

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday 19th July 2022

Subject: Application for the Grant of a Premises Licence for EKO Wine Bar & Grills Limited, 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:		

Summary of Main Issues

This is an application for the grant of a premises licence made by EKO Wine Bar & Grills Limited, for EKO Wine Bar & Grills Limited, 486 Harehills Lane, Leeds, LS9 6NG.

The application explains that the premises intends to operate as an event centre available to hire for private functions. When not in use for such purposes the premises will operate as a bar, open to the public.

Responsible authorities and Ward Members have been notified of this application.

The application has attracted representations from West Yorkshire Police, Leeds City Council's Environmental Protection Team and the Licensing Authority.

1 Purpose of this Report

- 1.1 To advise Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for a new premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

2 History of the Premises

- 2.1 These premises were licensed under the previous regime (Licensing Act 1964) as Starlight Bar and converted to a Premises Licence during the transition to the current legislation (Licensing Act 2003). The licensable activity and timings authorised by this licence were:

Sale of by Retail of Alcohol

<i>Monday to Saturday</i>	<i>11:00 – 23:00</i>
<i>Sunday</i>	<i>12:00 – 22:30</i>

- 2.2 A review of the licence was submitted in February 2012 by West Yorkshire Police on the grounds of operating beyond permitted hours. The licence holder surrendered the licence prior to the application reaching a hearing.
- 2.3 An application for the grant of a new a premises licence was subsequently lodged with the Licensing Authority in 2012. The application attracted representations and was scheduled for a hearing before the Licensing Sub Committee, who resolved to refuse the application entirely.
- 2.4 The premises remained closed until May 2017 when a new premises licence was granted to Salman Haydaran, the premises being rebranded Shaftesbury Pool Centre.
- 2.5 On 19th November 2019, West Yorkshire Police applied for a summary review due to a number of serious incidents at the premises, including knife related assaults. The sub-committee suspended the licence as an interim measure, before opting to revoke the premises licence at the substantive review hearing. Shortly after, Leeds Magistrates' Court granted a Closure Order due to incidents of crime and disorder.
- 2.6 In August 2020 a new application for a premises licence was received for the premises rebranded as Madison Bar & Grill. At the time there was no evidence to support a connection between the holder of the revoked licence and the proposed licence holder. The licence was granted with a number of additional conditions aimed at promoting the licensing objectives.
- 2.7 The premises were visited on the 26th May 2021 and number of breaches of the licence were identified and a section 19 closure notice was issued to the premises providing the operator a limited amount of time to rectify issues. After a considerable amount of time, input from numerous authorities and many verbal and written communications, the issues remained unresolved.

- 2.8 Further complaints were received including the premises operating beyond permitted hours and excessively loud music. Another Section 19 closure notice was issued following investigation and all multi-agency meetings, emails and telephone calls in order to achieve compliance, had failed.
- 2.9 On the 4th March 2022, the Licensing Authority submitted an application to review the premises licence on the grounds of continual breaches with evidence to support that the previous premises licence holder/landlord was still involved with the business.
- 2.10 The review application was brought before Members of the Licensing Sub Committee on the 26th April 2022, with no premises licence holder present. The previous premises licence holder/landlord however was available and given the allegations of his involvement in the business, the committee provided him the opportunity to address them. Having considered all evidence before them and listening to each parties presentation, the Licensing Sub Committee resolved to revoke the premises licence with immediate effect.
- 2.11 Members reasoned that although the presentations from the Licensing Authority and the police focused on whether or not the named licence holder was running the business, the agenda pack contained a very detailed recent history of non-compliance and serious concerns. While those matters might not have been apparent to the customers who support the premises, they included very serious and persistent breaches. Indeed, it might be the case that the premises has two different sides to it – the late night activities and the earlier evening – with distinct groups of customers. Whatever the case, and despite repeated attempts by the authorities to assist the business to become compliant, the licensing objectives were not being promoted by whoever was running the business and there was no indication that this was going to improve if the licence continued.

3 The Application

- 3.1 The applicant's name is EKO Wine Bar & Grills Limited.
- 3.2 The proposed designated premises supervisor is Olurotimi Awodipe.
- 3.3 In summary the application is for:

Sale of Alcohol (for consumption on the premises), Live Music, Recorded Music.

Monday to Thursday 11:00 – 23:00

Friday to Sunday 11:00 – 03:00

Late Night Refreshment

Friday to Sunday 23:00 – 03:00

Non standard timings

Christmas Day, New Year's Eve and all Bank Holidays, 11:00 – 04:00 hours.

- 3.4 A redacted version of the application is attached at Appendix A.

3.5 The applicant proposes to promote the licensing objectives by taking the steps identified in Section M of the application form.

4 Location

4.1 A map which identifies the location of the premises is attached at Appendix B.

5 Representations

5.1 Under the Act representations can be received from anyone but they must be relevant and, in the case of a member of the public, must not be frivolous or vexatious.

Representations from Responsible Authorities

5.2 Representations have been received from West Yorkshire Police, the Licensing Authority and the Environmental Protection Team. Copies of the representations may be found at Appendix C.

5.3 The representation raised by the Environmental Protection Team suggests a number of additional measures to promote the prevention of public nuisance. No agreements have been reached and all representations by the responsible authorities remain a matter outstanding for Members' consideration.

Other representations

5.3 No representations have been received on behalf of other persons.

6 Licensing Hours

6.1 Members are directed to paragraphs 6.6 to 6.13 of the Statement of Licensing Policy which states the criteria that will be applied to any decision for new applications or variations which include extending hours.

6.2 In brief the Policy states at 6.12 that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so.

6.3 The council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not adversely impact on the licensing objectives.

6.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix D.

7 Equality and Diversity Implications

7.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the licensing subcommittee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

8 Options Available to Members

8.1 The licensing subcommittee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the application as requested.
- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates.
- Refuse to specify the said person as the designated premises supervisor.
- Reject the whole or part of the application.

8.2 Members of the licensing subcommittee are asked to note that they may not reject the whole or part of the application merely because they consider it desirable to do so. It must be appropriate in order to promote the licensing objectives.

9 Background Papers

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