

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 20th June 2023

Subject: Application for the Grant of a Premises Licence for TK Restaurant, 486 Harehills Lane, Leeds, LS9 6NG

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 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 made by TK Restaurant & Leisure Ltd, for TK Restaurant, 486 Harehills Lane, Leeds, LS9 6NG.

The application explains the premises intends to operate as a café/restaurant, with a bar, proposing the Sale by Retail of Alcohol, Monday to Sunday, 12:00 to 23:00 hours.

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

The application has attracted representations from other persons and responsible authorities.

1 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 new 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 History of the Premises

- 2.1 These premises have had the benefit of a premises licence since the introduction of the Licensing Act 2003. In 2005, the premises were trading as Starlight Bar and applied to convert the existing Justices' licence into a premises licence.
- 2.2 In February 2012, West Yorkshire Police submitted a review application due to issues surrounding noise nuisance and the breach of licence conditions. The licence holder surrendered the premises licence prior to it being considered by the Licensing Sub Committee and the hearing was dispensed with.
- 2.3 An application for the grant of a premises licence was received by the Licensing Authority on 28th April 2017. The application was made by Mr Salman Haydaran and attracted a representation from the Environmental Protection Team.
- 2.4 The Environmental Protection Team considered additional measures reasonable in promoting the prevention of public nuisance licensing objective which were accepted by the applicant. With no matters outstanding the application was granted as requested, subject to the agreement reached.
- 2.5 An application to appoint Mr James O'Donnell as the Designated Premises Supervisor was received by the Licensing Authority on 15th August 2017. With no objection by West Yorkshire Police the application was granted.
- 2.6 An application to vary the premises licence was submitted to the Licensing Authority on the 24th November 2019. The primary purpose of the application was to extend the terminal hour for all licensable activities, Monday to Wednesday to 03:00 hours, and Thursday to Sunday to 05:00 hours. The start times remained unchanged.
- 2.7 The application attracted a representation from the Planning Services who suggested a reduction to the hours to reflect planning permission. Further to discussions the licence holder's representative offered revised wording to restrict the operating times and to avoid any breach existing planning approval. This would allow the licence holder to apply to vary planning permission without the need to subsequently vary the premises licence, and with both parties reaching an agreement the representation was withdrawn and the licence was granted for the hours applied for.
- 2.8 On the 8th July 2019 an application to vary the premises licence was received by the Licensing Authority. At this time the licence applied to the first floor of

Shaftsbury Parade only, with the variation proposing to extend the licensable area by way of including unit 3 at ground level. Also proposed was the addition of an external drinking area.

- 2.9 Receipt of the application prompted arrangements for a meeting to discuss the application in further detail. In attendance were the licence holder, representatives of the Licensing Authority, West Yorkshire Police and the Environmental Protection Team. Such talks led to submission of a revised application reducing the hours for licensable activities in the ground floor unit and the removal of the external drinking area from the application. The application did not attract any representation and it was granted as per the revision mentioned above on 7th August 2019.
- 2.10 On the 19th November 2019 West Yorkshire Police made an application for summary review of the premises licence due to a number of incidents associated with the premises relating to knife crime and the lack of faith in the operator to uphold the Licensing Objectives.
- 2.11 In considering interim steps the committee took the decision to suspend the premises licence pending the substantive review hearing. At the review hearing on the 17th December 2019, Members resolved to revoke the premises licence with immediate effect and reviewed the interim steps to ensure the suspension remained in place during the 21 day appeal period.

3 The Application

- 3.1 The applicant's name is TK Restaurant & Leisure Ltd.
- 3.2 The proposed designated premises supervisor is Kubrom Gebit.
- 3.3 In summary, the application is for:

*Sale of Alcohol (for consumption on the premises only)
Monday to Sunday 12:00 – 23:00*

- 3.4 A redacted version of the application is attached at Appendix A.
- 3.4 The applicant proposes to promote the licensing objectives by taking the steps identified in Section 18 of the application form.

4 Location

- 4.1 A map which identifies the location of the premises is attached at Appendix B.

5 Representations

- 5.1 Under the Act representations can be received from anyone but they must be relevant and, in the case of a member of the public, must not be frivolous or vexatious.

Representations from Responsible Authorities

- 5.2 Representations have been received from West Yorkshire Police, the Licensing Authority and the Environmental Protection Team.
- 5.3 The representation submitted by West Yorkshire Police makes reference to the premises historic links to crime and disorder, Salman Haydaran's continued involvement in the premises and the incoming licence holders' lack of experience in operating a licensed venue. A copy of the representation can be found at Appendix C.
- 5.4 The representation submitted by the Senior Liaison and Enforcement Officer on behalf of the Licensing Authority is lodged in grounds similar to those expressed by West Yorkshire Police above. A copy of the representation is available at Appendix D.
- 5.5 Any representation may be negotiated prior to the hearing and in this instance the operating schedule has been amended to include measures agreed with the Environmental Protection Team. A copy of the representation and agreement may be found at Appendix E.

Other Representations

- 5.6 The application has attracted a representation from a local business (described as 'other persons' in the legislation) expressing concerns in relation to anti-social behaviour. The author has stated concern that they may be at risk of retribution should their details be made public and as such, their personal details have been redacted and they will remain anonymous. For this reason and despite their strength of feeling they will not be attending the hearing and would like their representations to be considered fully in their absence.
- 5.7 A redacted copy of the representation is attached at Appendix F and an original copy will be provided to the Licensing Sub Committee in advance of the hearing.

6 Licensing Hours

- 6.1 Members are directed to paragraphs 6.8 to 6.15 of the Statement of Licensing Policy which states the criteria that will be applied to any decision for new applications or variations which include extending hours.
- 6.2 In brief the Policy states at 6.14 that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so.
- 6.3 The council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not adversely impact on the licensing objectives.
- 6.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix G.

7 Equality and Diversity Implications

7.1 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.

8 Options Available to Members

8.1 The licensing subcommittee 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.
- Refuse to specify the said person as the designated premises supervisor.
- Reject the whole or part of the application.

8.2 Members of the Licensing Sub Committee are asked to note that they may not reject the whole or part of the application merely because they consider it desirable to do so. It must be appropriate in order to promote the licensing objectives.

9 Background Papers

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