

White, Emma

BM

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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

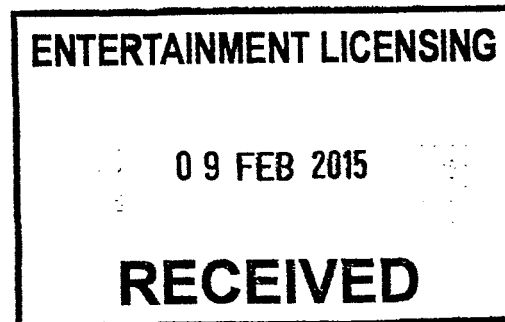
Dear Sirs

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 *

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Our Ref: A80/PR/LIC/REV/PREM/03506/001
Your Ref: PREM/03506/001
Contact: Paul Rix
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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

ENTERTAINMENT LICENSING

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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 19th 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