of public nuisance. In order to protect personal data, a redacted copy of the representation is attached at Appendix E.

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 F.

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