

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

**Report to the Licensing Sub Committee**

**Date: Monday 5<sup>th</sup> March 2012**

**Subject: Application for the Grant of a Premises Licence for Safran Restaurant,  
81 Kirkgate, Leeds, LS2 7DJ**

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**

1. This is an application for the grant of a premises licence for Safran Restaurant, 81 Kirkgate, Leeds, LS2 7DJ.
2. The application is made for a premises wishing to operate as a restaurant with the provisions of Late Night Refreshment and Sale by Retail of Alcohol. The hours applied for are noted at 3.3 of this report.
3. The initial hearing to determine this application took place on Monday 6<sup>th</sup> February 2012. The applicant's legal representative made an application for the hearing to be deferred as the applicant, Mr Emani, was too unwell to attend the hearing.
4. The request to adjourn the hearing was not opposed by either the police or the environmental protection team. Members therefore resolved to grant the deferral as they noted it would be helpful to interview the applicant in person, given the premises location within the Cumulative Impact Area.
5. The premises are located within Cumulative Impact Area 1 – City Centre.
6. Responsible authorities and Ward Members have been notified of this application.

## **Recommendations**

The committee is asked to:

1. consider the application and any relevant representations; and
2. take any of the steps detailed at 10.1 they consider necessary for the promotion of the licensing objectives.

### **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 a premises licence for these premises.

### **3.0 The Application**

- 3.1 The applicant is Mr Faramarz Emani.
- 3.2 The application form can be found at Appendix A of this report.
- 3.3 In summary, the application is for:

Supply of Alcohol (for consumption on the premises)  
12:00 until 02:00 hrs Monday to Sunday

Late Night Refreshment  
23:00 until 02:00 hrs Monday to Sunday

Time when the premises will be open to the public:  
12:00 until 02:00 hrs Monday to Sunday

Non-Standard Timings:  
No non-standard timings for bank holidays or special occasions are proposed.

### **4.0 Other Matters Relevant to the Application**

#### **4.1 Adjournment**

- 4.1.1 The hearing for this application was scheduled for Monday 6<sup>th</sup> February 2012.

The applicant's solicitor made an application for the hearing to be deferred as the applicant, Mr Emani, was suffering from flu and was too unwell to attend the hearing. The Sub Committee noted that the application for deferral was not

opposed by either the police or the environmental protection team. They also noted that these premises were in a cumulative impact area and that it would be helpful to interview the applicant in person, given the issues raised.

They therefore resolved to adjourn the hearing until today, the 5<sup>th</sup> March 2012.

4.2 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**

5.1 The applicant proposes to take the steps identified in section "P" of the application form to promote the licensing objectives.

## **6.0 Proposed Designated Premises Supervisor**

6.1 Mr Faramarz Emani intends to be the Designated Premises Supervisor.

## **7.0 Location**

7.1 A map identifying the location of the premises is attached at Appendix B of this report.

## **8.0 Cumulative Impact Policy**

8.1 These premises are located within the City Centre Cumulative Impact Area 1.

8.2 Cumulative impact represents the potential impact on the promotion of the licensing objectives due to the high concentration of licensed premises within a designated area.

8.3 An applicant wishing to obtain a new licence for a premises falling within any of the cumulative impact areas must identify through the risk assessment process and/or operating schedule the steps they intend to take so that the Licensing Authority and Responsible Authorities can be satisfied that the granting of a new licence will not add to the impact already being experienced.

8.4 Details of the Cumulative Impact Policy specific to Area 1 – City Centre, and an outline of the evidence behind the reasoning of this policy is attached at Appendix C.

## **9.0 Representations**

9.1 Under the Act representations can be received from responsible authorities and interested parties. Representations must be relevant and, in the case of an interested party, must not be frivolous or vexatious.

## 9.2 Representations from Responsible Authorities

- 9.2.1 An outright representation has been received from West Yorkshire Police in their capacity as a Responsible Authority. Member's attention is drawn to Appendix D of this report.
- 9.2.2 A further outright representation has been submitted by Environmental Health in their capacity as a Responsible Authority. A copy of which can be found at Appendix E.
- 9.2.3 A representation offering suggested measures has been received from the Health & Safety Department. An agreement in respect of those measures has now been reached and the operating schedule amended accordingly. A copy of the measures agreed can be found at Appendix F of this report.

## 9.3 Representations from Interested Parties

- 9.3.1 The application has not attracted any representation from interested parties.

## 10.0 **Options Available to Members**

- 10.1 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.
  - 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 Sub Committee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because they consider it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

## 11.0 **Background Papers**

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