

## Report of the Chief Officer Elections and Regulatory

### Report to the Licensing Sub Committee

**Date:** Tuesday, 26th April 2022

**Subject:** Review of the Premises Licence for Madison Bar & Grill, 486 Harehills Lane, 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 & 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:		
Appendix number:		

### Executive Summary

This report informs Members the Licensing Authority has served an application under Section 51 of the Licensing Act 2003 for a review of a premises licence in respect of Madison Bar & Grill, 486 Harehills Lane, Leeds, LS9 6NG.

The application was served on the 4<sup>th</sup> March 2022.

The narrative of this report sets of 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 Members of the Licensing Sub Committee of an application for a licence review made by the Licensing Authority in respect of Madison Bar & Grill, 486 Harehills Lane, Leeds, LS9 6NG. The application is made on the grounds of the prevention of crime and disorder and the prevention of public nuisance.
- 1.2 The application and supporting information can be found at **Appendix A** of the report.

## **2.0 Background Information**

- 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, Mr Salman Haydaran, and granted as applied for subject to measures agreed with the Environmental Protection Team.
- 2.2 An application to appoint Mr James O'Donnell as the Designated Premises Supervisor was received by the Licensing Authority on 15th August 2017. The application did not attract an objection from West Yorkshire Police and the application was duly granted.
- 2.3 Between July 2019 and November 2019, a number of incidents associated with the premises, including knife related assaults, led West Yorkshire Police to have serious concerns the licence holder and staff at the premises did not have the attitude or strength to deal with the clientele the venue attracted.
- 2.4 To address the issues with immediate action West Yorkshire Police lodged a summary review application on 19<sup>th</sup> November 2019. Receipt of the application led to a hearing to consider interim steps pending the substantial review hearing where Members of the Licensing Sub Committee resolved to suspend the premises licence with immediate effect.
- 2.5 During the consultation period the application attracted a representation from the Licensing Authority supporting the application for summary review sought by West Yorkshire Police.
- 2.6 The substantial review hearing proceeded on the 17<sup>th</sup> December 2019. The Licensing Sub Committee was satisfied that there were on going issues with the behaviour of people immediately outside the licenced premises and this had escalated to a number of serious knife related incidents on the 13<sup>th</sup> July 2019, 27<sup>th</sup> October 2019 and 9<sup>th</sup> November 2019. The Licensing Sub-Committee found that these incidents did take place and were closely associated with the licenced premises.
- 2.7 The Licensing Sub Committee found that the Premises Licence holder had demonstrated a complete lack of any positive action or initiative, and he had demonstrated a complete failure to act appropriately when required to uphold the licensing objectives. As such, the Licensing Sub Committee resolved that the only proportionate decision was to revoke the Premises Licence.
- 2.8 On the 20<sup>th</sup> August 2020, an application for the grant of a new premises licence was received by the Licensing Authority. The application was made by the current premises licence holder, The Madison Bar & Grill Ltd., and suggested the premises

intended to operate as an Afro-Caribbean Bar & Grill, serving a variety of Caribbean food and drinks.

- 2.9 Representations on behalf of West Yorkshire Police and Leeds City Council's Environmental Protection Team were received to the application suggesting a number of additional measures to promote the licensing objectives, which applicant agreed to.
- 2.10 With no matters outstanding the application was granted subject to the agreements reached.
- 2.11 Further to the above the Licensing Authority has recorded two applications to vary the licence to specify new individuals as the Designated Premises Supervisor. The applications on both occasions did not attract objections from West Yorkshire Police and they were granted as requested.
- 2.12 Following receipt of the review application Members of the Licensing Sub are due to consider today, a further application to vary the licence to specify Mr James O'Donnell as the Designated Premises Supervisor was served on the Licensing Authority on the 8<sup>th</sup> March 2022.
- 2.13 Due to Mr O'Donnell's direct link to the premise and his position as the Designated Premises Supervisor in respect of the previous premises licence which was revoked following the summary review application in December 2019, West Yorkshire Police have concerns surrounding his appointment and have served a notice of objection on the Licensing Authority.
- 2.14 The hearing to consider the objection notice received to the application to appoint Mr James O'Donnell as the Designated Premises Supervisors, is scheduled to be heard concurrently with the hearing for the review application.

### **3.0 Premises Licence**

- 3.1 The premises licence holder is The Madison Bar & Grill Ltd.
- 3.2 A copy of the premises licence details can be found at **Appendix B** of this report. In summary, the premises licence permits the following:

*Sale by Retail of Alcohol (for consumption both on and off the premises)*

<i>Monday to Thursday</i>	<i>11:00 until 23:00</i>
<i>Friday to Sunday</i>	<i>11:00 until 00:00</i>

### **4.0 Designated Premises Supervisor**

- 4.1 The Designated Premises Supervisor for the premises is Mr James O'Donnell – appointed 8<sup>th</sup> March 2022 and subject to an objection notice served by West Yorkshire Police.

## **5.0 Location**

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

## **6.0 Main Issues**

6.1 The review is sought by the Licensing Authority as the premises has been continuously operating in breach of the conditions of its licence despite regular liaison and advice offered by both Leeds City Council and West Yorkshire Police.

6.2 Further information on the incidents leading to the review application being sought is available in the application and supporting documentation.

## **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.

### Representations in Support of the Review Application

7.2 Representations supporting the review application have been received from West Yorkshire Police and the Environmental Protection Team, in their capacity as responsible authorities.

7.3 Member's attention is drawn to a copy of the statement supplied by West Yorkshire Police at **Appendix D**.

7.4 The statement received on behalf of the Environmental Protection Team is available at **Appendix E**.

### Representations in Support of the Premises

7.5 The Licensing Authority is in receipt of thirteen individual emails expressing support for the venue. In order to protect personal data, redacted copies of the representations are attached at **Appendix F** and original copies will be circulated to 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 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 11.16 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 any decision reached on review. The right of appeal is to the Magistrates' 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 (not applicable, given the licence contains a single licensable activity);
- 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.

## **12.0 Background Papers**

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy