

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday 17th December 2019

Subject: Summary Review of the Premises Licence for Sports Bar & Restaurant, Harehills Lane, Harehills, Leeds, LS9 6NG

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Burmantofts and Richmond Hill	
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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		

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 Sports Bar & Restaurant (formerly known as Shaftsbury Pool Centre), Harehills Lane, Harehills, Leeds, LS9 6NG.

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 interim steps which Members carefully considered on the 21st November 2019. Members 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 members. A recommendation is also made to Members that the premises licence is reviewed using their statutory powers.

Member must also have regard to reviewing the interim steps pending the appeal period to ensure appropriate and proportionate safeguards are in place at all times.

1.0 Purpose of this Report

- 1.1 This report informs members of an application for a summary review in respect of Sports Bar & Restaurant, Harehills Lane, Harehills, Leeds, LS9 6NG. West Yorkshire Police make this application on the grounds of serious crime and/or serious disorder.
- 1.2 The Licensing Sub Committee now has the responsibility to review the premises licence held by Salman Haydaran.

2.0 History of the Premises

- 2.1 An application for the grant of a premises licence was received by the Licensing Authority on 28th April 2017. The application was made by the current premises licence holder, Mr Salman Haydaran, and attracted sole representation from the Environmental Protection Team during its consultation period.
- 2.2 The Environmental Protection Team considered additional measures reasonable in promoting the prevention of public nuisance licensing objective. Mr Haydard's representative accepted the measures, and with no matters outstanding the application was granted as requested, subject to the agreements reached.
- 2.3 An application to appoint Mr James O'Donnell as the Designated Premises Supervisor was received by the Licensing Authority on 15th August 2017. Without objection the application was granted as requested, and at the time of writing this report, Mr James O'Donnell continues as the Designated Premises Supervisor.
- 2.4 An application to vary the premises licence was submitted to the Licensing Authority on the 24th November 2019. The primary purpose of the application was to extend the terminal hour for all licensable activities Monday to Wednesday to 03:00 hours, and Thursday to Sunday to 05:00 hours. The start times remained unchanged.
- 2.5 The application attracted representation from the planning department who suggested a reduction in hours to reflect planning permission. Further to discussions, the licence holder's representative offered amended wording which effectively restricted operating under the premises licence to times that would not breach existing planning approval. This of course would allow the licence holder to apply to vary planning permission without the need to subsequently vary the premises licence. Subject to both parties reaching an agreement, the representation was withdrawn and the licence granted for the hours applied for.
- 2.6 On the 8th July 2019, the most recent application to vary the premises licence was received by the Licensing Authority. At this time the licence applied to the first floor of Shaftsbury Parade only, with the variation proposing to extend the licensable area by way of including unit 3 at ground level. Also proposed was the addition of an external drinking area.
- 2.7 Receipt of the application prompted arrangements for a meeting to discuss the application in further detail. In attendance were the licence holder, representatives of the Licensing Authority, West Yorkshire Police and the Environmental Protection Team.

Such talks led to submission of a revised application reducing the hours for licensable activities in the ground floor unit (as can be viewed on a copy of the premises licence at Appendix D of this report), and removal of the external drinking area from the application.

2.8 The application did not attract any representation and it was granted as per the revised application on 7th August 2019.

3.0 Main Issues

Application

3.1 An application for a summary review of the premises licence has been brought by West Yorkshire Police. A redacted copy of this application is attached at **Appendix A**. The licensing authority is 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. A redacted version of the certificate can be found at **Appendix B** of this report and as above, the Licensing Authority is in receipt of a signed copy of the certificate.

3.3 Officers can confirm that signed versions of the application and certificate has been served on the premises licence holder and the responsible authorities. This is in line with requirements of the Licensing Act 2003 and took place on receipt of the application, on 19th November 2019.

3.4 The licensing authority can confirm that the statutory requirements to advertise the review application have been followed.

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 removal of 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 the 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 Salman Haydaran.
- 4.2 A copy of the premises licence can be found at **Appendix D** of this report.

5.0 Designated Premises Supervisor

- 5.1 The Designated Premises Supervisor is Mr James O'Donnell.

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 The application has attracted representations from both the Licensing Authority and the Environmental Protection Team in their capacities as responsible authorities.
- 7.3 The representation made by the Licensing Authority supports the review sought by West Yorkshire Police. Carmel Brennand, Senior Liaison and Enforcement Officer, is the author and provides a chronology of events linked to the premises. Also provided is a letter supplementing the representation with information on the impact the premises has had on responsible authorities and the local community. A copy of the representation and supplementary letter can be found at **Appendix F** of this report.
- 7.4 Also supporting the review application is the Environmental Protection Team. In this instance, the Senior Technical Officer has submitted a witness statement providing accounts from a public nuisance perspective. Member's attention is drawn towards a copy of the witness statement at **Appendix G**.

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 Home Office in relation to summary licence reviews. Although this guidance is not provided 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 H** of this report.

9.0 Options Available to Members

Determination of Summary Review

9.1 In the determination of this review the licensing subcommittee 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 from the scope of the licence; and
- To revoke the licence.

Review of the Interim steps

9.2 The licensing authority's determination does not have effect until the end of the 21 day period given for appealing the decision, or until the disposal of any appeal that is lodged. Should the premises licence holder or applicant appeal the decision, the interim steps decision will remain in place until the appeal is decided or dispensed with. To ensure that there are appropriate and proportionate safeguards in place at all times, the licensing authority is required to review any interim steps that it has taken that are in place and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place or if they should be modified or withdrawn. The review of the interim steps should take place immediately after the determination under 53C has been reached. In making its decision the licensing authority must consider any relevant representations made. Members are directed to paragraphs 12.29 and 12.30 of the Section 182 Guidance.

9.3 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.

9.4 Members may alternatively decide that no action is necessary and that the circumstances of review do not require the licensing subcommittee to take any steps to promote the licensing objectives.

9.5 Members of the licensing subcommittee 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 Home Office
- 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 - Licensing Authority Representation

Appendix G - Environmental Protection Team Representation

Appendix H - Summary Review Guidance