

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 23rd May 2018

Subject: Review of the Premises Licence for Zen Rendezvous, 10 The Green, Guiseley, Leeds, LS20 9BT

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Guiseley & Rawdon	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number (10.4(1,2))		
<p>NOT FOR PUBLICATION</p> <p>Exempt under Regulation 14 of the Licensing Act 2003 Hearings Regulations 2005 (SI 2005 No.44)</p> <p>Appendix A (i)</p>		

Executive Summary

This report informs Members of an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003, sought by West Yorkshire Police in respect of Zen Rendezvous, 10 The Green, Guiseley, Leeds, LS20 9BT. The licensing authority is now under a duty to review the premises licence held by these premises.

1.0 Purpose of this Report

1.1 This report provides Members with the background and history to the making of the review application made by West Yorkshire Police (**Appendix A**). The report sets out the relevant law when reviewing licences under the Licensing Act 2003 (“the Act”), and informs members of the options available to them when reviewing a premises licence. Supplementary information within **Appendix A (i)** provided by WYP contains a dvd recording taken from the premises CCTV system.

- 1.2 It should be noted that certain information submitted within the West Yorkshire Police review application is potentially exempt information under the access to information rule (10.4(1,2)), as it includes information relating to an individual and information which is likely to reveal the identity of an individual. This is potentially contained within the dvd.

2.0 Background Information

- 2.1 The licensing authority received an application on the July 2005 to convert the existing licence to a premises licence, this was granted as applied for.

A minor variation application was submitted in November 2017. This was to extend the closing times of the premises and to add certain conditions on the licence, including the following - To provide a minimum of 4 door supervisors between Friday and Saturday, No under 18's permitted on the 1st Floor level wine bar & Check 25 age verification. This received no representations and was granted as applied for.

Applications to change the designated premises supervisor have also been received.

3.0 Premises Licence

- 3.1 The premises licence holder is Mr Alan Yeung.

- 3.2 A copy of the premises licence can be found at **Appendix B** of this report. In summary, the premises licence permits the following:

Sale by retail of alcohol Mon-Thurs 11:00 – 23:00 Fri & Sat 11:00 – 02:00 & Sun 12:00 – 22:30.

Performance of live music, Performance of recorded music, Performance of dance, Entertainment similar to live music, recorded music or dance (1st Floor Bar/Lounge) Friday & Saturday 12:00 – 02:00.

4.0 Designated Premises Supervisor

- 4.1 The Designated Premises Supervisor for the premises is Mun Shun Choo.

5.0 Location

- 5.1 A map which identifies the location of the premises are attached at **Appendix C**.

6.0 Main Issues

- 6.1 Zen Rendezvous has drawn attention from West Yorkshire Police for a considerable period of time due to the nature and frequency of incidents which are linked to the first floor wine bar of the premises.

7.0 Relevant Representations/Letters of Support

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

- 7.2 The licensing authority are in receipt of 5 letters in support of the West Yorkshire Police review application. Member's attention is drawn to **Appendix D**.
- 7.3 The Licensing authority have also submitted a letter of support for the West Yorkshire Police review application which can be found at **Appendix E**.
- 7.4 2 representations against the West Yorkshire Police review application have been received and can be viewed at **Appendix F**. Unredacted copies of letters of support/representations will be available at the hearing.

8.0 Matters Relevant to the Application

- 8.1 Members of the Licensing Sub Committee must make decisions which are appropriate to the promotion of the licensing objectives which are:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 8.2 In making their decision Members are obliged to have regard to guidance issued under Section 182 of the Act. A copy of the relevant section is attached at **Appendix G**. Members must also have regard to the Council's licensing policy, the relevant representations made and evidence they hear.

9.0 Implications for Council Policy and Government

- 9.1 It is the stated licensing policy of the Council that when considering a review the authority will take into account all relevant circumstances, but will view the matters listed in paragraph 13.15 of the policy with particular seriousness.

10.0 Legal and Resource Implications

- 10.1 There are no resource implications in determining the review.
- 10.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrate's Court.

11.0 Recommendations

- 11.1 Members are requested to determine this review. The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- to modify the conditions of the licence (which includes adding new conditions or any alteration or omission of an existing condition);
 - exclude any licensable activities to which the application relates;
 - to remove the Designated Premises Supervisor;
 - to suspend the licence for a period not exceeding 3 months; and/or
 - to revoke the licence.
- 11.2 Members may decide that no action is necessary and that the circumstance of the review does not require the Committee to take any steps to promote the licensing objectives.

- 11.3 Members should note the guidance also suggests it is open to Members to issue an informal warning to the licence holder or to recommend improvement within a particular time. However the Guidance further provides that where responsible authorities have already issued such warnings, the issuing of another warning should not be repeated.
- 11.4 Where the Committee decide that a modification of conditions or exclusion of licensable activities may be imposed, this can either be permanently or for a temporary period of up to three months.
- 11.5 Members are directed to paragraphs 11.25 to 11.31 of the Statutory Guidance which related to reviews arising in connection with crime.
- 11.6 Members of the Licensing Committee are asked to note that they may not take any of the steps outlined above merely because they consider it desirable to do so. It must be appropriate for the promotion of the licensing objectives.

12.0 Background Papers

- 12.1 Guidance issued under s182 Licensing Act 2003
- 12.2 Leeds City Council Statement of Licensing Policy
- 12.3 Background papers – Support from a member of the public <delete if appropriate>

Appendices

- Appendix A Review application
- Appendix B Premises Licence
- Appendix C Premises Licence
- Appendix D Map of premises
- Appendix E Extract from the s182 Guidance