

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 9th May 2017

Subject: Application for the Grant of a Premises Licence for Restaurant/Café,
5 Briggate, Leeds, LS1 4AF

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): City & Hunslet		
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 a Restaurant/Cafe at 5 Briggate, Leeds, LS1 4AF.

The application is made for a premises wishing to operate as a takeaway with the sole provision of late night refreshment.

Members should note that these premises reside within the 'Red Zone' of the Leeds City Centre Cumulative Impact Area. Further information on the policies in place for this area are included within this report.

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

The application has attracted representations from West Yorkshire Police and the Licensing Authority objecting to the application in its entirety.

A representation has also been received from the Environmental Protection Team suggesting measures to uphold the licensing aims and reduce the terminal hour each day for late night refreshment and the opening hours. Both the measures and reduction have been agreed and the representation subsequently withdrawn.

Further representations have been received from several licensed premises and businesses in the vicinity that remain a matter outstanding for Member's 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 is the first application for a premises licence for these premises.

3 The Application

- 3.1 The applicant's name is Mr Mahboob Hussain.
- 3.2 In summary the application is for:

Late Night Refreshment

<i>Monday to Saturday</i>	<i>23:00 until 04:00 hours</i>
<i>Sunday</i>	<i>23:00 until 02:00 hours</i>

Non standard timings

There are no non-standard timings for bank holidays or special occasions are proposed.

- 3.3 However following an agreement reached with the Environmental Protection Team, the terminal hour has been reduced as follows:

Late Night Refreshment

<i>Monday to Saturday</i>	<i>23:00 until 02:00 hours</i>
<i>Sunday</i>	<i>23:00 until 00:00 hours</i>

Hours the premises are open to the public

<i>Monday to Saturday</i>	<i>12:00 until 02:00 hours</i>
<i>Sunday</i>	<i>12:00 until 00:00 hours</i>

4 The Operating Schedule

- 4.1 The applicant proposes to promote the licensing objectives by taking the steps identified in Section M of the application form. A copy of which can be found at Appendix A.

5 Location

- 5.1 A map which identifies the location of these 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, Leeds Council's Licensing Authority and the Environmental Protection Team in their capacities as responsibility authorities.
- 6.3 Any representation may be negotiated prior to the hearing and in this instance the operating schedule has been amended to include the reduced hours and measures agreed with the Environmental Protection Team. A copy of the agreement can be found at Appendix C.
- 6.4 The representations submitted by West Yorkshire Police and the Licensing Authority object to the application in its entirety. The grounds for each objection centre on the location of the premises within the 'Red Zone' of the Leeds City Centre Cumulative Impact Policy and the issues being experience in this area due the high saturation of licensed premises. Further information is detailed at point 7 of this report.
- 6.5 The representation submitted by West Yorkshire Police remains outstanding and a matter for Member's consideration. A copy can be viewed at Appendix D of this report.
- 6.6 The representation on behalf of the Licensing Authority also remains outstanding and can be viewed at Appendix E of this report.

Other representations

- 6.7 The application has attracted seven representations on behalf of other licensed premises and businesses in the surrounding area, which focus on the potential problems including noise pollution, environmental issues and security.
- 6.8 In order to protect personal data, redacted copies of these representations are attached at Appendix F of this report whilst original copies will be available at the hearing for Members consideration.

7 Cumulative Impact Policy

- 7.1 The premises are located within the 'Red Zone' of the Leeds City Centre Cumulative Impact Area.
- 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 this and an outline of the evidence behind the reason for setting this policy is attached at Appendix G.

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 H.

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.
- 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