

## **Licensing Sub-Committee**

**Thursday, 2nd February, 2017**

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

Councillors M Harland, B Selby and  
G Wilkinson

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

**RESOLVED** – That Councillor Selby be elected as Chair for the hearing.

### **2 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests.

### **3 Review of a Premises Licence - Interim Steps Hearing**

The report of the Head of Elections, Licensing and Registration advised the Sub-Committee that West Yorkshire Police had served an application under Section 53 A of the Licensing Act 2003, for the Summary Review of the Premises Licence held at One Fusion Restaurant, First Floor, 58 Roseville Road, Leeds, LS8 5DR due to serious crime and disorder.

The Sub-Committee was informed that this was an interim steps hearing pending the summary review and consideration should be given to the following:

- The modifications of the conditions of the Premises Licence.
- The exclusion of the sale of alcohol by retail from the scope of the Licence.
- The removal of the Designated Premises Supervisor from the Licence.
- The suspension of the Licence.

The West Yorkshire Police Representative was invited to address the Sub-Committee. A suspension of the licence was requested due to the severity of two unconnected incidents that had been linked to the premises in the previous week.

The Sub-Committee was given a brief history of licensable activities that had taken place at the premises since 2013 and occurrences when there had been breaches of the licence. Breaches had included operation beyond the permitted hours, failure to comply with restaurant conditions, failure to provide CCTV records and the permitted smoking of shisha indoors at the premises. Since March 2016 the requirement for restaurant provision at the premises had been removed and at that time there had not been any objection to the premises opening as a late night bar.

The Sub-Committee was informed of an incident that had taken place following the night of 29 January 2017. This had involved a male being stabbed. Although this did not occur inside the premises, all persons involved had been inside One Fusion. There had been door staff present at the time of the incident and CCTV footage had been obtained.

A further incident had occurred the following evening which had resulted in a fight involving up to 20 people. There had been 9 arrests following this and two of those arrested had suffered serious injuries with one of the injured requiring 20 stitches in a neck wound thought to be caused by a broken bottle. Others had been so drunk that they had not been able to be interviewed or read their rights.

In summary, it was requested that the license be suspended pending a summary review hearing. This was due to the level of serious crime and disorder which included the following:

- Possession of a knife
- There were outstanding suspects following both days incidents.
- The incidents had been fuelled by drunken behaviour.
- The Designated Premises Supervisor had not been present on either occasion.
- Both incidents had occurred during permitted opening hours.

It was not felt that modification of the licence would be satisfactory to address these incidences of serious crime and disorder following previous concerns where there had been breaches of the licence.

The Premises Licence Holder was invited to address the Sub-Committee. He gave details of the incidents that had occurred following the evenings of 29 and 30 January.

With regard to the incident during the evening of 29 January he told the Sub-Committee that one of those concerned had been asked to leave the premises. The Licence Holder and Door Supervisor had been outside to the incident and called the Police and an Ambulance. The Licence Holder had tried to get information on those involved and was happy to give all details he knew.

The incident on 30 January had occurred after the Door Supervisor had finished for the evening. The Licence Holder reported that the Premises was very quiet and he was going to close early when three separate groups arrived within a short while of each other. An argument had started between the groups and the Licence Holder was not able to control this and had called the Police. He further mentioned that prior to this weekend there had not been any incidents of this kind at the premises nor had the Police had to be called on any occasion.

The Licence Holder's friend addressed the Sub-Committee. He had been a regular customer at the premises and had not seen or known it to be connected with any trouble or incidents such as these. The premises was aimed at the Eritrean community and the Licence Holder had worked hard to keep the premises safe and had barred any trouble makers.

In response to questions from the Sub-Committee, the following was discussed:

- On a normal weekend night there would be approximately 60 or 70 customers in.

- The Designated Premises Supervisor (DPS) had been away for the previous 3 weeks.
- The capacity of the premises was 120.
- There was usually a door supervisor present. The door supervisor had been allowed to leave early on 30 January as the premises were quiet and it was planned to close early.
- It planned to change DPS as the current one was away travelling a lot.
- The busiest time at the premises was usually after midnight.

In final summary, the West Yorkshire Police reiterated the request for the suspension of the licence stating concerns that there had been breaches due to the fact that there was no door supervisor present and concern that there was not strong enough control at the premises. There were also concerns that there could be retribution for the violence that had already occurred.

The Licensing Sub-Committee carefully considered the report of the Head of Elections, Licensing and Registration, the statement of Licensing Policy and the application for a Summary Review. It also considered the representations of West Yorkshire Police both at the hearing and in writing and those representations made by the Licence Holder.

**RESOLVED** – That the licence be suspended with immediate effect. A Summary Review will be considered at a later hearing on a date to be advised.