

**Report of the Head of Licensing and Registration**

**Report to the Licensing Sub Committee**

**Date: 8<sup>th</sup> May 2012**

**Subject: Application for the grant of a premises licence for East African Centre 11A  
Cherry Row, Burmantofts, Leeds, LS9 7LY**

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

**Summary of main issues**

This is an application for the grant of a premises licence for East African Centre 11A Cherry Row, Burmantofts, Leeds, LS9 7LY

Responsible authorities and Ward Members have been notified of this application.

This application has been adjourned on two previous occasions. The request to adjourn the hearing was not opposed by any of the Responsible Authorities or Interested Parties. Members therefore resolved to grant the deferral. The reasons for this are detailed in 5.2

The application is for the provision of Recorded Music, Facilities for Making Music, Facilities for Dancing, Sale by Retail of Alcohol and Late Night Refreshment. The opening hours and days are detailed in 4.5

The application has attracted representations from interested parties and responsible authorities

**1.0 Purpose of this Report**

1.1 To advise Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for a premises licence in respect of the above mentioned premises.

1.2 Members are required to consider this application due to the receipt of representations.

## 2.0 **History of Premises**

2.1 This is the first application for a Premises Licence for these premises

## 3.1 **Enforcement Issues**

3.2 Following the receipt of a complaint regarding potential unauthorised licensable activities at these Premises. A member of the Entertainment Licensing Enforcement visited these Premises and at the time found that there were no unauthorised activities taking place. However after speaking further with Mr Zeray the activities they were wishing to carry out were licensable. He was advised that they would be required to apply under the Licensing Act (2003) for a Premises Licence

## 4.0 **The Application**

4.1 The applicant is Mr Sultan Mesgna and Mr Tsehaye Zeray,

4.2 The application form may be found at Appendix A to this report.

4.3 In summary the application is for

4.5 Recorded Music, Facilities for Making Music, Facilities for Dancing, Sale by Retail of Alcohol for consumption off the premises

Sun – Thurs	10:00 – 23:30
Fri	10:00 – 03:00
Sat	10:00 – 04:00

### Late Night Refreshment

Sun – Thurs	23:00 – 23:30
Fri	23:00 – 03:00
Sat	23:00 – 04:00

4.6 Times when the Premises will be open to the public

Sun – Thurs	10:00 – 23:30
Fri	10:00 – 03:00
Sat	10:00 – 04:00

Non Standard Timings Sunday Bank Holiday weekends 10:00 to 03:00.

## 5.0 **Other matters relevant to the application**

5.1 The hearing for this application was scheduled for Monday 5<sup>th</sup> March 2012

5.2 The Licensing Subcommittee was unable to consider the application due to the lack of clarity relating to the identity and address of the premises which was the subject of the application. The Applicant agreed to an adjournment of 3 weeks to 26 March 2012 to enable them to clarify the position through the production of Land Registry documents.

Further discussions were made with the applicant prior to the 26<sup>th</sup> March 2012 hearing and it came to light that they would be unable to produce these documents for the hearing. Therefore it was decided that it would be best to adjourn the application further to the 8<sup>th</sup> May 2012.

5.3 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub-Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

## 6.0 **Steps to promote the Licensing Objectives**

6.1 The applicant proposes to take the steps identified in section "P" of the application form to promote the licensing objectives

7.0 Proposed Designated Premises Supervisor

7.1 Tesfay Berhane intends to be the Designated Premises Supervisor.

## 8.0 **Location**

8.1 A map which identifies the location of this premise is attached at Appendix B.

## 9.0 **Representations**

9.1 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.

9.2 Representations from Responsible Authorities

9.3 West Yorkshire Police

A representation has been received from West Yorkshire Police. Members attention is drawn to Appendix C

9.4 Planning Service

A full objection has been received from the Planning Services. Members attention is drawn to Appendix D

9.5 Health and Safety

A representation has been received from Health and Safety. Members attention is drawn to Appendix E

9.6 Environmental Protection Team

A representation has been received from Environmental Protection Team. Members attention is drawn to Appendix F

9.7 Any representations submitted may be agreed prior to the adjourned hearing. In this instance the operating schedule has been amended to include measures agreed with Health and Safety . Members attention is drawn to Appendix G

9.8 The application has attracted representations from interested parties The Licensing Section is in receipt of a petition. The primary concern is that the late hours will attract crime and excessive noise. Copies of the representations will be available at the hearing for Members consideration. Members are to consider the background papers

9.9 We were in receipt of a letter from a resident on the original application but this has since been withdrawn.

9.10 A representation has been received from Councillor Pryke. Members attention is drawn to Appendix H

9.11 Councillor Pryke will also be representing residents at the hearing.

10.0 Options Available to Members

10.1 The Licensing sub-committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- Grant the application as requested.
- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates.
- Refuse to specify the said person as the designated premises supervisor.
- Reject the whole or part of the application.

10.2 Members of the licensing sub committee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

10.3 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy
- Representations received from Interested Parties