

Licensing Sub-Committee

Tuesday, 26th April, 2022

PRESENT: Councillor J Illingworth in the Chair

Councillor L Martin

1 Election of the Chair

RESOLVED – That Councillor J Illingworth be elected as Chair for the hearings.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals.

3 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information.

4 Late Items

There were no late items. Supplementary information was submitted in relation to Agenda Item 6 – Review of the Premises Licence for Madison Bar & Grill, 486 Harehills Lane, Leeds, LS9 6NG.

5 Declarations of Disclosable Pecuniary Interests

There were no declarations.

6 Review of the Premises Licence for Madison Bar & Grill, 486 Harehills Lane, Leeds, LS9 6NG

The report of the Chief Officer, Elections and Regulatory presented an application from the Licensing Authority for the review of a Premises Licence held at Madison Bar & Grill. Representations had also been made by West Yorkshire Police and the Environmental Protection Team

Prior to the hearing all parties present agreed to the application being considered by two Members of the Sub-Committee. The Legal Officer then informed of the procedure to be followed for the hearing.

The following were in attendance:

Carmel Brennan – Licensing Authority
PC Andy Clifford – West Yorkshire Police
Laura Ramsden – Supporter of the premises
Steve Kelly – Supporter of the premises
Salman Haydaran

The Licensing Officer outlined the application to review the licence which had been submitted with regards to the prevention of crime and disorder and public nuisance. There had also been representations submitted by West Yorkshire Police and the Environmental Protection Team. There had also been 13 individual representations of support for the premises.

Carmel Brennan outlined the case on behalf of the Licensing Authority. This was the third review that had been submitted for the premises although previous reviews had included different operators. The sub-committee was given a summary of the outcome of previous reviews. The current Premises Licence had been granted in October 2020 following the agreement to a number of additional conditions. Concern had been raised following an incident at the premises and it had become clear that there had been breaches of the licence and conditions and the premises had been issued with a closure notice.

Further issues highlighted included the following:

- Reference was made to the conditions to the licence and that these had appeared to have been ignored despite being given the appropriate advice on several occasions.
- There was some confusion over who was running the premises. A previous DPS and the landlord of the building, Mr Salman Haydaran was believed to still be involved with the running of the premises.
- There was no confidence that the premises could be operated in a safe way under the existing management or be compliant with the licence and the relevant legislation.
- In response to questions from the Sub-Committee, the following was discussed:
 - The premises claimed to be operating in a restaurant style and would be food led in order to obtain a licence.
 - Concerns over the CCTV provision and staff not being able to operate the system. This was considered to be one of the most important conditions of the licence.
 - Provision of a drugs safe.
 - Concerns in the food safety officer's report about carbon monoxide.

PC Clifford addressed the Sub-Committee with information to support the review. This included the following:

- Reference was made to previous incidents of crime and disorder and public nuisance that were associated with the premises.
- There were still links to previous licence holders when the problems had occurred and conditions of the licence ignored and it was felt that there was an unwillingness to comply with the licence.
- Concern that the premises was still being managed by a Mr Haydaran who was a previous licence holder who was in charge when stabbings had occurred at the premises.

Mr Haydaran was given the opportunity to address the Sub-Committee. He informed the Sub-Committee that he had never been told he was not allowed to work at the premises and had been told that he could apply for a premises licence. He had invested £70k in the building and the latest DPS was Mr Wilson who had since passed away. Mr Hoskins ran the Madison Bar and Grill while Mr Haydaran was responsible for the building. Any involvement he had had with the running of the bar had been at the request of Mr Hoskins and Mr Haydaran did not normally have

anything to do with the licensed part of the business. There was a new manager and director to run the licensed premises.

The Sub-Committee heard from members of the public who had submitted letters of support for the premises. Issues highlighted included the following:

- It was surprising to hear that there had been breaches of regulations at the premises.
- It would be disappointing to see the premises lose their licence and ability to operate.
- The staff are highly experienced and know what is required and acceptable to run a licensed premises.
- There had not been any kind of anti-social behaviour witnessed and any incidents referred to occurred during the previous management of the premises. There had not been anything of concern witnessed.
- An offer to assist with the management of the premises and ensuring the licence was operated in a compliant manner.
- The premises was one of the few places where local residents could socialise. It would be of great loss to the area.
- One supporter said they had always felt safe and secure when attending the premises.

In summary, the Licensing Authority informed the Sub-Committee that support was available to all licensed premises. The letters of support for the premises were acknowledged but did not show an awareness of the intricacies of licensing legislation and compliance. There was no confidence that the existing Premises Licence holder could manage the premises whilst upholding the licensing objectives and it was requested that the licence be revoked

The Chair concluded the open session of the hearing before the Sub-Committee went in to private session to make their decision. All parties were informed that the decision would be sent within 5 working days.

The Licensing Sub-Committee carefully considered the report of the Chief Officer, Elections and Regulatory, the Statement of Licensing Policy and the representations submitted and made at the hearing.

RESOLVED – That the Premises Licence for Madison Bar & Grill, 486 Harehills Lane, Leeds, LS9 6NG be revoked.

7 Application to vary a premises licence held by The Madison Bar & Grill Ltd, 486 Harehills Lane, Leeds, LS9 6NG, to specify an individual as designated premises supervisor

The report of the Chief Officer, Elections and Regulatory presented an application to vary a premises licence held by Madison Bar & Grill Ltd, 486 Harehills Lane, Leeds, LS9 6NG to specify an individual as Designated Premises Supervisor (DPS).

The Legal Officer explained the procedure to be followed and the Principal Licensing Officer presented the application.

An application had been made to vary the Premises Licence to specify Mr J O'Donnell as the designated premises supervisor at the Madison Bar & Grill. A representation had been made by West Yorkshire Police in objection to the application.

The following were in attendance:

PC A Clifford – West Yorkshire Police
Mr J O'Donnell

Mr O'Donnell addressed the Sub-Committee. He informed them that he had previously been the Designated Premises Supervisor and had left in December 2019. Since then there had been two others in the post before he had been asked to return. It was confirmed by the Principal Licensing Officer that Mr O'Donnell's Personal Licence was still current and that today it was the Designated Premises Supervisor which was being considered.

A supporter of Mr O'Donnell addressed the Sub-Committee and reported that Mr O'Donnell had returned to help the business move forward. Mr O'Donnell was experienced in running the premises and would be able to train others.

PC Clifford addressed the Sub-Committee. The objection had been submitted as Mr O'Donnell was the Designated Premises Supervisor when the Licence at the premises had previously been revoked due to serious crime and disorder. It was felt inappropriate that the same people should be in charge.

The Chair concluded the open session of the hearing before the Sub-Committee went in to private session to make their decision. All parties were informed that the decision would be sent within 5 working days.

The Licensing Sub-Committee carefully considered the report of the Chief Officer, Elections and Regulatory, the Statement of Licensing Policy and the representations submitted and made at the hearing.

RESOLVED – That the application be refused.