

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 22nd October 2019

Subject: Application for the grant of a premises licence for La La's, 501 Bradford Road, Stanningley, Pudsey, LS28 8EE

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Calverley & Farsley		
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 Mohammed Faisal Rashid, for La La's 501 Bradford Road, Stanningley, Pudsey, LS28 8EE.

The application is made for a premises wishing to operate as a restaurant with available function rooms.

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

The application has attracted representations from other persons.

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 Prior to the Licensing Act 2003, these premises operated under a Justices' On Licence and Public Entertainment Licence, trading under the name of The Farmers.
- 2.2 An application to convert the above licenses in to a premises licence was received on June 13th 2005 which was duly granted as applied for.
- 2.3 In April 2013 a minor variation was submitted to make internal alterations to the premises. No representations were made and the licence was duly granted.
- 2.4 The premises licence holder Mr Soteris Papcaoullas surrendered the premises licence in December 2015.
- 2.5 A new application was submitted in February 2018 naming Baboshka Limited as the premises licence holder and trading under the name of Papaya. The application attracted representations and was heard before the Licensing Sub Committee who made a decision to grant the premises licence subject to agreements with West Yorkshire Police.
- 2.6 The licence granted was for Sale by Retail of Alcohol Every Day 15:00 - 01:30, Late Night Refreshment Every Day 23:00 - 02:00 and Recorded Music Every Day 15:00 - 02:00.
- 2.7 In October 2018 the premises licence holder entered liquidation and subsequently the premises licence lapsed. No application was made within the interim period to transfer the licence and as such the licence became null and void.

3 The application

- 3.1 The applicant's name is Mohammed Faisal Rashid.
- 3.2 The proposed designated premises supervisor is Mr Mohammed Rashid
- 3.3 In summary the application is for:

*Sale by Retail of Alcohol
Mon - Thurs 12:00 - 00:45
Fri - Sun 12:00 - 01:00*

Late Night Refreshment
Mon - Thurs 23:00 - 00:45
Fri - Sun 23:00 - 01:00

Live Music
Every Day 18:30 - 22:00

Recorded Music
Every Day 12:00 - 00:45

3.4 A redacted version of the application has been attached at Appendix A.

4 Location

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

5 Representations

5.1 Under the Act representations can be received from anyone but they must be relevant and, in the case of a member of the public, must not be frivolous or vexatious.

Representations from Responsible Authorities

5.1 Representations have been received from West Yorkshire Police and Environmental Health in their capacity as a responsible authority.

5.2 Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with West Yorkshire Police. A copy of the representation and agreement may be found at Appendix C.

5.3 Further to this a copy of the agreement between the applicant and Environmental Health can be found at Appendix D.

Other representations

5.4 The application has attracted representation from members of the public (described as 'other persons' in the legislation).

5.5 The licensing authority is in receipt of an individual letter of objection, which opposes this application on the grounds of public nuisance.

5.6 In order to protect personal data, redacted copies of the representations are attached at Appendix E. Unredacted copies will be available at the hearing for Members consideration.

6 Licensing hours

- 6.1 Members are directed to paragraphs 6.6 to 6.13 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.
- 6.2 In brief the Policy states at 6.12 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.
- 6.3 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.
- 6.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix F.

7 Equality and diversity implications

- 7.1 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.

8 Options available to Members

- 8.1 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.
- 8.2 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.

9 Background papers

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