

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.