

Notice of Decision

of the Licensing Sub Committee



Leeds
CITY COUNCIL

Date of Interim Steps Hearing: 2nd February 2017

Determination Date: 2nd February 2017

Notice of Decision: 3rd February 2017

Members: Councillor M. Harland
Councillor B. Selby (Chair)
Councillor G. Wilkinson

Legal Officer: Joy Lounds

Committee Clerk: Andy Booth

Licensing Officer: Stephen Holder

Summary Review application made by: West Yorkshire Police

Premises review relates to: One Fusion Restaurant, First Floor, 58 Roseville Road,
Leeds, LS8 5DR,

Premises Licence Holder: Mr Musse Gerezgiher,

Attendees: Pc Cath Arkle (WYP) accompanied by Sergeant Dave
Shaw , Musse Gerezgiher (licence holder)

The Licensing Sub Committee considered:

1. The report from the Head of Elections, Licensing and Registration
2. Licensing Act 2003
3. Guidance issued by the Home Office pursuant to Section 182 of the Act
4. Relevant Licensing Objectives
5. The Statement of Licensing Policy 2014 – 2018
6. Representation received from West Yorkshire Police.

Having taken all these matters into account the Licensing Sub Committee have made the following decision:

REVIEW OF A PREMISES LICENCE – INTERIM STEPS HEARING

ONE FUSION RESTAURANT, 1ST FLOOR, 58 ROSEVILLE ROAD, LEEDS, LS8 5DR

The Licensing Sub-Committee considered an application brought by West Yorkshire Police under Section 53a of the Licensing Act 2003 for a summary review of the Premises Licence. The purpose of today's Hearing was to consider whether interim steps should be taken prior to a later Summary Review Hearing.

The application by the Police was based on the opinion that the premises, One Fusion Restaurant, was associated with serious crime and serious disorder. PC Cath Arkle of West Yorkshire Police attended the Hearing to present the application. She was accompanied by Sergeant Dave Shaw.

Mr Musse Gerezgiher, the Premises Licence holder, attended the Hearing. He was accompanied by a friend.

The options open to the Council at an Interim Steps Hearing are to:

- 1) To modify the conditions of the Premises Licence.
- 2) The exclusion of the sale of alcohol by retail from the scope of the licence.
- 3) The removal of the Designated Premises Supervisor from the licence.
- 4) The suspension of the licence.

PC Arkle set out the history of the premises and how there had been few calls for service until the serious incidents on two consecutive nights on 29 and 30 January 2017. Prior to these dates there had been several breaches of the licence in relation to CCTV records and the smoking of shisha pipes inside the premises. The incidents on 29 and 30 January 2017 had resulted in one person being stabbed in the back (which resulted in a punctured lung) and the next night there had been a fight involving 20 people leading to nine arrests (one of whom was so drunk that he could not be read his rights) and one customer requiring 20 stitches to a wound in his neck which was thought to be as a result of a glassing/broken bottle neck being thrust in his neck.

PC Arkle referred to the options available to the Panel, but thought in all the circumstances, suspension was the most appropriate in this case.

Mr Gerezgiher addressed the Panel. He referred to the premises being a draw for the local Eritrean community and also with customers travelling from as far afield as Manchester and Sheffield as well as Leeds. He said that he had banned up to 50 customers and wanted to run a safe operation.

In response to questioning about options available in terms of interim steps, he stated that he could replace the DPS, but offered little of further comfort to the Panel.

Having taking into account the seriousness of the two consecutive nights of crime and disorder, the Panel considered that immediate suspension of the licence was most appropriate.

The Panel considered the other options available to them, but thought that they were inadequate to address the serious crime and disorder that had taken place at the premises and nothing short of immediate suspension would uphold the Licensing Objective of the prevention of crime and disorder.

In the circumstances, the Panel resolved to suspend the licence with immediate effect. The Summary Review is to be considered at a later Hearing on a date to be advised.

The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of the representations the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of receipt. When calculating the 48 hour period any non-working day can be disregarded.