
Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 27th April 2021

Subject: Review of the Premises Licence for Bobs Bar And Restaurant, 3 Sheepscar Street South, Sheepscar, Leeds, LS7 1AD

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 an Enforcement Officer of the Licensing Authority has made an application under Section 51 of the Licensing Act 2003 for a review of a premises licence in respect of Bobs Bar and Restaurant, 3 Sheepscar Street South, Sheepscar, Leeds, LS7 1AD.

The application was served on the Licensing Authority, licence holder and the Responsible Authorities on the 8th March 2021.

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 Licensing Authority in respect of Bobs Bar and Restaurant, 3 Sheepscar Street South, Sheepscar, Leeds, LS7 1AD.
- 1.2 The application is made on the grounds of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm. A copy of the review application and evidence supplied by the Licensing Authority in support of the review application can be found at **Appendix A**.
- 1.3 A continuation list of additional information was submitted by the Licensing Authority on 13th April 2021. This includes a witness statement and attempts to contact with the licence holder, which can be found at **Appendix B**.

2.0 Background Information

- 2.1 An application for a premises licence was submitted to the Licensing Authority and granted in February 2019. At that time the premises was known as Paradise Bar.
- 2.2 In July 2019 West Yorkshire Police submitted an application for a Summery Review of the premises licence. The police were of the opinion that the premises was associated with serious crime, or serious disorder, or both.
- 2.3 The application for a summary review was made on the grounds of a serious incident non-compliance, breaches of the licensing conditions and a lack of upholding the licensing objectives by the licence holder at the time. A decision by Members of the Licensing Sub Committee to suspend the licence with immediate effect at the interim steps hearing, was followed by a decision to revoke the premises licence at the full review hearing in August 2019.
- 2.4 In October 2019 the Licensing Authority received a new premises licence application for these premises. The application was made by the current licence holder, Mr Biniam Kesete Asfaha, who is a different individual to the licence holder at the time the summary review application mentioned above was made. The licence was duly granted on 26th November 2019.

3.0 Premises Licence

- 3.1 The premises licence holder is Mr Biniam Kesete Asfaha.
- 3.2 A copy of the premises licence details can be found at **Appendix C** of this report.
- 3.3 In summary, the premises licence permits the following:

Sale by retail of alcohol

Monday to Thursday 11:00 - 23:30

Friday to Sunday 11:00 - 01:30

Provision of late night refreshment

Monday to Thursday 23:00 - 00:00

Friday to Sunday 23:00 - 02:00

Performance of recorded music
Monday to Thursday 11:30 - 23:30
Friday to Sunday 11:30 - 01:30

4.0 Designated Premises Supervisor

4.1 At the time the review application was made Mr Mehari Andemariam was the Designated Premises Supervisor. Mr Andemariam has since removed himself from this position on the 15th March 2021 and as a result, alcohol sales are not authorised.

5.0 Location

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

6.0 Main Issues

6.1 The application to review the premises licence was submitted following a number of incidents non-compliance with coronavirus restrictions and breaches of licence conditions.

6.2 Complaints have been received following these incidents which have been investigated by Leeds City Council Entertainment Licensing, Leeds City Council Environmental Protection Team and West Yorkshire Police.

6.3 As a result of these investigations the premises has been served with warning letters and issued a Prohibition Notice and a Fixed Penalty Notice for contravention of coronavirus regulations.

6.4 The Licensing Objectives impacted by this review are the prevention of crime and disorder, public nuisance and The Protection of Children from Harm

6.5 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.

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 has received representations in support of the review application, these representation have been submitted by West Yorkshire Police and Leeds City Council Environmental Protection Team.

7.3 The representation and supporting evidence submitted by West Yorkshire Police can be found at **Appendix E**.

7.4 The representation and supporting evidence submitted by the Environmental Protection Team can be found at **Appendix F**.

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 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 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	Review Supplementary Information
Appendix C	Premises Licence
Appendix D	Map of Premises
Appendix E	West Yorkshire Police Representation
Appendix F	Environmental Health Office Representation
Appendix G	Extract from the S182 Guidance