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

**Report to Licensing Sub Committee**

**Date: 20th September 2022**

**Subject: Application to vary a premises licence held by 2 Sardi 12 Harrogate Road, Rawdon, Leeds, LS19 6HJ**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Guiseley & Rawdon	
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:		

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**Summary of main issues**

This is an application to vary a premises licence made by Mr Antonio Pinna, for 2 Sardi 12 Harrogate Road, Rawdon, Leeds, LS19 6HJ.

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 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 currently have the benefit of a premises licence with the following activity and hours: Sale by retail of alcohol, for consumption on the premises, every day 11:00 until 17:00 hours.
- 2.2 A copy of the existing premises licence details is attached at Appendix A.

## **3 The application**

- 3.1 The applicant is Mr Antonio Pinna.
- 3.2 Briefly the application is to:
  - Extend the terminal time for sale by retail of alcohol, from 17:00 to 22:00 hours each day. The applicant has also included recorded music on the application form from 9:30am until 22:30 am, but this activity is de-regulated between these hours and therefore does not need to be applied for.
- 3.3 A copy of the redacted application form is attached at Appendix B.
- 3.4 The applicant considers that the existing measures are sufficient to promote the licensing objectives and no further measures have been proposed.

## **4 Location**

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

## **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 Representations have been received from West Yorkshire Police and The Environmental Protection Team, in their capacity as a responsible authority.
- 5.3 Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with Environmental Health. A copy of the agreement may be found at Appendix D.

- 5.4 The operation schedule has also been amended to include the measures agreed with West Yorkshire Police. A copy of this agreement may be found at Appendix E.

#### Other representations

- 5.5 The application has attracted representations from members of the public (described as 'other persons' in the legislation).
- 5.6 Entertainment Licensing is in receipt of 5 representations which oppose the application on the grounds of public nuisance. These include two representations from the Local Ward Councillors, one from Rawdon Parish Council and two from local residents.
- 5.7 In order to protect personal data, redacted copies of the representations are attached at Appendix F. 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 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.
- 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. 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.
- 6.3 A list of premises in the local area and their licensed hours and activities is provided at appendix G.

### **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 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 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.

**9 Background papers**

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