

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

**Report to the Licensing Sub Committee**

**Date: 13<sup>th</sup> August 2012**

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

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 for Baguette Express Unit 3, 7 Duncan Street, Leeds, LS1 6DQ

This application was originally heard before the Licensing Sub Committee on the 16<sup>th</sup> July 2012.

The Licensing Sub Committee considered the report and heard from the applicant and the Environmental Protection Team and had concerns in relation to the submissions of both parties.

In respect of the applicant, he stated that he was happy to provide the Licensing Sub Committee with evidence from local residents in support of his application.

In respect of the Environmental Protection Team, they had raised concerns in respect of public nuisance, including complaints from residents. They advised that the latest complaint had been in May 2012; however they did not have the file with them in order to address the concerns of the Licensing Sub Committee, but were in a position to obtain a copy of it at a later date, should the Licensing Sub Committee require this.

The Licensing Sub Committee had particular concerns, as this application was in an area covered by the Cumulative Impact Policy - Area 1. They felt that they needed the benefit of the proposed additional information,

They adjourned the hearing until the 13<sup>th</sup> August 2012 in order that both parties could present their evidence, and it was also advised that the applicant take legal/licensing advice from a specialist.

The application is for Late Night Refreshment. Full details of the days and hours applied for can be seen at 3.3 of this report.

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

The application has attracted a representation from a Responsible Authority.

The premises are located within an area covered by a Cumulative Impact Policy.

## **1.0 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 premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

## **2.0 History of Premises**

- 2.1 This is the first application for the grant of a Premises Licence relating to these premises.

## **3.0 The Application**

- 3.1 The applicant is Xpress Foods UK Ltd,
- 3.2 The application form may be found at Appendix A to this report.
- 3.3 In summary the application is for

Late Night Refreshment

Every Day                      23:00 to 02:00

Times when the premises are open to the public

Every Day                      07:00 to 02:00

Non Standard Timings and Seasonal Variations

No Non Standard Timings or Seasonal Variations have been applied for.

## **4.0 Other matters relevant to the application**

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.

## **5.0 Steps to promote the Licensing Objectives**

The applicant proposes to take specific steps to promote the licensing objectives identified in the Pro-Forma Risk Assessment, a copy of which may be found at Appendix A

## **6.0 Location**

6.1 A map which identifies the location of this premise is attached at Appendix B.

## **7.0 Cumulative Impact Policy**

7.1 The premises are located within the Cumulative Impact Area 1

7.2 Cumulative impact means the potential impact on the promotion of the licensing objectives here there are a 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 operating schedule the steps that they intends to take so that the council and responsible authorities can be satisfied with that granting of a new licence will not add to the impact already being experienced.

7.4 Details of the Cumulative Impact Policy specific to Area 1 and an outline of the evidence behind the reason for setting this Policy is attached at Appendix C.

## **8.0 Representations**

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

### **8.2 Representations from Responsible Authorities**

8.3 Representations have been received from Leeds City Council Environmental Protection Team in their capacity as a Responsible Authority.

8.4 The representation submitted by Leeds City Council Environmental Protection Team remains as a matter for Members consideration. A copy of the same may be found at Appendix D

### **8.5 Representations from Other Persons**

8.6 There are no representations from other persons

## **9.0 Options Available to Members**

9.1 The Licensing sub-committee must take such of the following steps as it considers necessary 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.
- Reject the whole or part of the application.

9.2 Members of the licensing sub committee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

## **10.0 Background Papers**

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