

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: Thursday 4 January 2024

Subject: Application to Vary a Premises Licence held by Booze Plus, 33 Tong Road, Farnley, Leeds, LS12 1HQ

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Armley		
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 Saqib Ahmed, for Booze Plus, 33 Tong Road, Farnley, Leeds, LS12 1HQ.

The existing licence authorises:

Sale by retail of alcohol, Mon-Sat 08:00 - 23:00 and Sun 10:00-2230.

The applicant has applied for the following extension:

Sale by retail of alcohol, every day 06:00 - 03:00.

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

The application has attracted representations from other persons and 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 An application for a new premises licence was received by the Licensing Authority in August 2005 which was granted as applied for.
- 2.2 The Licensing Authority received applications to transfer the licence to the current licence holder and to change the Designated Premises Supervisor in March 2022. The applications were granted as applied for.
- 2.3 In July 2022 the premises licence holder applied to vary the licence to 24 hours a day 7 days a week, however the application was withdrawn by the applicant.
- 2.4 A copy of the existing licence is attached at Appendix A.

3 The Application

- 3.1 The applicant is Saqib Ahmed.
- 3.2 Briefly, the application is to:
 - Extend the Sale by Retail of Alcohol (for consumption off the premises), Monday to Sunday from 06:00 to 03:00 hours.
- 3.3 The applicant proposes to promote the licensing objectives by taking the additional steps identified at section M of the application form.
- 3.4 A copy of the application can be found at Appendix B.

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 they must be relevant and, in the case of members of the public, must not be frivolous or vexatious.

Representations from Responsible Authorities

- 5.2 An outright objection has been received from West Yorkshire Police in their capacity as a responsible authority. A copy of the representation may be found at Appendix D.

- 5.3 A representation has been received from the Environmental Protection Team suggesting measures in relation to a reduction to the hours applied for and litter management. The representation remains outstanding, and a copy can be found at Appendix E.
- 5.4 A representation has been submitted by the Public Health Localities Team which remains a matter outstanding for the committee's consideration. A copy of the document is attached at Appendix F.

Other Representations

- 5.5 The application has attracted representations from other persons, including a local resident, the Local Ward Councilors and a Member of Parliament and an individual objection from one of the Local Ward Councillors. The objectors oppose the application mainly on the grounds of public nuisance.
- 5.6 In order to protect personal data, redacted copies of the representations are attached at Appendix G and original copies will be provided to the Licensing Sub Committee Members 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 H.

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 Sub Committee 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.

- 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 Papers

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