

Licensing Sub-Committee

Tuesday, 27th April, 2021

PRESENT: Councillor J Lennox in the Chair

Councillors L Richards

Prior to the start of the Licensing Sub-Committee meeting and due to the unanticipated non availability of a Sub-Committee Member, attempts were made for an alternative Member to be identified as a substitute. However, such attempts were unsuccessful. Given this situation, in line with Licensing Procedure Rule 6, all parties present unanimously agreed to a quorum of two Sub-Committee Members, and to proceed with the meeting on this basis.

1 Election of the Chair

RESOLVED – That Councillor J Lennox be elected as Chair for the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals.

3 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

4 Late Items

There were no late items.

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

6 Review of the Premises Licence for Bobs Bar And Restaurant, Sheepscar Street South, Sheepscar, Leeds, LS7 1AD

The report of the Chief Officer Elections and Regulatory presented an application for the review of a Premises Licence for Bob's Bar and Restaurant, Sheepscar Street South, Sheepscar, Leeds, LS7 1AD.

The following were in attendance for the hearing:

- Carmel Brennand, LCC Entertainment Licensing
- PC Andy Clifford, West Yorkshire Police (WYP)
- Stephen Clarke, LCC Environmental Protection Team (EPT)

- Biniam Asfaha, Premises Licence Holder
- Adhanom Mehari, Representing the Premises License Holder

The Legal Adviser to the Sub-Committee set out the procedure to be followed, and the Principal Licensing Officer outlined the application for review.

The application was served on the Licensing Authority, licence holder and the Responsible Authorities on the 8th March 2021. It was noted that the application is

made on the grounds of prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

The following information had been appended to the submitted report:

- Review application and evidence supplied by the Licensing Authority in support of the review application (Appendix A)
- Continuation list of additional information including a witness statement and attempts to contact the licence holder (Appendix B)

It was noted that the premises previously known as 'Paradise Bar' was subject to a Summary Review in July 2019 as sought by WYP, the outcome of which was that the licence was suspended with immediate effect at the interim steps hearing, followed by a decision to revoke the premises licence at the review hearing in August 2019. It was confirmed that the current licence holder is a different individual and a new premises licence was granted to Mr Asfaha in November 2019.

Representations on behalf of WYP and EPT have been received in support of the review application.

Members of the Sub-Committee were informed that the Designated Premises Supervisor (DPS) had removed himself from this position on 15th March 2021 and as a result, alcohol sales are not authorised.

The LCC Entertainment Licensing representative addressed the Sub-Committee. The following was highlighted:

- A second review on the same premises was unusual, although it was acknowledged that both reviews were sought against different operators;
- There were allegations of operating after permitted hours the weekend after the grant of the Premises Licence. Engagement took place with the Premises Licence Holder to discuss the importance of complying with their licence;
- On two separate occasions of carrying out visits to the premises, CCTV footage was not recording the requisite 31 days footage which is a breach of the Premises Licence condition. A Closure Notice had been issued under Section 19 of the Criminal Justice and Police Act 2001. The applicant was unable to evidence the 31-day footage until October 2021, 10 months after the grant of a licence;
- WYP were called to an on-going party at the premises in June 2021, at 1:30 am. The Environmental Health officer issued a Prohibition Notice as a result of the evidence provided by the police;
- WYP responded to a gathering that took place at the premises in October 2021, where the Premises Licence Holder apparently had friends staying over despite national restrictions;
- WYP were called again to the premises to a report of COVID-19 breaches. Officers could hear loud music, and there was evidence of people drinking alcohol and smoking shisha. As a result, the Premises Licence Holder and DPS were served Prohibition Notices and Fixed Penalty Notices by WYP;
- A new wooden extension with a window and entrance door had been built in the yard of the bar. The matter had been referred to LCC Planning Enforcement;

- Despite responsible authorities making numerous attempts to communicate with the operator and provide guidance on changing legislation, several breaches have been made in terms of COVID-19 regulations and the Premises Licence conditions.

A Member sought clarity on the communication that had taken place between the Premises Licence Holder and responsible authorities. In response, it was confirmed that contact had been minimal during the pandemic. Entertainment Licensing contacted the operator following a complaint received in October 2020 from a person who had attended the premises and noticed several COVID-19 regulation breaches. The operator had been provided with information on abiding to the restrictions and a briefing note and posters regarding QR codes. Whilst the operator had been in contact with the Licensing Authority regarding the review application, there was no contact after the operator had been served with Prohibition Notices and Fixed Penalty Notices.

The Sub-Committee heard from the representatives of WYP and the EPT.

WYP referred to the complaints received in relation to the premises operating outside the hours authorised for licensable activities and condition breaches. COVID-19 regulations were also breached on various occasions, despite the responsible authorities engaging with the operator. Individuals at the premises had reportedly been hiding in the basement, showing a clear indication of dishonesty. Despite other businesses being directly affected as a result of the pandemic, Bob's Bar and Restaurant remained open. On that basis, it was the view of WYP that the operator had no intention to uphold the licensing objectives and adhere to the conditions of the licence.

It was confirmed that complaints had been made in relation to the operating hours prior to the pandemic. However, CCTV at the premises was not compliant and the responsible authorities were unable to evidence the allegation.

The EPT representative explained he had been involved with 1 of the 3 reported cases the service had dealt with. The EPT received an email including details of the incidents where the police had attended the premises and witnessed loud music and gatherings of more than 6 people; as a result, a Prohibition Notice had been served on the Premises Licence Holder. It was confirmed that no further communication had been received until October 2020, with two further complaints received regarding safety measures and shisha being smoked at the premises. It was confirmed that although advice was provided to the operator following the Government's announcement of a tiered system and a third lockdown, WYP had visited the premises in January after reports of further breaches. A Fixed Penalty Notice had been served on the Premises Licence Holder and DPS, both of whom paid the fee and accepted liability.

The EPT representative acknowledged that he was unaware of any other premises that had received the level of action of which Bob's Bar and Restaurant had received.

The applicant's representative addressed the Sub-Committee and explained that the Premises Licence Holder had financially invested a large sum into the premises, and that he was aware he would have to re-pay monies to lenders through business gains. Following the Government's announcement of a national lockdown as a result of the COVID-19 pandemic, this had a direct impact on the business. The Premises Licence Holder had been struggling with personal affairs and due to this confirmed that the requirements of the premises licence hadn't been complied with, particularly in relation to the operating hours and retention of CCTV footage. The Premises Licence Holder explained there had been a misunderstanding, and that friends had been invited over to help him re-decorate the premises. It was the opinion of the Premises Licence Holder that false allegations had been made due to ongoing personal affairs and claimed that alcohol and other substances had not been sold on the premises.

In responding to a question regarding the licensing objectives of the premises licence and reasons as to why they hadn't been met, the Premises Licence Holder explained there had been difficulties with issues at home and he spent time in the premises with friends cleaning as a distraction.

In summary, Entertainment Licensing (LCC) confirmed that efforts are made to support all businesses across Leeds, to ensure Leeds aims to be a vibrant safe city for all residents. Despite efforts to provide the Premises Licence Holder with the relevant information, provide support, serve notices and repeat visits, disregard had been presented on behalf of the Premises Licence Holder. Whilst it was acknowledged there were various options before the Sub-Committee, the Premises Licence Holder was unable to comply with the conditions already attached to his current licence and concerns were raised that the Premises Licence Holder would not comply with further measures as a result of the hearing. Therefore, LCC Entertainment Licensing requested that the Sub-Committee revoke the premises licence.

The Sub-Committee went into private session to make their deliberations.

The Sub-Committee carefully considered the report of the Chief Officer Elections and Regulatory, the relevant provisions of the Licensing Act 2003, the Guidance issued under section 182 of the Act, Leeds City Council's Statement of Licensing Policy and the representations submitted and made at the hearing.

RESOLVED – That the licence be revoked.