

## Licensing Sub-Committee

Monday, 16th March, 2015

**PRESENT:** Councillor B Gettings in the Chair

Councillors K Bruce and G Hyde

**96 Election of the Chair**

**RESOLVED** – Councillor B Gettings was elected Chair for the meeting

**97 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal of documents

**98 Exempt Information - Possible Exclusion of the Press and Public**

No exempt information was contained within the agenda

**99 Late Items**

There were no late items of business

**100 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests

**101 "Neli Bar" - Review of the Premises Licence for Neli Bar, 4 Branch Road, Armley, Leeds, LS12 3AQ**

The Sub Committee considered the report of the Head of Licensing and Registration on an application for the review of the Premises Licence held at the premises known as "Neli Bar", 4 Branch Road, Armley, Leeds, LS12 3AQ. The application had been made by West Yorkshire Police (WYP) under Section 51 of the Licensing Act 2003, on the grounds of public safety; the prevention of crime and disorder; and the prevention of public nuisance.

West Yorkshire Police were represented at the hearing by Ms C Sanderson, Leeds District Licensing Officer, Sgt D Shaw and PC C Davey.

The Premise Licence Holder, Mr R Puky, did not attend the hearing. The Sub Committee heard that neither WYP nor the Licensing Authority had received any notification that he would not be in attendance or any request to defer the hearing. Just prior to the hearing the clerk attempted to contact Mr Puky on the telephone number provided on the Premises Licence. The gentleman who answered the call stated Mr Puky was on holiday. On receipt of this information, the Sub Committee resolved to proceed in the absence of the Premise Licence Holder

The Sub Committee heard from Ms Sanderson WYP who introduced the background to application for the review, which included information on the following:

- information about the initial grant of the premises licence in 2014
- the style of operation of the premises and management approach
- the liaison and Action Planning meetings undertaken by WYP with Mr Puky, the Premises Licence Holder

- the nature, number and severity of the incidents recorded at the premises or as being associated with the premises
- the findings of licensing and enforcement visits to the premise
- the circumstances of the issue of the Section 19 Closure Notice on 20<sup>th</sup> September 2014
- those issues of concern which had been referred to West Yorkshire Fire and Rescue Service (WYFRS) for action

PC Davey, of the local Neighbourhood Policing Team, provided additional details at the request of the Sub Committee and Mr P Rix provided additional information on the style of operation of the premises and licensable activities

In conclusion, Ms Sanderson highlighted that WYP had considered whether there were any additional measures that could be employed to better manage the premises. She stated that WYP took the view that there were not; additionally WYP had no confidence that any additional measures would be adhered to by the Premises Licence Holder. Furthermore, that as Mr Puky was both the Designated Premises Supervisor and Premises Licence Holder for Neli Bar, WYP felt that the option to remove the DPS would not be effective in this case. Therefore, WYP sought revocation of the Premises Licence.

The Sub Committee carefully considered the representations submitted by WYP, noting the multiple breaches of the premise Licence, the multiple incidents of anti-social behaviour, and health and safety concerns.

The Sub Committee concluded that action was required.

Members felt that previous warnings and advice given by WYP to the Premises Licence Holder had been ignored. Members considered the option of applying additional conditions to the premises licence, however felt that additional conditions may not be sufficient to tackle the problems. Finally, Members expressed doubts that additional conditions would succeed.

The Sub Committee concluded that removal of the Designated Premises Supervisor – Mr Puky – was not feasible, as Mr Puky was also the Premise Licence Holder.

The Sub Committee therefore, having considered all the options available to them,

**RESOLVED** – To grant the application made by WYP seeking revocation of the Premise Licence held at Neli Bar, 4 Branch Road, Armley, Leeds, LS12 3AQ.

The Premises Licence is therefore revoked.