

**Report of the Chief Officer Elections and Regulatory**

**Report to Licensing Sub Committee**

**Date: 28<sup>th</sup> May 2019**

**Subject: Application to vary a premises licence held by Pitza Cano 59-61 Queens Road, Leeds, LS6 1HY**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):   Headingley & Hyde Park		
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 Pitza Cano Ltd, for Pitza Cano 59-61 Queens Road, Leeds, LS6 1HY.

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

The application has attracted representations from other persons and responsible authorities.

The premises are located within an area covered by a cumulative impact policy.

The application was scheduled to be heard on the 9<sup>th</sup> April 2019 the applicants requested an adjournment, the sub- committee and all other parties agreed to reschedule the hearing to the next available date.

## **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 The premises has the benefit of a premise licence to permit the sale of Late Night Refreshment. The permitted hours

**Every Day            23:00 - 03:30**

- 2.2 A copy of the existing licence is attached at **Appendix A.**

## **3 The application**

- 3.1 The applicant is Pitza Cano Ltd

- 3.2 Briefly the application is to:

- Add the sale of alcohol to accompany a takeaway meal.
- Monday to Saturday    17:00 - 03:00
- Sunday                    17:00 - 02:00

- 3.3 A copy of the redacted application form is attached at **Appendix B.**

## **4 The operating schedule**

- 4.1 In response to the representations from the Responsible Authorities the applicant has offered up additional measures attached at **Appendix C**

## **4.2 Location**

- 4.1 A map which identifies the location of this premises is attached at **Appendix D.**

## **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 There have been representations from responsible authorities.

- 5.3 Representations have been received from West Yorkshire Police, Entertainment Licensing in their capacities as Responsible Authorities. A copy of the representations may be found at **Appendix E**.

Any representation may be negotiated prior to the hearing. All representations submitted remains as a matter for Members consideration.

#### Other representations

- 5.4 There are representations from the Ward Members attached at **Appendix F**
- 5.5 Entertainment Licensing are in receipt of an email from the Ward Councillors ,all of which are opposed to this application on the grounds of public nuisance.

### **6 Cumulative Impact Policy**

- 6.1 The premises are located within the cumulative impact area for Headingley and Hyde Park
- 6.2 Cumulative impact means the potential impact on the promotion of the licensing objectives due to significant number of licensed premises concentrated in one area.
- 6.3 An applicant wishing to vary a licence for premises which fall within any of the cumulative impact areas must identify, through their operating schedule, the steps they intend to take so that the council and responsible authorities can be satisfied that granting this variation would not add to the impact already being experienced.
- 6.4 Details of the cumulative impact policy specific to Headingley & Hyde Park and an outline of the evidence behind the reason for setting this policy is attached at **Appendix G**.
- 6.5 Members are directed to paragraphs 7.51 to 7.54 of the Statement of Licensing Policy which provides examples of how an application may be considered exceptional and the matters that the council would not normally take into consideration.

### **7 Licensing hours**

- 7.1 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.
- 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. 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.

7.3 A list of premises in the local area and their licensed hours and activities is provided at **Appendix H**.

## **8 Equality and diversity implications**

10.1 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 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.

9.2 Members of the licensing subcommittee 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.

## **10 Background papers**

- Guidance issued under s182 Licensing Act 2003
- Statement of Licensing Policy