

**Report of the Head of Elections, Licensing and Registration**

**Report to the Licensing Sub Committee**

**Date: 21<sup>st</sup> June 2016**

**Subject: Application for the grant of a premises licence for Istanbul Grill 19 Merrion Street, Leeds, LS2 8JE**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): City & Hunslet	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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? If relevant, Access to Information Procedure Rule number: 10.4 Appendix number: D	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

**Summary of main issues**

This is an application for the grant of a premises licence, made by Mrs Rosemena Bayat, for Istanbul Grill 19 Merrion Street, Leeds, LS2 8JE.

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

The application has attracted representations from responsible authorities.

The premises are located within an area covered by a cumulative impact policy.

This application was adjourned from the Licensing Sub Committee on 17<sup>th</sup> May 2016 in order for an interpreter to be present and so that the applicant could provide further legal documentation for the members consideration.

## **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 This premises has previously applied for a premises licence under the Licensing Act 2005 for off sales of alcohol. The application was withdrawn by the applicant as representation was received from responsible authorities.
- 2.2 The premises have been subject to enforcement action recently due to operating beyond 23:00 without a premises licence for late night refreshment. This enforcement action has resulted in this application being submitted.

## **3 The application**

- 3.1 The applicant's name is Mrs Rosemena Bayat.
- 3.2 In summary the application is for:

### *Late night refreshment*

*Every day 23:00 until 03:00*

### *Non standard timings*

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

## **4 The operating schedule**

- 4.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule and the proforma risk assessment which is 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 West Yorkshire Police & Environmental Health in their capacity as responsible authorities.
- 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 Environmental Health. A copy of the agreement may be found at Appendix C.
- 6.4 The representation submitted by West Yorkshire Police remains as a matter for Members consideration. A copy of the representation may be found at Appendix D.

## Other representations

- 6.5 There are no other representations.

## **7 Cumulative Impact Policy**

- 7.1 The premises are located within the cumulative impact area 1 - City Centre
- 7.2 Cumulative impact means the potential impact on the promotion of the licensing objectives due to the significant number of licensed premises concentrated in one area.
- 7.3 An applicant wishing to obtain a new licence for premises falling within any of the cumulative impact areas must identify, through the risk assessment process and/or the operating schedule, the steps they intend to take so that the council and responsible authorities can be satisfied that granting a new licence would not add to the impact already being experienced.
- 7.4 Details of the cumulative impact policy specific to Area 1- City Centre and an outline of the evidence behind the reason for setting this policy is attached at Appendix E.
- 7.5 Members are directed to paragraphs 7.51 to 7.54 of the Statement of Licensing Policy which provides examples of how an application may be considered exceptional and the matters that the council would not normally take into consideration.

## **8 Licensing hours**

- 8.1 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.
- 8.2 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.

8.3 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 impact on the licensing objectives, given the potential for neighbouring premises to seek the same additional hours to prevent rivals gaining a commercial advantage.

8.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix F.

## **9 Equality and diversity implications**

9.1 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.

## **10 Options available to Members**

10.1 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.

10.2 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.

## **11 Background papers**

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