

## **Licensing Sub-Committee**

**Monday, 13th August, 2012**

**PRESENT:** Councillor S Armitage in the Chair

Councillors K Bruce and R Downes

**64 Election of the Chair**

**RESOLVED** – That Councillor Armitage be elected Chair of the meeting

**65 Late Items**

No formal late items of business were added to the agenda, however Members and all relevant parties were in receipt of additional information relating to Baguette Express submitted by LCC Environmental Protection Team in support of their representation (minute 31 refers)

**66 Declarations of Disclosable Pecuniary and Other Interests**

There were no declarations of interest

**67 Film Certification - The Leeds Festival 2012**

The Sub Committee considered the report of the Head of Licensing and Registration on an application for the certification of a number of short films to be shown during the Leeds Festival 2012.

Under Section 20 of the Licensing Act 2003, the Licensing Authority has a duty to categorise a film which is absent of a certificate from a film classification body such as the British Board of Film Classification (BBFC). Details of the films requiring certification were attached to the report along with a brief synopsis and recommended rating based upon BBFC guidelines. It was noted that the 34 films proposed to be shown under the "Popcorn Comedy" portfolio were all proposed as Classification "15". The remainder of the films in the "Directors Notes" portfolio and "Film Oxford" portfolio contained individual classifications for each of the films

Mr Marvin Bell attended the hearing and advised Members on the contents and style of the films and the likely audience with the Sub Committee. Members noted the information provided regarding the opening hours and stewarding of the Cinema Tent within the Leeds Festival and considered the proposed classifications and identified two which they felt required amended classifications.

**RESOLVED** - To grant the films those classifications as proposed in the schedule to the report with the following exceptions:

"The Gate" – 15 classification

"Love Does Grow on Trees" – 15 classification

**68 "Baguette Express" - Application for the grant of a premises licence for Baguette Express, Unit 3, 7 Duncan Street, Leeds LS1 6DQ**

The Sub Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy, considered an application for the grant of a premises licence for Baguette Express, Unit 3, 7 Duncan Street, Leeds LS1. Members noted the premises were located within Cumulative Impact Area 1 (City Centre).

LCC Environmental Protection Team had submitted a representation in respect of the application and was represented at the hearing by Mr B Kenny. Mr Saleem the applicant (Xpress Foods UK Ltd) attended the hearing.

The Sub Committee firstly noted that the application had been adjourned from a hearing on 16<sup>th</sup> July 2012 to allow both the applicant and LCC EPT time to submit additional relevant documentation in support of their cases as directed by the Members at that hearing. LCC EPT had made a further submission on 9 August 2012 and this had been despatched to all parties prior to the hearing. No additional information had been submitted by the applicant.

It was reported that Mr Saleem had indicated that he would request a further adjournment of the hearing, however the Sub Committee clarified this with the applicant who stated that he now wished to proceed with the hearing.

Mr Saleem then explained the reasons why he had not supplied the requested additional information in support of his application and briefly set out the business case for the application. He stated that a letter of support could be produced in the future, and confirmed that the premises did have planning permission to operate until 23:00 hours.

Mr Kenny then addressed the hearing, highlighting the close proximity of the premises to residents and the likelihood of noise and disturbance being caused later into the night/early morning by attracting patrons who would otherwise not be in the locality. Mr Kenny confirmed that the premises did have planning permission to operate until 23:00 hours however the applicant had not yet complied with the relevant planning conditions and could not operate until 23:00 hours until he had done so.

In response, Mr Saleem stated that the condition related to the installation of an extractor fan, and as the premises did not cook food on the premises currently, the fan was not required.

Members carefully considered the application as submitted and the representations made at the hearing. Members acknowledged that this premises was situated within CIP Area 1 (city centre) and had regard to Section 7 of the Statement of Licensing Policy which was relevant to this application. The Sub Committee felt that the applicant could not demonstrate that this application would not have a detrimental impact on the cumulative impact of licensed premises in the city centre CIP area 1 and therefore **RESOLVED** – To refuse the application