

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: 3rd September 2012

**Subject: Application for the grant of a premises licence for Afro Diaspora Unit 10 ,
Shaftesbury Parade, Harehills Lane, Harehills, Leeds, LS9 6PJ**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Burmantofts & Richmond Hill	
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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:10.4(7)		
These Appendices are regarded as exempt under provision of Paragraph 14 of the Licensing Act 2003 (Hearings Regulations 2005)		
Appendix number: D		

Summary of main issues

This is an application for the grant of a premises licence for Afro Diaspora Unit 10 , Shaftesbury Parade, Harehills Lane, Harehills, Leeds, LS9 6PJ. It should be noted that certain information submitted within the application is potentially exempt information under the Access to information Rule 10.4 (7) as it includes information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime, this information is also replicated in Appendix D

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

The application has attracted representations from other persons 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

On the 16th June 2005 an application to convert an existing Justices 'ON' Licence was received from a Mr Flynn for the Starlight Bar and was duly granted for the following hours Sale by retail of alcohol Sun 12:00 - 22:30 and Mon to Sat 11:00 - 23:00, Recorded Music everyday 00:00 - 23:59.

On the 26th June 2006 Mr Flynn applied for a variation which was for structural changes only within the Starlight Bar following a fire. This was duly granted on the 25th July 2006.

On the 7th October 2009 Mr Tchamgo applied for the grant of Premises Licence under the name BYBLOS. This application was deemed invalid on the 1st December 2009 due to a number of errors with the advertisement of this application.

On the 24th August 2010 a transfer was received from Mr Khan for the Starlight Bar this was granted.

On the 10th November 2010 a Mr Khan submitted a variation to extend the opening hours, alcohol and to add live music, dancing and late night refreshment on a Friday and Saturday. This application attracted representations from Environmental Protection Team, West Yorkshire Police and members of the public. The application was refused at a committee hearing.

On the 12th December 2011 an application to vary the DPS and transfer the Premises Licence to a Mr Amiri was received. This attracted a representation from WYP and the transfer application was refused at the committee hearing. Subsequently the DPS application had to be withdrawn. The Premises Licence reverted back to Mr Khan.

On the 1st March 2012 WYP submitted a general review application

On the 2nd March 2012 Mr Khan surrendered the Premises Licence.

On the 23rd March WYP withdrew the general review application

On the 29th March 2012 the Premises Licence for the Starlight Bar lapsed as no licence transfer was received within the 28 day transfer period. There is currently no Premises Licence in Place

On the 17th July 2012 an application made by Mr Dooh for the grant of a Premises Licence for Afro Diaspora was received

On the 8th August 2012 a Temporary Event was applied for Sale by retail of alcohol, Provision of Regulated Entertainment, Late night refreshment, this was refused at the committee hearing on the 20th August 2012.

3.0 The Application

3.1 The applicant is Mr Jean-Claude Dooh,

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

3.3 In summary the application is for

Sale by retail of alcohol on the premises, Recorded music ,Provision of facilities for making music,

Monday to Thursday 11:00 – 02:00

Friday and Saturday 11:00 – 04:00

Sunday 12:00 – 01:00

Performance of dance, Provision of facilities for dancing

Monday to Thursday 19:00 – 02:00

Friday and Saturday 22:00 – 04:00

Sunday 15:00 – 01:00

Late night refreshment

Monday to Thursday 23:00 – 02:00

Friday and Saturday 23:00 – 04:00

Sunday 23:00 – 01:00

Opening hours

Monday to Thursday 11:00 – 02:45

Friday and Saturday 11:00 – 04:45

Sunday 12:00 – 01:45

4.0 Other matters relevant to the application

4.1 The applicant intends to use the premises as a strong hold for the African community in Leeds Cameroonians, Ivorian's, Congolese in the first instance including other communities will join at any time and will be welcome to do so.

Afro-Diaspora will be holding social gatherings and activities such as :-

Meetings will be after regular Sunday football matches where they will discuss events happening in the community, night vigil for members of the community mourning the loss of loved ones, celebrations of different National days. They will also hold other social gatherings such as cultural evenings and baby showers. Although Afro-Diaspora is a business premises it will be used as the headquarter for the communities.

4.2 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

5.0 Steps to promote the Licensing Objectives

5.1 The applicant proposes to take specific steps to promote the licensing objectives identified in section "P" of the application form. The applicant also proposes to take specific steps to promote the licensing objectives identified in the Pro-forma Risk Assessment; a copy of which may be found at Appendix A.

6.0 Proposed Designated Premises Supervisor

6.1 Jean-Claude Dooh intends to be the Designated Premises Supervisor.

7.0 Location

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

8.0 Representations

8.1 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

8.2 Representations from Responsible Authorities

8.3 Representations have been received from West Yorkshire Police and Environmental Protection Team.

8.4 The representation submitted by West Yorkshire Police is a full objection. A copy can be found at Appendix C. The chronology to support the WYP objection can be found at Appendix D

8.5 The representation submitted by the Environmental Protection team is a full objection. A copy can be found at Appendix E

8.6 Other representations

8.7 The application has attracted representations from other persons.

8.8 The Licensing Section is in the receipt of ten individual letters of objection. All of which are opposed to this application on the grounds of noise nuisance

8.9 Copies of the representations will be available at the hearing for Members consideration.

8.10 Councillor Grahame will be representing other persons.

9.0 Options Available to Members

9.1 The Licensing sub-committee must take such of the following steps as it considers appropriate 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.

9.2 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 appropriate in order to promote the licensing objectives

10.0 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy
- Representations received from other persons