

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 5th December 2017

Subject: Application for the grant of a premises licence for Chez Bisoo Bar & Restaurant 143 Harehills Road, Harehills, Leeds, LS8 5BW

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 Mr Jean Bruno Kidiadi, for Chez Bisoo Bar & Restaurant 143 Harehills Road, Harehills, Leeds, LS8 5BW.

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

The application has attracted representations from 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 These premises originally submitted a premises licence application on the 15th September 2017 for the below licensable activities:-

Sale by retail of alcohol

Sunday to Thursday	11:00 – 23:30
Friday and Saturday	11:00 – 03:30

Late Night Refreshment

Sunday to Thursday	23:00 – 23:30
Friday and Saturday	23:00 – 03:30

Recorded Music

Sunday to Thursday	10:00 – 23:00
Friday and Saturday	10:00 – 03:30

This was amended on the 16th October as detailed in 3.3.

- 2.2 A Senior Liaison & Enforcement Officer from Entertainment Licensing has concerns that the applicant has stated in Part 3 – The Operating Schedule ‘that Please note that similar activities were run on the same premises’.

Whilst there were certainly licensable activities taking place in September 2016, these were without the benefit of a licence and dealt with accordingly by the Entertainment and Licensing Section. Advice was given to the then occupier and the premises were regularly monitored resulting in the complaint being closed in October 2016 when no further offences were witnessed.

- 2.3 This section is aware of current issues at the above premises which have been brought to the attention of the respective responsible authority.

3 The application

- 3.1 The applicant’s name is Mr Jean Bruno Kidiadi, .

- 3.2 The proposed designated premises supervisor is Jean Bruno Ngongo Kidiadi

3.3 The application details :-

Ground Floor :-

Recorded Music

Sunday to Thursday 11:00 - 23:00

Friday and Saturday 11:00 - 00:30

Late night refreshment

Friday and Saturday 23:00 - 00:30

Sale by retail of alcohol

Sunday to Thursday 11:00 - 22:00

Friday to Saturday 11:00 - 00:30

First and Second Floor :-

Sale by retail of alcohol

Everyday 11:00 - 21:00

Recorded Music

Everyday 11:00 - 21:00

4 The operating schedule

4.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule 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 the Health and Safety Team, Environmental Protection team, Planning Department and West Yorkshire Police in their capacity as a responsible authority.

6.3 Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with Health and Safety. A copy can be found at Appendix C.

- 6.4 Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with Environmental Protection Team. A copy can be found at Appendix D.
- 6.5 The representation submitted by The Planning Department remains as a matter for Members consideration. A copy of the representation may be found at Appendix E.
- 6.6 The representation submitted by West Yorkshire Police remains as a matter for Members consideration. A copy of the representation may be found at Appendix F.

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 adversely impact on the licensing objectives.
- 7.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix G.

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.
 - Exclude any licensable activities to which the application relates.
 - Refuse to specify the said person as the designated premises supervisor.
 - 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