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Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: 11th October 2022

Subject: Application to vary a premises licence held by Grocery Store, 206 Woodhouse Lane, Woodhouse, Leeds, LS2 9DX

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Little London & Woodhouse		
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 Sarwat Abdulla Omar, for Grocery Store, 206 Woodhouse Lane, Woodhouse, Leeds, LS2 9DX.

Currently, the premises operates every day for the sale by retail of alcohol for consumption off the premises, 09:00 - 22:00. The applicant has applied to extend these hours to 00:00 - 23:59.

The application is also sought to include a service hatch as identified on the plans submitted with the application. This will be in use between 00:00 - 06:00.

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

The application has attracted representations from the Environmental Protection Team & West Yorkshire Police. Agreements between the police and the applicant have been reached prior to the hearing, and consequently their representation is withdrawn. The representation from the Environmental Protection Team remains a matter outstanding for member's consideration.

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 Licensing authority received a new application for a premises licence in October 2020. The applicant applied for the following:

Sale by retail of alcohol, Every day 09:00 – 22:00 (for consumption off the premises).

- 2.2 There were no representations received, therefore the licence was granted as applied for.
- 2.3 A copy of the existing licence is attached at Appendix A.

3 The application

- 3.1 The applicant is Mr Sarwat Abdulla Omar.

- 3.2 Briefly the application is to:

- To extend the sale by retail of alcohol hours to 00:00 – 23:59 (24 hours).
- To include a service hatch as identified on the submitted plans.

- 3.3 The applicant proposes to promote the licensing objectives by taking the additional steps identified at section M of the application form. A copy of this document can be found at Appendix B.

- 3.4 A map which identifies the location of the premises is attached at Appendix C.

4 Representations

- 4.1 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

- 4.2 Representations have been received from West Yorkshire Police in their capacity as a responsible authority. Any representation may be negotiated prior to the hearing and in this instance, agreements have been reached between the applicant and the police. Consequently the representation has been withdrawn and a copy of the agreed conditions may be found at Appendix D.

4.3 The Licensing Authority has also received an outright representation from the Environmental Protection Team in their capacity as a responsible authority. This representation remains outstanding and a matter for member's consideration. A copy of the representation can be found at Appendix E.

5 Licensing hours

5.1 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.

5.2 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.

5.3 A list of premises in the local area and their licensed hours and activities is provided at appendix F.

6 Equality and diversity implications

6.1 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.

7 Options available to Members

7.1 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.
- Reject the whole or part of the application.

7.2 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.

8 Background papers

- Guidance issued under s182 Licensing Act 2003
- Statement of Licensing Policy