

**Report of the Head of Licensing and Registration**

**Report to the Licensing Sub Committee**

**Date: Tuesday 28<sup>th</sup> August 2012**

**Subject: Application to Vary a Premises Licence held by Bal News, 434 Dewsbury Road, Hunslet, 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 the premises licence held by Bal News, 434 Dewsbury Road, Hunslet, Leeds, LS11 7LJ.

The application is made in respect of a convenience store/off licence proposing to extend the hours for Sale by Retail of Alcohol. The hours applied for are noted at 3.3.3 of this report.

These premises are currently licensed under the Licensing Act 2003 to sell alcohol for consumption off the premises; Monday to Saturday 08:00 to 23:00 hours and Sunday 10:00 to 22:30 hours. Further information on the history of these premises is detailed at 2.1.

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

The application has received representation from a Local Ward Councillor, a local community forum and two local residents.

West Yorkshire Police have also made representation to this application which is now withdrawn as an agreement of the suggested measures has been reached.

## **Purpose of this Report**

- 1.1 To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") for 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.

## **2.0 History of Premises**

- 2.1 These premises currently benefit from a Premises Licence which was applied for as a conversion of the Justices' Off Licence during the transitional period on 15<sup>th</sup> July 2005. The application was successful without representation and granted allowing the premises to sell alcohol for consumption off the premises; Monday to Saturday 08:00 to 23:00 hours and Sunday 10:00 to 22:30 hours.

On 9<sup>th</sup> March 2012, the applicant made a request to extend the hours for sale of alcohol to 24 hours, 7 days a week. The application attracted outright representation from West Yorkshire Police along with an objection from a local resident. As a result, the application was scheduled to be heard before the Licensing Sub Committee on 8<sup>th</sup> May 2012.

Members carefully considered all the information put before them to reach a decision to refuse the variation. The Sub Committee considered that there was evidence of existing problems of drink related anti-social behaviour and youths congregating in drink, that made it necessary to refuse the application and uphold the Licensing Objectives of public nuisance and crime and disorder.

- 2.2 A copy of the current licence can be found at Appendix A of this report.

## **3.0 The Application**

- 3.1 The applicant is Unique Trade Ltd,
- 3.2 The application form may be found at Appendix B to this report.
- 3.3 In summary the application is for:

Sale of Alcohol (for consumption off the premises)  
08:00 until 02:00 hrs Monday to Sunday

Non-Standard Timings:

No non-standard timings for Bank Holidays or special occasions are proposed.

## **4.0 Other matters relevant to the application**

### **4.1 Equality and Diversity / Cohesion and Integration**

- 4.2 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.

## **5.0 Steps to promote the Licensing Objectives**

5.1 The applicant proposes to take the steps identified in the Pro-forma Risk Assessment to promote the Licensing Objectives; a copy of which can be found at Appendix C.

## **6.0 Location**

6.1 A map indentifying the location of these premises is included at Appendix D of this report.

## **7.0 Representations**

7.1 Under the Act representations can be received from responsible authorities and/or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

### 7.2 Representations from Responsible Authorities

7.2.1 Any representation submitted by a responsible authority which offers measures may be agreed prior to the hearing. In this instance the operating schedule has been amended to include measures agreed with West Yorkshire Police. A copy of which is located at Appendix E.

### 7.3 Other representations

7.3.1 The application has also attracted representation from other persons.

7.3.2 A representation has been received from Councillor Angela Gabriel who believes that an extension to the current hours would proliferate disturbance and anti-social behaviour in an area which is mainly residential. Members are invited to consider Appendix F of this report.

7.3.3 Representations have also been received on behalf of a local community forum and two local residents. All three of these representations are based on the grounds of crime & disorder and public nuisance, specifically the increase in noise nuisance and antisocial behaviour which would result as a consequence of this licence being granted.

Copies of these representations will be available at the hearing for Members consideration.

## **8.0 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 actually be appropriate in order to promote the licensing objectives.

## **9.0 Background Papers**

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy
- Representations received from Other persons