

**Report of the Chief Officer Elections and Regulatory**

**Report to Licensing Sub Committee**

**Date: Tuesday, 30th May 2023**

**Subject: Application to Vary a Premises Licence held by Budgens Garforth,  
47 – 49 Main Street, Garforth, Leeds, LS25 1DS**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): 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?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: 9.2(b) and 10.4(2). Appendix G is exempt under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005 No. 44)		

**Summary of Main Issues**

This is an application to vary a premises licence made by Samy Limited for Budgens Garforth, 47 - 49 Main Street, Garforth, Leeds, LS25 1DS.

The premises operates as a convenience store.

The applicant's intention is to extend the hours for sale by retail of alcohol to 24 hours, 7 days a week, and to allow the provision of late night refreshment between the hours of 23:00 and 05:00 daily.

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

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

## **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 This premises currently hold a Premises Licence issued under the Licensing Act 2003. The licence authorises the following licensable activity:

*Sale by retail of alcohol (for consumption off the premises)*  
*Every Day 07:00 - 23:00*

- 2.2 The hours the premises are open to the public are:  
*Every Day 07:00 - 23:00*

- 2.3 A copy of the existing licence is attached at Appendix A.

## **3 The Application**

- 3.1 The applicant is Samy Limited.

- 3.2 Briefly the application is:

- To extend the hours for sale by retail of alcohol to 00:00 – 23:59, Monday to Sunday; and
- To allow the provision of late night refreshment between the hours of 23:00 and 05:00 daily.

- 3.3 A copy of the application form is attached at Appendix B.

- 3.4 No additional measures have been offered by the applicant which indicates the applicant considers the existing measures are sufficient to promote the licensing objectives.

## **4 Location**

- 4.1 A map which identifies the location of the 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 Representations have been received from West Yorkshire Police and the Senior Liaison & Enforcement Officer for the Licensing Authority in their capacity as Responsible Authorities.
- 5.3 The representations express concerns in relation to a complaint by a concerned parent involving the sale of alcohol to an underage person at the premises and the growing concerns regarding nuisance linked to alcohol consumption in the area.
- 5.4 The representation on behalf of the Licensing Authority can be viewed at Appendix D.
- 5.5 The representation submitted by West Yorkshire Police is available at Appendix E. In support of their representation West Yorkshire Police have submitted additional information for the Committee to consider - a photograph and an statement linked to the photograph. The statement can be viewed at Appendix F of the report, whilst the photograph at Appendix G is exempt from public viewing on the grounds that it reveals the identity of an individual.

### Other representations

- 5.6 The application has attracted representations from local ward councillors and members of the public (described as 'other persons' in the legislation).
- 5.7 In total the Licensing Authority is in receipt of eleven individual objections which includes two on behalf of the local ward councilors. All representations are opposed to the application mainly on the grounds of crime and disorder and public nuisance.
- 5.8 In order to protect personal data, redacted copies of the representations are attached at Appendix H and 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 6.8 to 6.15 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 6.14 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 I.

## **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 Sub Committee 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 Sub Committee 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 be appropriate in order to promote the licensing objectives and relevant to the application.

## **9 Background**

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