



Report of the Assistant Chief Executive (Corporate Governance)

Report to the Licensing Sub Committee

Date: Monday 7th June 2010

Subject: Application for the Variation of a Premises Licence for Sainsbury's, 70-74 Brudenell Road, Headingley, Leeds, LS6 1EG

Electoral Wards Affected:

Headingley



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

This report informs members of an application to vary an existing Premises Licence for a premises situated at 70-74 Brudenell Road, Headingley, Leeds, LS6 1EG, trading as Sainsbury's.

This application relates to the removal of opening hours and the modification of conditions detailed later within this document.

No changes to existing hours and licensable activities are proposed.

The responsible authorities are served with copies of the application by the applicant and Ward Members have been notified.

1.0 Purpose of this Report

To advise Members of an application made under section 34. of the Licensing Act 2003 ("the Act") for a Premises Licence in respect of Sainsbury's, 70-74 Brudenell Road, Headingley, Leeds, LS6 1EG. The Licensing Sub-Committee is required to consider this application due to the receipt of a representation.

2.0 History of Premises

2.1 An application to convert and vary the existing Justices' Off Licence into a Premises Licence was received on 25th July 2005 for these premises, trading as Jackson's Stores. It was at this stage that the application stipulated times for when the premises intended to open to the public. The opening hours reflected the hours for Sale of Alcohol.

No representations were received in respect of the variation and consequently a Premises Licence was granted, subject to the conditions offered in the Operating Schedule.

An application to transfer the licence holder from Jackson's Stores Ltd to Sainsbury's Supermarkets Ltd was received on 25th October 2007, together with notification to change the trading name of the premises to Sainsbury's.

Under Section 41A. of the Licensing Act 2003, an application for Minor Variation to remove the opening hours was submitted on 11th March 2010. The application attracted comments from Environmental Health and the relevant Ward Councillors, and subsequently the application was refused outright.

An application for Variation under section 34. of the Licensing Act 2003 followed on 14th April 2010 with the same intention of the Minor Variation. Also included within this application is the removal and substitution of the conditions attached to the current licence. It is in respect of this application that Members meet today.

A further Minor Variation application was submitted on 21st April 2010 to alter the layout of the store. No comments were received for this application which was granted as requested.

2.2 The premises currently have the benefit of a Premises Licence for the following licensable activities:

M Supply of Alcohol for consumption 'OFF' the premises

2.3 The hours of operation are as follows:

Monday to Sunday 07:00 – 23:00

2.4 The hours that the premises are open to the public are:

Monday to Sunday 07:00 – 23:00

2.5 A copy of the existing licence (including all conditions) is attached at **Appendix A**, for members' attention.

3.0 The Application

3.1 The applicant is Sainsbury's Supermarkets Ltd.

3.2 The location and proximity to neighboring premises can be seen on the map provided; Members attention is drawn to **Appendix B**.

3.3 A copy of the application and operating schedule are attached at **Appendix C** to this report. For the assistance of members, the Operating Schedule shows:

i) Proposed licensable activities and hours of licensable activities

No changes are suggested in this application and the hours for Sale of Alcohol are to remain:

Monday to Sunday 07:00 – 23:00

ii) Proposed times when the premises is open to the public

The applicant wishes to remove any restriction on opening times from the licence, therefore if the application is granted, the opening times would read:

Monday to Sunday 00:00 – 23:59

iii) Conditions to be removed

The application proposes to remove all embedded restrictions converted from the Justices' Off Licence, some of which would be removed as a consequence of the removal of opening hours.

Also proposed is the removal of the conditions initially suggested by the applicant to promote the licensing objectives. These are to be replaced with alternative conditions identified in 'Section P' of the application form.

3.4 Although no formal representation has been received on behalf of West Yorkshire Police, an agreement to alter the wording of their operating schedule was reached. A copy of that correspondence is attached at **Appendix D**.

4.0 Relevant Representations

4.1 Under the Act representations can be received from responsible authorities or interested parties. Representations must be relevant and, in the case of an interested party, must not be frivolous or vexatious.

4.2 Responsible Authorities have made the following representations:

- **LCC Environmental Health**

Members are invited to consider **Appendix E** of this report.

5.0 Matters Relevant to the Application

5.1 Members of the Licensing sub committee must make decisions with a view to promoting the licensing objectives which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

In making their decision, Members are obliged to have regard to the national Guidance and the Council's Licensing Policy. Members will be aware they must also have regard to the relevant representations made and evidence they hear.

6.0 Options Available to Members

6.1 The licensing sub-committee must take such of the following steps as it considers necessary 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
- Reject or vary whole or part of the application

6.2 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 necessary in order to promote the licensing objectives.

Background Papers

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