

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

**Report to Licensing Sub Committee**

**Date: Tuesday, 17th December 2024**

**Subject: Application to Vary a Premises Licence for Chicken Stop, 92 Queens Road, Headingley, Leeds, LS6 1HU**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):		
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 held by Mr Aziz Ur-Rehman, for Chicken Stop, 92 Queens Road, Headingley, Leeds, LS6 1HU.

In summary, the application is to;

- a) extend Late Night Refreshment by 30 minutes each Sunday;
- b) remove Sale by Retail of Alcohol from the scope of the licence;
- c) allow the premises to open to members of the public from 11:00 hours to 02:00 every day;
- d) remove conditions relating to alcohol sales; and
- e) remove conditions restricting hot food/drink sales after 23:00 hours to telephone orders only.

Responsible Authorities and Ward Members have been notified of this application and the application has attracted representations from a local resident.

The premises are located within an area designated as a Cumulative Impact Area.

## **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 has the benefit of a Premises Licence granted in November 2005. The premises at that time were known as 'Pizza Cano'.
- 2.2 In July 2018 an application was made to transfer the licence to the current holder and it was granted as applied for. The trading as details were also updated to 'Chicken Stop'.
- 2.3 During the transfer process the existing DPS was removed and not replaced. Alcohol sales have therefore not been authorised since July 2018.
- 2.4 A copy of the current premises licence details outlining the existing operating schedule is available at Appendix A.

## **3 The Application**

- 3.1 The applicant is Mr Aziz Ur-Rehman.
- 3.2 Briefly, the application is to;
  - a) increase the hours for Late Night Refreshment each Sunday by an additional 30 minutes, until 02:00 hours;
  - b) remove the licensable activity Sale by Retail of Alcohol;
  - c) open the premises to members of the public from 11:00 hours to 02:00 hours every day.
  - d) remove conditions 12, 13 and 44 on the licence in relation to alcohol sales and deemed no longer necessary if the application is successful; and
  - e) remove conditions 45 and 46, restricting the provision of late night refreshment to 'off the premises' only and by telephone order after 23:00, which were attached to the licence by the Licensing Sub Committee on grant in November 2005.
- 3.3 A redacted copy of the application form is attached at Appendix B.
- 3.4 No additional measures have been offered to promote the licensing objectives, however the Applicant has provided information under 'Section M' of the application form for the Sub Committee to consider.

## **4 Location**

- 4.1 A map which identifies the location of the 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 A representation has been received from West Yorkshire Police in their capacity as a responsible authority.
- 5.3 Any representation may be negotiated prior to the hearing and in this instance the operating schedule has been amended to include measures suggested by and agreed with West Yorkshire Police. A copy of the representation and agreement may be found at Appendix D.

### Other Representations

- 5.4 The application has attracted a representation from a member of the public (described as 'other persons' in the legislation) who is opposed to the application on the grounds of anti-social behaviour and public nuisance.
- 5.5 The author of the representation has expressed concern that they may be at risk of retribution should their details be made public and they have been withheld throughout the process. For this reason, and despite their strength of feeling, they will not be attending the hearing and would like their written representation to be considered fully in their absence.
- 5.6 A redacted copy of the representation can be found at Appendix E and the original version will be provided to the Licensing Sub Committee in advance of the hearing.

## **6 Cumulative Impact**

- 6.1 The premises are located within the Cumulative Impact Area for 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 Hyde Park and an outline of the evidence behind the reason for setting this policy is attached at Appendix F.

6.5 Members are directed to paragraph 7.44 of the Statement of Licensing Policy which provides examples of how an application may demonstrate there will be no impact and paragraph 7.45 which provides examples of 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 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 Sub Committee 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 Sub Committee 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.
- Reject the whole or part of the application.

9.2 Members of the Licensing Sub Committee 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