



Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: 30th April 2012

Subject: Review of a Premises Licence for:
Starlight Bar Unit 10, Shaftesbury Parade, Harehills Lane,
Harehills, Leeds, LS9 6TA

Are specific electoral Wards affected? Yes No

If relevant, name(s) of Ward(s): Burmantofts & Richmond Hill

Are there implications for equality and diversity and cohesion and integration? Yes No

Is the decision eligible for Call-In? Yes No

Does the report contain confidential or exempt information? Yes No

If relevant, Access to Information Procedure Rule number:

NOT FOR PUBLICATION

Exempt under the Regulation 14 of the Licensing Act 2003 Hearings and Regulations 2005
(SI 2005 No44)

Appendix number:E

Executive Summary

This report informs Members of an application for the review of a Premises Licence made by West Yorkshire Police in respect of Starlight Bar, Unit 10, Shaftesbury Parade, Harehills Lane, Harehills, Leeds, LS9 6TA under Section 51. of the Licensing Act 2003. The Licensing Authority is now under a duty to review the Premises Licence held in respect of Starlight Bar.

Members should note that following the receipt of the Review application an application to surrender the Premises Licence was received. Following the 28 day consultation period no Licence Transfer was received therefore the Premises Licence was surrendered.

1.0 Purpose of this Report

1.1 This report provides Members with the background and history to the making of the review. The report sets out the relevant law when reviewing licences under the Licensing Act 2003 ("the Act"). Finally, this report informs members of the options available to them when reviewing a premises licence

2.0 Background Information

2.1 An application to convert and vary a Justice Licence was received in 2005 and the licence was duly granted. An application to vary the Premises Licence was received on the 26th June 2006 this was for a temporary structural change which was needed due to a fire the premises had on the 3rd April 2006.

On the 24th Aug 2010 a Licence Transfer was received transferring the Licence from Mr Anthony Flynn to Mr Nawaz Khan.

On the 10th Nov 2010 an application to Vary the Premises Licence was received this attracted representations from Members of the Public and Responsible Authorities. This application went to a hearing on the 10th January 2011 where it was refused. On the 24th December 2010 before this application was heard the Dps withdrew their consent

On the 27th January a Transfer application was received transferring the Premises Licence to a Mr Gavin Mackay Ferguson and Honor Jafar Rafik. West Yorkshire Police objected to this transfer. This was scheduled for a hearing on the 7th March 2011 at this hearing the application was adjourned until the 28th March 2011 .

On the 23rd March 2011 this application was withdrawn by the applicants and the hearing was cancelled. The Licence reverted back to Mr Khan being the Licence Holder with the Premises having no Dps

On the 13th December 2011 another transfer application was received to transfer the Licence from Mr Khan to Mr Amiri and a Dps change nominating Mr Amiri. West Yorkshire Police objected to both applications so this was scheduled for a hearing on the 16th January 2012.

On the 16th January the application was heard before the Sub Committee where the decision reached was to refuse the Transfer application. Subsequently the Dps application was withdrawn.

On the 1st March 2012 West Yorkshire Police submitted an application for a review

On the 2nd March 2012 Mr Khan the Premises Licence holder surrendered the Premises Licence. The Letter of surrender is attached at **Appendix A**

No application to transfer the Licence was made within the 28 day notice period and subsequently the Premises Licence lapsed on the 30th March 2012.

Therefore members should note that there is now no Premises Licence in force.

2.2 The premises had the benefit of a Premises Licence issued under the Licensing Act 2003 for the following licensable activities to take place during the stated hours:

Sale by retail of alcohol	
Monday to Saturday	11:00 - 23:00
Sunday	12:00 - 22:30
Performance of recorded music	
Every Day	00:00 - 23:59

2.3 The premises licence allowed the premises to be open to the public during the following times:

Monday to Saturday	11:00 - 23:00
Sunday	12:00 - 22:30

2.4 The Premises Licence Holder was Mr Nawaz Khan

2.5 A copy of the Premises Licence is attached at **Appendix B** for the benefit of members.

2.6 A map detailing the location of the premises is attached at **Appendix C**

3.0 Main Issues

3.1 The review is being sought by West Yorkshire Police on the grounds of Crime and Disorder, Public Safety, The Prevention of Public Nuisance and The Protection of Children from Harm as listed at **Appendix D**. Part of these review documents due to their content are not for publication this is attached as **Appendix E**

3.2 As part of the review procedure details of the review and an outline of the grounds on which the review was requested must be displayed at the premises for a period of 28 days commencing the day after the application was received, this being **1st March 2012**

3.3 Notices providing details of the review were duly placed on prominent display at the premises on **2nd March 2012**, which were then checked on a regular basis. The notices were removed at the end of the 28 day consultation period.

3.4 Section 51 of the Act places the Licensing Authority under a duty to review the premises Licence in respect of . The Licensing Authority must then follow a procedure set out in the Licensing Act 2003. A summary of this procedure is attached to this report by way of a flow chart at **Appendix F**

4.0 Relevant Representations

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

4.2 A representation has been received from a local resident. The primary concern of this objection relates to Crime and Disorder and Noise Nuisance. The main issue being the objector has had to contact both the Licensing Section and West Yorkshire Police on a number of occasions to report Crime and disorder and Noise Nuisance. Members are invited to consider the background papers.

4.3 Copies of the representation will be available at the hearing for Members consideration

5.0 Matters Relevant to the Application

5.1 Members of the Licensing Sub Committee must make decisions with a view to promoting the licensing objectives which are:

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

5.2 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 G** and the council's licensing policy (paragraphs 5.99 to 5.117). Members must also have regard to the relevant representations made and evidence they hear.

6.0 Implications for Council Policy and Government

6.1 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 12.13 of the policy with particular seriousness.

7.0 Legal and Resource Implications

7.1 There are no resource implications in determining the review.

7.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrates Court.

8.0 Recommendations

8.1 Members are requested to determine this review but should note that there is no Premises Licence in force due to the surrender as mentioned in 2.1 of the report.

Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy
- Copy of Public Representation