

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday 31st August 2021

Subject: Application for the grant of a premises licence for Calverley News, 60 Woodhall Road, Calverley, Pudsey, LS28 5PP

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Calverley & Farsley		
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 for the grant of a premises licence made by Mr Nilesh Mistry, for Calverley News, 60 Woodhall Road, Calverley, Pudsey, LS28 5PP.

These premises operate as a general convenience store that currently hold a Premises Licence for off sales only.

The applicant's intention is to continue operating as a convenience store, but with the additional facility to provide alcohol sales to be consumed in an outdoor seating area shown on the plan accompanying the application. The outside seating area will be serviced by mobile catering units parked adjacent to the premises.

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

The application has attracted representations from a local ward member and members of the public, which remain a matter outstanding for Members' consideration.

1 Purpose of this report

- 1.1 To advise Members of an application made under Section 17 of the Licensing Act 2003 ("the Act") for a new 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 the premises

- 2.1 Although this is an application for the grant of a new licence, these premises do have the benefit of a Premises Licence, held since the introduction of the Licensing Act 2003 when the licence holder, at the time, applied to convert the existing Justices' Off Licence. The application was duly granted as requested.
- 2.2 Applications to transfer the Premises Licence and to vary the Designated Premises Supervisor (DPS) to the current individual, Mr Nilesh Mistry, was received by the Licensing Authority in November 2008. Neither application attracted representation from West Yorkshire Police and they both were granted with immediate effect.
- 2.3 The licensable activities/hours that the premises can currently operate in accordance with are as follows

Sale by retail of alcohol

Monday - Sunday: 07:00 - 22:00

3 The application

- 3.1 The applicant's name is Mr Nilesh Mistry.
- 3.2 The proposed designated premises supervisor is Mr Nilesh Mistry
- 3.3 In summary, the application is for:

Sale by retail of alcohol

Monday - Friday: 08:00 - 21:00

Saturday: 09:00 - 21:00

Sunday: 09:00 - 13:00

Non standard timings

No non-standard timings for bank holidays or special occasions are proposed.

- 3.4 A redacted version of the application has been attached at Appendix A.
- 3.5 The applicant proposes to promote the licensing objectives by taking the steps identified Section M of the application and the proforma risk assessment, which 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 they must be relevant and, in the case of a member 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 licensing authority is in receipt of representations from a local ward councillor and four individual objections on behalf of local residents, all of which are opposed to this application primarily on the grounds of public safety and public nuisance.
- 5.4 A copy of the representation submitted by the local ward councillor is available at Appendix D of the report.
- 5.5 Three of the representations that have been received from members of the public have expressed concern that they may be at risk of retribution should their details be made public. As such their personal details have been redacted and they have remained anonymous throughout the full process. For this reason, despite their strength of feeling they will not be attending the hearing and would like their written representations to be considered fully in their absence.
- 5.6 In order to protect personal data, redacted copies of the representations from local residents are attached at Appendix E. Original copies will be provided to Members of the Licensing Sub Committee in advance of the hearing.

6 Licensing hours

- 6.1 Members are directed to paragraphs 6.6 to 6.13 of 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.
- 6.3 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 adversely impact on the licensing objectives.
- 6.4 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 application as requested.
- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Refuse to specify the said person as the designated premises supervisor.
- Reject the whole or part of the application.

8.2 Members of the Licensing Sub Committee are asked to note that they may not reject the whole or part of the application merely because they consider it desirable to do so. It must be appropriate in order to promote the licensing objectives.

9 Background papers

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