

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday 18th December 2018

**Subject: Application for the Grant of a Premises Licence for Juicy Gossip,
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): Hunslet & Riverside		
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 Adeel Ahmed for Juicy Gossip, 5 Briggate, Leeds, LS1 4AF.

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

It should be noted that these premises do reside within the 'Red Zone' of the Leeds City Centre Cumulative Impact Area.

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

The application has attracted representations opposing the application entirely from West Yorkshire Police and the Licensing Authority. Planning Services have also submitted a representation requesting the applicant amend the operating schedule to reflect the current planning restrictions. At the time of writing this report no agreement has been reached with Planning Services.

Additionally the Licensing Authority is in receipt of three representations from other persons expressing concerns in relation to crime and disorder and the prevention of public nuisance. Supplementary photographic/video evidence has accompanied two of the written submission and these will be available for viewing at the hearing.

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 application is made for the grant of a premises licence, however it should be noted that two previous applications for a premises licence have been made. Both of these application proposed the sole provision of late night refreshment.
- 2.2 The first application was received on 3rd March 2017 and proposed late night refreshment; Monday to Saturday 23:00 until 02:00 hours, Sunday 23:00 hours until 00:00 hours. It attracted representations from responsible authorities and other persons resulting in the application proceeding to hearing for consideration by the Licensing Sub-Committee. The applicant withdrew the application prior to it reaching the sub-committee on the 5th May 2017.
- 2.3 A second application for the grant of a premises licence was received by the Licensing Authority on 16th August 2017. This application suggested the same licence holder as the original application, but proposed longer hours for late night refreshment. The hours put forward in this application were Monday to Sunday 23:00 until 04:00 hours.
- 2.4 During the consultation period the application attracted representations from West Yorkshire Police, the Licensing Authority and the Environmental Protection Team.
- 2.5 Matters remained outstanding and the application proceeded to hearing for deliberation. They resolved to refuse the application entirely as granting the licence would add to the significant problems of crime & disorder and public nuisance already experienced in the area.

3 The Application

- 3.1 The application on this occasion is Mr Adeel Ahmed.
- 3.2 In summary the application is for:

Late Night Refreshment

Monday to Sunday 23:00 until 05:00 hours

Non standard timings

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

- 3.3 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.

4 Current Issues

- 4.1 The premises are currently the subject of an ongoing investigation in to suspected offences concerning the provision of late night refreshment without a licence authorisation.
- 4.2 Please refer to the representation submitted by the Licensing Authority.

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 anyone but they must be relevant and, in the case of a member of the public, must not be frivolous or vexatious.

Representations from Responsible Authorities

- 6.2 The application has attracted representations from West Yorkshire Police, the Licensing Authority and the Planning Service in their capacities as responsible authorities.
- 6.3 The representation from West Yorkshire Police objects to the application entirely and expresses concern that granting the licence will to add to the problems already being experienced in an area with such a high saturation of licensed premises. Member's attention is drawn towards a copy of the objection at Appendix C.
- 6.4 The Licensing Authority has submitted a representation also opposing the application entirely and reflects the concerns of West Yorkshire Police as detailed above. A copy of this representation can be seen at Appendix D of this report.
- 6.5 The Planning Services have made a representation to the application suggesting the operating schedule should be amended to reflect the current planning permission of the premises. This includes a change of use for the premises and a reduction in hours so that the premises shall not open outside the hours of 12:00 and 23:00 Monday to Sunday, and closed on Sunday and Bank Holidays. A copy of the representation is available at Appendix E.

Other representations

- 6.6 The application has attracted individual representations from three members of the public (described as 'other persons' in the legislation).
- 6.7 In order to protect their personal data, redacted copies of the representations are attached at Appendix F. Sensitive copies will be available at the hearing for Members consideration.

6.8 In addition to the written submissions two of the objectors have included photographic/video evidence to support their representations. Copies of such material will be available for Members to view on the day of the hearing.

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 area and an outline of the evidence behind the reason for setting this policy is attached at Appendix G.

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 adversely impact on the licensing objectives.

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.
- 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