



Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 21st February 2017

Subject: Summary Review of a Premises Licence

For: One Fusion Restaurant, First Floor, 58 Roseville Road, Leeds, LS8 5DR

Electoral Wards Affected:

City & Hunslet

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

West Yorkshire Police have made an application under section 53A of the Licensing Act 2003, for the Summary Review of the Premises Licence in respect of One Fusion Restaurant, First Floor, 58 Roseville Road, Leeds, LS8 5DR

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

This engagement follows an interim steps hearing which took place on the 2nd February 2017 where the Licensing Sub Committee resolved to suspend the Premises Licence, pending the review hearing.

The narrative of this report sets out the background of the Premises Licence, the relevant law and highlights appropriate guidance for Member. A recommendation is also made to Members that the Premises Licence is reviewed using their statutory powers .

1.0 Purpose of this Report

- 1.1 This report informs Members of an application for a Summary Review in respect of One Fusion Restaurant First Floor, 58 Roseville Road, Leeds LS8 5DR. West Yorkshire Police make this application on the grounds of serious crime and serious disorder.
- 1.2 The Licensing Sub Committee now has the responsibility to review the Premises Licence held by Mr Musse Gereziher.

2.0 History Of the Premises

- 2.1 On the 22nd August 2013 , an application was submitted for a premises licence for the premises known as One Fusion Restaurant. The applicants were a Mr Kemp and Miss Umugiraneza. Representations were received to the application from responsible authorities, but agreements were reached and a premises licence was granted as applied for.
- 2.2 On the 11th February 2015 the premises licence was surrendered.
- 2.3 On the 5th March 2015 an application was received to transfer the premises licence into the name of Mr Mussie Gereziher, which was successful.
- 2.4 On the 10th March 2015 an application was received to vary the Dps to Mr Fabien Dacleu, Which was also successful.
- 2.5 On the 30th March 2016,an application was submitted for a variation to a premises licence. This was to remove two conditions in relation to the amount of covers and sale of alcohol with a substantial meal and extend the alcohol and opening hours . This received a qualified objection from West Yorkshire Police (WYP). While they did not have any objection to the conditions being removed, they did to the extension of hours. The qualified objection was additional conditions that WYP felt were necessary in order to promote the Licensing objectives. These measures were agreed and the premise licence was granted subject to these conditions.
- 2.6 On the 31st January 2017 , an application for a summary review of the premises licence was submitted by West Yorkshire Police. The grounds for review relate to 'The severity and seriousness of two unrelated incidents on consecutive days lead them to believe that public safety is at risk, and that an immediate suspension of the premises licence is necessary to protect public safety.
- 2.7 An interim steps hearing took place on the 2nd February where the Licensing Sub Committee resolved to suspend the Premises Licence, pending this review hearing.

3.0 Main Issues

Application

- 3.1 An application for a Summary Review of the Premise Licence has been bought by West Yorkshire Police. A copy of this application is attached at **Appendix A**. The Licensing Department are in receipt of a signed copy of the application.

- 3.2 Members will also note that in accompaniment of the application a certificate made under section 53(1B) of the Act, which confirms that a senior member of West Yorkshire Police is satisfied that these premises are associated with serious crime or serious disorder or both. The certificate can be found at **Appendix B** of this report.
- 3.3 Officers can confirm that the application and certificate has been served on the premises licence holder and the Responsible Authorities. This was done in line with requirement of the Licensing Act 2003 on the 31st January 2017.
- 3.4 The Licensing Authority can confirm that the statutory requirements to advertise the review application have been followed. The notice was attached to street furniture directly outside the premises from 1st February to 9th February 2017, and removed upon expiry of that period.

The Interim Steps

- 3.5 At the interim steps hearing, the measures available to Members and considered were:
- The modifications of the conditions of the Premises Licence.
 - The exclusion of the sale of alcohol by retail from the scope of the Premises Licence.
 - The removal of the Designated Premises Supervisor from the Licence.
 - The suspension of the Licence.
- 3.6 It was decided that suspension of the licence was the most appropriate course of action as to modify conditions, exclude the sale of alcohol or remove the designated premises supervisor, would not, in the opinion of the Licensing Sub-Committee on the evidence provided, resolve the reported serious issues arising from this premises.
- 3.7 Further information on the resolution taken is contained within the notice of decision attached at **Appendix C** of this report.

Representation

- 3.8 In accordance with Section 53B of the Licensing Act 2003, a premises licence holder may submit representation to the interim steps initially taken. In this instance, no such representation has been received.

4.0 Premises Licence

- 4.1 The premises licence holder is Mr Mussie Gerezgiher.
- 4.2 A copy of the premises licence can be found at **Appendix D** of this report. In summary, at the premises licence permits the following :

Sale by retail of Alcohol (for consumption on and off the premises)

12:00 - 02:00 Monday to Thursday
12:00 - 05:00 Friday & Saturday
12:00 - 04:00 Sunday

Performance of recorded Music

12:00 – 23:00 Sunday to Thursday

12:00 - 01:00 Friday

12:00 – 02:00 Saturday

Provision of Late Night Refreshment

23:00 – 02:00 Monday to Thursday

23:00 – 05:00 Friday and Saturday

23:00 – 04:00 Sunday

5.0 Designated Premises Supervisor

5.1 The Designated Premises Supervisor for the premises is Mr Fabien Pompidou Dacleu.

6.0 Location

6.1 A map which identifies the location of the premises is attached at **Appendix E**.

7.0 Representations

7.1 Under the Act representations can be received from responsible authorities and/or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

Representations from Responsible Authorities

7.2 There has been no representations from the Responsible Authorities.

Other representations

7.3 There are no representations on behalf of other persons.

8.0 Matters Relevant to the Application

8.1 In making their decision, Members may take into account the guidance issued by the Department of Culture, Media & Sport in relation to Summary Licence Reviews. Although this guidance is not used under Section 182 of the Act, it will be of some assistance in reaching a conclusion in this matter. A copy of this guidance is attached at **Appendix F** of this report.

(a) Government guidance suggests that the practical implications of compliance in relation to the premises, be taken into account. For example, to comply with the modification of the conditions of the licence that required the employment of Door Supervisors, those running at the premises may need some time to recruit appropriately qualified and accredited staff.

(b) Government guidance also suggests careful consideration need to be given to interim steps which require significant costs of permanent or semi- permanent adjustments to the premises. This would be difficult to remove if the outcome of the subsequent Summary Review Hearing, was to withdraw or modify those steps. For example, making structural changes, installing additional CCTV or

replacing all glassware with safer alternatives, but may be disproportionate if they are not likely to be deemed necessary following the full review. The focus for interim steps should be in the immediate measures that are necessary to prevent serious crime or serious disorder occurring.

- (c) Finally the guidance provides that in some circumstances, it may be better to seek suspension of the licence pending the Summary Review, rather than imposing a range of costly conditions or permanent adjustments. It is open to Members having considered the application and representations made, that no steps pending the review should be taken.

9.0 Options Available to Members

- 9.1 In the determination of this review the Sub Committee are required to take any of the following steps as it considers necessary for the promotion of the Licensing Objectives:
- To modify the conditions of the licence which includes adding new conditions or the alteration or omission of an existing conditions;
 - To remove the Designated Premises Supervisor;
 - To suspend the licence for a period not exceeding three months;
 - To exclude any licensable activity form the scope of the licence; and
 - To revoke the licence.
- 9.2 In determining this review, Members should also review any interim steps that have been taken under section 53B, that have effect on the date of hearing.
- 9.2.1 In conducting the review under this section, the Members must –
- (a) Consider whether the interim steps are appropriate for the promotion of the licensing objectives;
 - (b) Consider any relevant representations; and
 - (c) Determine whether to withdraw or modify the interim steps taken.
- 9.2.2 Any interim steps taken apply until –
- (a) The end of the period given for appealing against a decision made under section 53C,
 - (b) If the decision under section 53C is appealed against, the time the appeal is disposed of, or
 - (c) The end of a period determined by the licensing authority (which may not be longer than the period of time for which such interim steps could apply under paragraph (a) or (b)).
- 9.3 Members may alternatively decide that no action is necessary and that the circumstances of Review do not require the Sub Committee to take any steps to promote the licensing objectives.
- 9.4 Members of the Licensing Sub Committee are asked to note that they may not take any steps outlined above merely because they consider it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

10.0 Background Papers

- Guidance issued by the Department of Culture, Media & Sport
- Leeds City Council Licensing Policy

Appendices

Appendix A	Application Form
Appendix B.	Certificate
Appendix C.	Decision Notice
Appendix D.	Premises Licence
Appendix E	Map
Appendix F	Summary Review Guidance