



## LICENSING SUB-COMMITTEE

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MEETING TO BE HELD IN CIVIC HALL, LEEDS ON

MONDAY, 16TH MARCH, 2015 AT 10.00 AM

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### MEMBERSHIP

#### Councillors

K Bruce - Rothwell;  
B Gettings - Morley North;  
G Hyde - Killingbeck and Seacroft;

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Agenda compiled by:  
Governance Services  
Civic Hall  
LEEDS LS1 1UR  
Tel No: 2243836

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p><b><u>PRELIMINARY PROCEDURES</u></b></p> <p><b>ELECTION OF THE CHAIR</b></p>	
2			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

Item No	Ward	Item Not Open		Page No
3			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1) To highlight reports or appendices which:</p> <p>a) officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>b) To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>c) If so, to formally pass the following resolution:-</p> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p> <p>2) To note that under the Licensing Procedure rules, the press and the public will be excluded from that part of the hearing where Members will deliberate on each application as it is in the public interest to allow the Members to have a full and frank debate on the matter before them.</p>	
4			<p><b>LATE ITEMS</b></p> <p>To identify any applications as late items of business which have been admitted to the agenda for consideration</p> <p>(the special circumstances shall be identified in the minutes)</p>	

Item No	Ward	Item Not Open		Page No
5			<p><b>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</b></p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p> <p><b><u>HEARINGS</u></b></p>	
6	Armley		<p><b>"NELI BAR" - REVIEW OF THE PREMISES LICENCE FOR NELI BAR, 4 BRANCH ROAD, ARMLEY, LEEDS, LS12 3AQ</b></p> <p>To consider the report of the Head of Licensing and Registration on an application for the review of a Premises Licence held at the premises known as "Neli Bar", 4 Branch Road, Armley, Leeds, LS12 3AQ. The application has been made by West Yorkshire Police under Section 51 of the Licensing Act 2003 on the grounds of the premises licence is made on the grounds of the following licensing objectives: the prevention of crime and disorder, public safety and the prevention of public nuisance</p>	1 - 44

### **Third Party Recording**

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

### **Use of Recordings by Third Parties– code of practice**

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.



Report Author: Mrs Bridget Massey  
 Tel: 0113 2474095

## Report of the Head of Licensing and Registration

### Report to the Licensing Sub Committee

**Date:** 16th March 2015

**Subject:** Review of the Premises Licence for Neli Bar, 4 Branch Road, Armley, Leeds, LS12 3AQ,

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Armley	
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:		

## Executive Summary

This report informs Members of an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003, sought by in respect of, 4 Branch Road, Armley, Leeds, LS12 3AQ, . The licensing authority is now under a duty to review the premises licence held by these premises.

### 1.0 Purpose of this Report

1.1 This report provides Members with the background and history to the making of the review application made by West Yorkshire Police (**Appendix A**). The report sets out the relevant law when reviewing licences under the Licensing Act 2003 (“the Act”), and informs members of the options available to them when reviewing a premises licence.

### 2.0 Background Information

2.1 The Premises Licence for these premises was first granted in August 2014. The application received representation from West Yorkshire Police and conditions were agreed and the application was granted as applied for.

### 3.0 Premises Licence

3.1 The premises licence holder is Robert Puky

3.2 A copy of the premises licence can be found at **Appendix B** of this report. In summary, the premises licence permits the following:

Sale of Alcohol	Friday and Saturday	18:00 to 02:00
	Sunday to Thursday	18:00 to 00:00

Provision of Late Night Refreshment

	Friday & Saturday	23:00 to 02:00
	Sunday to Thursday	23:00 to 00:00

#### **4.0 Designated Premises Supervisor**

4.1 The Designated Premises Supervisor for the premises is Mr Robert Puky

#### **5.0 Location**

5.1 A map which identifies the location of the premises are attached at **Appendix C**

#### **6.0 Main Issues**

6.1 The application for review of the premises licence is made on the grounds of the following licensing objectives. The Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance.

The licence was granted in August 2014 and since then the police have received calls for service due to people fighting outside and inside the premises and persons reporting being assaulted whilst passing the premises. Reports have also been received concerning noise nuisance disturbance at these premises. An emergency action plan meeting was arranged where the licence holder did not appear to be receptive to the concerns raised and advice offered. The licence holder has failed to comply with the conditions of his licence and there are concerns for public safety as doors are seen to be locked and there are no door staff and people are known to be smoking in the premises. The West Yorkshire Police hold serious concerns in relation to how this venue is being operated with regular breaches of the licence and, even more worrying, the lack of concern for public safety, crime and disorder and noise nuisance at the venue.

#### **7.0 Relevant Representations**

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

7.2 A letter in support of the review application has been received from the Entertainment Licensing Enforcement Section and is attached at **Appendix D**

#### **8.0 Matters Relevant to the Application**

8.1 Members of the Licensing Sub Committee must make decisions which are appropriate to the promotion of the licensing objectives which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

8.2 In making their decision Members are obliged to have regard to guidance issued under Section 182 of the Act. A copy of the relevant section is attached at **Appendix E** Members must also have regard to the Council's licensing policy, the relevant representations made and evidence they hear.

## **9.0 Implications for Council Policy and Government**

9.1 It is the stated licensing policy of the Council that when considering a review the authority will take into account all relevant circumstances, but will view the matters listed in paragraph 13.15 of the policy with particular seriousness.

## **10.0 Legal and Resource Implications**

10.1 There are no resource implications in determining the review.

10.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrate's Court.

## **11.0 Recommendations**

11.1 Members are requested to determine this review. The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- to modify the conditions of the licence (which includes adding new conditions or any alteration or omission of an existing condition);
- exclude any licensable activities to which the application relates;
- to remove the Designated Premises Supervisor;
- to suspend the licence for a period not exceeding 3 months; and/or
- to revoke the licence.

11.2 Members may decide that no action is necessary and that the circumstance of the review does not require the Committee to take any steps to promote the licensing objectives.

11.3 Members should note the guidance also suggests it is open to Members to issue an informal warning to the licence holder or to recommend improvement within a particular time. However the Guidance further provides that where responsible authorities have already issued such warnings, the issuing of another warning should not be repeated.

11.4 Where the Committee decide that a modification of conditions or exclusion of licensable activities may be imposed, this can either be permanently or for a temporary period of up to three months.

11.5 Members are directed to paragraphs 11.25 to 11.31 of the Statutory Guidance which related to reviews arising in connection with crime.

11.6 Members of the Licensing Committee are asked to note that they may not take any of the steps outlined above merely because they consider it desirable to do so. It must be appropriate for the promotion of the licensing objectives.

## **12.0 Background Papers**

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

## **Appendices**

- Appendix A Review application
- Appendix B Premises Licence
- Appendix C Map of premises
- Appendix D Letter of support
- Appendix E Extract from the S182 Guidance



BM 03506/002



REV1

Entertainment Licensing, Leeds City Council, Civic Hall, Leeds, LS1 1UR

Application for a review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Cat Sanderson apply for the review of a premises licence under section 51/apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, Ordnance Survey map reference or description	
Neli Bar 4 Branch Road Armley	
Post town Leeds	Post code LS12 3AQ

ENTERTAINMENT LICENSING  
23 JAN 2015  
RECEIVED

Name of premises licence holder or club holding club premises certificate (if known)

Mr Robert Puky

Number of premises licence or club premises certificate (if known)

PREM/03506/001

Part 2 – Applicant details

I am Please tick ✓ yes

- 1 An individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2 A responsible authority (please complete (C) below)
- 3 A member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Mr       Mrs       Miss       Ms       Other title   
(for example, Rev)

Surname       First names

I am 18 years old or over  Please tick ✓ Yes

Current postal address if different from premises address

Post Town       Postcode

Daytime contact telephone number

Email address (optional)

**(B) DETAILS OF OTHER APPLICANT**

Name
Address
Telephone number (if any)
E-mail (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name	West Yorkshire Police
Address	Leeds District Licensing Department Leeds District Head Quarters Elland Road Leeds LS11 8BU
Telephone number (if any)	0113 385 9416
E-mail (optional)	catherine.sanderson@westyorkshire.pnn.police.uk

**This application to review relates to the following licensing objectives(s)**

Please tick one or more boxes ✓

- |    |                                      |                                     |
|----|--------------------------------------|-------------------------------------|
| 1. | the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2. | public safety                        | <input checked="" type="checkbox"/> |
| 3. | the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4. | the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review (please read guidance note 2)**

The Neli Bar has been brought to the attention of West Yorkshire Police (WYP) due to complaints, types of incidents being reported that are directly related to the premises, and constant breaches of the premises licence.

The premises licence holder (PLH) applied for a premises licence in July 2014 after being advised that he was committing offence under the Licensing Act. Upon receipt of the application WYP submitted a Qualified Objection to suggest measures to be added to the licence to ensure that all the licensing objectives were met. These measures were agreed and the licence application was granted on 20<sup>th</sup> August 2014.

Unfortunately the calls for service started shortly afterwards, at the end of August 2014 in relation to fighting outside the premises. Further complaints were received by Leeds City Council (LCC) Entertainment Licensing and WYP around this time regarding noise issues coming from the venue. Due to the complaints that were received an action plan meeting was arranged to discuss these and to try and prevent further issues arising. The action plan meeting took place on 19<sup>th</sup> September 2014, only a month after the licence was granted.

During this meeting, the Premises Licence Holder (PLH), who is also the Designated Premises Supervisor (DPS), stated that the venue had not even officially opened at this point in time and that he had been holding private functions.

It was explained to him that even though he was not officially open, the premises licence was still in force and that he still had to work within the conditions on the licence and promote the licensing objectives. Complaints were being received about customers leaving the venue at 0400hrs even though they were only licensed until 0200hrs and the noise from the music and customers was becoming an issue with the local residents. Mr Puky was told that he was still responsible for ensuring that there was no public nuisance being caused when his customers were both at and leaving the venue. He was also made aware that he had not applied for music as a licensable activity and that he could only have background music playing. When asked about door staff Mr

Puky admitted that he had not employed any whilst he had been running the functions nor had he adhered to the CCTV condition at that point, as none was installed. At the end of this meeting Mr Puky was also spoken to about the location of where customers were being allowed to smoke. It was just inside the foyer of the premises and he was advised that this area was not suitable as it was covered inside the building. The PLH also tried to reassure everyone that there were no further parties planned and everything would be resolved by the time he officially opened.

That evening PC Davey attended the premises to find that there was a heavily intoxicated male laid out on the steps and struggling to stand. Upon speaking with this male's friend, it was confirmed that they had been socialising in Neli's. The PLH had stated only that afternoon that he was not opening until the following week. Later that evening WYP started receiving calls for service, the first of which was at 0038hrs on 20<sup>th</sup> September 2014, where the caller reported that he had been assaulted whilst walking past and an existing injury had been aggravated. Then at 0256hrs further calls for service had been received regarding a group of approximately 20 people shouting in the road with 3 of the group fighting.

The following evening PC Davey again attended the premises to monitor activities only to discover it was once again operating. A Section 19 Closure notice was issued by the officer that evening for no working CCTV and having no door staff arranged for the evening. PC Davey also made note on an email that the side fire door was locked and the front entrance shutter was closed, giving the impression that the venue was not open; entry had to be gained by knocking on the side fire door. This was very concerning as effectively Mr Puky's customers had been locked in the venue, which goes directly against the public safety licensing objective, and customers were seen smoking inside on the rear stairway. The officer also reported that the music was very loud, even though Mr Puky had been advised the day before that he was only authorised to play back ground music. Again PC Davey raised the issue about being responsible for customers when they were leaving or had just left the premises due to the male he found outside the evening before, but the PLH claimed that he was unaware that this was his responsibility.

On the 24<sup>th</sup> September 2014, Mr Puky contacted WYP to advise that he had now installed 6 cameras at the premises and he had contacted an SIA registered company to arrange door staff. It was explained to him again that the premises were not authorised to carry out licensable activities after 2100hrs on a Friday and Saturday evening without a minimum number of 2 door staff working, as per condition 24 of the premises licence. It was arranged that LCC Licensing and PC Davey would attend the venue on 26<sup>th</sup> September 2014 to check the CCTV and the alterations which had been made to the fire exit. An email confirmation was sent to the PLH confirming this meeting with another reminder about door staff. Checks were then made with the company that Mr Puky had stated he had contacted and they confirmed that no agreements had been put in place.

Due to observations made by the officer whilst the premises were operating that weekend, WYP contacted West Yorkshire Fire & Rescue Service (WYFRS) to address the concerns raised. WYFRS visited the premises and offered advice to the PLH, commenting that Mr Puky's level of knowledge of responsibilities was minimal.

Further visits were made to the venue by WYP, but the bar only appeared to open periodically and it still appeared that when the premises were operating, the main entrance either had the shutter  $\frac{3}{4}$  of the way down or fully closed. Again WYP raised this concern of customer/public safety to WYFRS.

After this contact complaints ceased until late November 2014 when WYP received noise nuisance and anti-social behaviour issues. On the 22<sup>nd</sup> November 2014 at approximately 0345hrs it was reported that people were leaving the venue being very loud. Then again on the 29<sup>th</sup> November 2014 at approximately 0345hrs customers were leaving the venue, being very noisy, fighting between themselves and even stopping vehicles as they were driving past.

On the 7<sup>th</sup> December 2014 at 0205hrs, WYP received a call for service, reporting that a female was being assaulted outside the venue by 10 people. Officers attended the incident and whilst no one was willing to make a complaint at that time, it was reported back that there were large groups of

people standing smoking outside the venue, all heavily in drink and officers had to move them on safely.

The next calls for service occurred on the 12<sup>th</sup> December 2014 at 2354hrs where there was severe disorder. Initially the first call reported that there was a large fight outside the venue and the call taker commented at the time that they struggled to hear details being given due to the noise coming from the disturbance. During the call the fight was reported to have been calming down but then flared up again and moving inside. A further call was received from door staff at the venue requesting assistance as fighting had broken out inside the premises and they were unable to control it. They even reported that a knife had been seen in the disturbance. Officers were dispatched to assist and unfortunately whilst officers were in attendance, they had to call for urgent assistance from more officers; during the disturbance, 2 officers were assaulted. At the time of this incident, officers reported that no one wished to make any complaints.

PC Davey had been in attendance during this incident and he arranged to re attend in company with LCC Licensing Enforcement Officer and meet with the PLH, effectively holding an emergency action plan meeting the following evening. PC Davey fed back that the meeting was held, even though the PLH forgot to attend with the keys to the venue and they had discussed the increase in calls for service. Unfortunately Mr Puky did not appear to be receptive to the concerns raised and advice offered.

WYP then received a call from a complainant stating that he had sustained serious injuries, which consisted of a fractured eye socket, broken nose and swelling to the eye, during the disorder which occurred at the venue. Whilst the officer in charge of the case has/is investigating the incident, they have reported that there have been issues in obtaining the CCTV from Mr Puky. It appeared that the PLH initially had ignored the request from the investigating officer and when they finally made contact, he admitted that the CCTV did not record for the 31 days required by WYP. When the officer viewed the CCTV, they advised that the quality was poor and were unable to use it for identification purposes.

A further licensing visit was carried out by PC Davey on the 4<sup>th</sup> January 2014, due to the recent calls for service. The officer reported that there was a DJ playing in the venue (no variation had been submitted to allow this licensable activity), the fire doors were yet again locked, customers were smoking inside the venue and again there were no door staff working. When spoken to, Mr Puky claimed that he was not aware that he needed them when there was no function being held.

WYP hold serious concerns in relation to how this venue is being operated, with regular breaches of the licence and, even more worrying, the lack of concern for public safety, crime and disorder and noise nuisance at the venue.

**Please provide as much information as possible to support the application (please read guidance note 3)**

Please see above and attached.

Have you made an application for review relating to this premises before? Please tick ✓ yes

If yes please state the date of that application

Day		Month		Year			

**If you have made representations before relating to this premises please state what they were and when you made them**


Please tick ✓ Yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent.** (See guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature ...  .....

Date ...21<sup>st</sup> January 2015 .....

Capacity .....Licensing Officer, West Yorkshire Police.....

<b>Contact Name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>	

**Notes for guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.





**WEST YORKSHIRE  
POLICE**

**LEEDS DISTRICT LICENSING DEPARTMENT**

**LICENSING ACT 2003**

**&**

**(GAMBLING ACT 2005)**

**[LOCAL GOVERNMENT (MISC. PROV.) ACT 1982]**

**PREMISES – REGISTER OF CHRONOLOGICAL EVENTS**

**(Excluding PL Transfers / DPS changes / TEN's)**

<b>Division:</b>	NW Leeds	<b>NPT Area:</b>	LC – Inner West
<b>Premises Name (Previous Name/s) &amp; Address:</b> Neli Bar 4 Branch Road Armley Leeds			
<b>Post Code:</b>	LS12 3AQ	<b>Tel No:</b>	
<b>PL/CPC No:</b>	PREM/03506	<b>Time Limited:</b>	No
<b>Orig. Issue:</b>	20/08/14	<b>Date - WEF:</b>	20/08/14
<b>ALCOHOL PREMISES:</b>	Yes	<b>CONSUMPTION:</b>	On
<b>Brief description of premises:</b>			
<b>Date:</b>	<b>Event / Meeting / Application / Formal Action / Letter etc:</b>		
22/07/14	<b>New PL application received:</b>  25/07/14 – File passed on to Cat Sanderson (passed back on A/L):  05/08/14 – email from Jamie Friel of EHO of LCC-: Hello Bob Further to our telephone conversation today, Licensing has confirmed with the applicant that there will be no provision of recorded music. Therefore and with this in mind we have not raised any objection to this application. Regards Jamie		

Jamie Friel  
Senior Environmental Health Officer  
Environmental Protection Team  
Millshaw Park Way  
Leeds  
LS11 0LS  
Tel: 0113 3951171 (office)  
Tel: 07891 277015 (mobile)

05/08/14 – email from the applicant to Bridget Massey after a query made by her to the application:-

Dear Bridget,

Thank you for your quick response.

Infact, the mentioned time is for our closing down time and we have decided that we will not serve any more drink before 30 minutes of closing time. Secondly, at initial stage and our initial survey reveals that in that locality there wont be any walk in customers after 11pm in week days.

At the start we will take bookings for small parties and get -together and obviously we will charge by time therefore, hoping that the customer will follow the time table.

Anyhow, after getting license, at any stage we observe that we need to change the time, definitely we will send our application accordingly.

Please feel free to contact us for any further query.

Regards,

Robert / Shamsi

**14/08/14 – Letter of representation served by Cat Sanderson:**

Morning

Please find attached a letter of representation – qualified objection regarding the application for Neli Bar, 4 Brach Road, Armley, LS12.

I have forwarded a copy of this email and letter to the applicant.

**19/08/14 – Final day to make representations – (case officer Bridget Massey).**

**19/08/14 – Part 2 & Part 3 returned signed by the applicant:**

	<p><b>19/08/14 – email sent to the applicant by Bridget Massey of LCC:</b></p> <p>Dear Sir</p> <p>I have spoken with West Yorkshire Police and they have informed me that you have signed both parts of the objection saying you agree to the conditions they have asked for in part 2 and you have also signed part 3 stating you don't agree.</p> <p>Can you please clarify if you agree or don't.</p> <p><b>19/08/14 – reply from the applicant:</b>  Sorry for confusion, off course we are agree.  I will drop the correctly signed form again to west Yorkshire police.</p> <p><b>20/08/14 – PREM/03506 ISSUED:</b></p>
31-08-14	<p>Report of an ongoing fight.  Officers attended and had dispersed by the time they arrived.  No complaints.</p>
19-09-14	<p>AP meeting held due to the complaints received about the venue – noise &amp; asb  DPS/Owner stated that he had not officially opened.</p>
20-09-14	<p>Email received from PC Davey advising that had served a S19 on the premises for no door staff or CCTV</p>
20-09-14	<p>Email received from officers advising of 2 calls the previous evening to the premises:</p> <p>██████████ @ 00:38 Report that the caller had been assaulted by a customer from Neli Bar. Transpired that there was no intentional assault but the customer pushed passed the caller with and aggravated an existing shoulder injury.</p> <p>██████████ @ 02:55 Report of 20 people in the street, of which at least 3 fighting..The information stated that they have just left the premises and are smashing bottles.  Officers attended to a large group, that were gathered and moved them on as no one was making any complaints.</p>
22-09-14	<p>Email received from PC Davey explaining issues from the evening of 19<sup>th</sup>.</p>
24-09-14	<p>0950hrs – Received a call from Mr Puky. He requested that myself and Paul Rix attend as he had made the changes to the premises. He claimed that he had removed the stud wall, installed 2 cameras outside and 4 cameras inside. When asked about door staff, he stated that he had emailed Pheonix Security and was awaiting confirmation. I pointed out that he could not trade on a Friday/Saturday evening after 2100hrs without door staff.</p>

24-09-14	Spoken with Dan Bowker and Steve Ford from Pheonix – neither were aware of any contact. Spoken to Ian @ HQ – he does recall an email but unable to locate it. He has confirmed that nothing has been arranged for Friday/Saturday night – unlikely that they will take on the venue.
24-09-14	Email sent to WYFRS in relation to concerns about the premises.
24-09-14	Arranged for PR and MW to attend a meeting on Friday @ 1030hrs – email confirmation sent
25-09-14	I attended with officers for an evening licensing visit – premises appeared closed.
02-10-14	Reply received from WYFRS – advice given
03-10-14	I attended with officers on an evening licensing visit. Shutter was ¾ of the way down but DPS and 2-3 other people were in the premises – no obvious sign that there was sale of alcohol.
12-10-14	Email recived from PC Davey advising that had attended on a licensing visit – premises were closed on the Friday night but open on the Saturday. He commented that there were 3 doorstaff working that evening but did not get the opportunity to enter the premises to carry out the checks. He also commented that fire exit at the front had the shutters down.
13-10-14	Email sent to WYFRS explaining ongoing concerns.
02-12-14	Complaint received about the above premises from a resident:  Approx 0345 on 22-11-14 people were leaving the premises being very loud Approx 0345 on 29-11-14 again lots of people leaving the premises, very noisy with ASB where fighting between themselves and stopping vehicles driving passed.
07-12-14	██████████ @ 0205hrs Report received that a female was being assaulted by approximately 10 people. Leedswatch CCTV showed groups of people stood smoking on the steps but no fighting. Officers attended, no one making any complaints, no injuries seen but stated that all parties in drink and sent on their was home.
12-12-14	██████████ @ 2354hrs Report of people fighting outside, advised had all come out of Neli Bar. Operator commented that struggled to hear the caller due to the noise from the disturbance. During the call it was reported that as it started calming down it flared up again and were heading back into the premises. Further call, from door staff, stating that there was fighting inside the bar and he had seen a knife. Officers attended to assist, 2 officers were assaulted in the process..no one made any complaints that evening and there was no sign of a knife.
13-12-14	Email received from PC Davey advising of the fight and that had arranged a meeting that evening with the DPS.

13-12-14	Further email received from PC Davey advising that the meeting had been held, however the DPS did not appear to be receptive to the advice given.
14-12-14	██████████ @ 11:50 Caller reporting that her father had been assaulted during the incident on 12-12-14. He sustained fractured eye socket, broken nose and badly swollen left eye; the complainant believed that a knuckle duster had be used in the assault.
29-12-14	Email received from the investigating officer from the assault advising that the DPS is ignoring her communication to request a copy of the CCTV footage.
30-12-14	Email received from the investigating officer advising that she had managed to get foortage however the CCTV was not recording for 31 days.
04-01-14	Email received from PC Davey advising that he had attended on a visit to the premises. He advised that there was a DJ playing (licensed for background music only), fire doors were locked, customers smoking inside and no door staff working.
07-01-14	CCTV viewed from the premises, however the quality was poor and the officer was unable to use it for identification purposes.

Neli Bar  
Action Plan Meeting  
19<sup>th</sup> September 2014

Persons present:

Robert Puky - PLH  
Paul Rix - LCC Licensing  
PC Davey - WYP  
Cat Sanderson - WYP Licensing

\*Mr Puky's daughter was also present to assist with translating\*

CD commented up on entry of the premises, that they needed to look at the floor as there was a trip hazard – a ledge from the carpet to the table area. He suggested that they mark this is yellow. RP said that the 'ledge' was to be removed.

PR opened the meeting by explaining that the premises had already been in receipt of complaints from the last 2 weekends, which was why the meeting had been requested. It was explained that the noise of music and customers were becoming an issue for residents as they were situated in a highly populated area.

PR asked whether they were having any more functions. RP stated no – they were not officially open. PR advised that they could not open until all the licence conditions had been adhered to.

RP stated that they had not officially opened and that they had only family events since being in receipt of the licence. PR advised that the complaints were mainly noise issues when customers were leaving – being the DPS and PLH he was still responsible for the customers even whilst they were outside. RP said that he would try stop the noise issues. PR continued that there were reports that people were leaving until 0400hrs however they were only licensed to provide alcohol until 0200hrs and that the closing time of the premises was also 0200hrs so everyone needed to be out and the venue closed. This could result in a fine of up to £20,000. RP said that he would try and stop this behaviour.

When asked about door staff, RP stated that he had not employed them as they had not officially opened. CS asked which company they were employing. RP advised that it was someone from Harehills. CS explained that they needed to employ door staff from an SIA registered company and asked for him to email the details to her and PR once he located them. PR again explained that they could not open for private functions without adhering to the door staff condition.

RP advised that he was not due to open properly until next week and would not be holding any events.

PR stated that he needed to adhere to his licence and ensure that they employed door staff on a Friday and Saturday evening as he had admitted to not using them as yet.

RP specifically stated that he was not opening until next week.

PR asked whether they played music. RP stated yes. PR explained that they had not applied for music on the licence and could only have back ground music. RP was not aware of this. PR explained that if the music was too loud to hear a conversation then they would need to turn it down.

PR asked about smoking. RP said that customers smoked by the entrance; he would show the area upon leaving the building.

PR asked about the CCTV. RP stated that he had a friend sorting it out for him before they opened. PR stated that they need to have the cameras in place and 31 days storage asap.

PR commented that there was no clear fire exit. RP advised that it was at the rear of the premises behind the plaster board walls but he was getting the walls removed next week. CD asked whether the customers used just the one entrance. RP stated not, they used both exits. CD pointed out that they would need a member of door team on each entrance/exit.

On leaving RP showed the area which he allowed customers to smoke, it was a foyer area into the premises. CS stated that smoking was not allowed in that area, they needed to be outside and no drinks were to be taken with them. They needed to monitor the noise. RP repeated that he had no parties planned this week but would be aware.



# CLOSURE NOTICE

Section 19, Criminal Justice and Police Act 2001

See Guidance below

This Closure Notice is served by the Police Officer named below if he/she is satisfied that the premises have been used for the unauthorised sale of alcohol for consumption on, or in the vicinity of these premises within the last 24 hours. Each of the paragraphs below must be completed by the Police Officer.

Date of Closure Notice: 20/9/14 Time Notice served: 2000

Police Force: WEST YORKS

Name and rank of Police Officer above: PC 4513 DAVEN

Signature of Police Officer above: [Redacted]

Name and address of premises affected: NELLIES BAR, BRANKH ROAD, ARMLEY

Postcode: LS12 3AG

### Alleged unauthorised use of the premises

There has been unauthorised sale of alcohol because:

NO WORKING CCTV IN OPERATION.  
NO DOOR STAFF WORKING BETWEEN REQUIRED TIMES.

Steps which must be taken to end the alleged unauthorised use of the premises, or to prevent it from re occurring:

OBTAIN WORKING CCTV FOR BOTH INSIDE & OUTSIDE OF THE PREMISES THAT RECORDS IMAGES FOR A PERIOD OF AT LEAST 31 DAYS.  
OBTAIN/USE APPROVED DOOR STAFF ON FRIDAY/SATURDAY NIGHTS FROM 2100 HOURS TO 0200 HOURS AND USE A DOOR STAFF REGISTER.  
\* 7 DAYS \*

The person (if applicable) upon whom the Closure Notice has been served:

Name: ROBERT PUKY

Position: OWNER

Signature: [Redacted]



### WITNESS STATEMENT

(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B;  
Criminal Procedure Rules, Rule 27.2)

NICHE Ref. No:

URN:

**Statement of:** Christopher Anthony Davey

Date of birth: Over 18

Occupation: Police Officer

This statement (consisting of:      page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature: pc 4513 davey

Date: Tuesday 20<sup>th</sup> January 2015

Time and date statement taken: 1400 20-01-15

Check box if witness evidence is visually recorded  (supply witness details on rear)

I am the above named person and I am employed by West Yorkshire Police as the Ward Manager for the Armley area of Leeds. I have been in this role for around 5 years and been a police officer for over 20 years.

Part of my role is to conduct licensing visits at licenced premises in and around the Leeds 12 area.

I am writing this statement in relation to a new licensed premises in the Leeds 12 area called Nellie's bar. This has an address of 4 Branch Road, Armley, Leeds.

My first dealings with this bar was complaints made to myself and the neighbourhood policing team in August 2014 that there had been a large amount of noise and disturbances outside the premises in the early hours of weekend mornings. Some complainants stated as late as 0400 hours. At this time the premises was not even open. Due to these complainants I attended an action plan meeting at Neli's bar with the Designated Premises Supervisor, a male I know to be; Robert PUKY on Friday 19<sup>th</sup> September 2014.

Also present at the meeting was Paul Rix from Leeds City Council Licencing and Cat Sanderson from West Yorkshire Police Licencing Department.

Puky stated in the meeting that the premises was not yet open but the premises had held private functions. He was reminded his conditions on his licence were valid for these. Puky also stated that there was no CCTV in operation at that time. Puky stated that he was not opening until the following week.

At approximately 2330 hours I attended at the front of the premises which is on Branch Road, Armley. The main entrance used by the club is a side entrance. I could see that there was a heavily intoxicated male lying on the steps near to the shuttered front entrance. There was another male with him. On speaking to the standing male, he confirmed that they had been drinking at Nellie's bar. I then tried to lift the roller shutter on the front entrance to the premises. It was locked.

Later that evening I heard reports via my personal radio about noise complains at the premises and also that there was fighting outside the premises. I was unable to attend due to other operational commitments.

At approximately 2100 hours on Saturday 20<sup>th</sup> September 2014 I attended at neli's bar with colleagues and made my way inside via the side door which had to be knocked to gain entry. The front doors were again shuttered and locked.

Signature: pc 4513 davey

Signature witnessed by: PC 4513 DAVEY

NICHE Ref. No:		URN:	
----------------	--	------	--

Continuation Statement of Davey

I made my way up to the first floor to the open planned dance / seating area. There was music being played very loudly by a disc jockey. I again spoke to Puky about music being played in the venue, about the fire exits being locked and also about customers being loud and noisy upon leaving the club. I also issued Puky a section 19 closure notice for not having CCTV at the premises.

On Friday 12<sup>th</sup> December at 2354 hours I was working and attended at the premises to a report of serious disorder and there was a large fight outside the premises. There was also a complainant that a male at the premises had a knife. There was also a call from a member of door staff that there was a fight and they were unable to control the fight. Whilst on route to the premises other units in attendance asked for more units to attend due to the large scale disorder and the numbers of people involved.

As I arrived I could see again that the front roller shutter doors were down. I could see that there was around 80 people outside. I saw a male as I pulled up, around 50 years with a cut to his eye. I stopped the police vehicle and I could see that there a uniformed officers stood in the side doorway surrounded by males and females. I went up to help him when one male grabbed the officer. I took hold of a male and another male grabbed me from behind. I was aware that a police officer took this male off me. I detained the first male and placed him in a police vehicle to calm down. There was a large amount of scuffling and shouting and swearing. I was aware that another police officer had been punched in the face by an unknown male. There were door staff present. I spoke to a number of people who had been inside the premises prior to the fight but no one wished to make any kind of formal complainants. Everyone I spoke to stated they had been at Nellie's and that the fight had been started inside the premises and had spilled out onto the street. Due to the incident a Leeds wide request had been made for police units. At its peak I would state there were around 20 units present at the club.

I then went inside the premises and saw around 100 people inside. Again there was a disc Jockey playing music and it was very hard to hear anyone speak due to the music. I spoke to Puky who was present at the premises. He stated that the fight was outside and had nothing to do with him or Nellie's. Mr Puky would not accept any responsibility that he or the premises had anything to do with the large scale disorder.

I arranged to meet Puky the following night with Paul Rix and we attended outside the premises around 2000 hours. Puky attended but stated he had forgot his keys. Again we spoke about the disorder, CCTV, fire escapes being locked but he was quite un receptive to the issues raised.

At 2215 hours on Saturday 3<sup>rd</sup> January 2015 I attended at Nellie's bar to conduct a visit. As I pulled up at the side door I could see three males stood inside the premises. They were all smoking inside the premises. There were no door staff at the premises. I went inside the property and I could see that there was a disc Jockey playing very loud music. There were only around twenty people inside and Puky was serving behind the bar area. Puky confirmed the premises was open. I asked him why people were smoking inside the premises. I also asked him were his door staff were.

Puky stated he did not know he had to have them working when he no functions on. Again the fire escapes were closed and locked.

I then left the premises.

Signature: pc 4513 davey

Signature Witnessed by: PC 4513 DAVEY

MG11a

RESTRICTED (when complete)

(Revised 1.9.11)

### WITNESS STATEMENT

(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B;  
Criminal Procedure Rules, r.27.2)

NICHE Ref. No:	<input type="text"/>	URN:	<input type="text"/>
Statement of:	[REDACTED]		
Date of birth:	Over 18	Occupation:	[REDACTED]
This statement (consisting of: 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.			
Signature:		Date: 25 <sup>th</sup> January 2015	
Time and date statement taken: 25 <sup>th</sup> January 2015			

Check box if witness evidence is visually recorded  (supply witness details on rear)

I am the above named person and I am currently employed [REDACTED]

The area is a business related area with my premises looking onto Armley Town Street, however there are a lot of private dwellings in the area and a tower block nearby which is elderly. I live [REDACTED] and both my bedroom and children's bedroom at the rear of the premises which looks onto Branch Road. I have lived here for over ten years.

In early August 2014 I became aware from living at my premises that the old Armley Amusement building had become a place where foreign nationals gather and drink alcohol. There is no signage saying it's a pub or club.

When the place first opened there was a lot of fighting when the pub kicked out, I now know it to be called Neli's Bar, this was generally around 4am in the morning. There were countless fights, people being assaulted, large scale noise and abusive behaviour. I rang the police at least twice. The males were always drunk and often walked into the road, started fighting and stopped vehicles.

The first time I saw this, I saw the front shutter open (this is always closed as they used the side door) a number of fighting males came out of the premises then the shutter was closed again behind them. Approximately twenty minutes later, the shutter opened and further people came out of Neli's fighting and the shutter closed behind them.

This was most weekends in August on Friday and Saturday nights.

I again say that this was when I became aware of Neli's Bar and when the problems began. I often had to shout out of my window asking for people to stop shouting and swearing. Both myself and my children were frequently being woken up and I found this upsetting, as did my children who are aged 15 and 12. They should not be seeing males and sometimes females brawling in the street at 4am.

I brought the above problems to the attention of Paul Rix, a Licensing Officer for Leeds City Council to report the matter.

I became aware that Neli's were visited by Police and Licensing and the problems lessened for a while but they soon re-appeared, just as bad as ever with the fighting, shouting and swearing.

Signature:

Signature witnessed by:

MG11

RESTRICTED (when complete)

(Revised 1.9.12)

NICHE Ref. No:		URN:	
----------------	--	------	--

Continuation Statement of [REDACTED]

It always seems to be around 3am to 4am when the worst problems occur.

It's not just the fact they are fighting, it's the fact they are shouting and swearing and clearly do not take into account any members of the public who live nearby.

I remember one weekend night in December around 2.30am there was a female laid out clearly drunk on the cobbles outside the premises, they had to call for an ambulance for her.

I can say that since Neli's Bar opened that the standard of my private life has lessened and I am fed up being woken up at unearthly hours from people leaving Neli's Bar shouting, swearing and fighting with each other.

Signature:

Signature Witnessed by:

---

## Premises Licence

### Part A Schedule 12 Licensing Act 2003

#### Part 1 – Premises Details

##### Postal address of premises, or if none, ordnance survey map reference or description

Neli Bar, 4 Branch Road, Armley, Leeds, LS12 3AQ

##### Licensable activities authorised by this licence

Sale by retail of alcohol, Provision of late night refreshment,

##### Times the licence authorises the carrying out of licensable activities

###### *Sale by retail of alcohol*

Friday & Saturday	18:00 - 02:00
Sunday to Thursday	18:00 - 00:00

###### *Provision of late night refreshment*

Friday & Saturday	23:00 - 02:00
Sunday to Thursday	23:00 - 00:00

Location of activity: Indoors

##### Opening hours of the premises

Friday & Saturday	18:00 - 02:00
Sunday to Thursday	18:00 - 00:00

Alcohol is sold for consumption on the premises

#### Part 2

##### Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Robert Puky  
19 Barden Grove  
Armley  
Leeds  
LS12 3EH

Daytime Contact Telephone Number: 07791842805

Email Address: gashamsi@gmail.com

##### Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Robert Puky  
19 Barden Grove

Armley  
Leeds  
LS12 3EH

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Personal licence number: LEEDS/PERL/07548/14

Licensing authority: Leeds City Council

Licence issued under the authority of Leeds City Council



Mrs Bridget Massey  
Licensing Officer  
Entertainment Licensing  
Licensing and Registration

## Annex 1 – Mandatory Conditions

1. No supply of alcohol may be made under this licence
  - a. At a time when there is no designated premises supervisor in respect of the premises licence, or
  - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-
  - a. unauthorised access or occupation (e.g. through door supervision), or
  - b. outbreaks of disorder, or
  - c. damage
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made
  - a. By the British Board of Film Classification (BBFC,) Where the film has been classified by the Board, or
  - b. By the Licensing Authority where no classification certificate has been granted by the BBFC, or,
  - c. where the licensing authority has notified the licence holder that section 20 (3) (b) (74 (3) (b) for clubs) of the Licensing Act 2003 applies to the film.
5. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- a. games or activities which require or encourage, or are designed to require or encourage, individuals to -
  - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
- b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

- d. provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
  - i. the outcome of a race, competition or other event or process, or
  - ii. the likelihood of anything occurring or not occurring;
- e. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

7. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

8. The responsible person shall ensure that -

a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- i. beer or cider. 1/2 pint;
- ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
- iii. still wine in a glass: 125 ml; and

b. customers are made aware of the availability of these measures

9. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 of this condition -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

(b) "permitted price" is the price found by applying the formula  $P = D + (D \times V)$  where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,



- (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" mean value added tax charged in accordance with the Value Added Tax Act 1994(b).
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sale or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 – Conditions consistent with the operating schedule**

### **General – All four licensing objectives**

- 10. CCTV will be installed inside and outside the building.
- 11. Door Supervisor and security staff will be employed.
- 12. No consumption of alcohol will be allowed outside.
- 13. All doors and windows will be shut and remain shut to control the noise levels

### **The prevention of crime and disorder**

- 14. A suitable Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises .
- 15. The CCTV system will contain the correct time and date stamp information.
- 16. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days' continuous footage which will be of good quality.
- 17. A designated member / members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority.
- 18. The PLH/DPS will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti-social behaviour, admissions refusals and ejections from the premises.

19. The Incident Report Register will contain consecutively numbered pages, the date time and location of the incident, details of the nature of the incident, the names and registration numbers of any door staff involved or to whom the incident was reported, the names and personal licence numbers (if any) of any other staff involved or to whom the incident was reported, the names and numbers of any police officers attending, the police incident and / or crime number, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident.
20. The PLH/DPS staff will ask for proof of age from any person appearing to be under the age of 21 who attempts to purchase alcohol at the premises.
21. Drinks, open bottles and glasses will not be taken from the premises at any time. Empty bottles and glasses will be collected regularly and promptly. Glass and other sharp objects will be stored and disposed of safely using suitable receptacles. Receptacles will be secured and not accessible to the customers.
22. The PLH/DPS will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises.
23. The PLH/DPS will belong to a recognised trade body or Pub Watch Scheme where one exists, whose aims include the promotion of the licensing objectives.
24. The minimum number of door supervisors for the premises is 2. The days and hours door supervisors operate on the premises is between 21.00 hours until close on a Friday and Saturday.

#### **The prevention of public nuisance**

25. No parties or customers will be allowed to consume alcohol outside.

#### **Public Safety**

26. No gathering would be allowed outside the building. The numbers of customers will be controlled and no more than the sitting capacity will be allowed.

#### **Protection of children from harm**

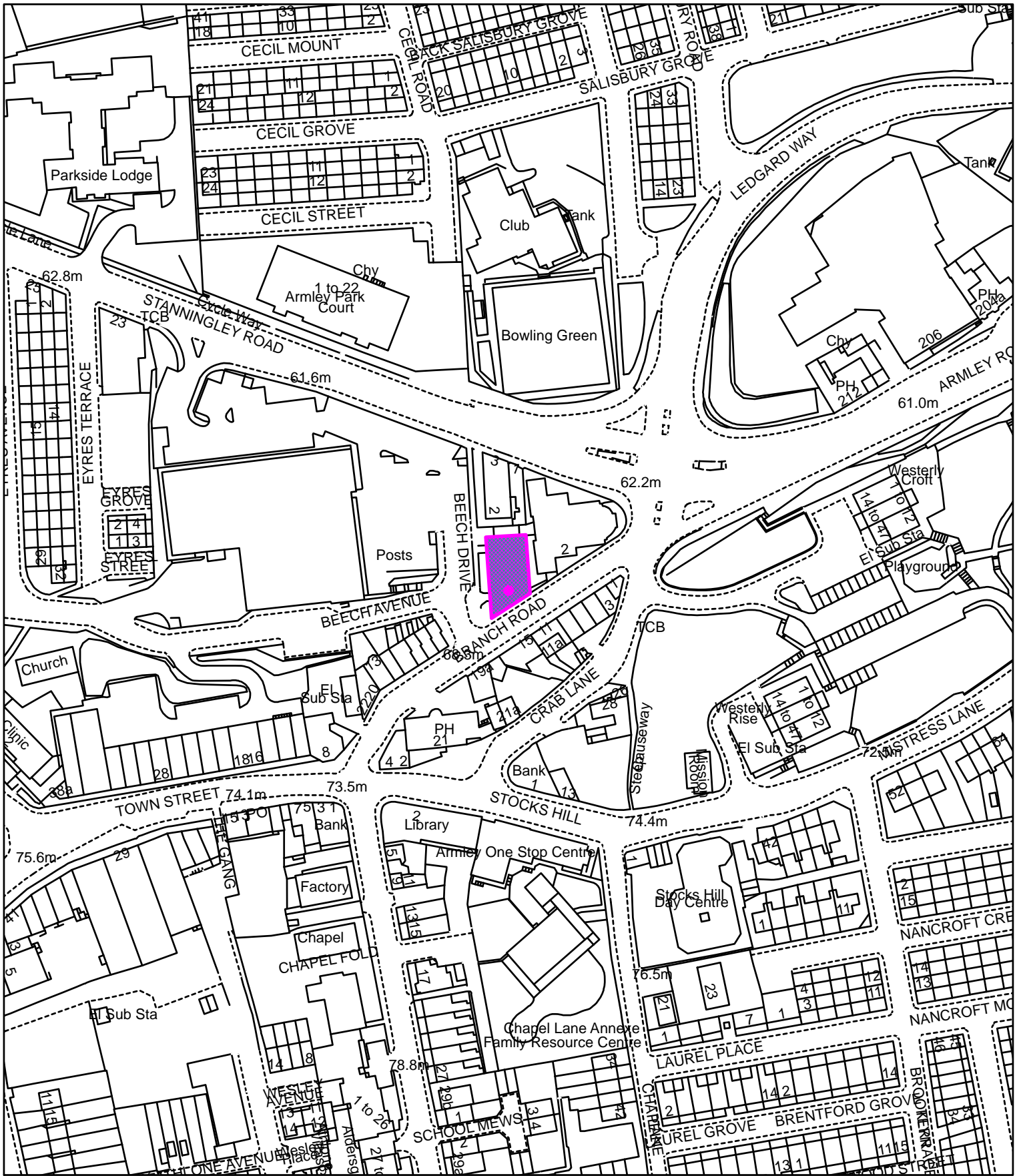
27. Children under the age of 18 will not be allowed to enter the premises. Door Supervisors will be employed.

#### **Annex 3 – Conditions attached after a hearing by the licensing authority**

None

#### **Annex 4 – Plans**

The plans for these premises are as those submitted with the application. A copy of which is held by Leeds City Council licensing authority.







This map is based upon the Ordnance Survey's digital data with the permission of the Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office

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**Key**

	On licence		Late night refreshment
	Off licence		Other

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White, Emma

BM

03506

**From:** Paul.Rix(GCSx)  
**Sent:** 09 February 2015 14:04  
**To:** Entertainment Licensing  
**Cc:** Holder, Stephen; Kennedy, Seamus; Sanderson, Catherine  
**Subject:** ELS Representation, Neli Bar Review.  
**Attachments:** Neli Bar LS12 ELS Review Rep Feb 2015.doc.docx

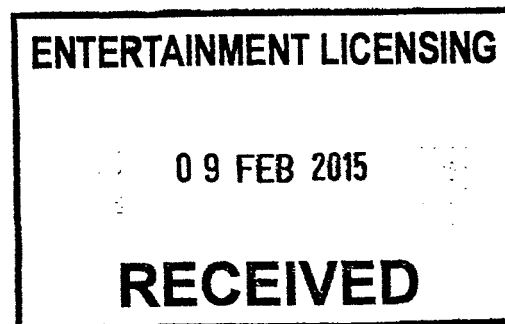
Dear Sirs

This is formal notice of representation made by Leeds City Council Licensing Authority (Entertainment Licensing) in its capacity as a Responsible Authority under the Licensing Act 2003 regards the review brought by WYP Licensing for Neli Bar, LS12 3AQ.

Regards

Paul \*

Paul Rix  
Senior Liaison & Enforcement Officer  
Entertainment Licensing  
Leeds City Council  
Tel: 0113 2474095  
Fax: 0113 2243885  
email: [paul.rix@leeds.gov.uk](mailto:paul.rix@leeds.gov.uk)  
[www.leeds.gov.uk](http://www.leeds.gov.uk)





**Licensing & Registration**  
**Citizens and Communities**  
Civic Hall  
Leeds LS1 1UR

The Licensing Authority  
Entertainment Licensing  
Leeds City Council  
Civic Hall  
Calverley Street  
Leeds  
LS1 1UR

Our Ref: A80/PR/LIC/REV/PREM/03506/001  
Your Ref: PREM/03506/001  
Contact: Paul Rix  
Tel: 0113 2474095  
Fax: 0113 2243885  
Email: paul.rix@leeds.gov.uk

Date: 9 February 2015

Dear Sirs,

**SUBJECT: NELI BAR, 4 BRANCH ROAD, ARMLEY, LEEDS, LS12 3AQ.  
LICENSING ACT 2003 – FORMAL REPRESENTATION FOR PREMISES  
LICENCE REVIEW.**

This is formal notice of representation made by Leeds City Council Licensing Authority (Entertainment Licensing) in its capacity as a Responsible Authority under the Licensing Act 2003 ('the Act').

**Licence background information:**

The representation supplements the application made by the West Yorkshire Police for a review of the premises licence granted to Mr Robert Puky ('the Premises Licence Holder', PLH) for premises trading as Neli Bar, 4 Branch Road, Armley, Leeds, LS12 3AQ. Premises licence number: PREM/03506/001.

Licensable activities currently authorised by the premises licence are –

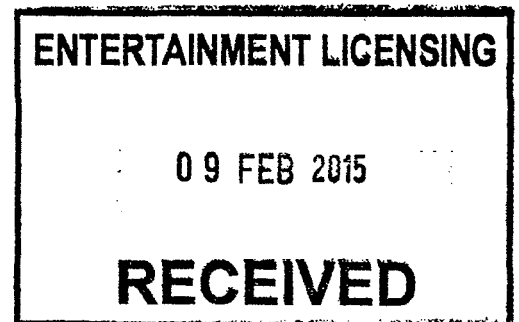
- Sale by retail of alcohol
- Late Night Refreshment

**Opening hours of the premises**

Friday & Saturday 18:00 - 02:00

Sunday to Thursday 18:00 - 00:00

- Alcohol is sold for consumption on the premises



The Designated Premises Supervisor ('DPS') named on the premises licence is Mr Robert Puky. Mr Puky has been the DPS for the licensed premises since grant of the licence on 20 August 2014.

A Designated Premises Supervisor is an individual named on a premises licence who holds a valid personal licence and authorises the sale by retail of alcohol at a licensed premises. The designated premises supervisor has responsibility, given by the premises licence holder, for the day-to-day running of the premises. A personal licence holder must have successfully completed a nationally recognised training course with regard understanding / compliance of The Licensing Act 2003.

The Act provides a clear focus on the promotion of four statutory objectives underpinning the Act which must be addressed when licensing functions are being undertaken. Each objective is of equal importance.

The licensing objectives are –

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

This representation is made on the grounds that the Premises Licence Holder and Designated Premises Supervisor have and continue to undermine the licensing objectives in the concern of

- *The prevention of crime and disorder*

The prevention of crime and disorder includes the responsible retailing of alcohol and the exercise of control measures on customer behaviour.

- *Public safety*

The Premises Licence Holder has a responsibility to ensure the safety of those using the premises.

- *The prevention of public nuisance*

The Premises Licence Holder has a responsibility for control measures regard customers behaviour.

In March 2014 a complaint from a member of the public was received by this section alleging the suspected unauthorised sale of alcohol, unauthorised licensable activities, the misuse of drugs and smoking at the subject premises.

An investigation took place in conjunction with West Yorkshire Police (WYP) the outcome of which was a claim by the management that a party event had been held for the builders who had undertaken the renovation / conversion work. This could not be disproven.

An application for a Premises Licence authorising the sale of alcohol was received and granted in August 2014. The complainant was made aware of the application and made no further complaint or comment.

On Friday 19<sup>th</sup> September 2014, following a complaint received by WYP I attended an Action Plan Meeting called by Cat Sanderson, West Yorkshire Police Licensing Officer, at the premises. This meeting was attended by Mr Puky in his capacity as PLH and DPS. Action Plan Meetings are called when a premises has a number of issues requiring attention of one or more of the Relevant Authorities. In this case WYP believed that early intervention and help / guidance for the PLH would assist in the running of the business and therefore reduce the calls for police service.

Mr Puky stated that the premises had not yet started trading but that he had staged a number of "private functions". It was pointed out to Mr Puky that the conditions stipulated on the licence were applicable to these "functions". Specifically mentioned were the requirements for a closed-circuit television (CCTV) system to be in place / use and the deployment of door staff should the premises be open beyond 21:00 hours on Friday and Saturday evenings. Also mentioned was the requirement for all fire escape doors to be available for use and not locked or blocked.

Mr Puky appeared to understand the requirements and stated that there presently was no cctv in use and he was yet to arrange deployment of a security staff provider and as such would not be trading until the following weekend at the earliest.

On Saturday 13 December 2014 in company with PC Davey, WYP, Entertainment Licensing Enforcement attended at the premises in order to speak to Mr Puky following a serious incident the previous night which required large scale police attendance. At the time of the visit the premises were closed and not trading. Mr Puky arrived but did not have his keys for the premises so a meeting convened in the police vehicle. It was again stressed to Mr Puky the importance of his actions regards public safety, the responsibilities of retailing alcohol and the requirement to be compliant with his licence conditions including that of deployment of door staff.

I formed the opinion that Mr Puky was not, despite repeated attempts to explain, appreciating the gravity of the situation. It appeared to me that Mr Puky believed that any responsibility for the actions of his customers ceased to be his once they left his premises. I strongly put to Mr Puky that this was not the case and he needed to address the issues immediately.

**Conclusion:**

The Licensing Authority has significant concerns for the lack of responsible management of the premises by the current Premises Licence Holder and Designated Premises Supervisor in that they have, and continue to allow, incidents of drunkenness and disorder, paying scant regards to issues of public safety thereby undermining the statutory licensing objectives.



For the reasons set out in this representation the Licensing Authority believes the management of the premises are both wholly inappropriate and irresponsible in that no responsibility for actions taken by customers is assumed and disregard for licence conditions apparent. I share the concerns expressed by West Yorkshire Police that it is not a question of, will, a serious incident regard this premises occur but, when, will it occur.

The Licensing Authority respectfully requests that the Licensing sub-committee considers fully the content of this report with a view to invoking the strongest possible action available under the Licensing Act 2003 against the Premises Licence Holder/Designated Premises Supervisor by revoking the premises licence granted to Neli Bar, Branch Road, Armley, LS12 3AQ.

The Premises Licence Holder / Designated Premises Supervisor has clearly failed, despite repeated attempts to assist, in his ability to demonstrate the minimum standards required of a licensed operator to run his business in a socially responsible manner including responsible alcohol retailing.

Yours faithfully

Mr Paul Rix  
Senior Liaison & Enforcement Officer  
Entertainment Licensing

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# 11. Reviews

## The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

## **Repetitious grounds of review**

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
  - representations considered by the licensing authority when the premises licence or certificate was granted; or
  - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

### **Powers of a licensing authority on the determination of a review**

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
  - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
  - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;

- suspend the licence for a period not exceeding three months;
  - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

## **Reviews arising in connection with crime**

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
  - for prostitution or the sale of unlawful pornography;
  - by organised groups of paedophiles to groom children;
  - as the base for the organisation of criminal activity, particularly by gangs;
  - for the organisation of racist activity or the promotion of racist attacks;
  - for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
  - for unlawful gambling; and
  - for the sale of smuggled tobacco and alcohol.
- 11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

## **Review of a premises licence following closure order**

- 11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:
- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;

- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- day (there must be five clear working days between the giving of the notice and the start of the hearing).

## **Review of a premises licence following persistent sales of alcohol to children**

11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.