

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday 16th February 2021

Subject: Review of the Premises Licence for Taag, Unit 2B, St George House, 40 Great George Street, Leeds, LS1 3DL

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Little London & Woodhouse	
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

This report informs Members that West Yorkshire Police have served on the Licensing Authority an application under Section 51 of the Licensing Act 2003, for the review of a premises licence in respect of Taag, Unit 2B, St George House, 40 Great George Street, Leeds, LS1 3DL.

The application was served on the Licensing Authority on the 22nd December 2020.

The narrative of this report sets out the background of the premises licence, the relevant law and highlights appropriate guidance to assist Members in reaching their decision. A recommendation is also made to Members that the premises licence is reviewed using their statutory powers.

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 informs the Members of the Licensing Sub Committee of an application for a licence review made by West Yorkshire Police, in respect of Taag, Unit 2B, St. George House, 40 Great George Street, Leeds, LS1 3DL. The application is made on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance. A copy of the review application and the evidence supplied by West Yorkshire Police in support of the application can be found at **Appendix A**.

2.0 Background Information

- 2.1 On the 11th June 2019 a premises licence application was submitted by TAAG Chain Limited. This application did not receive any representations and was duly granted as applied for on the 10th July 2019.
- 2.2 On the 17th July 2020 an application to vary the Designated Premises Supervisor was submitted specifying Azam Omidvari in this position. No representation was made by West Yorkshire Police and the application took effect on the day of receipt.
- 2.3 On the 11th December 2020, an application to transfer the premises licence was received by the Licensing Authority. The application proposed the current premises licence holder, Mr Tijani Osenga Yesufu, and attracted representation from West Yorkshire Police. Prior to the application reaching hearing, West Yorkshire Police withdrew their representation and the application was granted as requested, effective from the day the application was served on Leeds City Council.
- 2.4 On the 22nd December 2020, West Yorkshire Police submitted this review application.

3.0 Premises Licence

- 3.1 The premises licence holder is Mr Tijani Osenga Yesufu.
- 3.2 A copy of the premises licence can be found at **Appendix B** of this report.
- 3.3 In summary, the licence permits the following:

*Sale by retail of alcohol
Monday to Sunday 12:00 until 23:00 hours*

4.0 Designated Premises Supervisor

4.1 The Designated Premises Supervisor for the premises is Mr Tijani Osenga Yesufu.

5.0 Location

5.1 A map which identifies the location of these premises is attached at **Appendix C**.

6.0 Main Issues

6.1 The application to review the premises licence arises following a number of incidents which have taken place at the premises since re-opening on 4th July 2020.

- 6.2 The findings allege that the premises have breached COVID regulations and licence conditions on numerous occasions, resulting in complaints from members of the public and multiple warnings from agencies.
- 6.3 The review is sought on the grounds of undermining the prevention of crime and disorder, public safety and the prevention of public nuisance licensing objectives.
- 6.4 A full chronology of events leading up to the submission of the review application are detailed in the attached copy of the review application at Appendix A of this report.
- 6.5 To help inform the review process, the premises licence holder's representative has submitted additional information in support of the premises. Member's attention is drawn to a copy this information at **Appendix D**.

7.0 Relevant 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 other people, must not be frivolous or vexatious.
- 7.2 The Licensing Authority has received representations supporting the review application from an Environmental Health Officer and a Senior Liaison & Enforcement Officer for Entertainment Licensing. Additionally, correspondence has been received supporting the premises and the premises licence holder, Mr Tijani Yesufu.
- 7.3 The representation in support of the review application made by Environmental Health Officer can be found at **Appendix E**.
- 7.4 The representation in support of the review application made by the Senior Liaison & Enforcement Officer is attached at **Appendix F**.
- 7.5 In order to protect personal data, redacted copies of the representations in support of the premises and the premises licence holder are attached at **Appendix G**. Original copies will be provided to the Members of the Licensing Sub Committee in advance of 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 (Statutory Guidance). A copy of the relevant section is attached at **Appendix H**. 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);
- 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 circumstances of the review do not require the Committee to take any steps to promote the licensing objectives.

11.3 Members should note the Statutory Guidance 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 11.24 to 11.28 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.

Appendices

Appendix A	Review Application
Appendix B	Premises Licence
Appendix C	Map of Premises
Appendix D	Premises Licence Supporting Information
Appendix E	Environmental Health Officer Representation
Appendix F	Senior Liaison & Enforcement Officer Representation

Appendix G Correspondence in Support of the Licence Holder
Appendix H Extract from the S182 Guidance