

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: Tuesday 7 January 2025

Subject: Application to Vary a Premises Licence held by AP's Local Newsagents, 434 Dewsbury Road, Beeston, Leeds, LS11 7LJ

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Beeston & Holbeck		
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 Hiren Ashvin Patel, for AP's Local Newsagents, 434 Dewsbury Road, Beeston, Leeds, LS11 7LJ

The applicant proposes to extend the hours for the Sale by Retail of Alcohol to 24 hours a day, 7 days a week.

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

The application has attracted representations from West Yorkshire Police and the Environmental Protection Team.

The representation by West Yorkshire Police offers additional measures which the applicant has agreed to incorporate into the operating schedule, resulting in the representation being withdrawn. The representation by the Environmental Protection Team objects to the application outright and it remains a matter outstanding for the Sub Committee'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 An application for the grant of a premises licence was received by the Licensing Authority in July 2018. At that time the premises were known as Bal News, and the application was duly granted as applied for.
- 2.2 The hours currently authorised by the licence for the Sale by Retail of Alcohol are:

<i>Monday to Thursday</i>	<i>08:00 to 23:00 hours</i>
<i>Friday and Saturday</i>	<i>08:00 to 02:00 hours</i>
<i>Sunday</i>	<i>08:00 to 22:30 hours</i>

- 2.3 In April 2024 applications to transfer the premises licence to the current holder, Hiren Ashvin Patel, and to specify the same individual as the Designated Premises Supervisor were received. Neither application attracted an objection from West Yorkshire Police and they were both granted as applied for.
- 2.4 A copy of the existing licence is attached at Appendix A.

3 The Application

- 3.1 The applicant is Hiren Ashvin Patel.
- 3.2 Briefly, the application is to:
- Extend the hours for the Sale by Retail of Alcohol (for consumption off the premises) to 24 hours a day, 7 days a week.
- 3.3 A redacted copy of the application form is attached at Appendix B.
- 3.3 The applicant proposes to promote the licensing objectives by taking the additional steps identified in 'Section M' of the application form.

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.

Representations from Responsible Authorities

- 5.2 Representations have been received from West Yorkshire Police and the Environmental Protection Team in their capacity as responsible authorities.
- 5.3 Any representation may be negotiated prior to the hearing and in this instance the operating schedule has been amended to include measures agreed with West Yorkshire Police. A copy of the representations and the agreement can be found at Appendix D.
- 5.4 The representation submitted by the Environmental Protection Team seeks refusal of the application and it remains a matter for the Sub Committee's consideration. A copy of the representation and a supporting statement by the officer may be found at Appendix E.

Other Representations

- 5.5 There are no other representations.

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 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 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 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