



LICENSING SUB-COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON

TUESDAY, 5TH DECEMBER, 2017 AT 2.00 PM

MEMBERSHIP

Councillors

B Flynn

Adel and Wharfedale;

A Garthwaite

Headingley;

B Selby

Killingbeck and Seacroft;

**Agenda compiled by:
Governance Services
Civic Hall
LEEDS LS1 1UR
Tel No: 0113 3788662**

A G E N D A

Item No	Ward	Item Not Open		Page No
2			<p><u>PRELIMINARY PROCEDURES</u></p> <p>ELECTION OF THE CHAIR</p> <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

Item No	Ward	Item Not Open		Page No
3			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1) To highlight reports or appendices which:</p> <p>a) officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>b) To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>c) If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p> <p>2) To note that under the Licensing Procedure rules, the press and the public will be excluded from that part of the hearing where Members will deliberate on each application as it is in the public interest to allow the Members to have a full and frank debate on the matter before them.</p>	
4			<p>LATE ITEMS</p> <p>To identify any applications as late items of business which have been admitted to the agenda for consideration</p> <p>(the special circumstances shall be identified in the minutes)</p>	

Item No	Ward	Item Not Open		Page No
5			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p> <p><u>HEARINGS</u></p>	
6	Gipton and Harehills		<p>APPLICATION FOR THE GRANT OF A PREMISES LICENCE FOR CHEZ BISOO BAR & RESTAURANT 143 HAREHILLS ROAD, HAREHILLS, LEEDS, LS8 5BW</p> <p>To consider the report of the Head of Elections, Licensing and Registration which sets out details of an application for the grant of a premises licence, made by Mr Jean Bruno Kidiadi, for Chez Bisoo Bar & Restaurant 143 Harehills Road, Harehills, Leeds, LS8 5BW.</p> <p>(Report attached)</p>	1 - 38
7	City and Hunslet		<p>APPLICATION FOR THE GRANT OF A PREMISES LICENCE FOR RESTAURANT/CAFE 5 BRIGGATE, LEEDS, LS1 3LZ</p> <p>To consider the report of the Head of Elections, Licensing and Registration which sets out details of an application for the grant of a premises licence made by Mr Mahboob Hussain, for Restaurant/Café, 5 Briggate, Leeds, LS1 3LZ</p> <p>(Report attached)</p>	39 - 108

Item No	Ward	Item Not Open		Page No
			<p><u>Third Party Recording</u></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties – code of practice</p> <ul style="list-style-type: none"> a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete. 	

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Report author: Mrs Emma White
0113 378 5029

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 5th December 2017

Subject: Application for the grant of a premises licence for Chez Bisoo Bar & Restaurant 143 Harehills Road, Harehills, Leeds, LS8 5BW

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If relevant, name(s) of Ward(s): Gipton & Harehills	
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 Mr Jean Bruno Kidiadi, for Chez Bisoo Bar & Restaurant 143 Harehills Road, Harehills, Leeds, LS8 5BW.

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

The application has attracted representations from responsible authorities.

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 These premises originally submitted a premises licence application on the 15th September 2017 for the below licensable activities:-

Sale by retail of alcohol

Sunday to Thursday	11:00 – 23:30
Friday and Saturday	11:00 – 03:30

Late Night Refreshment

Sunday to Thursday	23:00 – 23:30
Friday and Saturday	23:00 – 03:30

Recorded Music

Sunday to Thursday	10:00 – 23:00
Friday and Saturday	10:00 – 03:30

This was amended on the 16th October as detailed in 3.3.

- 2.2 A Senior Liaison & Enforcement Officer from Entertainment Licensing has concerns that the applicant has stated in Part 3 – The Operating Schedule ‘that Please note that similar activities were run on the same premises’.

Whilst there were certainly licensable activities taking place in September 2016, these were without the benefit of a licence and dealt with accordingly by the Entertainment and Licensing Section. Advice was given to the then occupier and the premises were regularly monitored resulting in the complaint being closed in October 2016 when no further offences were witnessed.

- 2.3 This section is aware of current issues at the above premises which have been brought to the attention of the respective responsible authority.

3 The application

- 3.1 The applicant’s name is Mr Jean Bruno Kidiadi, .

- 3.2 The proposed designated premises supervisor is Jean Bruno Ngongo Kidiadi

3.3 The application details :-

Ground Floor :-

Recorded Music

Sunday to Thursday 11:00 - 23:00

Friday and Saturday 11:00 - 00:30

Late night refreshment

Friday and Saturday 23:00 - 00:30

Sale by retail of alcohol

Sunday to Thursday 11:00 - 22:00

Friday to Saturday 11:00 - 00:30

First and Second Floor :-

Sale by retail of alcohol

Everyday 11:00 - 21:00

Recorded Music

Everyday 11:00 - 21:00

4 The operating schedule

4.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule attached at Appendix A.

5 Location

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

6 Representations

6.1 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

Representations from Responsible Authorities

6.2 Representations have been received from the Health and Safety Team, Environmental Protection team, Planning Department and West Yorkshire Police in their capacity as a responsible authority.

6.3 Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with Health and Safety. A copy can be found at Appendix C.

- 6.4 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 Protection Team. A copy can be found at Appendix D.
- 6.5 The representation submitted by The Planning Department remains as a matter for Members consideration. A copy of the representation may be found at Appendix E.
- 6.6 The representation submitted by West Yorkshire Police remains as a matter for Members consideration. A copy of the representation may be found at Appendix F.

7 Licensing hours

- 7.1 Members are directed to paragraphs 6.8 to 6.15 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.
- 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.
- 7.3 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.
- 7.4 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 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 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.
- 9.2 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.

10 Background papers

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

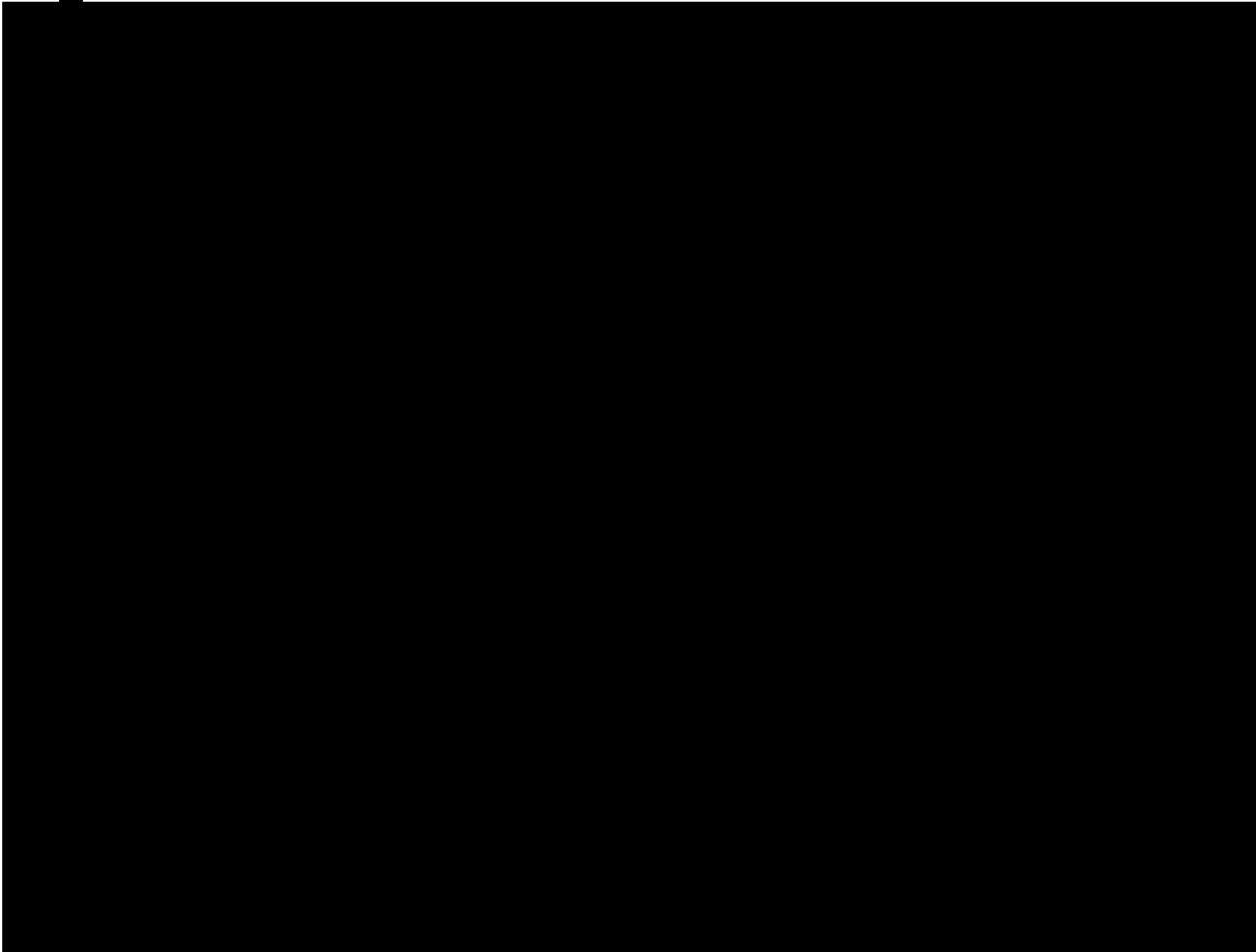
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K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)

No other activities than the one listed above

L



M

Describe the steps you intend to take to promote the four licensing objectives

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 10)

- 1 For the prevention of crime and disorder we have installed CCTV s in all rooms monitored and recorded at all time
- 2 For public safety have trained staff to deal with environmental health requirements Give training to staff on how to perform underage id checks
- 3 For prevention of public nuisance we have rules and regulations in place to ban any customer who do not abide by on zero tolerance basis
- 4 For the protection of children we will not allow any child on the premises unless accompanied by an adult We will have age verification policy

b) The prevention of crime and disorder

For the prevention of crime and disorder we have installed CCTV s in all rooms monitored and recorded at all time For our busy night we have a security we have security on site for the prevention of disorder and crime

c) Public safety

For public safety we have trained staff to deal with environmental health requirements Give training to staff on how to perform underage id checks and ensure that no unaccompanied children are allowed in the premises unless accompanied by an adult

d) The prevention of public nuisance

For prevention of public nuisance we have rules and regulations in place to ban any customer who do not abide by on zero tolerance policy We also encourage our customer to minimise noise when in the premises

e) The protection of children from harm

For the protection of children we will not allow any child on the premises unless accompanied by an adult We will have age verification policy to ensure that children are not in danger or exposed to alcohol

Checklist

Please tick to indicate agreement

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where Applicable
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

Applicable to all individual applicants including those in partnership which is not a limited liability partnership but not companies or limited liability partnerships

- I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15)


IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION ASYLUM AND NATIONALITY ACT 2006 AND PURUANT TO SECTION 21 OF THE SAME ACT WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

Part 4 – Signatures (please read guidance note 11)

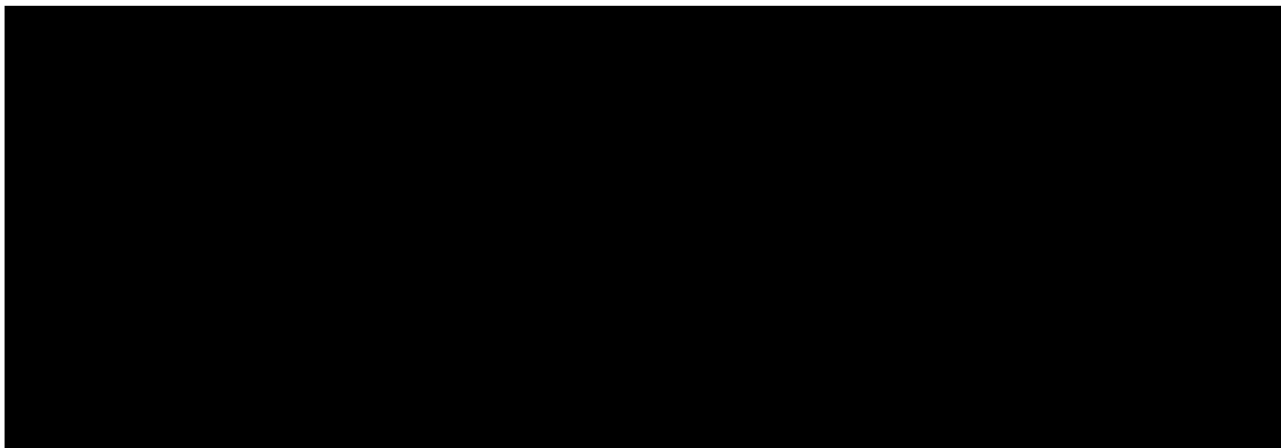
Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 12) If signing on behalf of the applicant please state in what capacity

Declaration	Applicable to individual applicants only including those in a partnership which is not a limited liability partnership <ul style="list-style-type: none"> • I understand I am not entitled to be issued with a licence if I do not have the
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	<p>entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15)</p> <ul style="list-style-type: none"> The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work if appropriate (please see note 15)
Signature	
Date	12/09/2017
Capacity	Director

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13) If signing on behalf of the applicant please state in what capacity

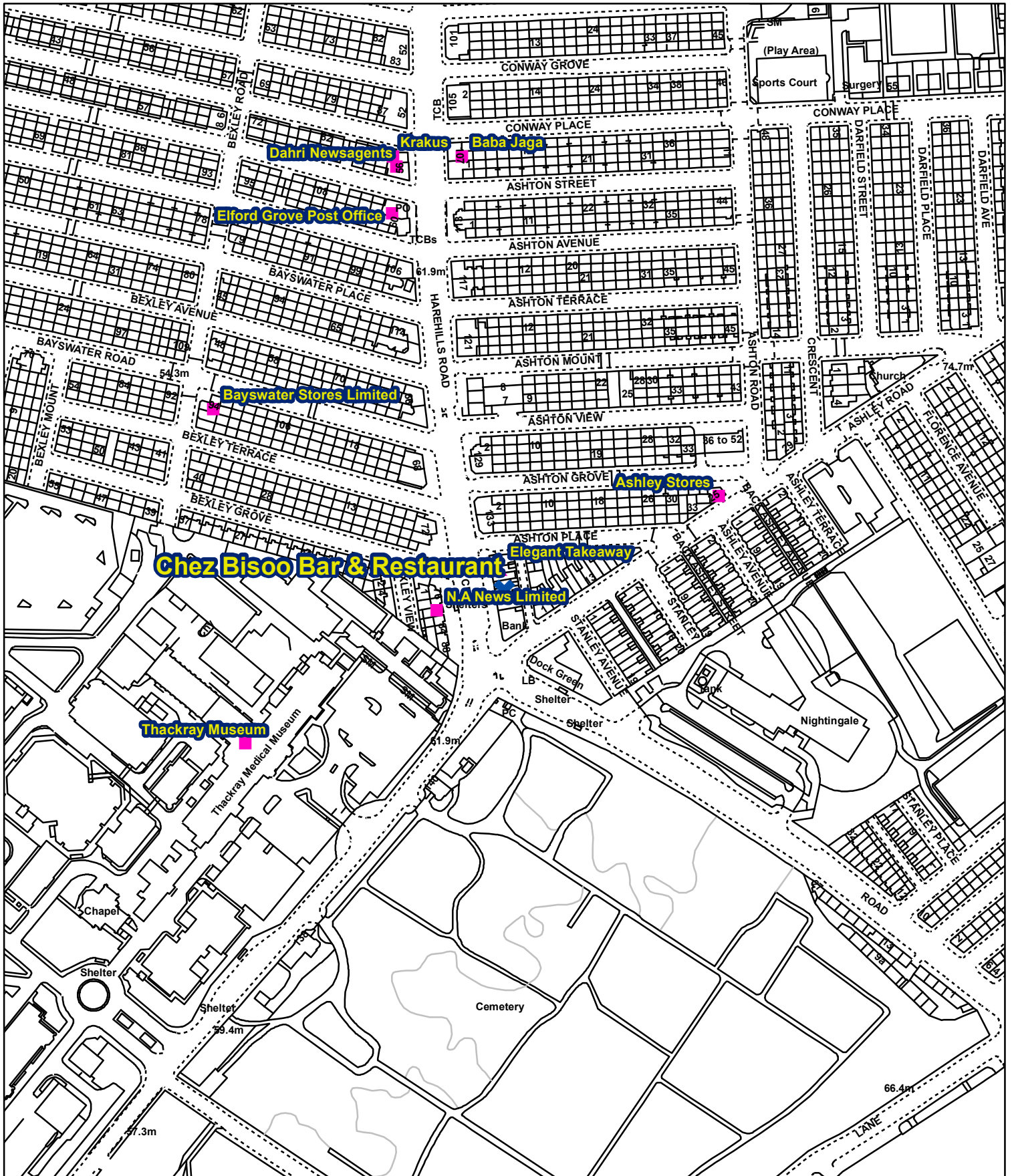
Signature	
Date	
Capacity	



Notes for Guidance

- Describe the premises for example the type of premises its general situation and layout and any other information which could be relevant to the licensing objectives Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises
- In terms of specific regulated entertainments please note that
 - Plays no licence is required for performances between 08 00 and 23 00 on any day provided that the audience does not exceed 500
 - Films no licence is required for not-for-profit film exhibition held in community premises between 08 00 and 23 00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises and (b) ensures that each such screening abides by age classification ratings
 - Indoor sporting events no licence is required for performances between 08 00 and 23 00 on any day provided that the audience does not exceed 1000
 - Boxing or Wrestling Entertainment no licence is required for a contest exhibition or display of Greco-Roman wrestling or freestyle wrestling between 08 00 and 23 00 on any day

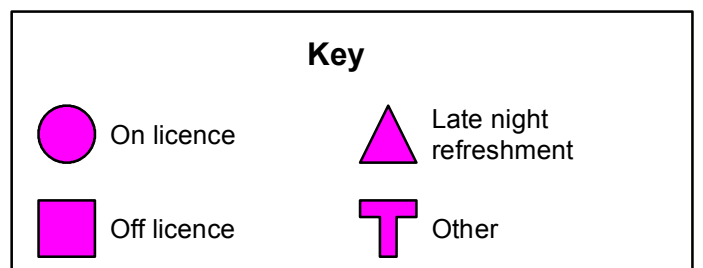
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This map is based upon the Ordnance Survey's digital data with the permission of the Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office

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Mr Jean Bruno Kidiadi

Health and Safety Service
Leeds City Council
Millshaw Park Way
Leeds
LS11 0LS

Contact: Mr Steve Brady
Tel: ()

Our reference: PREM/04074/001
21 September 2017

Dear Mr Kidiadi

Licensing Act 2003

Premises: Chez Bisoo Bar & Restaurant, 143 Harehills Road, Harehills, Leeds, LS8 5BW

Thank you for submitting your application for the above premises.

Health and safety services are of the opinion that your application contains insufficient information about how you intend to meet the licensing objective/s.

We therefore confirm that we are submitting a formal representation against your application on the grounds of public safety.

However, Health and Safety Services are of the opinion that the said objectives could be met should you be prepared to incorporate certain identified measures within your operating schedule.

Please find enclosed a document which at Part 1 contains the suggested measures which this authority considers are proportionate and appropriate to the nature of your application.

Should you be in **agreement** with the suggested measures then please signify this by completing and signing **Part 2** of the enclosed form and return the complete document to this office as soon as possible, but no later than 16 October 2017.

Upon receipt of your consent at Part 2, it will be taken that you signify your wishes for the licensing authority to amend your operating schedule to incorporate the proposed measures.

Alternatively should you **disagree** with the proposed measures, then please complete **Part 3** and again return the complete document to this office as soon as possible, but no later than the stated date.

PART 1 - to be completed by the Responsible Authority

**Health and Safety Service
Proposed controlled measures under the Licensing Act 2003**

Name & Address of Premises: Chez Bisoo Bar & Restaurant, 143 Harehills Road, Harehills, Leeds, LS8 5BW,

Having considered the application under the Licensing Act 2003 for the above premises, the Health and Safety Service considers that the following measures are proportionate and necessary in order to promote the public safety licensing objective:

Measures proposed:

No	Potential Control Measures
	Public Safety :- Management Arrangements
1	Before opening to the public, checks will be undertaken to ensure all access to the premises are clear for emergency vehicles. Regular checks will be undertaken when the premises is open.
2	Written records of all accidents and safety incidents involving members of the public will be kept. These will be made available at the request of an authorised officer.
3	A suitably trained and competent person must ensure regular safety checks of the premises including decorative and functional fixtures, floor surfaces and equipment (including electrical appliances) to which the public may come into contact are undertaken. Records of these safety checks must be kept and made available for inspection by an authorised officer.
4	Empty bottles and glasses will be collected regularly paying particular attention to balcony areas and raised levels.
	Public Safety :- Fire/Electrical Safety
5	Electrical installations will be inspected on a periodic basis (at least every 3 years or at a frequency specified in writing) by a suitably qualified and competent person. If used, any temporary electrical wiring and distributions will also be inspected. Inspection records/certificates will be kept. These will be made available at the request of an authorised officer.
6	One of the following protective measures shall be used for all socket-outlets which may be used for the connection for lighting, video or sound amplification equipment and display models: a) Each socket-outlet circuit shall be protected by a residual current device having a rated residual operating current not exceeding 30mA. or b) Each individual socket-outlet shall be protected by an integral residual current device having a rated residual operating current not exceeding 30mA. The current operation of all residual current devices shall be checked regularly by pressing the test button. If the device does not switch off the supply, an electrical contractor should be consulted. At the same time action should be taken to prohibit the use of socket outlets associated with a faulty residual current device.
	Public Safety :- General Housekeeping
7	Regular safety checks of guarding to stairs, balconies, landings and ramps will be undertaken, and a supervision policy will be maintained to prevent people from inappropriate behaviour including climbing which may lead to a fall from height.
8	Safety glass that is impact resistant should be used wherever possible in all areas where

	the public may come into contact with it. Where it is not used in public areas, glazing should be shielded to protect it from impact.
	Public Safety - Refreshments
	Members of the public will be prevented from accessing hot food and drink preparation areas to prevent risk of scalds or burns to them.
	Public Safety - First Aid
	A suitably trained first aider or appointed person will be provided at all times when the premises are open.
	Adequate and appropriate first aid equipment and materials will be available on the premises.
	A procedure for dealing with unwell members of the public will be in place including those who appear to be affected by alcohol or drugs. Staff will be appropriately trained in such procedures.
	Public Safety - Special Effects
	Where strobes, lasers, smoke machines or any other special effects equipment may be used, a written health and safety policy covering all aspects of their use will be provided, and staff will be appropriately trained.
	No strobes, lasers, smoke machines or any other special effects, will be used at the premises unless there is a clearly displayed warning at the entrance to the premises that such equipment is in use.

The Health and Safety Service is satisfied that the proposed measures are not adequately dealt with by other legislation.

By signing the declaration enclosed overleaf the applicant agrees to incorporate the proposed measures as conditions within the operating schedule for the said premises.

Upon the satisfactory completion of the declaration the health and safety service will provide notice to the licensing authority that our representation is withdrawn in accordance with schedule 10(a) of the Licensing Act 2003 (Hearings) Regulations 2005.

Signed:

Dated:

PART 2 – Agreement with Proposed Measures

to be completed by the applicant or applicant's representative

Consent for proposed controlled measures under the Licensing Act 2003

Name & Address of Premises: Chez Bisoo Bar & Restaurant, 143 Harehills Road, Harehills, Leeds, LS8 5BW,

I / We

confirm that I am / we are the applicant / the applicants representative (delete as appropriate) for the premises as stated above.

In signing this document I / we agree with the measures proposed by the Health and Safety Service, and we provide our consent for the licensing authority to incorporate the said measures into the operating schedule for the stated premises.

Signed:

Dated:

Please return this document to:

**Mr Steve Brady
Health and Safety Service
Leeds City Council
Millshaw Park Way
Leeds
LS11 0LS**

PART 2 – Agreement with Proposed Measures

to be completed by the applicant or applicant's representative

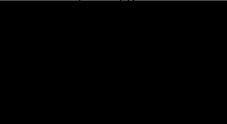
Consent for proposed controlled measures under the Licensing Act 2003

Name & Address of Premises: Chez Bisoo Bar & Restaurant, 143 Harehills Road, Harehills,
Leeds, LS8 5BW,

I / We 

confirm that I am / ~~we are~~ the applicant / ~~the applicants representative~~ (delete as appropriate) for the premises as stated above.

In signing this document I / ~~we~~ agree with the measures proposed by the Health and Safety Service, and we provide our consent for the licensing authority to incorporate the said measures into the operating schedule for the stated premises.

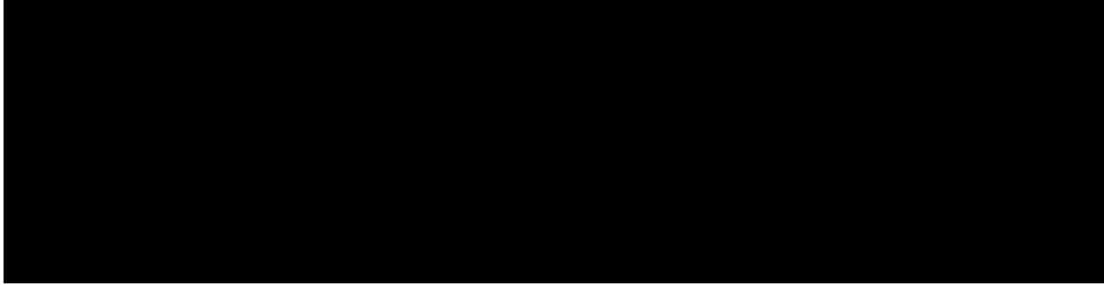
Signed: 

Dated: 24/09/2017

Please return this document to:

**Mr Steve Brady
Health and Safety Service
Leeds City Council
Millshaw Park Way
Leeds
LS11 0LS**

From
Sent
To
Cc
Subject
Attachments



Good afternoon

Thank you for the further information in support of your application, copy attached This information you have provided has been considered against the licensing objective of the prevention of public nuisance

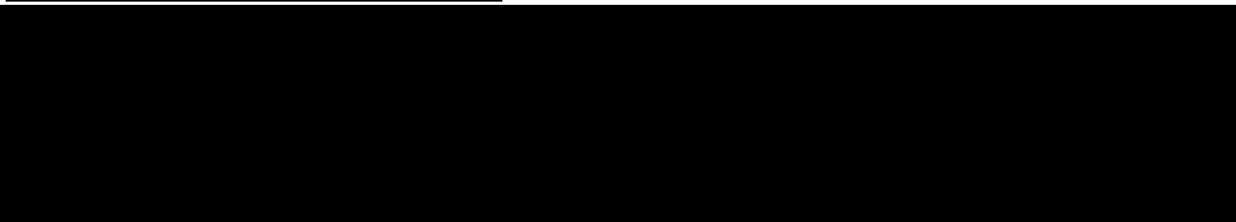
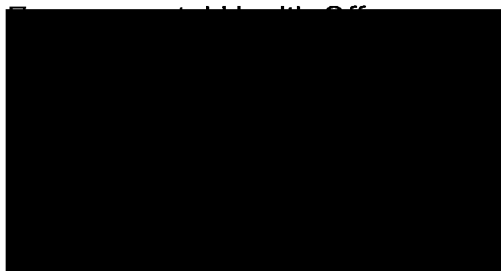
We would make the following points

- 1 The primary use of the premises on this terrace is commercial at ground floor level with residential accommodation above There are a number of residential units at first floor level and above which are highly likely be disturbed by your business activities
- 2 You have mentioned the use of an acoustic engineer and the creation of false walls in terms of noise reduction From a technical point of view, this would have practical and considerable cost issues to you Additionally you have not actually provided any firm details of noise reduction proposals which can be considered
- 3 Customers from your business are likely to use the public pavement outside your premises for smoking, socialising and access and egress You have little control over the behaviour of these people and the affect this would have over residents

For the above reasons and the information in our original report, we are unable to withdraw our objection

Regards

Mark Everson MCIEH



Yrno,

Please see attached

Kind Regards

Bruno

Sent from Yahoo Mail on Android

Leeds City Council - MJ Local Authority of the Year 2016

From
Sent
To
Cc
Subject

Attachments

Mr Kidiadi

We are writing to you following your premises licence application and our site meeting on Tuesday 26 September 2017

We have assessed your application against the licensing objective of the prevention of public nuisance

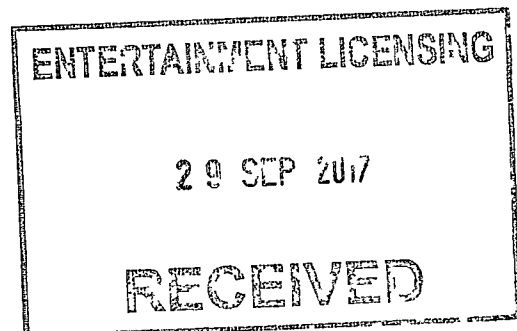
In this instance we now submit a formal objection to your application. Please see the attached items for further details

Regards

Recycle Week - 25 Sept to 1 Oct 2017

What goes around comes around. Find out more [here](#)

Leeds City Council - MJ Local Authority of the Year 2016



Jean Bruno Kidiadi
[REDACTED]

Environmental Protection Team
Leeds City Council
Millshaw Park Way
Leeds
LS11 0LS

[REDACTED]

Dear Sir

Licensing Act 2003

Name and Address of Premises Chez Bisoo, 143 Harehills Road, Harehills, Leeds, LS8 5BW

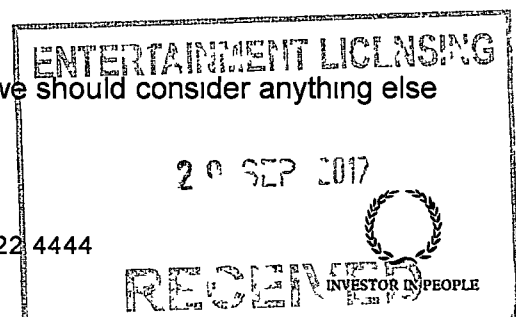
We refer to your licensing application for the above premises and our site meeting on 26 September 2017. We believe that your application does not give enough information about how you intend to meet an important objective of the licence, which is to prevent public nuisance. We therefore confirm that we are submitting a formal objection to your application.

We base our objection on the following matters:

- The potential for noise disturbance associated with licensable activities passing through the fabric of the building to cause noise and vibration in adjoining residential/business premises
- The potential for noise disturbance associated with licensable activities to break out of the premises or pass through the fabric of the building to cause noise disturbance to nearby residential/business premises
- The potential for noise disturbance from the use of outside areas whilst smoking/drinking in the area/s provided/whilst arriving/leaving, including that from vehicles
- The potential for the alleged sources of nuisance described in the items above to continue into hours where such disturbance may adversely affect sleep and other loss of the use and enjoyment of a property

We also base our objection on experience of the types of licensable activities which are part of the application.

Having read the matters we describe below, if you feel we should consider anything else, please do not hesitate to contact us.



Description of the surrounding area

Please refer to Appendix 1 Map of Surrounding Area

Description of the applicant venue and the application

The applicant premises are located over four storeys in the centre of a Victorian Terrace Properties either side consist of business use on the ground floor with residential accommodation above (see schematic in Appendix 1) This is the only building in the terrace which has been converted to solely commercial use

The premises consist of

basement storage with proposed toilet use
ground floor front customer area with tables and seating
ground floor rear reception area
ground floor rear extension with basic kitchen facilities
rear yard where cooking is to proposed to take place
first floor front consisting of customer seating area with hard furnishings (bar style high level seating)
first floor rear lounge
second floor front store with proposed dance area
second floor rear toilet area

Some rooms have wall mounted screens which can be used to play music / watch television

The application seeks the following

Recorded music Monday to Thursday 10 00 hrs to 23 00 hrs, Friday to Saturday 10 00 hrs to 03 30 hrs the following morning and Sunday 10 00 hrs to 23 30 hrs

Late night refreshment Sunday to Thursday 23 00 hrs to 23 30 hrs and Friday to Saturday 23 00 hours until 03 30 hrs the following day

Supply of alcohol Sunday to Thursday 11 00 hrs until 23 30 hrs and Friday to Saturday 11 00 hrs until 03 30 hrs the following day

Hours premises open to the public Monday to Thursday 07 00 hrs to 00 30 hrs the following day, Friday 07 00 hrs to 04 00 hrs the following day, Saturday 10 00 hrs to 04 00 hrs the following day and Sunday 10 00 hrs to 00 30 hrs the following day

Noise

On the first and second floors there is living accommodation directly behind the party wall each side of the premises This includes living rooms and bedrooms The residents in these units would be subject to noise transmitted through the walls Residents would also suffer from airborne noise from the venue The windows in the building are single glazed units and would offer minimal resistance to noise There are no visible signs of any noise insulation provision within the building

Noise sources would consist of music including vocals and bass, raised voices and general disturbances from patrons

The residents in the flats in the rest of the terrace would experience noise from music and patrons

The business intends to allow smoking on the pavement outside along with placing tables externally near the door. This would cause a disturbance to nearby residents with their accommodation being only a few metres above.

Odour

The application includes provision for late night refreshment. The current kitchen facilities are basic and there is a potential to extend the cooking facilities to a covered external area. This is highly likely to cause issues with odour nuisance to adjoining properties.

Complaint and other history specific to the applicant premises

There are no noise complaints logged for this site with the current operator being here since August 2017. However, the current mode of operation does not involve any licensable activities.

Complaint history for the area around the venue

There are no similar venues in the area and therefore no comparable data is available.

Conclusions reached

The proposed application, activities and hours of use at this site are totally incompatible with the residential accommodation in this area. Residents would suffer nuisance and sleep disturbance should this application be granted. We do not feel that any noise insulation scheme would be viable or practical at this location.

We recommend that the Sub-Committee refuse the application.

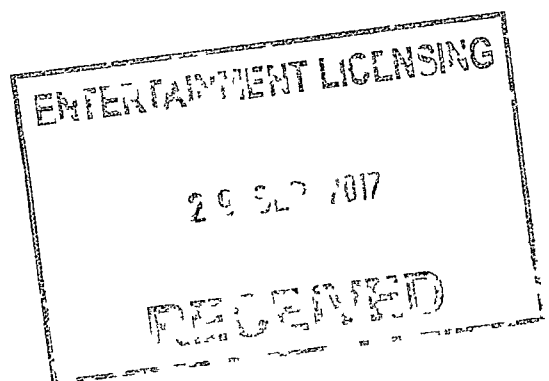
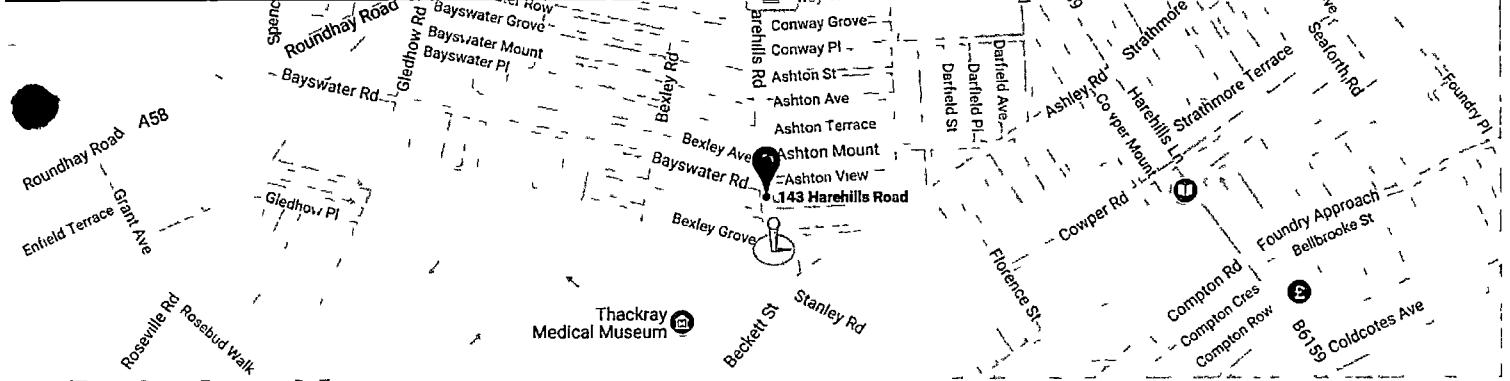
We do not believe that further conditions will resolve the application as it stands.

Yours faithfully



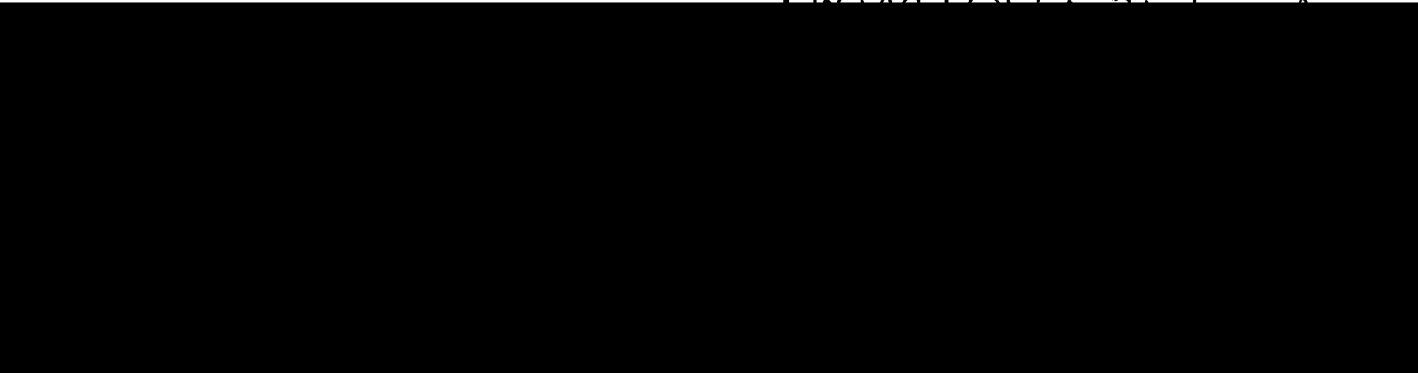
Mr Mark [Redacted]
Environmental Health Officer

143 Harehills Road - Premises Licence Application - Appendix 1



EW

Application



Good morning

Please find attached a signed Part 2 in respect of this application
We would therefore like to withdraw our objection on the grounds of public nuisance

Regards

Mark Everson MCIEH
Environmental Health Officer



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Leeds City Council - MJ Local Authority of the Year 2016

PART 2

To be completed by the responsible authority

**Leeds City Council's Environmental Action Service
Proposed Controlled Measures under the Licensing Act 2003
Name and Address of Premises Chez Bisoo, 143 Harehills Road,
Harehills, Leeds, LS8 5BW**

~~I / We~~



confirm that I am / we are the applicant / the applicant's representative (*delete as appropriate*) for the premises as stated above

In signing this document I / we agree with the measures proposed by Leeds City Council's Environmental Action Service, and we provide our consent for the licensing authority to incorporate the said measures into the operating schedule for the stated premises

Signed



Dated

21/10/2017

PART 3

**Name and Address of Premises Chez Bisoo, 143 Harehills Road,
Harehills, Leeds, LS8 5BW**

I / We

confirm that I am / we are the applicant / the applicant's representative (*delete as appropriate*) for the premises as stated above

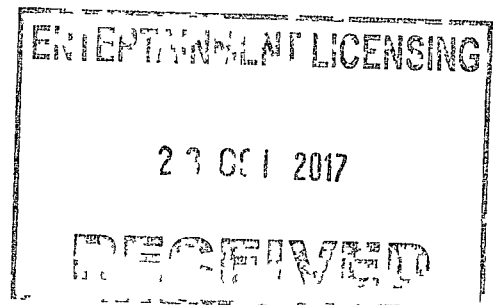
I / We formally advise that we are not prepared to accept the proposed measures as suggested by Leeds City Council's Environmental Action Service

In this instance we understand that Leeds City Council's environmental action service will maintain their representation to my /our application, which will now proceed to a hearing before the licensing sub-committee

Signed

Dated

Please return this document, preferably by email to





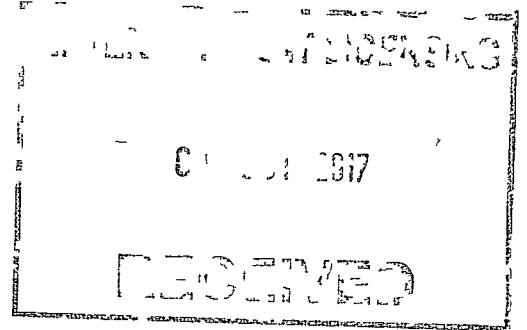
[REDACTED]

From [REDACTED]
Sent 05 October 2017 10:00
To [REDACTED]
Subject Chez Bisoo Bar & Restaurant, 143 Harehills Road Harehills, LS8 5BW
Attachments chezbisooobar.doc

Colleagues,

I enclose City Developments objection to the above licence application

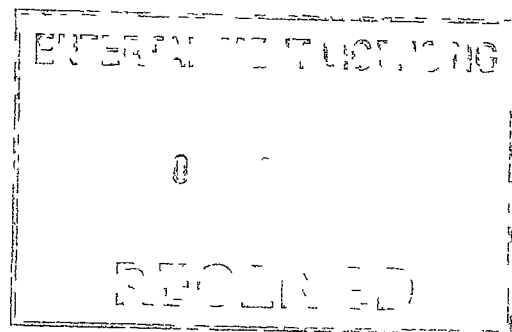
Chris Sanderson
Principal Compliance Officer
[REDACTED]



Light Night Leeds 2017, Thursday 5 and Friday 6 October

Experience Leeds city centre in a new light with spectacular projections, interactive installations, exhibitions, dance, music and street performances lightnightleeds.co.uk

Leeds City Council - MJ Local Authority of the Year 2016



Development Department
The Leonardo Building
2 Rossington Street
LEEDS
LS2 8HD

Mr Jean Bruno Kididi


Contact **Chris Sanderson**


Your Ref
Our Ref Licence Applications

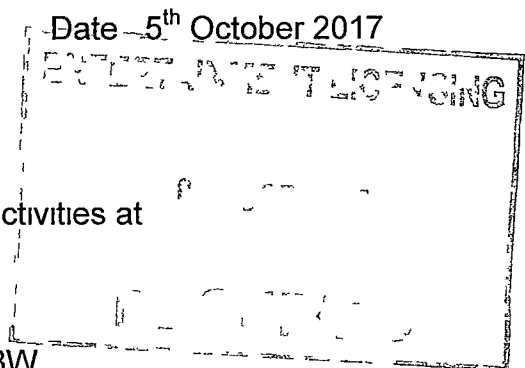
Dear Sir/Madam,

Subject APPLICATION FOR PREMISES LICENCE

Thank you for submitting your application for licensed activities at

Name of venue - Chez Bisoo Bar & Restaurant,

Address - 143 Harehills Road, Harehills, Leeds, LS8 5BW



We write to inform you we shall be objecting to your application and a copy of this letter will be sent to the Licensing Authority

The premises have historically operated as retail (A1) and a planning application was submitted in November 2016 for "retrospective application for change of use of shop (A1) to form restaurant with takeaway" This planning application was subsequently withdrawn by the applicant on 10th July 2017 on the basis they did not intend to pursue the change of use

The proposed use indicated within the licence application and the intended hours of operation are considered unacceptable taking into consideration the proximity of the premises to residential properties due to noise and disturbance from comings and goings

The Development Department objects to the granting of a Premises License in the terms applied for due to the fact that the premises do not have planning permission for the proposed use and the hours applied for

It is considered that the use/opening hours applied for at these premises would conflict with the Licensing objective of preventing public nuisance

The Development Department considers that the proposed opening hours and unauthorised use of the premises are unacceptable and that a Premises Licence should not be granted

Yours faithfully

Chris Sanderson
Principal Compliance Officer

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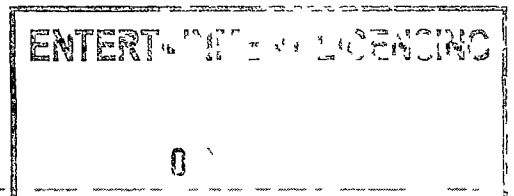
Classification NOT PROTECTIVELY MARKED

Emma/Sham,

Please find attached a second objection letter in relation to the above venue. Just to be belt and braces before the deadline of 131117

If you need anything else please let me know

Lynn



Classification NOT PROTECTIVELY MARKED

Dear Emma,

With regards to the subject premises, I take it you have started the 28 day consultation process again (now until 13/11/17) after the application was amended on and validated from the 16th October?

I know Lynn Dobson has already acknowledged the amendment to the application and has asked for her objection to still stand

However, does she need to submit it again, or, if she does, has she actually done so?

The full objection you were originally served with, is actually dated the 16th October, but refers to the 1st application received on the 18th September 2017!

Please could you confirm by reply and copy Lynn in, and also send the hearing agenda to Lynn when the time comes

Thank you in advance and regards

For the latest news and updates

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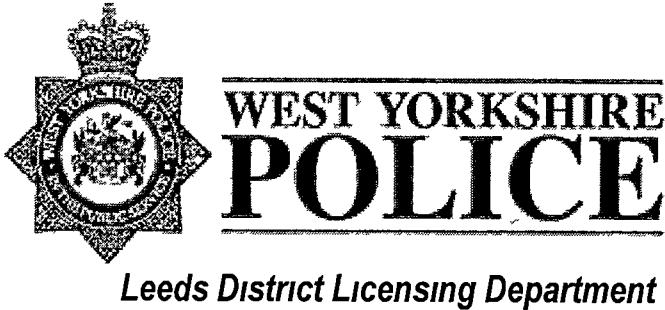
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4074 / 001

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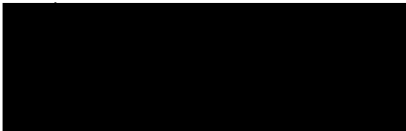


Leeds District Licensing Department
West Yorkshire Police
District Headquarters
Elland Road
Leeds
LS11 8BU



8 November 2017

Mr J B N Kidiadi



cc Entertainment Licensing Section Leeds City Council, Civic Hall, Leeds LS1 1UR
cc Mr Kidiadi, 143 Harehills Road, Leeds LS8 5BW

RE **CHEZ BISTRO BAR & RESTAURANT, 143 HAREHILLS ROAD, LEEDS LS8 5BW**
NEW PREMISES LICENCE APPLICATION – LICENSING ACT 2003
POLICE – LETTER OF REPRESENTATION – FULL OBJECTION

Thank you for submitting your application for the above premises, which was originally received at the address above on 18 September 2017

Please note I am aware of the subsequent amendments to the application which have resulted in an extended consultation period and an extended deadline for any objections and representations

The details of the Police objections are set out below and this letter replicates the earlier objection dated 16 October 2017. The concerns expressed within this earlier objection still remain and are detailed as follows

West Yorkshire Police are of the opinion that your application contains insufficient information about how you intend to meet the licensing objectives

We therefore confirm that we are submitting a formal representation against your application on the grounds of

- 1 the prevention of crime & disorder
- 2 the prevention of public nuisance, and
- 3 the protection of children from harm

This is a full objection to your application. Your application appears to be for a three floor licensed premises in a busy residential area. The potential maximum occupancy will be sixty people over the

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

three floors and alcohol and food will be served to customers and space will be available for dancing on the second floor

There is insufficient in the application to show how the licensing objectives will be upheld. There is no risk assessment proforma attached to the application.

It has been brought to my attention that this premises have already been operating without the authorisation of a premises licence. In part three of the premises licence application there is reference to the premises previously operating and offering the same facilities to the community. This is not the case.

These premises have previously been visited by Leeds City Council and West Yorkshire Police Licensing Departments because of unauthorised licensable activities taking place at the venue. The previous tenant did discuss opening the premises and applying for a premises licence. However at the time of writing I am unaware of an application ever being received, until this application.

Residents have reported being disturbed by the unlawful licensable activities already taking place at the venue until 0300hrs. They also report that the owners are not receptive and existing premises and residents have been told to 'keep their nose out'.

If the venue is granted a premises licence it is felt that this location will have a detrimental impact on the community in which they are situated. From what has been reported so far, the venue is already having an impact on its neighbours and it is intimidating at worst and unpleasant at best to be disturbed and told to mind your own business. This venue is not seamlessly integrating with the community and providing a service for the community without impacting on others.

West Yorkshire Police would ask a Licensing Committee to refuse this application in full.

*Lynn Dobson
PC 5783
Leeds District Licensing Officer*

NOT PROTECTIVELY MARKED

Issued premises licences and club certificates within an area



PREM/00106/004 - Ashley Stores, 25 Ashley Road, Harehills, Leeds, LS9 7AB

Sale by retail of alcohol	
Monday to Saturday	08:00 - 23:00
Sunday	11:00 - 22:30

PREM/02183/009 - Thackray Museum, Thackray Medical Museum, Beckett Street, Burmantofts, Leeds, LS9 7LN

Sale by retail of alcohol	
Monday to Saturday	11:00 - 23:00
Sunday	12:00 - 22:30
Performance of recorded music	
Every Day	00:01 - 00:00

PREM/01064/002 - N.A News Limited, 78 Harehills Road, Harehills, Leeds, LS8 5NU

Sale by retail of alcohol	
Monday to Saturday	06:00 - 23:00
Sunday	07:00 - 23:00

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Report author: Nicola Raper
Tel: 85339

Report of Head of Elections, Licensing and Registration

Report to **Licensing Sub Committee**

Date: **5th December 2017**

Subject: Application for the grant of a premises licence for Restaurant/Cafe 5
Briggate, Leeds, LS1 3LZ

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	City & Holbeck	
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 Mr Mahboob Hussain, for Restaurant/Café, 5 Briggate, Leeds, LS1 3LZ

The application has attracted representations from Responsible Authorities.

The application has been adjourned from a previous meeting of the Licensing Sub Committee to allow the Applicant to provide submission in response to the Council's Statement of Licensing Policy, in particular the Cumulative Impact Policy relevant to the City Centre and the associated City Centre Cumulative Impact Assessment.

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 and subsequent submissions from the Applicant and Responsible Authorities.

2 The application

2.1 The applicant is made by Mr Mahboob Hussain.

2.2 In summary the application is for:

*Late night refreshment Activity
Every Day - 23:00hrs until 04:00hrs*

*Non standard timings
No non-standard timings for bank holidays or special occasions are proposed.*

2.2 Members are requested to refer to Appendix 1 that contains the full report presented to the Licensing Committee on the 10 October 2017. The report comprises of:

Appendix A – Operating Schedule

Appendix B – Location Map

Appendix C – Representations from Responsible Authorities: West Yorkshire Police, Environmental Health and the Licensing Authority.

Appendix D - Details of the cumulative impact policy specific to Leeds City Centre

Appendix E - A list of premises in the local area

2.3 At the Licensing Sub Committee meeting on 10th October 2017, Members heard from the Applicant's representative. In submissions, the Applicant's representative challenged aspects of the Council's Statement of Licensing Policy.

2.4 Following an adjournment to consider the comments of the applicant's representative and the Responsible Authorities the Licensing Sub Committee decided to adjourn the hearing until Tuesday 5 December 2017. The Licensing Sub Committee directed that:

1. No later than 25 October the Applicant to set out in writing the full basis of the challenge to the Council's Cumulative Impact Policy and for this to be served on all Responsible Authorities
2. No later than 8 November the Responsible Authorities to respond in writing to the Applicant's letter.
- 2.5 A copy of the decision letter from the meeting on 10 October 2017 may be found at Appendix 2 to this report.
- 2.6 The submissions by the Applicant maybe found at Appendix 3.
- 2.7 Responses to the Applicant's submission from Environment Protection Team may be found at Appendix 4.
- 2.8 Responses to the Applicant's submission from Entertainment Licensing & West Yorkshire Police will follow as supplementary information – Appendix 5 & Appendix 6 respectively.

3 Options available to Members

- 3.1 Members are requested to note the Applicant's submission and the responses received from the Responsible Authorities.
- 3.2 In considering this application the Licensing Sub Committee 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.
- 3.3 Members of the Licensing Sub Committee 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.

4 Equality and diversity implications

- 4.1 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.

5 Background papers

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

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MN

Prem 1/4051/01



PREM1

Entertainment Licensing, Leeds City Council, Civic Hall, Leeds, LS1 1UR

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Mahboob Hussain

(insert

name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
5 Briggate	
Post town	Post code
LEEDS	LS1 3LZ

Telephone number of premises (if any)

Non domestic rateable value of premises

	ENTERTAINMENT LICENSING
£ 12000 approx	15 AUG 2017
	RECEIVED

Part 2 – Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals* please complete section (A)
- b) a person other than an individual*
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)

- iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities or
- I am making the application pursuant to a
 - o statutory function or
 - o a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title (for example, Rev) _____

Surname

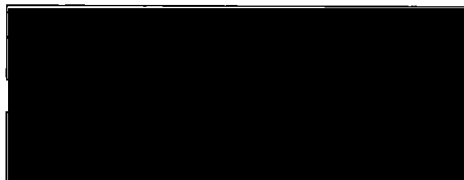
First names

Hussain

Mahboob

Please tick yes

Date of Birth



I am 18 years old or over

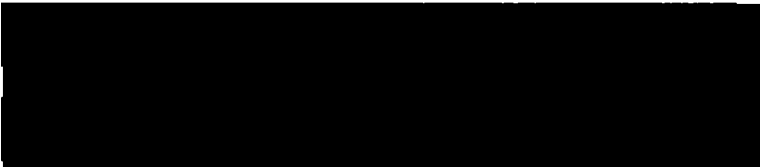
Nationality

Current postal address if different from premises address



Post Town

Daytime contact telephone number



Email address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr Mrs Miss Ms Other title (for example, Rev) _____

Surname

First names

Please tick yes

Date of Birth

I am 18 years old or over

Nationality

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full Where appropriate please give any registered number In case of a partnership or other joint venture (other than a body corporate) please give the name and address of each party concerned

Name
Address

Registered number (where applicable)
Description of applicant (for example partnership company unincorporated association etc)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
1	4	0 9 2 0 1 7

If you wish the licence to be valid only for a limited period when do you want it to end?

Day	Month	Year

Please give a general description of the premises (please read guidance note 1)

Ground floor takeaway restaurant/cafe (likely to be called "Juicy Gossip") selling pizzas, burgers and doner kebabs and ice-cream parlour selling ice-cream, juices and milkshakes

If 5 000 or more people are expected to attend the premises at any one time please state the number expected to attend

N/A

What licensable activities do you intend to carry on from the premises?
 (Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)
 Please tick yes

Provision of regulated entertainment

- a) plays (if ticking yes fill in box A)
- b) films (if ticking yes fill in box B)
- c) indoor sporting events (if ticking yes fill in box C)
- d) boxing or wrestling entertainment (if ticking yes fill in box D)
- e) live music (if ticking yes fill in box E)

- f) recorded music (if ticking yes, fill in box F)
- g) performance of dance (if ticking yes fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed				State any seasonal variations for performing play (please read guidance note 5)	
Thur					
Fri			Non standard timings Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left please list (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of a films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 5)
Tue			
Wed			
Thur			
Fri			
Sat			Non standard timings Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left please list (please read guidance note 6)
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 5)		
Fri					
Sat			Non standard timings Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left please list (please read guidance note 6)		
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 4)					
Mon								
Tue								
Wed						State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur								
Fri						Non standard timings Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left please list (Please read guidance note 6)		
Sat								
Sun								

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 4)					
Mon								
Tue								
Wed						State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur								
Fri						Non standard timings Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left please list (please read guidance note 6)		
Sat								
Sun								

G

Performance of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 5)		
Wed					
Thur			Non standard timings Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
			Will the entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the entertainment of a similar description to that falling within (e) (f) or (g) (please read guidance note 5)		
Wed					
Thur			Non standard timings Where you intend to use the premises for the entertainment of a similar description to that falling within e) f) or g) at different times to those listed in the column on the left please list (please read guidance note 6)		
Fri					
Sat					
Sun					

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	23 00	04 00			
Tue	23 00	04 00			
Wed	23 00	04 00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	23 00	04 00			
Fri	23 00	04 00	Non standard timings Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	23 00	04 00			
Sun	23 00	04 00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption on or off the premises or both – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur			Non standard timings Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

State the name and details of the individual whom you wish to specify on the licence as the designated premises supervisor (please see declaration about the entitlement to work in the checklist at the end of the form)

Name Mr Mahboob Hussain



K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)

--

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	20 00	04 00	
Tue	20 00	04 00	
Wed	20 00	04 00	
Thur	20 00	04 00	
Fri	20 00	04 00	
Sat	20 00	04 00	
Sun	20 00	04 00	
			Non standard timings Where you intend to open the premises to be open to the public at different times from those listed in the column on the left please list (please read guidance note 6)

M

Describe the steps you intend to take to promote the four licensing objectives

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 10)

The applicant is aware that the premises are situated within the city centre cumulative impact zone and has sought to address the licensing objectives carefully to take this into account. Mr Hussain has 30 years of experience in the provision of food to the public and has had 15/16 restaurant/shop outlets over that time, 10 of which have had late night refreshment licenses. He is acutely aware of his responsibilities as a premises license holder and the need to ensure that there is no crime and disorder or public nuisance as a result of opening this outlet and to maintain both public safety and the protection of children from harm.

He proposes the detailed measures set out below will not impact upon the cumulative effect of opening within the red light area of the City Centre CIP. He is aware that new applications in the red zone area will only be granted in exceptional circumstances.

He currently has several restaurants/takeaways in Leeds including Chicos Fast Food at 51d New Briggate, Leeds, Istanbul at 19 Merrion Street, Leeds and Nash's Fish and Chip Restaurant at 51c New Briggate, Leeds. Mr Hussain has always worked co-operatively with the police and licensing authority and will continue to do so with these premises.

Mr Hussain intends to work from the premises. The manager will be his nephew, who has gained 5 years of experience working with Mr Hussain in the food takeaway business. He has knowledge and ability to deal with any customers who may be problematic, having held a hackney carriage license for 14 years and good links with local taxi operators and knowledge of where taxi ranks/operators are, close to the premises, to assist in dispersing customers from the premises quickly after purchasing food.

Mr Hussain is fully conversant with the position of the premises in close proximity to pubs and clubs within the area. He has undertaken a risk assessment of the proposed premises in this context against the four licensing objectives.

It is noted within the Statement of Licensing Policy that Leeds population is set to rise to around one million and that the increase in city centre residential and mixed use has many benefits including the creation of a vibrant 24 hour city.

Mr Hussain proposes the following -

- 1 His premises are small and will not be supplying alcohol. are not alcohol led and will be run in the same style of business as at his existing premises.
- 2 All staff will be expected to supply references and to agree to DBS checks.
- 3 CCTV with facility to record for at least 28 days has already been installed both within and outside the premises (including the rear). The CCTV will cover the main thoroughfare of Briggate to the front.
- 4 There will be 2 door supervisors during the hours of the operating schedule – one inside and one outside the premises.
- 5 No bottles or glass receptacles will be used at the premises for customers. rather cups or plastic containers made from recyclable material.
- 6 A full-time cleaner will be employed during the hours of the operating schedule to ensure cleanliness, reduce the accumulation of debris and to deal with any spillages. At the end of each opening session the footpath/area immediately outside the premises at the front on Briggate will be washed down.
- 7 Litter bins will be provided at the premises for waste debris from customers and will be emptied and cleared every 2 hours.
- 8 Customers will be offered the provision of telephoning for a local taxi if required (using the contacts of the business in the immediate area) to collect customers outside to disperse them after obtaining food as quickly as possible. There is a taxi rank within 50 yards of the property.

- 9 In addition the contact details of local private hire/taxi firms will be displayed for customers
- 10 Signs will be placed at the exit to the premises to encourage customers to be quiet until they leave the area and to respect the rights of nay local residents to sleep Door supervisors will play a role in this
- 11 Children will not be allowed in the premises during the hours of the operating schedule unless accompanied by a responsible adult
- 12 The applicant proposes that the speedy dispersal of customers will reduce potential waiting times at other similar premises nearby eg McDonalds
- 13 The full planning permission for the premises includes a condition that plant and machinery shall be operated at a noise limit at least 5dBA below the existing background noise level

b) The prevention of crime and disorder

Mr Hussain proposes the following -

- 1 His premises are small and will not be supplying alcohol, are not alcohol led and will be run in the same style of business as at his existing premises
- 2 All staff will be expected to supply references and to agree to DBS checks
- 3 CCTV with facility to record for at least 28 days has already been installed both within and outside the premises (including the rear) The CCTV will cover the main thoroughfare of Briggate to the front
- 4 There will be 2 door supervisors during the hours of the operating schedule – one inside and one outside the premises
- 5 No glass bottles or glass receptacles will be used at the premises for customers rather cups or plastic containers made from recyclable material
- 6 Customers will be offered the provision of telephoning for a local taxi if required (using the contacts of the business in the immediate area) to collect customers outside to disperse them after obtaining food as quickly as possible There is a taxi rank within 50 yards of the property
- 7 In addition the contact details of local private hire/taxi firms will be displayed for customers
- 8 The applicant proposes that the speedy dispersal of customers will reduce potential waiting times at other similar premises nearby eg McDonalds

9 Public safety

- 1 All staff will be expected to supply references and to agree to DBS checks
- 2 There will be 2 door supervisors during the hours of the operating schedule – one inside and one outside the premises

--	--

3 The prevention of public nuisance

- 1 There will be 2 door supervisors during the hours of the operating schedule – one inside and one outside the premises
- 2 No bottles or glass receptacles will be used at the premises for customers rather cups or plastic containers made from recyclable material
- 3 A full-time cleaner will be employed during the hours of the operating schedule to ensure cleanliness reduce the accumulation of debris and to deal with any spillages At the end of each opening session the footpath/area immediately outside the premises at the front on Briggate will be washed down
- 4 Litter bins will be provided at the premises for waste debris from customers and will be emptied and cleared every 2 hours
- 5 Customers will be offered the provision of telephoning for a local taxi if required (using the contacts of the business in the immediate area) to collect customers outside to disperse them after obtaining food as quickly as possible There is a taxi rank within 50 yards of the property
- 6 In addition the contact details of local private hire/taxi firms will be displayed for customers

- 7 Signs will be placed at the exit to the premises to encourage customers to be quiet until they leave the area and to respect the rights of nay local residents to sleep Door supervisors will play a role in this

- 8 The full planning permission for the premises includes a condition that plant and machinery shall be operated at a noise limit at least 5dBA below the existing background noise level

9 The protection of children from harm

- 1 Children will not be allowed in the premises during the hours of the operating schedule unless accompanied by a responsible adult
- 2 All staff will be expected to supply references and to agree to DBS checks

Checklist

Please tick to indicate agreement

- I have made or enclosed payment of the fee

X

- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where Applicable
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

Applicable to all individual applicants including those in partnership which is not a limited liability partnership but not companies or limited liability partnerships

- I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15)

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION ASYLUM AND NATIONALITY ACT 2006 AND PURUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

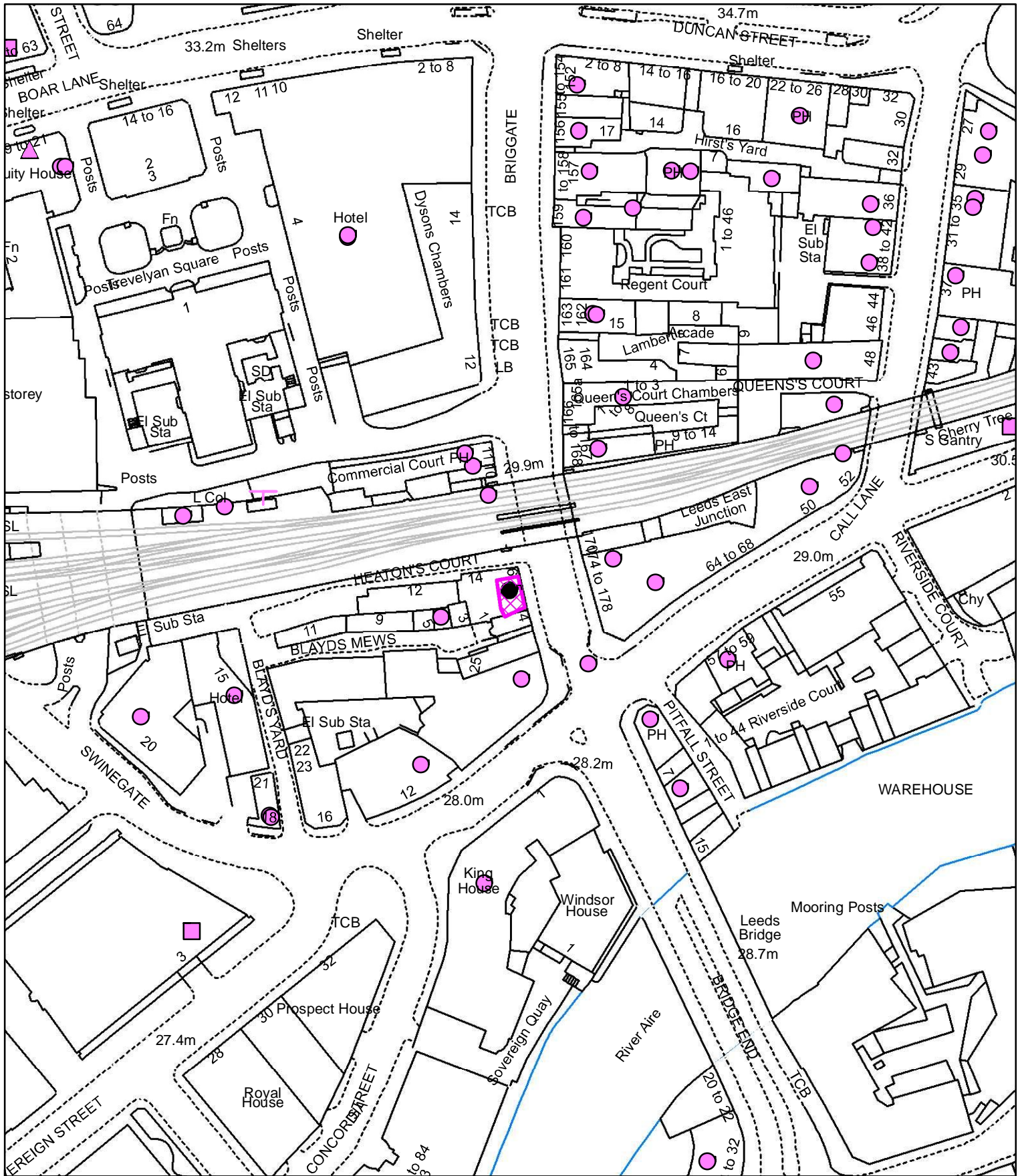
Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 12) **If signing on behalf of the applicant please state in what capacity**

Declaration	Applicable to individual applicants only including those in a partnership which is not a limited liability partnership <ul style="list-style-type: none"> • I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15) • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work if appropriate (please see note 15)
Signature	John C Wood
Date	15 th August 2017
Capacity	JWP Solicitors on behalf of applicant

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13) **If signing on behalf of the applicant please state in what capacity**

Signature	
Date	
Capacity	







This map is based upon the Ordnance Survey's digital data with the permission of the Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office

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Key

	On licence		Late night refreshment
	Off licence		Other



Mr J Wood
JWP Legal Ltd
5 Park Place
Leeds
LS1 2RU

Environmental Protection Team
Leeds City Council
Millshaw Park Way
Leeds
LS11 0LS

Contact: Mr Trevor Porter
Tel: 0113 378 6592
trevor.porter@leeds.gov.uk
Our reference: PREM/04051/001
31 August 2017

Dear Mr Wood

Licensing Act 2003

Name and Address of Premises: 5 Briggate, Leeds, LS1 3LZ,

We refer to your licensing application for the above premises. We believe that your application does not give enough information about how you intend to meet an important objective of the licence, which is to prevent public nuisance. We therefore confirm that we are submitting a formal objection to your application.

We base our objection on the following matters:

- The application premises are situated within the red area of the City Centre Cumulative Impact Policy (CIP) area; where we will seek the refusal of all applications on the basis that the impact on the licensing objectives are such that the area cannot support any more premises opening or extending their hours no matter how impressive the concept. It is the council's policy, on receipt of relevant representations, to refuse all applications in the red zone.
- The application will give rise to more members of public on the street in the early hours with the potential to cause noise nuisance and disturbance in an already problematic CIP area.

Having read the matters we describe below if you feel we should consider anything else please do not hesitate to contact us.

Description of the surrounding area

Please refer to Appendix 1 Map of Surrounding Area

Description of the applicant venue and the application:

Proposed takeaway on established street with late licence bars which already cater for late night refreshment indoors.



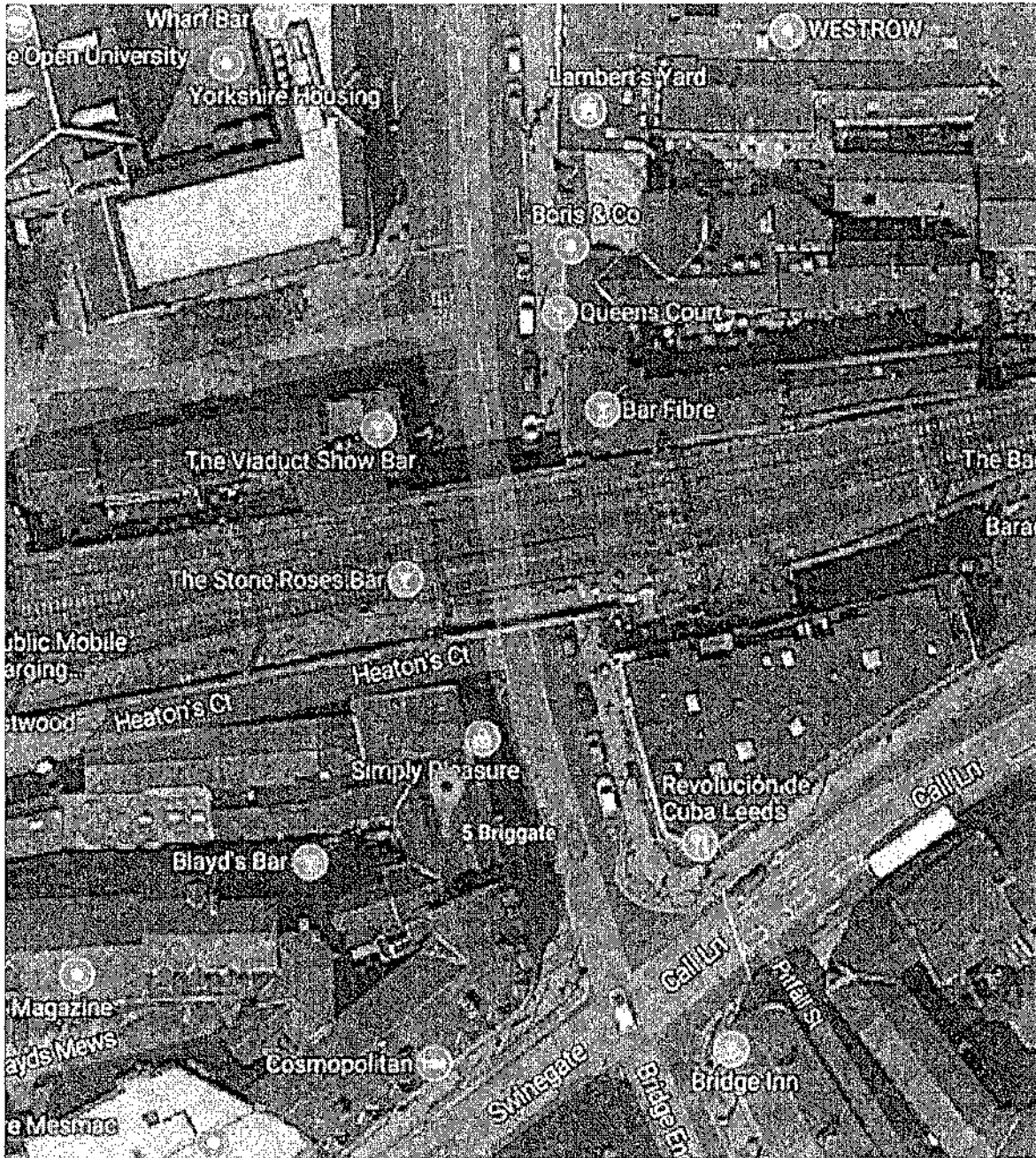
We understand that the Sub-Committee may take a different view and grant the application. We recommend that if that is the case we should be given the opportunity to suggest measures as conditions on the licence. We do not say that conditions would effectively prevent public nuisance but that they may go some way to reducing the potential impact.

Yours sincerely

A black rectangular redaction box covering the signature of Mr Trevor Porter.

Mr Trevor Porter
Environmental Health Officer

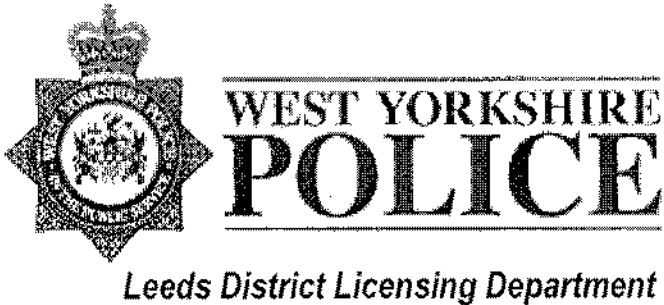
Appendix 1- Map of Surrounding Area



Appendix 2 Complaints History

Any complaints involving the applicant premises are indicated*, otherwise the alleged source of complaint is redacted. Details may be provided after the agreement of the Licensing Sub-committee.

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Leeds District Licensing Department
First Floor
Elland Road DHQ
Elland Road
Leeds
LS11 8BU

Tel: 0113 3859414



11th September 2017

Mr. John Wood
JWP Solicitors
5, Park Place
Leeds
LS1 2RU

cc. Entertainment Licensing Section. Leeds City Council, Civic Hall, Leeds. LS1 1UR

**RE: 5, BRIGGATE, LEEDS, LS1 3LZ(?)
APPLICATION FOR A NEW PREMISES LICENCE – LICENSING ACT 2003:
POLICE – LETTER OF REPRESENTATION – CUMULATIVE IMPACT POLICY:**

Thank you for submitting your application for the above premises, received at the address above on 16th August 2017.

The application relates to premises which fall within one of the areas of Leeds currently subject to a policy of cumulative impact, as detailed in the present Statement of Licensing Policy 2014-2018, issued by Leeds City Council as the licensing authority.

The area concerned in this particular case is **Area 1 Leeds City Centre**.

Therefore, in line with the current statutory guidance issued by the Secretary of State under Section 182 Licensing Act 2003, West Yorkshire Police make representations based on the Cumulative Impact Policy (CIP) of the area concerned and highlighted above, where the licensing objectives and particularly the prevention of crime and disorder and prevention of public nuisance objectives, are being adversely affected.

The proposed premises are located in the current red zone in the cumulative impact area. The Council's policy states:

7.20 "The council will seek to refuse all applications in these red areas on the basis that the impact on the licensing objectives are at such a level that the area cannot support any more premises opening or extending their hours no matter how impressive the concept or application is. The council will only grant applications in the red zone in exceptional cases", and

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7.24 *"It is the council's policy, on receipt of relevant representations, to*

- *Refuse new and variation applications in the red area*
- *To seek additional measures for new and variation applications in the amber area*
- *To seek good quality applications for application in the green area*

7.25 *"This applies to alcohol led premises such as bars, pubs, and nightclubs, and for premises seeking late night refreshment such as takeaways and late opening restaurants".*

The location of these premises is in very close proximity to a multitude of other licensed premises in this area. It is an alcohol related violent crime hotspot for robbery, assault and theft. The peak time for crime is between midnight and 05:00 hrs. The majority of hours of operation applied for by the applicant, 23:00 until 04:00 Mon to Sunday, therefore fall right in to these peak times.

The latest analysis of crime data provided to Leeds City Council upon which the Cumulative Impact Policy is based shows that the Briggate/Call Lane area has experienced a 17% rise in reported crime since the last review of crime statistics a year ago. The peak times for crime in the Night Time Economy have also extended to 05:00hrs from 04:00hrs, and assaults and thefts have risen. The highest concentration of offences in the city remains in this area, and has slightly extended compared with the previous 12 months. The area is not improving – it is deteriorating – and this is the area where the applicant wishes to open a new business.

This is the second application by the same applicant for a premises licence at this address. The first application, objected to by this department, offered scant measures which suggested that the applicant had little or no idea of the issues in this area of the city after midnight. The first application attracted other objections and was withdrawn prior to being heard at a scheduled licensing hearing. The applicant is now represented by a licensing solicitor and is a better quality than the first with a multitude of measures offered – but the issue remains the same: this is an application for late night refreshment in the most problematic area of the city centre which is covered by a cumulative impact policy with the presumption that it shall be refused.

Extra police resources have to be deployed to this area on Friday and Saturday evenings, and over Bank Holiday weekends, in an attempt to help reduce the crime and disorder associated with people frequenting the large amount of licensed premises in the immediate area. These crimes/incidents range from thefts and robberies to public order offences, assaults, serious disorder and also sexual offences. An ambulance is also regularly parked at the junction of Briggate/Boar Lane and Duncan Street to help deal with the amount of injuries sustained due to assaults and accidents caused by over intoxication in the Night Time Economy (NTE). This is in an attempt to help reduce the strain which the NTE puts on the Accident & Emergency Department of the NHS.

The saturation of the area is such that determining which venues may bear some responsibility for the issues is practically impossible, and means that they cannot be dealt with by way of review or enforcement meetings. A strong Cumulative Impact Policy is therefore imperative to prevent already existing venues extending their licensable hours, and to prevent further premises licences being granted in that area which would add to the considerable impact already being felt.

In this new application mention is made of venues which the applicant already operates in the city centre – none of these are in the red zone of the CIP, and there is crime and disorder associated with Chickos in particular.

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Much is made of the intended manager, the applicant's nephew, with years of experience and links with taxi operators to aid quick dispersal. This lower end of Briggate can be completely blocked by taxis, private hires and private vehicles in the early hours of the morning due to the volume of people and vehicles in the area. We have had complaints from late night bars about the issues with the taxis and vehicles pulling on to the pavement and collisions with pedestrians. If one has not seen this in person it is hard to imagine how congested it is. More people attracted to the area for food, and then needing a taxi to take them home, will only add to this problem. It is impossible to get a quick dispersal from this area at certain times of night and even the emergency services struggle to get through at times.

I will address some of the numbered points made in Section M of the application:

1. The fact the premises will not be supplying alcohol or be alcohol led is irrelevant – they will be dealing with inebriated customers and all the issues associated with drunkenness, albeit they have not fed them the alcohol. The applicant's business, Chickos on New Briggate, also attracts inebriated customers in the early hours which has led to public order incidents in the past.
3. Any CCTV would be expected to retain footage for 31 days.
4. 2 door staff have been offered. Door staff are helpful but do not generally prevent issues when people are drunk – they help deal with the outbreaks of drunken violence. So this would help deal with issues arising from the unit being open, but would not prevent them in the first place.
5. No glassware is a must.
6. At 4am it is proposed that a cleaner is going to wash down the footpath outside – this may well prove impossible given how busy the area will be, and I would have concerns for the cleaner's safety.
8. Already addressed
9. Already addressed
10. Signs are inadequate when dealing with people in drink.
11. Children should not be anywhere near this part of town after 11pm at night.
12. There will be no speedy dispersal of customers due to the congestion with taxis and private hires.

Therefore, in terms of location (RED ZONE), and in terms of applying for a new premises licence to provide late night refreshment from 23:00 until 04:00, West Yorkshire Police consider that this application implicates the current policy of cumulative impact for Leeds City Centre in the red area, and advise that it be refused, unless the presiding Sub-Committee are convinced that the grant of this licence will not negatively impact on the cumulative impact of existing licensed premises in the area.

PC Cath Arkle
Leeds District Licensing Officer
West Yorkshire Police

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Licensing and Registration

Civic Hall
Leeds LS1 1UR

Private & Confidential

John Wood
JWP Legal Limited

Contact: Susan Holden
Tel: 0113 378 5331
Fax: 0113 336 7124
Email: susan.holden@leeds.gov.uk
Your ref:

11th September 2017

Dear Mr Wood

Café/Restaurant, 5 Briggate, Leeds LS1 4AF
Application for a grant of a premises licence under the Licensing Act 2003
Licensing Authority Letter of Representation

Thank you for submitting your application for the above premises.

The area in which the subject premises is located is within a cumulative impact area. It is the council's policy, on receipt of relevant representations, to refuse new and variation applications in this area for alcohol led premises such as bars, pubs and nightclubs and for premises seeking late night refreshment such as takeaways and late opening restaurants, unless the applicant can demonstrate that their application would not impact on the cumulative effect of such licensed premises in the area.

Specifically your application falls within the red area of the City Centre CIP. As stated at 7.20 of the Statement of Licensing Policy 2014 to 2018 the council will seek to refuse all applications in these red areas on the basis that the impact on the licensing objectives are at such a level that the area cannot support any more premises opening or extending their operation no matter how impressive the concept or application is.

I refer you to 7.67 to 7.70 of the Policy which describes how, when considering the presumption against grant in a CIP area, the council will need to be satisfied that the grant of this variation will not impact on the cumulative impact of existing licensed premises in the area. It will be for you to advise the council how your application would allow Members to make an exception to the policy.

I also refer you to 7.69 of the Policy which describes examples of factors the licensing authority will not consider as meeting the standard of rebuttal include:

- That the premises will be well managed and run as all licensed premises should meet this standard.
- That the premises will be constructed to a high standard.
- That the applicant operates similar premises elsewhere, such as in another licensing authority area, without complaint.

I note that the application is for late night refreshment to 4am, 7 days a week.

You have provided a number of measures in Section M of the application that you believe address the issues operating a late night establishment in this area may experience. These are:

- Food led premises
- DBS checks for staff
- CCTV
- 2 door supervisors
- No bottles or glasses to be used
- A full time cleaner for the premises who will clean the outside of the premises at the end of the business day
- Litter bins within the premises
- Provision of a telephone to ring a taxi if required, along with details of local firms
- Signs at exits
- No access to children
- Speedy dispersal of customers
- Low plant and machinery noise

Late night refreshment applications are considered within scope of the CIP as they add to the cumulative impact of licensed premises in the area. Instead of dispersing away from the area, late night takeaways hold people in areas where there is already an accumulation of people. This area already suffers from an accumulation of people, most of whom are in drink, and who already have a significantly negative impact on the licensing objectives. Providing a takeaway in this location would not reduce the cumulative impact of licensed premises in the area but increase it.

Bearing in mind the severity of the problems being experienced in the area with this area suffering from the highest levels of violent crime and disorder incidences in the city centre, with an increase in the last 12 months of over 17% in this area, the Licensing Authority is of the opinion that despite your application offering a number of measures it still does not contain sufficient information about how your proposed business would not add to the impact already being experienced in the area.

The licensing authority requires good quality applications for any part of the city centre, as per the Statement of Licensing Policy (paragraphs 7.20 to 7.22), and to assist prospective applicants the licensing authority provides a cumulative impact assessment and a risk assessment proforma to guide them in proposing measures that mitigate against the issues being experienced in the area. Although this application includes some measures it does not adequately address the issues of how an area which is already suffering from the number of people using it, between 11pm and 5am, would not be impacted by a new premises whose customer base are those very people. The answer to reducing waiting times at McDonalds, which is slightly away from the red zone area, is not to provide another late night refreshment premises in the red zone area.

The applicant takes great store in his links to the local taxi trade and uses this connection to seek to reassure the Licensing authority of a speedy dispersal from his premises. This area of the city is extremely busy throughout the night with private hire and hackney carriage vehicles using all three lanes of Lower Briggate. This traffic has increased since the road closure on Call Lane, put in place to reduce the risk of harm and death from vehicles colliding with people who are in drink.

Even if there are strong links, and the Licensing Authority has no way of confirming this, it seems that the availability of taxis to disperse people away from the area will be impacted by the number of vehicles using this area now. Not only will this slow down dispersal from 5 Briggate, but the additional traffic may increase the traffic issue in this area.

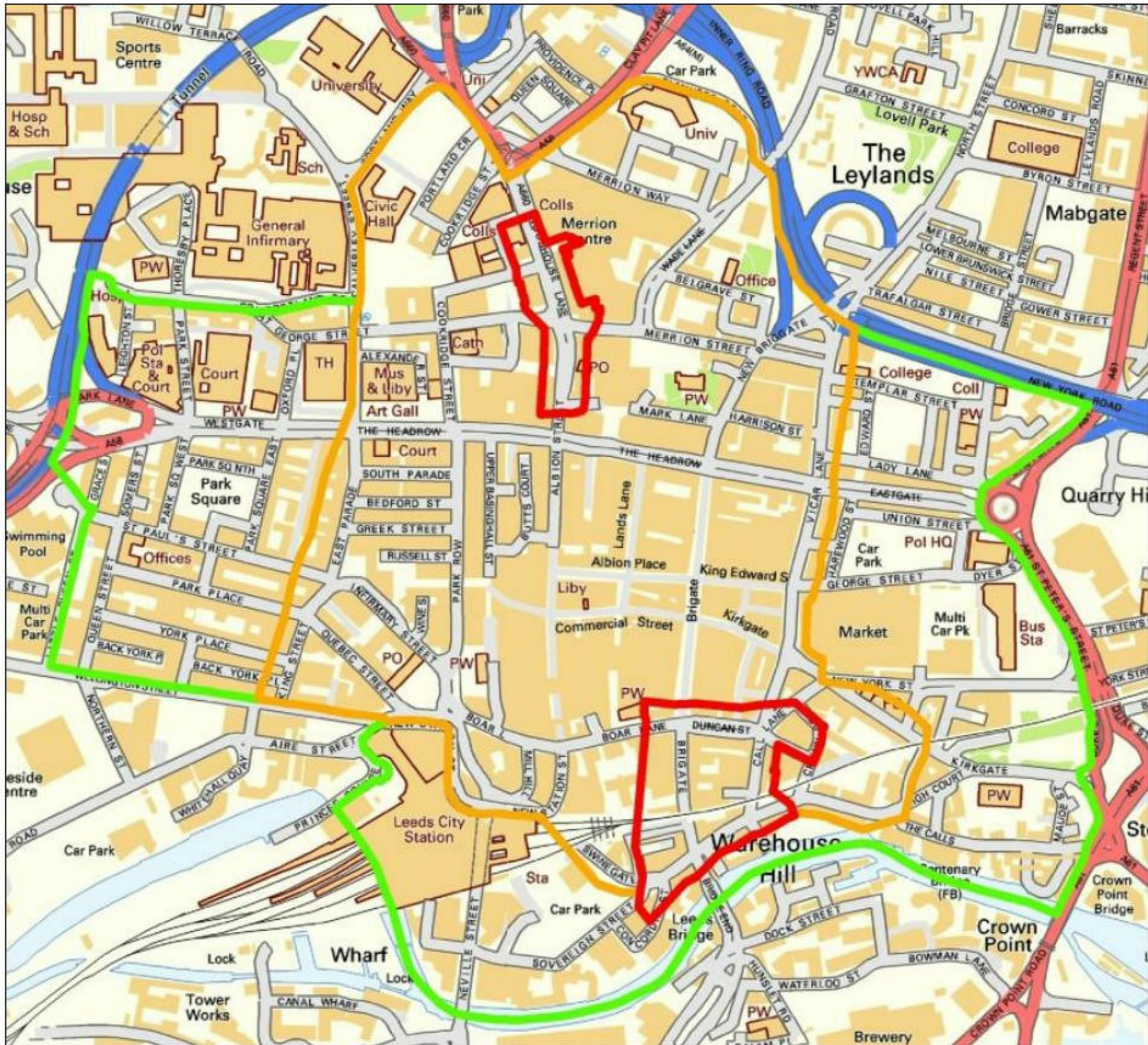
Therefore the licensing authority submits a formal representation against your application on the grounds of the prevention of crime and disorder and will strongly recommend to the licensing sub-committee that this application is refused.

Should you have any questions, please contact us.

Yours faithfully

A solid black rectangular box used to redact the signature of Susan Holden.

Susan Holden
Principal Licensing Officer
Entertainment Licensing



Area 1 relates to the city centre. West Yorkshire Police has shared information and statistics that show that the nature of the city centre is such that the cumulative impact of licensed premises leads to problems that aren't experienced in other parts of the city and this can be attributed to the density of licensed premises in specific areas. The number and close proximity of venues on a street can result in difficulties in identifying individual premises as causing problems and so action planning and reviewing individual licences is not possible.

The closure or opening of businesses can have a dramatic effect on reported crime and incidents in an area. While problems at individual premises are dealt with using action planning and the review process, there are areas in Leeds city centre which become saturated as new businesses open or existing businesses change their style of operation.

In addition the council recognises that a previous problem area can be improved by the introduction of new styles of business types, such as food led premises and seeks to encourage this.

The dynamic nature of the city centre has created difficulties in setting a policy that will be relevant for five years until the next formal review of the Licensing Policy. Therefore the council has adopted an approach of designating areas within the city centre CIP as 'red' or 'amber' based upon an analysis of crime and disorder in the night time economy and will review these areas on an annual basis.

Areas that are considered highly saturated and that are experiencing particularly high levels of crime, disorder and/or nuisance will be designated as red areas. The policy states that the council will seek to refuse all applications in these **red areas** on the basis that the impact on the licensing objectives is at such a level that the area cannot support any more premises opening or extending their operation and that the council will only grant applications in the red zone in exceptional cases. Exceptional does not mean that an application is innovative or novel, but that it allows Members to make an exception to their policy. Those exceptional cases would be where the premises can demonstrate that they will not impact on the issues already being experienced in the area, i.e. by containing their operation within the hours of the daytime and early evening economy.

Any variation that will effectively increase the occupancy of premises will be viewed in a similar light to a new application as it may increase the available capacity in the same way a new premises in that area would, which in the red area would be unacceptable. Similarly new businesses seeking to introduce a new concept, and so attract different people into the area, may be acceptable in the amber area but in the red area the problems are exacerbated by the sheer number of people on the street during the peak hours and introducing a new or extended business, even with a different concept, would add to the impact rather than reduce it.

Management controls such as door staff will not be adequately effective in preventing an increase in the number of people within the red zone.

The **amber area** is an area which is of concern, based upon an analysis of issues within the night time economy that are relevant to the licensing objectives, and the council will expect applicants to offer additional measures tailored to the problems in that area. Applicants are strongly advised to consult with West Yorkshire Police and the licensing authority during their application process. By working together, the responsible authorities and businesses can establish working practices that reduce crime and disorder and so benefit the long term aims of the city to be a vibrant, thriving economy.

All other areas within the city centre CIP will be designated **green areas** where good quality applications will be generally be more acceptable even though the area is a CIP area.

It is the council's policy, on receipt of relevant representations, to

- refuse new and variation applications in the red area
- to seek additional measures for new and variation applications in the amber area
- to seek good quality applications for application in the green area

This applies to alcohol led premises such as bars, pubs and nightclubs, and for premises seeking late night refreshment such as takeaways and late opening restaurants.

Extra scrutiny is given to applications which appear to adopt a number of different styles during their trading. For example businesses that purport to be food led but seek late opening hours may be judged to be predominantly alcohol led due to their late night activities. It is for the applicant to demonstrate how their business will not impact on the licensing objectives.

Changes in the last year

There are two distinct areas in the city where extra police resources are deployed on a regular basis. These areas are the Call Lane area and the Albion Street/ Woodhouse Lane area. Premises in those areas deploy street marshals at their own expense as it has been recognised that incidents on the street require extra attention and that early intervention can prevent an escalation in the severity of incidents on the street.

As police resources are reducing each year, priorities have been realigned. There has been a small reduction in the number of arrests for drunk and disorderly but an increase in assault. The increase in assaults could be due to early intervention methods being cut back, such as the street marshalling scheme and intervention at an early level (i.e. arresting people for being drunk and disorderly), and so the low level offences are escalating to the more serious assault charge.

The issues with disorder in the street on Call Lane has led to a road closure between 11pm and 5am on the Friday, Saturday and Sunday night which took effect in October 2015. The sheer numbers of people, often intoxicated, in the street during these hours highlights the need for the overall capacity of the red area to decrease, not increase.

The Council continues to receive applications within the areas designated as red. There has been a trend for existing operators to apply for minor and full variations to bring into use areas which were unlicensed previously. In all cases the premises licence holder has undertaken to keep their capacity the same. However this trend for increasing the licensed area is concerning as the ability to control capacity is difficult. Any application seeking an increase in floor space, even without an increase in stated capacity, can expect close scrutiny.

Police Crime Reporting

West Yorkshire Police has produced a crime report *"2016-10 Night Time Economy – City v4"* dated October 2016 which has been referred to when reviewing the red and amber zones for 2017. This report is referred to as the Police report in this document. It uses reported crime figures from 01/09/2014 – 31/08/2016.

In 2014 Her Majesty's Inspectorate of Constabulary made recommendations to change crime recording practices. This resulted in an increase in the number of recorded crimes in West Yorkshire in 2015. Analysis of the changes in crime levels, along with a number of other measures, concluded that a proportion of these recent increases were related to administrative change rather than an increase in criminality. Specifically this change in recording practise has impacted on the level of 'violence against the person', in particular 'violence without injury' as many lower level offences were not previously being recorded.

The police report only compares statistics from the last two years, as the statistics are not comparable going further back than that due to the changes in the way in which crime is recorded.

The following data tables and key findings (signified by bullet points) have been extracted from the police report.

City Centre

Occurrence Type	01/09/2014 - 31/08/2015	01/09/2015 - 31/08/2016	Change +/-	% Change
Affray	27	38	11	41%
Assault	978	1300	322	33%
Drunk And Disorderly	272	255	-17	-6%
Public Order	143	291	148	103%
Robbery	58	95	37	64%
Theft From Person	1152	1168	16	1%
Theft Non Specific	1486	1518	32	2%
Total	4116	4665	549	13%

Figure 1 shows the breakdown of occurrence type 01/09/2014 – 31/08/2016

Licensed Premises Flag

Occurrence Type	01/09/2014 - 31/08/2015	01/09/2015 - 31/08/2016	Change +/-	% Change
Affray	5	3	-2	-40%
Assault	185	251	66	36%
Drunk And Disorderly	7	15	8	114%
Public Order	2	11	9	450%
Robbery	2	2	0	0%
Theft From Person	452	488	36	8%
Theft Non Specific	507	537	30	6%
Total	1160	1307	147	13%

Figure 2 shows the offences flagged as licensed premises involved 01/09/2014 – 31/08/2016

Alcohol involved flag

Occurrence Type	01/09/2014 - 31/08/2015	01/09/2015 - 31/08/2016	Change +/-	% Change
Affray	11	14	3	27%
Assault	310	331	21	7%
Drunk And Disorderly	231	203	-28	-12%
Public Order	21	39	18	86%
Robbery	10	11	1	10%
Theft From Person	30	43	13	43%
Theft Non Specific	32	27	-5	-16%
Total	645	668	23	4%

Figure 3 shows the offences flagged as alcohol involved 01/09/2014 – 31/08/2016

Offences by day or night time economy

Day Time Economy

Occurrence Type	01/09/2014 - 31/08/2015	01/09/2015 - 31/08/2016	Change +/-	% Change
Affray	3	6	3	100%
Assault	188	288	100	53%
Drunk And Disorderly	26	35	9	35%
Public Order	82	149	67	82%
Robbery	13	29	16	123%
Theft From Person	393	352	-41	-10%
Theft Non Specific	677	674	-3	0%
Total	1382	1533	151	11%

Figure 4 shows the offences during the DTE (06:00 – 17:59) between 01/09/2014 – 31/08/2016

Night Time Economy

Occurrence Type	01/09/2014 - 31/08/2015	01/09/2015 - 31/08/2016	Change +/-	% Change
Affray	24	32	8	33%
Assault	790	1012	222	28%
Drunk And Disorderly	246	220	-26	-11%
Public Order	61	142	81	133%
Robbery	45	66	21	47%
Theft From Person	759	816	57	8%
Theft Non Specific	809	844	35	4%
Total	2734	3132	398	15%

Figure 5 shows the offences during the NTE (18:00 – 05:59) between 01/09/2014 – 31/08/2016

The tables clearly show that there has been an increase in crime across the city centre. The police report conclusions state:

- An analysis of the examined offences shows overall offending in the City Centre has increased by 13% compared with the previous examined period.
- During 01/09/2015 – 31/08/2016 Assaults and Public order offences have seen the highest increases in terms of volume compared with the previous year. Public Order and Robbery offences have experienced the greatest percentage change. The majority of the examined offences experienced an increase with the exception of Drunk and Disorderly and Murder / Manslaughter offences.
- Assaults and Thefts have the highest number of offences with a licensed premises flag and experienced the greatest increases during the period 01/09/2015 – 31/08/2016 compared with the previous 12 months.
- Assaults continue to be the highest alcohol related crime, followed by Drunk and Disorderly offences. Only Drunk and Disorderly and Theft Non Specific offences had a reduction.

- Assaults and Thefts are the top offence categories for both the day time economy and night time economy. For both time periods, the highest increases were in Assaults and Public Order offences.
- In both the examined periods there are more reports of 'off street' offences than 'on street'. The number of assaults occurring 'on street' or 'off street' are fairly similar in both years. There are slightly more assaults which occur 'on street'.

Street Level Data

The tables below relate to Leeds City Centre night time economy offending only (18:00 to 05:59) and show the top ten streets and the top ten streets of increasing concern for the night time economy offending. The table shows the percentage of the street compared with the city centre total as shown in Figure 5.

Top 10 Street Names

	2014-2015	% of City 2014-2015	2015-2016	% of City 2015-2016	Change +/-
Briggate	484	17.7%	572	18.3%	88
Call Lane	457	16.7%	531	17.0%	74
Albion Street	209	7.6%	263	8.4%	54
Woodhouse Lane	169	6.2%	213	6.8%	44
Boar Lane	130	4.8%	140	4.5%	10
Cookridge Street	103	3.8%	99	3.2%	-4
Merrion Street	84	3.1%	113	3.6%	29
Duncan Street	113	4.1%	77	2.5%	-36
New York Street	65	2.4%	76	2.4%	11
The Headrow	48	1.8%	88	2.8%	40

Top 10 Street Names Of Increasing Concern

	2014-2015	% of City 2014-2015	2015-2016	% of City 2015-2016	Change +/-
Briggate	484	17.7%	572	18.3%	88
Call Lane	457	16.7%	531	17.0%	74
Albion Street	209	7.6%	263	8.4%	54
Heatons Court	25	0.9%	72	2.3%	47
Woodhouse Lane	169	6.2%	213	6.8%	44
The Headrow	48	1.8%	88	2.8%	40
Merrion Street	84	3.1%	113	3.6%	29
New Briggate	39	1.4%	63	2.0%	24
Hirsts Yard	25	0.9%	44	1.4%	19
Assembly Street	10	0.4%	23	0.7%	13

Figure 6 shows the top streets 01/09/2014 – 31/08/2016 during the night time economy.

These clearly show that the Briggate and Call Lane areas are responsible for 35% of crime reported in the city in the last year. 15% of crime was reported in the other red area of Albion Street/Woodhouse Lane.

The police report conclusions were:

- Call Lane, Briggate, Albion Street and Woodhouse Lane are the top streets for offending in the night time economy for both examined periods. These streets are located within the two city centre CIP red areas, supporting the view that both red areas should be maintained.

Red Area Comparisons

The stated crime figures and time analysis is taken from offences occurring within the red outlining square, between 18:00 – 05:59. Assaults, theft from person, theft non-specific, robbery and sexual offences have been included in this analysis.

Call Lane Red Area



NTE: Year 2014 – 2015 (Sept – Aug)	NTE: Year 2015– 2016 (Sept – Aug)
<p>Crime:</p> <ul style="list-style-type: none"> ▪ Assault: 347 ▪ Robbery: 13 ▪ Sexual Offences: 20 ▪ Theft From Person: 410 ▪ Theft Non Specific: 355 	<p>Crime:</p> <ul style="list-style-type: none"> ▪ Assault: 420 (21% increase) ▪ Robbery: 27 (107% increase) ▪ Sexual Offences: 26 (30% increase) ▪ Theft From Person: 487 (18% increase) ▪ Theft Non Specific: 382 (7% increase)
<p>Total: 1145</p>	<p>Total: 1342 (17% increase)</p>
<p>Time Analysis: Peak Time: 0000 – 0400</p>	<p>Time Analysis: Peak Time: 00:00 – 05:00</p>
<p>Risk days: Friday, Saturday & Sunday</p>	<p>Risk days: Thursday, Friday and Saturday</p>

Figure 8: Call Lane red area for the period 01/09/2015 - 31/08/2015 and 01/09/2015 - 31/08/2016

The police report conclusions were:

- The Call Lane red area remains the predominant hot-spot area. Geo-spatial analysis shows the main risk area within the city centre is the area of Call Lane and Briggate. The highest concentration of offences remains in this area and has slightly extended compared with the previous 12 months, but still falling within the existing designated area. The peak time for offending in the Call Lane area is now 00:00 - 05:00.
- Within the Call Lane area, all the examined offences namely assaults, robberies, sexual offences and thefts have increased during 2015-2016 with assaults and theft from persons experiencing the largest gains.

Not only have all crimes increased in this area by 17%, the peak times have lengthened from midnight to 4am to midnight to 5am. The risk days have changed from Friday, Saturday and Sunday to Thursday, Friday and Saturday. Most worrying are the increases in assault and theft from person.

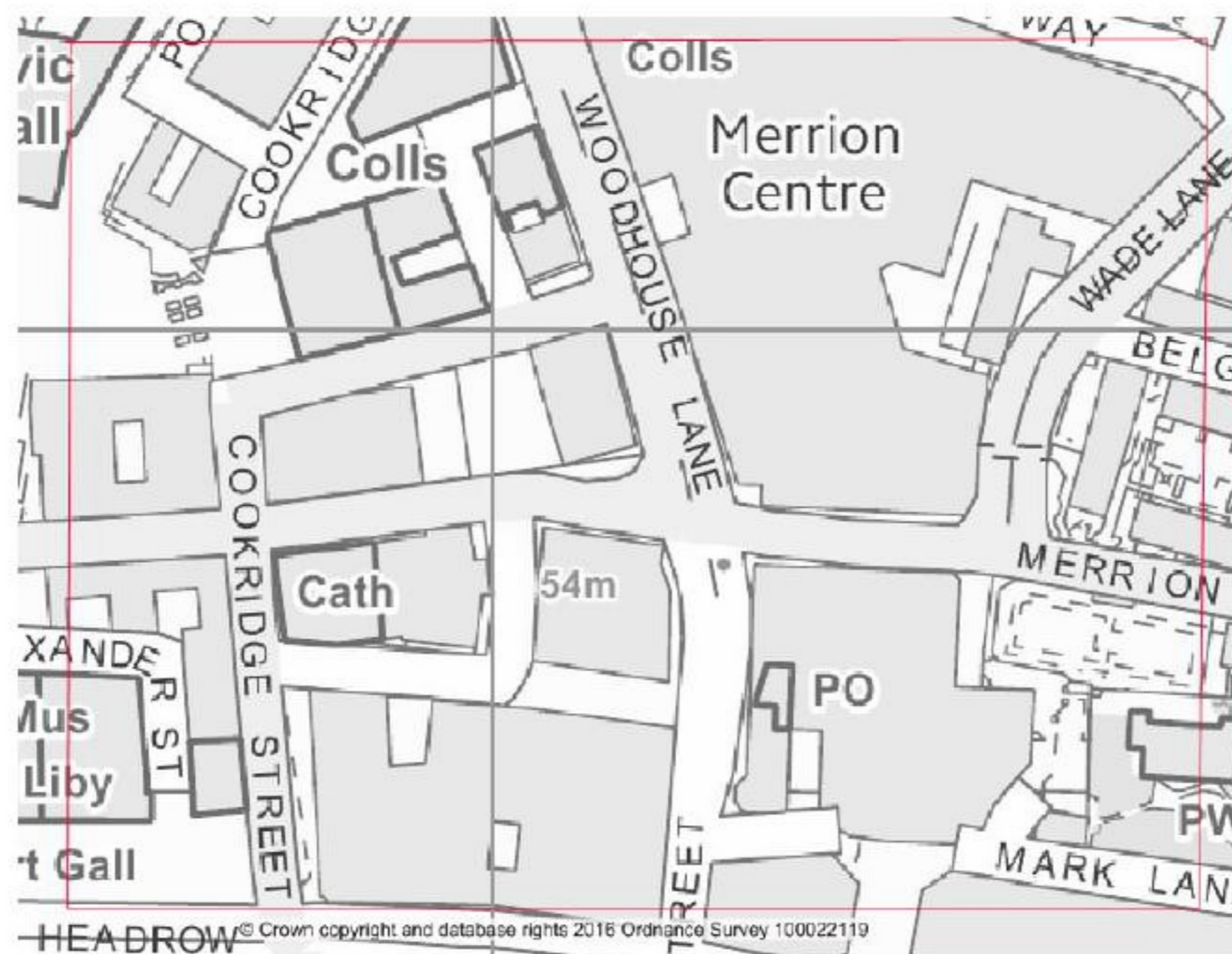
This shows not only how important it is that the number of people using this area during the night time does not increase but that it would be desirable for the number of people using this area during peak hours to reduce. Therefore any change to the current licences, either new premises or any increase in the operation of the existing premises should not have the effect of increasing visitors to the area.

Furthermore the Council will be investigating ways in which assault and theft can be reduced, in liaison with the operators and agencies.

In the last year the Licensing Authority has received three applications in this red area. One was for the lengthening of operating hours into the peak hours and was refused. The subsequent appeal was withdrawn before it was heard with all costs recovered from the appellant. Another application was received for a substantial increase in the size of the premises. The applicant agreed to a range of amendments to the application which took the operation of the additional area out of the peak hours for crime and disorder. The third was only partially granted but with the imposition of restrictive conditions.

Any operator seeking a variation to their current licence must be mindful of the problems being experienced in the area and must ensure that the additional measures they offer will result in no impact on the licensing objectives. A responsible operator will always be seeking ways in which they can contribute to the efforts made to reduce the crime statistics, and would not be satisfied with merely maintaining the status quo.

Albion Street / Woodhouse Lane Red Area



NTE: Year 2014 – 2015 (Sept – Aug)	NTE: Year 2015 – 2016 (Sept – Aug)
<p>Crime:</p> <ul style="list-style-type: none"> ▪ Assault: 164 ▪ Robbery: 1 ▪ Sexual Offences: 9 ▪ Theft From Person: 128 ▪ Theft Non Specific: 131 <p>Total: 433</p> <p>Time Analysis:</p> <ul style="list-style-type: none"> ▪ Peak: 0100 – 0400 ▪ Secondary peak: 2300 - 0100 <p>Risk days: Friday, Saturday</p>	<p>Crime:</p> <ul style="list-style-type: none"> ▪ Assault: 228 (39% increase) ▪ Robbery: 3 (200% increase) ▪ Sexual Offences: 7 (22% decrease) ▪ Theft From Person: 126 (1.5% decrease) ▪ Theft Non Specific: 150 (14.5% increase) <p>Total: 514 (19% increase)</p> <p>Time Analysis:</p> <ul style="list-style-type: none"> ▪ Peak: 00:00 - 0400 ▪ Secondary : 23:00 – 00:00 <p>Risk days: Monday, Friday, Saturday</p>

Figure 9 Map showing the Albion Street red area for the period 01/09/2015 - 31/08/2015 and 01/09/2015 - 31/08/2016

The police report conclusions were:

- Within the Albion Street / Woodhouse Lane Red area, the hot-spot areas have remained the same in both examined periods, specifically the bottom of Woodhouse Lane and top of Albion Street, as shown in Section 7.2. During the period 2015-2016 the peak time is 00:00 – 04:00, compared with 01:00 – 04:00 over the previous 12 months.

The licensing authority hasn't received any new or variation applications in the last year. However the overall 19% increase in crime and the lengthening of the peak hours is worrying.

As with the Call Lane/Lower Briggate area this shows not only how important it is that the number of people using this area during the night time does not increase but that it would be desirable for the number of people to reduce. Therefore any change to the current licences, either new premises or any increase in the operation of the existing premises should not have the effect of increasing visitors to the area.

Furthermore the Council will be investigating ways in which assault and theft can be reduced, in liaison with the operators and agencies.

Cross Belgrave Street / Merrion Street / New Briggate:

The following area is not a designated 'red area' in the existing CIP; although, it has been noted as an emerging area of popularity during the 'Night Time Economy'.



NTE: Year 2014 – 2015 (Sept – Aug)	NTE: Year 2015 – 2016 (Sept – Aug)
<p>Crime:</p> <ul style="list-style-type: none"> ▪ Assault: 80 ▪ Robbery: 6 ▪ Sexual Offences: 6 ▪ Theft From Person: 85 ▪ Theft Non Specific: 118 <p>Total: 295</p> <p>Time Analysis:</p> <ul style="list-style-type: none"> ▪ Peak: 0100 – 0200 ▪ Secondary peak: 0200 - 0300 <p>Risk days: Thursday, Friday and Saturday</p>	<p>Crime:</p> <ul style="list-style-type: none"> ▪ Assault: 108 (+28) ▪ Robbery: 8 (+2) ▪ Sexual Offences: 8 (+2) ▪ Theft From Person: 96 (+11) ▪ Theft Non Specific: 112 (-6) <p>Total: 332 (13% increase)</p> <p>Time Analysis:</p> <ul style="list-style-type: none"> ▪ Peak: 01:00 – 04:00 ▪ Secondary peak: 23:00 – 00:00 and 04:00 – 05:00 <p>Risk days: Thursday, Friday and Saturday</p>

Figure 10: Map showing New Briggate area for the period 01/09/2015 - 31/08/2015 and 01/09/2015 - 31/08/2016

The police report conclusions were:

- Within the Merrion Street / New Briggate area the hot-spots have remained the same in both examined periods, as shown in Section 7.3. The peak time has extended from 01:00 – 02:00 to 01:00 – 04:00.

As reported last year, this area in Leeds has been developed in the north of the city and is proving very popular. The lengthening of the hot spot period and the overall 13% increase is in common with the two red areas. When compared to the other areas in the city, in figure 6, Merrion Street lies in 7th on both tables.

This area remains in the amber area this year, as this provides the most flexibility to negotiate with applicants regarding safeguards that can be put in place. However if crime levels increase further this area will be subject to further review next year and may face being placed in a red zone.

City Centre A&E Assault data

A&E data and road traffic incidents data are new additions to the review this year. The licensing authority was keen to see the crime statistics in context to ensure that the peak times for reported incidents was supported by other data specific to the night time environment.

The police report states A&E data was provided for the period 01/09/2014 – 31/08/2016. A notable proportion did not have a location address or did not specify an exact address, for example “on street” or “on bus”. Assaults which could be attributed to occurring in the City Centre accounted for 12% of all assaults. Where the time of the assault could be ascertained, overall the peak time was 01:00 – 04:00, with secondary peaks between 23:00 – 01:00 and 04:00 – 05:00. 85% were recorded as being a male patient. Alcohol was the main contributing factor.

	Year	
	2014-2015	2015-2016
Time Analysis		
Peak Time	00:00 - 04:00	01:00 - 04:00
Secondary Peak	23:00 - 00:00	23:00 - 00:00 & 04:00 - 05:00
Location		
Off Street	45.50%	41.44%
On Street	45.78%	50.75%
Other	8.72%	7.81%
Contributory Factors		
Alcohol	77.38%	75.98%
Alcohol, Drugs	0.27%	0.00%
Drugs	0.54%	0.30%
Drugs, Alcohol	4.09%	3.30%
Drugs, Mental Health, Alcohol	0.27%	0.00%
Mental Health, Alcohol	0.27%	0.00%
None	17.17%	20.42%

Figure 11 shows the Peak Times, Location and Contributory Factors for A&E assaults

Road Traffic Incidents

The below table shows the breakdown of Road Traffic Incidents 01/09/2014 - 31/08/2016 in the city centre.

Incident Type	DTE		DTE Total	NTE		NTE Total
	2014-2015	2015-2016		2014-2015	2015-2016	
Highway Disruption	156	132	288	61	86	147
OPL	5	11	16	55	34	89
Road Related Offence	54	62	116	55	68	123
RTC - Damage Only	277	316	593	168	165	333
RTC - Serious Injury	15	8	23	4	6	10
RTC - Slight Injury	72	96	168	46	54	100
Total	579	625	1204	389	413	802

Figure 12 shows the breakdown of Road Traffic Incidents 01/09/2014 - 31/08/2016.

Day Time Economy – Top Streets

The below tables show the top ten streets and the top ten streets of increasing concern for road traffic incidents during the daytime economy.

Top Ten Street Names	2014-2015	2015-2016	Change
A58	35	26	-9
The Headrow	34	26	-8
Inner Ring Rd	31	25	-6
A58(M)	30	21	-9
Wellington St	17	26	9
Woodhouse Ln	18	22	4
Crown Point Rd	17	17	0
Albion St	19	15	-4
York St	17	16	-1
Great George St	14	17	3

Top 10 Street Names Of Increasing Concern	2014-2015	2015-2016	Change
Kirkgate	3	19	16
Duke St	1	14	13
New York St	8	18	10
Wellington St	17	26	9
Westgate	7	16	9
Swinegate	7	14	7
Clay Pit Ln	9	14	5
East Pde	2	7	5
Woodhouse Ln	18	22	4
Eastgate	2	6	4

Figure 13 shows the top streets 01/09/2014 – 31/08/2016 for road traffic incidents during the day time economy

Night Time Economy – Top Streets

Top 10 Street Names	2014-2015	2015-2016	Change
The Headrow	26	19	-7
Woodhouse Ln	16	21	5
Albion St	18	16	-2
A58	13	16	3
Boar Ln	11	18	7
Great George St	17	12	-5
Wellington St	14	13	-1
Westgate	12	14	2
Inner Ring Rd	11	12	1
New York St	8	13	5
Call Ln	14	7	-7

Top 10 Street Names	2014-2015	2015-2016	Change
Merrion Way	3	12	9
Boar Ln	11	18	7
Clay Pit Ln	7	13	6
Woodhouse Ln	16	21	5
New York St	8	13	5
York St	7	11	4
Northern St	3	7	4
Bishopgate St	3	7	4
Crown St	1	5	4
A58	13	16	3
A58(M)	8	11	3

Figure 14 shows the top streets 01/09/2014 – 31/08/2016 for road traffic incidents during the night time economy.

The police report conclusions were:

- Overall there are more day time economy road related incidents than during the night time. OPL (over the prescribed limit) and Road Related offences were higher during the Night Time Economy.
- During the NTE the main hot-spots for 2014-2015 for Road Related Incidents were around Woodhouse Lane and the Boar Lane / Briggate / Call Lane area. There was also a concentration of incidents in the vicinity of the Headrow / Westgate area.
- Overall during 2015-2016 the peak time for Road Related incidents is 13:00 – 18:00, there was a secondary peak between 02:00 – 03:00. The area reduced around Woodhouse Lane. The hotspot around Boar Lane / Briggate/ Call Lane remained, however the number of incidents in this area reduced compared with the previous 12 months. Boar Lane experienced an increase in Road Traffic Incidents, however incidents halved on Call Lane. This is possibly due to the road closure in effect since October 2015 on Call Lane between 11:00 - 05:00 on a Friday, Saturday and Sunday night.

Conclusion

With the police report conclusions in mind the Licensing Authority has determined that the red areas be maintained. Merrion Street/Cross Belgrave Street area and the Boar Lane areas will be closely monitored with a view to placing them in a red zone should the crime figures not improve in the next 12 months.

The increase in theft and violent crime in the two red areas is concerning. The council will work with the businesses and partners to establish if further work can be done to reduce these crime figures over the next 12 months.

The Licensing Committee will bear in mind that in the next 12 months there may be significant changes to the way late night levies can be introduced and may also consider the option of an early morning restriction order if these figures do not significantly reduce over the next 12 months.

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The Police Report produced by Leeds District Analytical Unit is available on request from Entertainment Licensing.

Issued premises licences and club certificates within an area



Leeds
CITY COUNCIL

PREM/00034/013 - Malmaison Hotel, 1 Swinegate, Leeds, LS1 4AG

Sale by retail of alcohol	
Every Day	11:00 - 01:00
Provision of late night refreshment	
Every Day	23:00 - 01:00
Performance of live music	
Every Day	11:00 - 01:00
Performance of recorded music	
Every Day	11:00 - 01:00
Performance of dance	
Every Day	11:00 - 01:00
Entertainment similar to live music, recorded music or dance	
Every Day	11:00 - 01:00

PREM/03180/005 - Chao Phraya, Blayds Court, 20 Swinegate, Leeds, LS1 4AG

Sale by retail of alcohol	
Every Day	11:00 - 01:00
Provision of late night refreshment	
Every Day	23:00 - 01:00
Performance of live music	
Every Day	11:00 - 01:00
Performance of recorded music	
Every Day	11:00 - 01:00
Performance of dance	
Every Day	11:00 - 01:00

PREM/02762/008 - Baracoa, 52 Call Lane, Leeds, LS1 6DT

Sale by retail of alcohol	
Every Day	08:00 - 04:00
Provision of late night refreshment	
Every Day	23:00 - 04:00
Exhibition of a film	
Every Day	08:00 - 04:00
Performance of live music	
Every Day	08:00 - 04:00
Performance of recorded music	
Every Day	08:00 - 04:00
Performance of dance	
Every Day	08:00 - 04:00
Entertainment similar to live music, recorded music or dance	
Every Day	08:00 - 04:00

PREM/01780/005 - Blayds Bar, 3 - 5 Blayds Yard, Leeds, LS1 4AD

Sale by retail of alcohol	
Monday to Saturday	11:00 - 01:00
Sunday	12:00 - 00:30
Performance of live music	
Monday to Saturday	11:00 - 01:00
Sunday	12:00 - 00:30
Performance of recorded music	
Monday to Saturday	11:00 - 01:00
Sunday	12:00 - 00:30
Performance of dance	
Monday to Saturday	11:00 - 01:00
Sunday	12:00 - 00:30
Entertainment similar to live music, recorded music or dance	
Monday to Saturday	11:00 - 01:00
Sunday	12:00 - 00:30

PREM/02104/005 - The Shed Bar, Heatons Court, Leeds, LS1 6ET

Sale by retail of alcohol	
Every Day	12:00 - 04:00
Provision of late night refreshment	
Monday to Saturday	23:00 - 02:00
Sunday	23:00 - 01:00
Performance of live music	
Every Day	12:00 - 04:00
Performance of recorded music	
Every Day	12:00 - 04:00

PREM/03675/002 - Moments Coffee, 8 Swinegate, Leeds, LS1 4AG

Sale by retail of alcohol	
Monday to Friday	07:00 - 23:00
Saturday & Sunday	09:00 - 23:00

PREM/00733/010 - The Back Room, 50A Call Lane, Leeds, LS1 6DT

Sale by retail of alcohol	
Friday & Saturday	11:00 - 06:00
Sunday to Thursday	11:00 - 04:00
Performance of live music	
Friday & Saturday	11:00 - 06:00
Sunday to Thursday	11:00 - 04:00
Performance of recorded music	
Friday & Saturday	11:00 - 06:00
Sunday to Thursday	11:00 - 04:00

PREM/01711/V02 - Cosmopolitan, 2 Briggate, Leeds, LS1 4AE

Sale by retail of alcohol	
Every Day	11:00 - 02:00
Provision of late night refreshment	
Every Day	23:00 - 02:30
Performance of live music	
Every Day	08:00 - 02:00
Performance of recorded music	
Every Day	08:00 - 02:00
Performance of dance	

Every Day	08:00 - 02:00
PREM/01787/006 - Travelodge Leeds Central, Blayds Court, Blayds Yard, Leeds, LS1 4AB	
Sale by retail of alcohol	
Monday to Saturday	11:00 - 23:00
Sunday	12:00 - 22:30
Provision of late night refreshment	
Every Day	23:00 - 05:00
PREM/00880/008 - Revolution, 48 Call Lane, Leeds, LS1 6DT	
Sale by retail of alcohol	
Every Day	11:00 - 04:00
Provision of late night refreshment	
Every Day	23:00 - 04:30
Performance of live music	
Every Day	11:00 - 04:00
Performance of recorded music	
Every Day	11:00 - 04:00
PREM/00650/004 - New Penny, 57 - 59 Call Lane, Leeds, LS1 7BT	
Sale by retail of alcohol	
Friday & Saturday	11:00 - 06:00
Sunday to Thursday	11:00 - 04:30
Provision of late night refreshment	
Friday & Saturday	23:00 - 05:00
Sunday to Thursday	23:00 - 04:30
Exhibition of a film	
Friday & Saturday	11:00 - 06:00
Sunday to Thursday	11:00 - 04:30
Performance of live music	
Friday & Saturday	11:00 - 06:00
Sunday to Thursday	11:00 - 04:30
Performance of recorded music	
Friday & Saturday	11:00 - 06:00
Sunday to Thursday	11:00 - 04:30
Performance of dance	
Friday & Saturday	11:00 - 06:00
Sunday to Thursday	11:00 - 04:30
Entertainment similar to live music, recorded music or dance	
Friday & Saturday	11:00 - 06:00
Sunday to Thursday	11:00 - 04:30
PREM/02285/V01 - Basement Complex, 7 Heatons Court, Leeds, LS1 4LJ	
Provision of late night refreshment	
Every Day	23:00 - 00:00
Exhibition of a film	
Every Day	00:00 - 23:59
Performance of recorded music	
Every Day	00:00 - 23:59

PREM/01940 - Bridge Inn, 1-5 Bridge End, Leeds, LS1 7HG

Sale by retail of alcohol	
Monday to Saturday	11:00 - 02:00
Sunday	12:00 - 00:30
Provision of late night refreshment	
Monday to Saturday	23:00 - 02:30
Sunday	23:00 - 00:30
Performance of live music	
Monday to Saturday	11:00 - 02:00
Sunday	12:00 - 00:30
Performance of recorded music	
Every Day	00:01 - 00:00
Performance of dance	
Monday to Saturday	11:00 - 02:00
Sunday	12:00 - 00:30
Entertainment similar to live music, recorded music or dance	
Monday to Saturday	11:00 - 02:00
Sunday	12:00 - 00:30

PREM/02028/012 - Bar Fibre, 168 Lower Briggate, Leeds, LS1 6LY

Sale by retail of alcohol	
Friday & Saturday	11:00 - 08:00
Sunday to Thursday	11:00 - 06:00
Provision of late night refreshment	
Every Day	23:00 - 05:00
Performance of live music	
Friday & Saturday	11:00 - 08:00
Sunday to Thursday	11:00 - 06:00
Performance of recorded music	
Friday & Saturday	11:00 - 08:00
Sunday to Thursday	11:00 - 06:00
Entertainment similar to live music, recorded music or dance	
Sunday to Thursday	11:00 - 06:00
Friday & Saturday	11:00 - 08:00

PREM/00939/003 - Stone Roses Bar, 9 Briggate, Leeds, LS1 6ER

Sale by retail of alcohol	
Every Day	08:00 - 06:00
Provision of late night refreshment	
Every Day	23:00 - 05:00
Performance of live music	
Every Day	08:00 - 06:00
Performance of recorded music	
Every Day	08:00 - 06:00
Performance of dance	
Every Day	08:00 - 06:00

PREM/01078/002 - Luigi's, 10 Briggate, Leeds, LS1 6EP

Provision of late night refreshment	
Every Day	23:00 - 05:00

PREM/00399/004 - Queens Court, 167-168 Briggate, Leeds, LS1 6LY

Sale by retail of alcohol	
Monday to Thursday	11:00 - 04:00
Friday & Saturday	11:00 - 05:00
Sunday	11:00 - 03:00
Provision of late night refreshment	
Monday to Thursday	23:00 - 04:30
Friday & Saturday	23:00 - 05:00
Sunday	23:00 - 03:30
Exhibition of a film	
Monday to Thursday	11:00 - 04:00
Friday & Saturday	11:00 - 05:00
Sunday	11:00 - 03:00
Indoor sporting events	
Monday to Thursday	11:00 - 04:00
Friday & Saturday	11:00 - 05:00
Sunday	11:00 - 03:00
Performance of live music	
Monday to Thursday	11:00 - 04:00
Friday & Saturday	11:00 - 05:00
Sunday	11:00 - 03:00
Performance of dance	
Monday to Thursday	11:00 - 04:00
Friday & Saturday	11:00 - 05:00
Sunday	11:00 - 03:00
Performance of Recorded Music	
Every Day	00:00 - 23:59

PREM/03519/002 - Cafe@Lamberts Yard, Second Floor, 162 - 163 Briggate, Leeds, LS1 6LY

Sale by retail of alcohol	
Every Day	09:00 - 23:30
Provision of late night refreshment	
Every Day	23:00 - 23:30
Performance of recorded music	
Every Day	09:00 - 23:30
Performance of dance	
Every Day	09:00 - 23:30
Provision of facilities for anything similar to making music or dancing	
Every Day	09:00 - 23:30

PREM/02816/006 - Revolucion De Cuba, 64 - 68 Call Lane, Leeds, LS1 6DT

Sale by retail of alcohol	
Every Day	11:00 - 06:00
Provision of late night refreshment	
Every Day	23:00 - 05:00
Performance of live music	
Every Day	11:00 - 06:00
Performance of recorded music	
Every Day	11:00 - 06:00
Performance of dance	
Every Day	11:00 - 06:00
Entertainment similar to live music, recorded music or dance	
Every Day	11:00 - 06:00

PREM/02121/011 - Mission, Units 8-13, Heatons Court, Leeds, LS1 6ET

Sale by retail of alcohol	
Monday to Thursday	11:00 - 06:00
Friday & Saturday	11:00 - 08:00
Sunday	17:00 - 06:00
Performance of live music	
Monday to Thursday	11:00 - 06:00
Friday & Saturday	11:00 - 09:30
Sunday	17:00 - 06:00
Performance of recorded music	
Monday to Thursday	11:00 - 06:00
Friday & Saturday	11:00 - 09:30
Sunday	17:00 - 06:00
Entertainment similar to live music, recorded music or dance	
Monday to Thursday	11:00 - 06:00
Friday & Saturday	11:00 - 09:30
Sunday	17:00 - 06:00

PREM/03358/004 - Rare, 162 Briggate, Leeds, LS1 6LY

Sale by retail of alcohol	
Thursday to Saturday	11:00 - 01:00
Sunday to Wednesday	11:00 - 23:30
Provision of late night refreshment	
Thursday to Saturday	23:00 - 01:00
Sunday to Wednesday	23:00 - 00:00
Performance of recorded music	
Thursday to Saturday	11:00 - 01:00
Sunday to Wednesday	11:00 - 00:00

PREM/02870/004 - Brooklyn Bar, 50 Call Lane, Leeds, LS1 6DT

Sale by retail of alcohol	
Monday to Saturday	11:00 - 03:00
Sunday	12:00 - 03:00
Provision of late night refreshment	
Every Day	23:00 - 03:00
Exhibition of a film	
Monday to Saturday	11:00 - 03:00
Sunday	12:00 - 03:00
Performance of live music	
Monday to Saturday	11:00 - 03:00
Sunday	12:00 - 03:00
Performance of recorded music	
Monday to Saturday	11:00 - 03:00
Sunday	12:00 - 03:00
Entertainment similar to live music, recorded music or dance	
Monday to Saturday	11:00 - 03:00
Sunday	12:00 - 03:00

PREM/01136/007 - Viaduct, 11 Briggate, Leeds, LS1 6EP

Sale by retail of alcohol	
Monday to Wednesday	11:00 - 02:00
Thursday	11:00 - 04:00
Friday & Saturday	11:00 - 06:00
Sunday	11:00 - 03:30
Exhibition of a film	
Monday to Wednesday	11:00 - 02:00
Thursday	11:00 - 04:00
Friday & Saturday	11:00 - 06:00
Sunday	11:00 - 03:30
Performance of live music	
Monday to Wednesday	11:00 - 02:00
Thursday	11:00 - 04:00
Friday & Saturday	11:00 - 06:00
Sunday	11:00 - 03:30
Performance of recorded music	
Monday to Wednesday	11:00 - 02:00
Thursday	11:00 - 04:00
Friday & Saturday	11:00 - 06:00
Sunday	11:00 - 03:30
Performance of dance	
Monday to Wednesday	11:00 - 02:00
Thursday	11:00 - 04:00
Friday & Saturday	11:00 - 06:00
Sunday	11:00 - 03:30
Entertainment similar to live music, recorded music or dance	
Monday to Wednesday	11:00 - 02:00
Thursday	11:00 - 04:00
Friday & Saturday	11:00 - 06:00
Sunday	11:00 - 03:30

PREM/00940/004 - Bibis Criterion, Swinegate, Leeds, LS1 4AG

Sale by retail of alcohol	
Every Day	10:00 - 03:00
Provision of late night refreshment	
Every Day	23:00 - 03:00
Exhibition of a film	
Every Day	10:00 - 03:00
Indoor sporting events	
Every Day	10:00 - 03:00
Performance of live music	
Every Day	10:00 - 03:00
Performance of recorded music	
Every Day	10:00 - 03:00
Performance of dance	
Every Day	10:00 - 03:00

PREM/01835 - Viva Italian Restaurant, 9 - 11 Bridge End, Leeds, LS1 7HG

Sale by retail of alcohol

Monday to Saturday

10:00 - 00:00

Sunday

12:00 - 23:30

Provision of late night refreshment

Monday to Saturday

23:00 - 00:30

Sunday

23:00 - 00:00

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Notice of Decision

of the Licensing Sub Committee



Date of Hearing:	28th October 2017
Determination Date:	20th October 2017
Notice of Decision:	20th October 2017
Members:	Councillor Brian Selby (Chair) Councillor Billy Flynn Councillor Alison Garthwaite
Legal Officer:	Joy Lounds
Committee Clerk:	Andy Booth
Licensing Officer:	Philomena Carville
Applicant:	Mr Mahboob Hussain,
Premises:	Restaurant/Cafe, 5 Briggate, Leeds, LS1 3LZ,
Application:	Grant of a Premises Licence
Attendees:	Mr Mahboob Hussain, Mr Leo Charalambides, Susan Holden, PC Catherine Arkle, Mr Trevor Porter

This application was brought before the Licensing Sub Committee due to the receipt of relevant representations

The Licensing Sub Committee considered:

1. Report from the Head of Licensing and Registration
2. Licensing Act 2003
3. Guidance issued by the Home Office pursuant to Section 182 of the act
4. Relevant licensing objectives
5. Licensing Act 2003 Statement of Licensing Policy 2014 – 2018
6. Representations received from responsible authorities

Having taken all these matters into account the Licensing Sub Committee have agreed to

The reason for this decision is as follows:

The applicant attended the hearing and was represented by Mr Leo Charalambides, of Counsel. The application had attracted representations from responsible authorities as the premises are located within an area covered by a cumulative impact policy - specifically the Red Zone of the cumulative impact area for Leeds City Centre.

PC Cath Arkle of West Yorkshire Police, Ms Susan Holden of Entertainment Licensing and Mr Trevor Porter of the Council's Environmental Protection Team attending the hearing to comment upon their representations.

The application was for late night refreshment every day from 23:00hrs until 04:00hrs.

At the outset of the hearing there was an application made by PC Arkle to submit supplementary information from West Yorkshire Police. This was a document entitled "Leeds City Centre, Night Time Economy Related Crime 2017". It was clarified that this document had already been provided to the applicant's solicitor, and there being no objections to the inclusion of the information it was accepted.

In his opening remarks to the Licensing Sub Committee Mr Leo Charalambides challenged the status of the Council's Statement of Licensing Policy and queried how the Council had reached the conclusion of red, amber and green zones as referred to the Cumulative Impact Assessment, City Centre - December 2016, which was attached to the report at Appendix D. He questioned the lawfulness of the current assessment, map and zoning under the Licensing Act 2003. He also referred to alleged inconsistencies in paragraphs 7.19 and 7.26 of the Council's Statement of Licensing Policy, to the collation of evidence and how the Cumulative Impact Assessments are conducted.

In response PC Arkle noted that the Police statistics related to what happens in the City Centre and due to the nature of the offences happening on the street, it is not possible to connect crimes to specific licensed premises. Ms Holden referred to paragraph 7.20 of the Statement of Licensing Policy, which refers to the dynamic nature of the City Centre area creating difficulties in setting a policy for the city centre that will be relevant for five years until the next formal review of the Policy. She referred to the updated information which is collated as part of the annual review.

Following an adjournment to consider the comments of Mr Charalambides and the responsible authorities the Licensing Sub Committee decided to adjourn the hearing until Tuesday 5 December 2017 at 2.00pm. The Licensing Sub Committee also directed that:

1. No later than 25 October 2017 the Applicant to set out in writing the full basis of the challenge to the Council's Cumulative Impact Policy and for this to be served on all Responsible Authorities
2. No later than 8 November 2017 the Responsible Authorities to respond in writing to the Applicant's letter.

It was clarified that the Licensing Sub Committee could only consider any responses under paragraph 2 above from the Police, Entertainment Licensing and Environmental Protection Team in relation to this application at the resumed hearing.

Right of Appeal

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the sub committee. You must make this appeal within 21 days of receiving this notice.

Appeals should be addressed to the Magistrates Court at:

**Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP**

and be accompanied by a copy of this notice of decision and the court fee of £400.00 if you are the premises licence holder/applicant and £200.00 for all other parties. Cheques should be made payable to HMCS.

Please note that the Magistrates have the power to award costs against any party as a result of appeal proceedings.

In the matter of the Licensing Act 2003

And in the matter of an application for a premises licence at premises known as and situate at 5 Briggate, Leeds LS1 3LZ

Submissions by the Applicant

In respect of the Leeds City Council Statement of Licensing Policy

1. At the hearing of the application on the 10th October, 2017 the licensing sub-committee having heard submissions in respect of the Leeds City Council Statement of Licensing Policy determined to adjourn the hearing of the application to the afternoon of the 5th December, 2017. The licensing sub-committee further directed that:

[1] Within 14 days of the hearing – by the Thursday 25th October, 2017¹ – the applicant to provide detailed submissions as to the challenge to the SLP and the CIP; these submissions to be served on all the responsible authorities; and

[2] 14 days thereafter the responsible authorities to comment on the submissions.

The Local Statement of Licensing Policy

2. Section 5(1) of the Licensing Act 2003 requires that each licensing authority must in respect of each five year period (a) determine its policy with respect to the exercise of its licensing functions and (b) publish a statement of that policy before the beginning of that period.²
3. Further, s 5(4) provides that a licensing authority must keep its policy (in respect of that period) under review and make such revisions to it, at such times, as it considers appropriate.
4. Section 5(3) provides that before determining its policy, the licensing authority *must* consult with:
 - The chief officer of police for the area;
 - The fire and rescue authority for the area;
 - Each local authority's Director of Public Health in England (Local Health Board in Wales);
 - Persons/bodies representative of local premises licence holders;
 - Persons/bodies representative of local club premises certificate holders;
 - Persons/bodies representative of local personal licence holders; and

¹ Submitted Monday 30th October, 2017.

² See *R (on the application of the British Beer and Pub Association) v Canterbury City Council* [2005] EWHC 1318 (Admin).

- Persons/bodies representative of businesses and residents in its area.
5. 'Subject to the statutory requirements, it is for each local authority to determine the extent of the consultation it should undertake, and whether any particular person or body is representative of the groups described in the 2003 Act.' (See s 182 Guidance, para 14.6). The Leeds City Council has consulted with a 'wide range of people and organisations' who are listed in paragraph 1.2 of the current 2014 edition of its Statement of Licensing Policy.
 6. By virtue of s 5(5) the consultation requirements of s 5(3) apply in relation to *any revision* of an authority's statement of licensing policy as it applies to the original determination of that policy. The Editors of *Paterson's Licensing Act 2017* provide the following pointed commentary: 'In any changes to policy may only be made following consultation with each of the bodies which the local authority is at liberty to identify itself as being representative of the classes of persons specified.' (*Paterson's Licensing Act 2017*, 1.3504, fn 5).
 7. The concept and application of cumulative impact is not [*] found in the Licensing Act 2003 but within the s 182 Guidance issued by the Secretary of State. A cumulative impact policy must be based upon evidence and consultation in compliance with the minimum statutory requirements of s 5(3) (see s 182 Guidance, para 14.28 and 14.29).³
- [*] *Nb* Police and Crime Act 2017, Pt 7, s 141.
8. The Secretary of State further advises that: 'Once adopted, special policies should be reviewed regularly to assess whether they are needed any longer or if those which are contained in the statement of licensing policy should be amended' (s 182 Guidance, para 14.32). It follows that reviews and amendments are subject to the statutory consultation requirements in s 5(5):

's 5(4): During each five year period, a licensing authority must keep its policy in respect of that period under review and make such revisions to it, at such times, as it considers appropriate.

s 5(5) Subsection (3) [Consultation requirement] applies in relation to any revision of an authority's policy as it applies in relation to the original determination of that policy.'

Leeds City Council Statement of Licensing Policy

³ S 182 Guidance, para 14.28: 'After considering the available evidence and consulting those individuals and organisations listed in 5(3) of the 2003 Act and any others, a licensing authority may be satisfied that it is appropriate to include an approach to cumulative impact in its licensing policy statement.'

S 182 Guidance, para 14.29 (fifth bullet point): 'Consult those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation, include and publish details of the special policy in the licensing statement.'

15th January 2014 – 15th January 2019 Edition

9. The current edition of the Leeds City Council Statement of Licensing Policy (“Leeds SLP”) was approved on the 15th January 2014. An amendment was approved in September 2016 to include a cumulative impact policy for Armley and to make small typographical changes. It is proposed that a new policy will be in place by 15th January, 2019.⁴

Leeds City Council Cumulative Impact Policy (General)

10. Section 7 of the SLP sets of the Leeds City Council Cumulative Impact Policy (“CIP”) the general outline of which is set out at paragraphs 7.1 – 7.15. Paragraph 7.9 lists the six areas in which the CIP applies; these six areas are *seemingly* the subject of one CIP. These six areas include ‘the city centre (Area 1)’. There is no definition nor accompanying map to show the extent and scope of Area 1 city centre.
11. Paragraph 7.4 sets out the effect of the policy which ‘creates a rebuttable presumptions that applications within the designated cumulative impact area for new premises licences that are likely to add to the existing cumulative impact will normally be refused if relevant representations are received. It is for the applicant to demonstrate that their application will nor add to the cumulative impact of such licensed premises in the area.’
12. Paragraph 7.15 provides that ‘the council will keep the cumulative impact areas under an annual review’. Further that applicants ‘should contact Entertainment Licensing to ensure they are in possession of the latest information before making their application.’
13. Despite the policy commitment to an annual review of the cumulative impact areas there has been no annual review in compliance with section 5 of the 2003 Ac; save for the inclusion of the Armley CIP in 2016 (see Leeds SLP paras 1.1 and 7.13) and the ‘amendments to the wording of the City Centre CIP to remove ambiguity’ (see Leeds SLP 7.13). It is unclear whether Leeds City Council has one CIP effecting six areas or six CIPs in six separate areas; ambiguities abound. There *seems* to be a review of guidance documents which are not part of the Statutory Policy; indeed in the case of so-called Local Licensing Guidance (see below) the City Council accept that such guidance documents are not and cannot be part of the Statutory Statement of Licensing Policy.
14. The Leeds SLP (at para 7.15) seeks to incorporate ‘the latest information’ but does not define nor explain what is comprised in the ‘latest information’.

⁴Leeds SLP, para 1.1.

15. Paragraphs 6.32 – 6.34 provide for ‘Local Licensing Guidance’; Leeds City Council recognise that ‘it cannot insist on applicants using the local licensing guidance when completing their operating schedules’ (see Leeds SLP, para 6.34). The Leeds City Council makes reference to three documents called ‘special guidance’ and links to three documents: (i) Local Licensing Guidance, Inner West Leeds (LS 21); (ii) Local Licensing Guidance, Inner East (Gipton and Harehills) and (iii) Local Licensing Guidance, South Leeds (LS 10 and LS 11). The City Council accept that such guidance documents are not and cannot be part of the Statutory Statement of Licensing Policy.
16. This local guidance is not part of the statement of licensing policy and has not been consulted upon and reviewed in accordance with s 5 of the Act. The use of such external guidance documents undermines the clarity and certainty of the local statement of licensing policy.
17. The website also provides ‘some guidance on the city centre cumulative impact policy’. This links to a document titled: ‘Cumulative Impact Assessment, City Centre – December 2016’. This too is an external guidance document that has not been consulted upon and reviewed in accordance with s 5 of the Act; it too undermines the clarity and certainty of the local statement of licensing policy. Such *seemingly* ongoing CIP assessment seeks to avoid and circumvent the clear policy aim to annual review the cumulative impact areas and to avoid and circumvent the clear statutory requirements for consultation in the event of such reviews.

Leeds City Council Cumulative Impact Policy (Area 1 – City Centre)

18. Paragraphs 7.16 – 7.26 of the Leeds SLP are concerned with the City Centre area of the CIP. Paragraph 7.16 states that: ‘Area 1 relates to the city centre.’ There is no map and no description setting out the extent, scope and boundaries of Area 1 (City Centre) of the CIP.
19. This lack of map and description is in stark contrast to areas 2 – 5 each of which (as the opening paragraph) provides a map and description setting out the extent, scope and boundary of each area (see Leeds SLP: area 2, para 7.27; area 3, para 7.34; area 4, para 7.41; and area 5, para 7.46). Area 6 – Armley is said to relate to ‘the main shopping areas of Armley, known as Armley Town Street and Branch Road. A map with a lined boundary (unreferenced within the text) is provided. There is no link between the text and the map. As Leeds City Council have recognised ambiguities need to be remedied by way of ‘directed consultations’ and evidently undermine the clarity, certainty and reliability of the local SLP.
20. At para 7.24 of the Leeds SLP the City Council provides: ‘The current map and evidence is available on the council’s website from Entertainment Licensing.’ Given that the consulted and approved SLP does not itself contain neither a map nor a proper

description there can be no 'current map' as no such map (nor description) has been consulted upon or subsequently approved.

21. The website also provides 'some guidance on the city centre cumulative impact policy'. This links to a document titled: 'Cumulative Impact Assessment, City Centre – December 2016'. This too is an external guidance document that has not been consulted upon and reviewed in accordance with s 5 of the Act; it is not clear whether this paragraph relates to local licensing guidance (Leeds SLP 6.32 – 6.34), the *annual review* (Leeds SLP, para 7.15), or the *latest information* (Leeds SLP, para 7.15). In any event it is entirely outside the statutory SLP.
22. At the initial hearing, on the 10th October, 2017, the Licensing Officer stated that it was for an applicant to check on the website for the map and details of the CIP. However, the documents are not part of the policy as originally consulted upon and adopted in 2014 nor do they form part of the directed consultations in early 2016 (Leeds SLP, para 7.13). There is no express incorporation of any external guidance, documents *etc* in the adopted SLP.
23. If there are omissions, ambiguities or other amendments that need to be incorporated into a SLP the proper course is to follow the statutory requirements set out in s 5 of the 2003 Act and not to adopt additional guidance which sit outside the officially adopted policy.
24. At the initial hearing, on the 10th October, 2017, the legal advisor to the subcommittee advised that the guidance documents were regularly reviewed in conjunction with the police. That the additional guidance documents were 'within and below' the SLP and that these documents were 'constantly under review'.
25. Neither the Licensing Officer nor the Legal Advisor were able to point to any portion of the officially adopted SLP where provision had been made for these additional documents and procedures (for procedures, see below).
26. The impression given by officers of the Council was that additional guidance and procedures were a private practice of review, amendment and designation between the Council and the West Yorkshire Police.

CIP presumption

27. The effect of the CIP is set out at para 7.4 of the Leeds SLP, however, within the vaguely designated Area 1 City Centre 'the council will adopt an approach of designating areas within the city centre CIP as 'red' or 'amber' upon an analysis of night time economy related issues that are relevant to the licensing objectives' (Leeds SLP, para 7.20). Later at para 7.23 a 'green area' designation is also introduced.

28. The Leeds SLP does not explain how the approach to designating areas within the city centre is to be undertaken nor the extent and scope of the analysis. Howsoever this designation is carried out the practical effect *seems* to be that areas within the vaguely defined city centre will be subject to differing and changing considerations; it seems to be the case that the designations are reviewed, amended, designated and agreed in private between the licensing authority and representatives of the West Yorkshire Police.
29. The *Cumulative Impact Assessment, City Centre – December 2016* document is based entirely on police data, evidence and submissions (even the A&E data is filtered through the police report). It is unclear to what extent the police report has been properly ‘scrutinised’ (*cf* s 182 Guidance, para 9.12); insofar as the December 2016 guidance is concerned the evidence and conclusions of the police are accepted in their entirety.
30. These private determinations of policy and policy designations have far reaching consequences:
- 30.1 The general effect of the CIP as set out at para 7.4 is that the CIP creates a rebuttable presumption that applications will normally be refused unless the applicant can demonstrate that the application will not add to the cumulative impact of such premises in the area (Leeds SLP, para 7.4, see also paras 7.67 – 7.70 *Rebutting the presumption against grant in a CIP area*) seems to be set aside in favour of different tests.
- 30.2 In red areas the council adopts a policy that it will ‘seek to refuse all applications in the red areas’ (Leeds SLP, para 7.21, repeated at para 7.25). The effect of this policy is that on a seemingly annual basis the City Council will have privately(pre-) determined with the West Yorkshire Police that any designated red areas ‘cannot support any more premises opening or existing premises extending their operation no matter how impressive the concept or application’ (Leeds SLP, para 7.21 see also paras 7.67 – 7.70 *Rebutting the presumption against grant in a CIP area*). The City Council moreover will actively set its face against any applications ‘and seek to refuse’ all these applications in the red area. The statement that ‘the council will only grant applications in the red zone in exceptional cases’ (Leeds SLP, para 7.21) is a pithy attempt to poorly conceal what in practical effect is a blanket ban on new premises and variations in the designated red areas.
- 30.3 Overnight without notification or consultation a private cabal of council representatives and the West Yorkshire Police can designate an area within the city centre so as to effectively ban all new applications or variations.
- 30.4 In an amber designated area the council expects ‘to offer additional measures tailored to the problems in the area’ (Leeds SLP, para 7.22, repeated at para 7.25). While in a

green designated area 'good quality applications will be generally more acceptable' (Leeds SLP, para 7.23, repeated at 7.25).

- 30.5 It is unclear to what extent the red, amber and green designations relate to the general position in respect of the CIP provided at para 7.4 of the SLP nor whether the policies at paras 7.67 – 7.70 (*Rebutting the presumption against grant in a CIP area*) (in particular para 7.69) apply.

Conclusion

31. The aim of the Leeds SLP is set out at para 1.13:
- 'Applicants for premises licences should be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing steps they propose to take to promote the licensing objectives. This policy seeks to provide advice to applicants about the approach they should take to making applications and the view the council is likely to take on certain key issues where representations are made.'
32. In many respects the Leeds City Council has failed to meet this aim.
33. There is a lack of clarity and certainty as to the exact definition and boundary of the CIP area 1 – City Centre. There is a substantial and significant issue as to the lawfulness of the area 1 CIP area.
34. There has been a failure to provide an annual review of the CIP in accordance with the local policy and the statutory requirements, yet further raising a substantial and significant issue as to the lawfulness of the CIP and of area 1 – City Centre.
35. There is a lack of clarity and certainty as to the test applied in CIP area 1, being subject to private review, amendment and designation without consultation or scrutiny, yet further raising a substantial and significant issue as to the lawfulness and fairness of the CIP and of area 1 – City Centre.
36. Leeds City Council have sought to avoid and circumvent the clear requirements of s 5 of the 2003 Act.
37. Leeds City Council have adopted a blanket ban in all but name and are actively engaged in seeking to oppose applications, having (pre-) determined that the City Centre 'cannot support' any more premises this is contrary to the scheme of the 2003 Act
38. Leeds City Council are applying a SLP that is tainted by illegality, impropriety and irrationality and is in urgent need of review.

Options for the Licensing Subcommittee

39. It is submitted that, in the present circumstances, the proper course of action is for the licensing sub-committee to set aside the entirety of section 7 of the SLP (CIP) setting out its reasons for doing so. Further the matters set out herein ought to be brought to the urgent attention of the full licensing committee.

Leo Charalambides
30th October, 2017

Kings Chambers

From:Raper, Nicola

Sent:Tue, 14 Nov 2017 08:05:28 +0000



Subject:FW: LA03 Application for 5 Briggate, LS1 3LZ

Attachments:PREM 04051001 5 Briggate.pdf

Please see below from Environment Department.

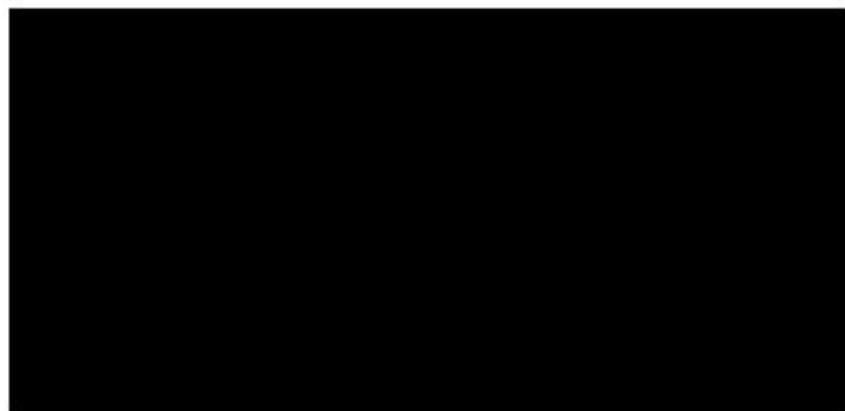
Nicola

Nicola Raper

Section Head

Entertainment Licensing


Leeds City Council



www.leeds.gov.uk

From: Porter, Trevor

Sent: 13 November 2017 15:37

To: Raper, Nicola 

Subject: RE: LA03 Application for 5 Briggate, LS1 3LZ

Hi Nicola

With regard to the below and challenge to the CIP policy Environmental Protection has no comment to make. The original formal objection (attached) remains. The department works with Licensing and West Yorkshire Police with regard to applications, in this instance it is considered the application will give rise

to more members of the public on the street in the early hours with the potential to cause noise nuisance & disturbance in an already identified problematic area.

Regards



Trevor Porter

Environmental Health Officer

Environmental Protection

Millshaw Park Way

Leeds

LS11 0LS



From: Raper, Nicola

Sent: 09 November 2017 12:05



Subject: LA03 Application for 5 Briggate, LS1 3LZ

All,

I write concerning the LA03 Premises Licence application for 5 Briggate, which was adjourned from the meeting of the LSC on 10 October 2017 to allow the applicant provide further written submissions following the representations of the Applicant's Counsel, Mr Charalambides, against the Council's Statement of Licensing Policy (SOLP).

I attach a copy of the decision notice for your information, together with the Applicant's submission document which we have recently received. Please note that there was some delay in receiving the document. It should have been provided by Wednesday 25 October 2017. It was received by LCC on 6 November 2017 and it appears that it was supplied to the Applicant's solicitors on Monday 30 October 2017.

As forewarned at the LSC, the submission attempts to find fault in the SOLP/City Centre Cumulative Impact Policy and the manner in which the City Centre cumulative impact assessment/map is annually reviewed and consulted upon. The full grounds are set out in the attached document.

In conclusion the submission suggests that the course of action would be for the LSC to set aside the entirety of section 7 of the SOLP (CIP).

In accordance with the decision notice it was directed that the Responsible Authorities would have 14 days to respond to the Applicant's submission. It would be appreciated therefore if you could provide a response to the Applicant's submission by 23 November 2017. If you are unable to respond within that time please let me know and I will seek an extension from the Applicant for extension on the basis of their delayed provision.

Regards,

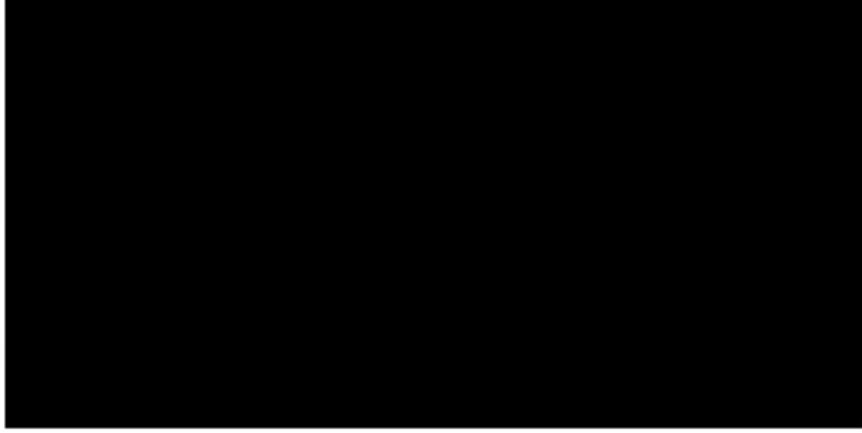
Nicola

Nicola Raper

Section Head

Entertainment Licensing

Leeds City Council



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