

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday, 20th April 2023

Subject: Application for the Grant of a Premises Licence for Big Bite, 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 Akhlaq Hussain, for Big Bite, 5 Briggate, Leeds, LS1 4AF.

The application is made in respect of a premises wishing to operate as a fast-food takeaway proposing late night refreshment.

It should be noted that these premises do reside within a designated '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 entirely opposing the application from West Yorkshire Police, The Licensing Authority & Environmental Protection Team.

Planning Services have submitted a representation suggesting an amendment to the operating schedule to reflect the hours granted under current planning restrictions (therefore negating the need for a premises licence). At the time of writing no agreement has been reached with Planning Services.

Additionally, the Licensing Authority is in receipt of one public representation supported by photographic evidence.

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 Three previous applications for a premises licence for these premises have been lodged unsuccessfully for various reasons. Each 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 and 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 being heard 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, Mr Mahboob Hussain, as the first application and applied for late night refreshment, Monday to Sunday 23:00 until 04:00 hours. During the consultation period the application attracted representations from West Yorkshire Police, the Licensing Authority and the Environmental Protection Team.
- 2.4 The application proceeded to hearing and Members resolved to refuse the application entirely on the grounds that granting the license would add to the problems already being experienced in the area covered by a cumulative impact policy.
- 2.5 The third application for the grant of a premises licence was submitted to the Licensing Authority in October 2018, applied for on behalf of Mr Adeel Ahmed. On this occasion the application proposed the provision of late night refreshment, every day 23:00 - 05:00, and attracted representations from the responsible authorities. Prior to the application being heard it was withdrawn by the applicant on 17th December 2018.
- 2.6 The Licensing Authority hold a number of records which evidence breaches by the previous operator, Mr Mahboob Hussain. On the 6th December 2021, Kirklees Magistrates' Court found Mr Mahboob Hussain guilty on four charges of conducting unauthorised licensable activity from the premises formerly trading as Juicy Gossip.
- 2.7 Subsequent to the above convictions the premises have been further investigated for breaches of the Licensing Act 2003 and the Licensing Authority believe Mr Mahboob Hussain remains involved with the premises, as evidence by the recent submission of Temporary Event Notices on the Licensing Authority specifying Mr

Mahboob Hussain as the premises user. Further information is provided in a copy of the representation submitted by the Senior Liaison and Enforcement Officer, on behalf of the Licensing Authority, and appended to the report.

- 2.8 The Licensing Sub Committee may wish to note that the limits in relation to Temporary Event Notices for these premises has been reached and any further Temporary Event Notice received this year will be automatically issued with a counter-notice.

3 The Application

3.1 The applicant's name is Mr Akhlaq Hussain.

3.2 In summary, the application is for:

Late Night Refreshment
Friday & Saturday *23:00 – 05:00*

3.3 A redacted version of the application has been attached at **Appendix A**.

3.4 The applicant proposes to promote the licensing objectives by taking the steps identified in Section M of the application form.

4 Location

4.1 A map which identifies the location of the premises is attached at **Appendix B**.

5 Representations

5.1 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

5.2 Representations to the application have been lodged by the following responsible authorities, including their location within the report:

- Licensing Authority, Leeds City Council – **Appendix C**
- Licensing Authority (Enforcement Team), Leeds City Council – **Appendix D**
- Environmental Health Team, Leeds City Council – **Appendix E**
- Planning Department, Leeds City Council – **Appendix F**
- West Yorkshire Police – **Appendix G**

Other representations

5.3 The application has attracted a representation from a member of the public (described as 'other persons' in the legislation) opposed to the application on the grounds of public safety & public nuisance.

5.4 In order to protect personal data a redacted copy of the representation is attached at **Appendix H** and an original copy will be provided to the Licensing Sub Committee in advance of the hearing.

6 Cumulative Impact Policy

6.1 The premises is located within one of the two designated 'Red Zones' of the cumulative impact area for Leeds City Centre.

6.2 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.

6.3 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.

6.4 Details of the cumulative impact policy specific to Leeds City Centre and an outline of the evidence behind the reason for setting this policy is attached at **Appendix I**.

6.5 Members are directed to paragraph 7.44 of the Statement of Licensing Policy which provides examples of how an application may demonstrate there will be no impact and paragraph 7.45 which provides examples of the matters that the council would not normally take into consideration.

7 Licensing hours

7.1 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.

7.2 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.

7.3 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.

7.4 A list of premises in the local area and their licensed hours and activities is provided at **Appendix J**.

8 Equality and Diversity Implications

8.1 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.

9 Options Available to Members

9.1 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.
- Refuse to specify the said person as the designated premises supervisor.
- Reject the whole or part of the application.

9.2 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.

10 Background Papers

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