

## Licensing Sub-Committee

Tuesday, 21st February, 2017

**PRESENT:** Councillor B Selby in the Chair

Councillors M Harland and G Wilkinson

### **1 Election of the Chair**

**RESOLVED** – That Councillor Selby be elected as Chair for the duration of the meeting.

### **2 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal of inspection of documents.

### **3 Exempt Information - Possible Exclusion of the Press and Public**

**RESOLVED** – That if necessary, in accordance with Regulation 4 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during consideration of that part of the agenda designated as exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:-

Supplementary information is designated as exempt from publication in accordance with paragraph 10.4 (1, 2) of Schedule 12A(3) of the Local Government Act 1972 on the grounds that it contains information which relates to individuals, is likely to reveal the identity of an individual and relates to the business affairs of any particular person. As a consequence it is considered that the public interest in maintaining the content of the supplementary information as exempt outweighs the public interest in disclosing the information.

Members noted that on this occasion there were no members' of the public present at the hearing.

### **4 Late Items**

There were no formal late items. However, supplementary information had been received and seen by all parties.

### **5 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests.

### **6 Summary Review of a Premises Licence For One Fusion Restaurant, First Floor, 58 Roseville Road, Leeds, LS8 5DR**

The report of the Head of Elections, Licensing and Registration advised the Sub-Committee of an application had been made by West Yorkshire Police under section 53A of the Licensing Act 2003, for the Summary Review of the Premises Licence in respect of One Fusion Restaurant, 1<sup>st</sup> floor, 58 Roseville Road, Leeds, LS8 5DR.

West Yorkshire Police were of the opinion that these premises were associated with serious crime and disorder or both. The Licensing Authority was now under a duty to hold a review hearing in accordance with Section 53C of the Licensing Act 2003.

An interim steps hearing took place on 2<sup>nd</sup> February 2017 where the Licensing Sub Committee resolved to suspend the Premises Licence, pending the review hearing.

The report set out the background of the Premises Licence, the relevant law and appropriate guidance for Members. The report also recommended that Members review the Premises Licence using their statutory powers.

The history of the premises was set out at paragraph 2.0 of the submitted report.

It was noted that at the interim steps hearing on the 2<sup>nd</sup> February 2017, before the same Members of the Licensing Sub Committee as today, the Panel had resolved to suspend the licence until the Summary Review Hearing. The decision notice was attached at Appendix C of the submitted report.

PC Cath Arkle of West Yorkshire Police attended the hearing and informed the Sub Committee that she would be referring to the two incidents as 'the stabbing' and 'the violent disorder'. It was noted that ongoing investigations had shown that the two incidents were not linked.

PC Arkle said that this particular weekend had been out of the ordinary in relation to the history of the premises but had been so severe that the Police were of the opinion that they should apply for a Summary Review.

PC Arkle set out in brief the progress made with the two ongoing investigations. She informed the Members that the 'stabbing incident' had taken place approximately 100 yards from the premises. However, both the suspect and the complainant had been at the premises prior to the incident and had previous history (involving a previous stabbing), but that the Premises Licence Holder was not aware of that history.

PC Arkle told the Sub Committee that the second incident had, highlighted the lack of control on the premises. She said that the decision taken by the Premises Licence Holder to allow two large groups of people into the premises after he had considered closing early and, had allowed door staff to leave had been a 'bad decision'.

She informed Members that the premises did not have a history of serious crime and disorder and the Premises Licence Holder had actively co-operated with the Police in the investigations to both incidents.

The Licensing Sub Committee was informed that discussions had taken place between the Premises Licence Holder, Mr Mussie Gerezgiher, the Police and Entertainment Licensing Enforcement. She informed the Members that Mr Gerezgiher had taken steps to ensure that the premises would be subject to stronger controls.

PC Arkle informed Members that the Police were not seeking the revocation of the Licence but sought tighter control with additional conditions, extra training and a DPS who would be present at the venue during opening hours.

Mr Mussie Gerezgiher the Premises Licence Holder was at the meeting and told the Sub Committee that he had been shaken by the incidents. He informed the Members

that he had taken his Personal Licence Holder training and test on the 18<sup>th</sup> February 2017. He said that he should have his results within the next 10-15 days.

He informed the Members that he had bought a drugs safe which had been delivered to the premises on 20<sup>th</sup> February 2017, he said that he had also bought a hand held metal detector to be used by door staff and that a notice had been fixed to the door advising customers of the search. He also informed Members that he would have two door staff on duty on Friday, Saturday and Sunday nights at the busiest periods between midnight until closing.

Mr Gerezgiher informed the Sub Committee that whilst he was waiting for his results of his Personal Licence his friend Mr Tesfay Berhane, who already held a Personal Licence would act as Designated Premises Supervisor (DPS) at the premises. An application to vary the Licence would be made for Mr Berhane to act as DPS.

Mr Gerezgiher said that he would ensure that shisha smoking would only be allowed on the outside terrace of the premises.

West Yorkshire Police informed Members that Mr Gerezgiher had been very co-operative with the ongoing investigations and that he was making every effort to ensure that such incidents would not happen again and that the premises would be subject to stricter controls.

Mr Gerezgiher had shown the Licensing Sub Committee proof of purchase of the drugs safe and the hand held metal detector. Members also noted a letter of support for Mr Gerezgiher from the Eritrean Community in West Yorkshire.

**RESOLVED** – That the Licensing Sub Committee resolved for the Licence to be conditioned as follows:

- a) The suspension of the Licence to be lifted subject to the receipt of an application by Mr Tesfay Berhane to act as DPS at the premises and until such time as the application is received and granted, the suspension remains in force.
- b) On Fridays, Saturdays and Sundays there shall be a minimum of 1 SIA registered door staff from 23:00 hours and a minimum of 2 SIA registered door staff from midnight until close of business.
- c) That the premises Licence Holder shall ensure that one of the SIA registered door staff be required to use the handheld metal detector to scan all entrants and re-entrants to the premises.