



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