

**Report of the Head of Elections, Licensing and Registration****Report to the Licensing Sub Committee****Date: 29th November 2016****Subject: Application for the grant of a premises licence for Chickanos 166 Roundhay Road, Leeds, LS8 5PL**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Gipton & Harehills		
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 for the grant of a premises licence, made by Platnam Foods Ltd, for Chickanos 166 Roundhay Road, Leeds, LS8 5PL.

This application is for Late night refreshment as noted in 3.3.

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 17 of the Licensing Act 2003 ("the Act") for a new 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 the premises**

2.1 This is the first application for a premises licence for these premises.

2.2 On Monday 1 August 2016 two separate complaints were received by the Liaison & Enforcement Team regarding the subject premises. The local residents alleged that Chickanos had opened the previous weekend and stayed open until the early hours of each morning which had resulted in an excessive amount of litter on nearby streets and noise nuisance and disturbance by customers in their cars and in the street.

An enforcement officer attended at the premises on the 2<sup>nd</sup> of August and noted the advertised closing hours as 2am on Fridays & Saturdays. They spoke to the compliance/operations manager who was on site and gave him advice on the Licensing Act 2003, TENS and Premises licence applications, procedure, approx. cost etc and handed him a warning letter.

The premises have been operating under TENS since then and during the Premises Licence application period.

## **3 The application**

3.1 The applicant's name is Platnam Foods Ltd, .

3.2 In summary the application is for:

Late night refreshment

Thursday, Friday and Saturday 23:00 - 02:00

## **4 The operating schedule**

4.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule which is attached at Appendix A.

## **5 Location**

5.1 A map which identifies the location of this premises is attached at Appendix B.

## **6 Representations**

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

## Representations from Responsible Authorities

- 6.2 Representations have been received from Environmental Protection Team in their capacity as a responsible authority. This representation remains as a matter for Members consideration. A copy of the representation may be found at Appendix C.

## Other representations

- 6.3 The application has attracted representation from members of the public (described as 'other persons' in the legislation).
- 6.4 The licensing authority is in receipt of one individual letter of objection, which is opposed to this application on the grounds of public nuisance.
- 6.5 In order to protect personal data, redacted copies of the representation is attached at Appendix D. Unredacted copies will be available at the hearing for Members consideration.

## **7 Licensing hours**

- 7.1 Members are directed to paragraphs 6.8 to 6.15 of 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.
- 7.2 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.
- 7.3 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, given the potential for neighbouring premises to seek the same additional hours to prevent rivals gaining a commercial advantage.
- 7.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix E.

## **8 Equality and diversity implications**

- 8.1 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.

## **9 Options available to Members**

9.1 The licensing subcommittee must take such of the following steps as it considers appropriate 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 the whole or part of the application.

9.2 Members of the licensing subcommittee are asked to note that they may not reject the whole or part of the application merely because they consider it desirable to do so. It must be appropriate in order to promote the licensing objectives.

## **10 Background papers**

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