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SUPPLEMENTARY INFORMATION

LICEBNSING SUB COMMITTEE – 19TH JULY 2022

AGENDA ITEM 7 - Application for the Grant of a Premises Licence for EKO Wine Bar & Grills Limited, 486 Harehills Lane, Leeds, LS9 6NG

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City Development Department
Merrion House
110 Merrion Centre
LEEDS
LS2 8BB

Paul Jones
[Redacted]

Contact: **Lisa Hart**
[Redacted]

Your Ref:
Our Ref: Licence Applications

Date 24 June 2022

Dear Mr Jones

Subject: APPLICATION FOR PREMISES LICENCE

Thank you for submitting your application for licensed activities at:

Name of venue:- EKO Wine Bar & Grills

Address:- 486 Harehills Lane Leeds LS9 6NG

We write to inform you we shall be objecting to your application and a copy of this letter will be sent to the Licensing Authority.

The premises were granted planning permission for use as a restaurant/cafe (Class Eb-formerly Class A3 use) on 26 May 2021.

The proposed premises licence is for the use of the site as a function room and as a bar. These uses are classed as sui generis (in a class of their own) in the use classes order and therefore the new development constitutes a material change of use of the premises that has not obtained the necessary planning approval. No planning applications have been submitted for consideration by the Local Planning Authority.

The City Development Department objects to the granting of a Premises License in the terms as applied for due to noise and disturbance being caused to nearby residential occupiers as a result of the comings and goings of customers and their motor vehicles, from customers congregating on the street in the vicinity of the building and from activities within the building. It is considered that the opening hours applied for at these premises would conflict with the Licensing objective of preventing public nuisance.



The City Development Department considers that the proposed opening hours and unauthorised use of the premises are unacceptable and that a Premises Licence should not be granted

Yours sincerely

Lisa Hart
Team Leader
Planning Enforcement (East)

Nelson, Matthew

From: Paul [REDACTED]
Sent: 27 June 2022 16:53
To: Clifford, Andrew; Entertainment Licensing
Cc: [REDACTED]
Subject: Re: Representation Eko Bar and Grill
Attachments: Rep EKO.doc

Follow Up Flag: Follow up
Flag Status: Completed

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear PC Clifford

We are in receipt of your representation against our application for a premises licence (as attached) for which we thank you. I wonder, however, if you could provide some clarification further to its contents in order that we may properly respond to it? Your representation appears to be based upon the conduct of previous occupants of the premises rather than upon any wrong-doing by the applicant Mr Awodipe, who, as you know, has yet to occupy the premises. Your representation (attached) states (emboldened clauses mine):

- **There is still a clear link between yourself, this bar and Mr HAYDARAN.** Previous evidence shows **this will result in offences under the licensing act** which then directly impacts public safety, public nuisance and crime/disorder.

I'm not sure I fully understand the logic upon which this rationale is based. If I purchased a second-hand car and the two previous owners had committed traffic offences while driving it does it mean that *this will result* in me committing similar offences? Your representation appears to have made no assessment of the application nor how Leeds Police are of the view that the steps we propose to take to promote the licensing objectives would lead to the offences under the Licensing Act 2003 to which the representation alludes, but does not actually identify.

Mr Haydaran is the freeholder of the property. Mr Awodipe is his current tenant. This is the link to which your email refers: landlord/tenant. Mr Awodipe is bound by his tenancy agreement with his landlord; other than that Mr Awodipe will run his business as he sees fit without any input from his landlord. The fact that two previous tenants may have ignored the parameters of the attendant premises licences they held cannot lawfully be held against Mr Awodipe. As I am sure you will already have checked on the PNC database Mr Awodipe has no criminal record so I'm not sure why Leeds Police has put in writing that offences committed by two individuals unconnected to Mr Awodipe, *will result* in offences being committed by Mr Awodipe, who is a law-abiding citizen seeking to lawfully start a business in Leeds. I don't claim to be an expert on such matters but defaming Mr Awodipe in writing via email to multiple recipients is likely to constitute libel.

I have copied in the licensing authority to this email and I request that the licensing authority provides us with confirmation with regard to whether it is prepared to accept the Police representation against our application bearing in mind the following matters:

- the Police representation contains no assessment of the application

- the Police representation provides no evidence to suggest that the steps we have proposed in section M have the potential to lead to licensing objective failures
- the Police representation is based entirely upon the alleged misdeeds of two previous tenants of the property who are unconnected to the applicant for this licence, Mr Awodipe
- the Police representation is potentially libellous and therefore cannot lawfully be published in any hearing agenda which may or may not result and cannot be made available for public scrutiny

I would appreciate it if the assessment of this representation is also referred to Leeds Council's senior legal officer as the Police position is that the application should be refused rather than modified. This leaves us with no grounds further to mediation. Of course, if Leeds LA's position is that the representation is valid and relevant we will need to seek further legal advice with regard to the representation's contents so we would appreciate an early response to this request.

Many thanks

Kind regards

Paul Jones
Licensing Consultant
Innpacked

From: Clifford, Andrew [REDACTED]
Sent: 27 June 2022 15:22
To: Paul [REDACTED] >; entertainment.licensing@leeds.gov.uk <entertainment.licensing@leeds.gov.uk>
Cc: [REDACTED]
Subject: Representation Eko Bar and Grill

Good afternoon,

Please find attached my representation in relation to the application for a premises licence at 486 Harehill's Lane.

Regards

Andy

PC [REDACTED] CLIFFORD
Leeds District Licensing Department
Elland Road Police Station

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