



LICENSING SUB-COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
MONDAY, 14TH MAY, 2012 AT 2.00 PM

MEMBERSHIP

Councillors

G Hyde - Killingbeck and Seacroft;
S Armitage - Cross Gates and Whinmoor;
B Selby - Killingbeck and Seacroft;

Agenda compiled by:
Tel No:
Governance Services
Civic Hall
LEEDS LS1 1UR

Helen Gray
247 4355

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<u>PRELIMINARY PROCEDURES</u> ELECTION OF THE CHAIR	
2			APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded) (*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)	

Item No	Ward	Item Not Open		Page No
3			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1) To highlight reports or appendices which:</p> <p>a) officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>b) To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>c) If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p> <p>2) To note that under the Licensing Procedure rules, the press and the public will be excluded from that part of the hearing where Members will deliberate on each application as it is in the public interest to allow the Members to have a full and frank debate on the matter before them.</p>	
4			<p>LATE ITEMS</p> <p>To identify any applications as late items of business which have been admitted to the agenda for consideration</p> <p>(the special circumstances shall be identified in the minutes)</p>	

Item No	Ward	Item Not Open		Page No
5			<p>DECLARATIONS OF INTEREST</p> <p>Members are reminded to declare any interests at the start of the hearing on each application for the purpose of Section 81 (3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of conduct</p> <p><u>HEARINGS</u></p>	
6	Pudsey;		<p>"BOJANGLES" - REVIEW OF A PREMISES LICENCE FOR BOJANGLES, 28 - 30 LOWTOWN, PUDSEY, LEEDS LS28 7AA</p> <p>To consider the report of the Head of Licensing and Registration on an application for a Review of the premises licence held by Bojangles, 28-30 Lowtown Pudsey. The application has been made by a local resident and interested party under Section 51 of the Licensing Act 2003</p> <p>(Report attached)</p>	1 - 42



Originator:	Miss Jane Wood
Tel:	0113 2474095

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Monday 14th May 2012

Subject: Review of a Premises Licence for:
Bojangles, 28 - 30 Lowtown, Pudsey, Leeds, LS28 7AA

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Pudsey	
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 of an application for the review of a Premises Licence made by Mr Keith Sutherland a local resident and interest party in respect of Bojangles, 28 - 30 Lowtown, Pudsey, Leeds, LS28 7AA under Section 51. of the Licensing Act 2003. The Licensing Authority is now under a duty to review the Premises Licence held in respect of Bojangles.

Purpose of this Report

- 1.1 This report provides Members with the background and history to the making of the review. The report sets out the relevant law when reviewing licences under the Licensing Act 2003 ("the Act"). Finally, this report informs members of the options available to them when reviewing a premises licence.

2.0 Background Information

2.1 An application was received on 25th July 2005 to convert and vary the existing Justices and Public Entertainment Licence during the transitional period under the Licensing Act 2003. The application was to extend licensable activities by a further hour. The application received representations from Environmental Protection Team and Health & Safety. Agreements were reached with both authorities and the licence was deemed granted.

In January 2006 a further application was received to vary the Premise Licence. The application was to extend the hours for sale of alcohol and regulated entertainment and the provision of late night refreshment on a Friday night and to include non standard timings on the Bank Holiday weekend of August.

Representations were received from West Yorkshire Police in relation to the non standard timings which were then withdrawn from the application.

Representations received from Environmental Health Services were withdrawn when agreements were reached.

The Planning Department objected to the application as it conflicted with the terms of the planning permission granted for the premise. A hearing was scheduled before the licensing committee on 6th March 2006 and the application was refused.

In July 2007 application was received to vary the Premises Licence in respect of Internal Alterations to ground and first floor drinking areas, create a new external smoking area and the removal of food facilities.

This application was withdrawn due to issues in the service of the application.

Again in July 2007 a further variation application was received. The application briefly was to include the provision of films into the operating schedule, to amend an embedded condition relating to refreshment and meals, and to increase the occupancy of the premise, on the ground floor to 225 persons and the first floor to 125 persons. Representations received from Environmental Health Services suggesting additional measures, these were subsequently agreed and the representation withdrawn.

Representations were received from West Yorkshire Police to which agreements were reached and the representation was withdrawn.

No further representations were received and the Premises Licence was subsequently issued in September 2007.

A minor variation application was received in November 2011. The application was to amend the licensable activities and opening hours. No representations were received and the application was deemed granted after the 10 day notice period. This being 1st December 2011.

2.2 The premises currently have the benefit of a Premises Licence issued under the Licensing Act 2003 for the following licensable activities to take place during the stated hours:

Sale by retail of alcohol
Exhibition of a film
Performance of live music
Performance of recorded music
Entertainment similar to live music, recorded music or dance
Provision of facilities for making music
Provision of facilities for dancing

Monday to Wednesday	11:00 - 23:00
Thursday	11:30 - 23:30
Friday & Saturday	12:00 - 01:00
Sunday	11:30 - 00:00

Provision of late night refreshment	
Thursday	23:00 - 23:30
Friday & Saturday	23:00 - 01:00
Sunday	23:00 - 00:00

2.3 The premises licence allows the premises to be open to the public during the following times:

Monday to Wednesday	11:00 - 23:30
Thursday	11:00 - 00:00
Friday & Saturday	12:00 - 01:30
Sunday	11:30 - 00:30

2.4 The Premises Licence Holder is Mr Anthony Moore

2.5 The Designated Premises Supervisor for the premises is Mr Anthony Moore

2.6 A copy of the current Premises Licence is attached at **Appendix A** for the benefit of members.

2.7 A map detailing the location of the premises is attached at **Appendix B**.

3.0 Main Issues

The review is being sought by **Mr Keith Sutherland** on the grounds of the prevention of Crime and Disorder, Public Safety and the prevention of Public Nuisance. A copy of the review application is attached at **Appendix C** of this report.

Mr Sutherland has provided a DVD as part of the review application, this will be available for Members of the Licensing Sub Committee to view at the Hearing.

3.1 As part of the review procedure details of the review and an outline of the grounds on which the review was requested must be displayed at the premises for a period of 28 days commencing the day after the application was received, this being 24th March 2012.

- 3.2 Notices providing details of the review were duly placed on prominent display at the premises on Saturday 24th March 2012, which are then checked on a regular basis. The notices were removed at the end of the 28 day consultation period on Friday 20th April 2012.
- 3.3 Section 51 of the Act places the Licensing Authority under a duty to review the premises Licence in respect of Bojangles. The Licensing Authority must then follow a procedure set out in the Licensing Act 2003. A summary of this procedure is attached to this report by way of a flow chart at **Appendix D**

4.0 Relevant Representations

- 4.1 Under the Act representations can be received from responsible authorities or interested parties. Representations must be relevant and, in the case of an interested party, must not be frivolous or vexatious.
- 4.2 A representation in support of the Premise Licence Holder has been received from the Ward Councillors for the Pudsey Ward. Members are invited to consider **Appendix E** of this report.
- 4.3 Comments have been received from West Yorkshire Police, Members attention is drawn to **Appendix F**.

5.0 Matters Relevant to the Application

- 5.1 Members of the Licensing Sub Committee must make decisions with a view to promoting the licensing objectives which are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 5.2 In making their decision Members are obliged to have regard to guidance issued under Section 182 of the Act, a copy of the relevant section is attached at **Appendix G** and the council's licensing policy (paragraphs 5.99 to 5.117). Members must also have regard to the relevant representations made and evidence they hear.

6.0 Implications for Council Policy and Government

- 6.1 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 12.13 of the policy with particular seriousness.

7.0 Legal and Resource Implications

- 7.1 There are no resource implications in determining the review.
- 7.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrates Court.

8.0 Recommendations

- 8.1 Members are requested to determine this review. The Committee must take such 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 any alteration or omission of an existing condition)
 - Exclude any licensable activities to which the application relates.
 - To remove the Designated Premises Supervisor.
 - To suspend the licence for a period not exceeding 3 months
 - To revoke the licence
- 8.2 Members may alternatively decide that no action is necessary and that the circumstance of the review does not require the Committee to take any steps to promote the licensing objectives.
- 8.3 Members should note the Guidance also 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.
- 8.4 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. But must actually be necessary in order to promote the licensing objectives.

Background Papers

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

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Premises Licence

Premises Licence Number:

PREM/00599/005

Public Register Copy

Initial licence issued from:

23rd August 2005

Current licence effective from:

1st December 2011

Appendix A

Premises Address: Bojangles, 28 - 30 Lowtown, Pudsey, Leeds, LS28 7AA

Licensable activities authorised by this licence: Sale by retail of alcohol; Provision of late night refreshment; Exhibition of a film; Performance of live music; Performance of recorded music; Entertainment similar to live music, recorded music or dance; Provision of facilities for making music; Provision of facilities for dancing;

Times for licensable activities

Sale by retail of alcohol

Monday to Wednesday 11:00 - 23:00
Thursday 11:30 - 23:30
Friday & Saturday 12:00 - 01:00
Sunday 11:30 - 00:00

Provision of late night refreshment

Thursday 23:00 - 23:30
Friday & Saturday 23:00 - 01:00
Sunday 23:00 - 00:00

Exhibition of a film

Monday to Wednesday 11:00 - 23:00
Thursday 11:30 - 23:30
Friday & Saturday 12:00 - 01:00
Sunday 11:30 - 00:00

Performance of live music

Monday to Wednesday 11:00 - 23:00
Thursday 11:30 - 23:30
Friday & Saturday 12:00 - 01:00
Sunday 11:30 - 00:00

Performance of recorded music

Monday to Wednesday 11:00 - 23:00
Thursday 11:30 - 23:30
Friday & Saturday 12:00 - 01:00
Sunday 11:30 - 00:00

Times for licensable activities

Entertainment similar to live music, recorded music or dance

Monday to Wednesday 11:00 - 23:00
Thursday 11:30 - 23:30
Friday & Saturday 12:00 - 01:00
Sunday 11:30 - 00:00

Provision of facilities for making music

Monday to Wednesday 11:00 - 23:00
Thursday 11:30 - 23:30
Friday & Saturday 12:00 - 01:00
Sunday 11:30 - 00:00

Provision of facilities for dancing

Monday to Wednesday 11:00 - 23:00
Thursday 11:30 - 23:30
Friday & Saturday 12:00 - 01:00
Sunday 11:30 - 00:00

Opening hours of premises

Monday to Wednesday 11:00 - 23:30
Thursday 11:00 - 00:00
Friday & Saturday 12:00 - 01:30
Sunday 11:30 - 00:30

Alcohol sales are permitted for consumption both on and off the premises

Licence Issued under the authority of Leeds City Council



Miss Janice Archibald
Licensing Officer
Entertainment Licensing
Licensing and Registration



Licence produced on 02/12/2011

Premises Licence Holder(s): Mr Anthony Moore, Bojangles, 28 - 30 Lowtown,
Pudsey, Leeds, LS28 7AA

Registered number of holder(s): 5318817

Designated Premises supervisor: Mr Anthony Moore

**Access to the premises by children is restricted.
Detailed in full on Part A of this licence.**

Annex 1 – Mandatory conditions

1. Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-
 - a. unauthorised access or occupation (e.g. through door supervision), or
 - b. outbreaks of disorder, or
 - c. damage
2. No supply of alcohol may be made under this licence
 - a. At a time when there is no designated premises supervisor in respect of the premises licence, or
 - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made
 - a. By the British Board of Film Classification (BBFC,) Where the film has been classified by the Board, or
 - b. By the Licensing Authority where no classification certificate has been granted by the BBFC, or,
 - c. where the licensing authority has notified the licence holder that section 20 (3) (b) (74 (3) (b) for clubs) of the Licensing Act 2003 applies to the film.
5. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- a. games or activities which require or encourage, or are designed to require or encourage, individuals to -
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
- b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- d. provision of free or discounted alcohol in relation to the viewing on the premises of a

sporting event, where that provision is dependent on -

- i. the outcome of a race, competition or other event or process, or
 - ii. the likelihood of anything occurring or not occurring;
- e. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
8. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

9. The responsible person shall ensure that -
- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i. beer or cider. 1/2 pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass:125 ml; and
 - b. customers are made aware of the availability of these measures

Embedded restrictions attached to the licence by virtue of grandfather rights.

10. The permitted hours shall commence:
- On days, other than Sundays, Christmas Day, at 11 am.
- On Sundays, Christmas Day at noon.
11. Subject to the following paragraphs, the permitted hours on weekdays shall extend until two o'clock the following morning, except that -
- a. the permitted hours shall end at midnight on any day on which music and dancing is not provided after midnight; and
 - b. on any day that music and dancing end between midnight and two o'clock in the morning, the permitted hours shall end when the music and dancing end.
12. In relation to the morning on which summer time begins, the above paragraph shall have effect, with the substitution of references to three o'clock in the morning for references to two o'clock in the morning or an hour following the hour actually specified in the certificate where the

certificate currently requires closure between 1 am and 2 am.

13. Except as provided below, the permitted hours on Sunday shall extend until thirty minutes past midnight on the following morning except that -
 - a. the permitted hours shall end at midnight on any Sunday on which music and dancing is not provided after midnight;
 - b. where music and dancing end between midnight on any Sunday and thirty minutes past midnight, the permitted hours on that Sunday shall end when the music and dancing end.
14. On Sundays immediately before bank holidays other than Easter Sunday, the permitted hours shall extend until 2 am the following morning except that -
 - a. the permitted hours shall end at midnight on any Sunday on which the music or dancing is not provided after midnight;
 - b. where music and dancing end between midnight on any Sunday and 2 am, the permitted hours on that Sunday shall end when the music and dancing end.
15. On New Year's Eve, the permitted hours shall extend through from the end of permitted hours on New Year's Eve, to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, to midnight on 31st December).
16. The above restrictions do not prohibit:
 - a. the taking of alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel), during the first thirty minutes after above hours;
 - b. the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals.
 - c. consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;
 - d. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - e. the sale of alcohol to a trader or club for the purposes of the trade or club;
 - f. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's Naval, Military or air forces;
 - g. the taking of alcohol from the premises by a person residing there; or
 - h. the supply of alcohol from the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
 - i. the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Standard Terms and Conditions in respect of converted Public Entertainment Licence

GENERAL

17. Throughout all parts of these conditions the phrase 'Licensing Authority' means the Leeds City

Council.

18. a. Unless the hours for which the Licence is valid are expressly stated on the Licence there shall be no performance of any nature before 8.00 am or after 11.00pm on any day of the week including Saturdays, or after 10.30pm Sundays, without the prior consent of the Licensing Authority.
- b. There shall be no dancing or performance including dancing on any day appointed by Public Authority as a day of public mourning.
19. The Chief Constable of the West Yorkshire Police, any Police Officer, the Chief Fire Officer, any authorised officer in uniform of the West Yorkshire Fire Authority, any authorised Environmental Health Officer and their equipment and any other person authorised by the Licensing Authority shall have free access to all parts of the licensed premises at all reasonable times for the purpose of supervising the observance and enforcement of these conditions.
20. There shall be affixed and kept in a conspicuous place on the door or entrance of the premises an inscription in large capital letters the words as follows:

"LICENSED PURSUANT TO ACT OF PARLIAMENT FOR MUSIC AND DANCING"

(NB: Omit 'Dancing' if Licence issued for public music only)

MANAGEMENT OF PREMISES

21. The Licensee shall be responsible for carrying out the provisions of these Conditions of the Licence. The Licensee shall take due precautions for the safety of the public, employees and performers, shall retain control over all areas of the licensed premises and shall ensure that nothing shall take place on the premises which:
 - a. is likely to cause disorder or breach of the peace;
 - b. is likely to be grossly offensive to any person on the premises;
 - c. involves drugs misuse; or
 - d. involves any other unlawful activity.
22. The Licensee, or some other responsible person not less than eighteen years of age *and nominated in writing for the purpose, shall be in charge of, and remain upon the licensed premises whenever they are used for licensed purposes. They shall not be engaged in any duties which prevent them from exercising general supervision and control.
23. Any written nomination of management shall be served on the Licensing Authority and a copy of the same shall also be retained on the premises and kept available for immediate inspection by any Official of the Licensing, Police or Fire Authority.
24. 'The Licensee shall provide notice of his or her intention to provide any form of entertainment which includes lap dancing, pole dancing, table dancing, striptease or any form of nudity or semi nudity on the part of the performers or the staff employed on the premises. Any entertainment of this nature will be subject to additional standard special conditions of the licence'.
25. The person in charge shall be conversant with all licence conditions.
26. Any venue which accommodates external promoters shall maintain a register or a diary system to record all such events. Each entry should contain the specific date of the event, nature/title of the event and the name, address and contact telephone number of the promoter specific to that event. The register must be available for immediate inspection on request by any Official of the Licensing Authority or it's authorised agents.

Public Safety

OCCUPANCY

27. The maximum number of persons allowed in the stated areas whilst the Licence is in force is:
225 Ground Floor, 125 First Floor
28. The Licensee shall not permit persons in excess of the number specified on the licence to enter or occupy any portion of the licensed premises.
29. The Licensee shall ensure that staff are familiar with the maximum capacity of the premises.
30. The Licensee shall display notice containing details as to the maximum capacity figure in a prominent position upon entry to the premises. Where the capacity is divided into separate floors/areas within the premises notice of the appropriate capacity for each floor/area shall also be prominently displayed upon entry to the relevant floor/area.
31. The licensee shall at any time whilst the premises are in use be aware of the precise number of patrons on the premises. Where the licence covers different floors/areas, the licensee shall be aware of the number of patrons in each area at any given time and ensure that the numbers do not exceed those as stipulated on the licence. This information shall immediately be supplied on request to any Official of the Licensing, Police or Fire Authority.
32. Appropriately trained staff shall be provided to oversee general safety within the premises, and these shall be provided to a minimum number of one member of staff per 250 occupancy or part thereof, in accordance with the occupancy figure as stated on the Public Entertainment Licence.
- Furthermore, in addition to the above the licensee shall ensure that an appropriately trained member of staff is designated to each emergency exit door to assist in the event of an emergency evacuation.
33. All members of staff shall be instructed in the safety precautions to be observed in the premises as far as those precautions relate to their duties and to the action to be taken by them in the event of fire or emergency.

EXITS

34. All exits, passages, landings and stairways shall be kept free from obstruction at all times when the premises are used for licensed purposes.
35. A clear unobstructed route leading from each fire exit to a place of safety outside the premises shall be provided and maintained available for use at all times.
36. Every door in the building for use by members of the public going from the auditorium to the outside of the building shall open outwards, unless the Licensing Authority shall have been satisfied that this is impracticable to the circumstances of the particular case, and shall be capable of being opened easily and immediately from the inside, without the use of a key, when required.
37. Where, with the prior consent of the Licensing Authority, doors or gates across exits open inwards, they shall be fastened fully opened so as not to form an obstruction.
38. If security is required for outward opening fire exit doors, then they should be secured with panic bolt or panic latch type fastenings only to the satisfaction of the Licensing and Fire Authority. A conspicuous '**PUSH BAR TO OPEN**' sign should be provided immediately above the push bars.
39. Any removable fastenings permitted by the Licensing or Fire Authority for securing exit doors when the public are not on the premises shall be removed before the public are admitted to the premises and shall not be replaced until the public have vacated the building.

40. Illuminated fire exit sign boxes lit by both primary and emergency lighting should be provided above all exits. Illuminated boxes incorporating graphic fire exit symbols, e.g. man moving through open door, should have white symbols on a green background. The size of the exit boxes should be appropriate for the maximum viewing distances involved.
41. Doors and openings other than exits to or from parts of the licensed premises to which the public are admitted shall be provided with notices indicating their uses or shall be marked "**Private**", and wherever practicable shall be kept secured. Where exit doors are fitted with automatic bolts they shall be clearly indicated with the words "**PUSH BAR TO OPEN**".
42. Where curtains are provided across an exit doorway they shall be divided at the centre and shall not trail the floor.
43. Except with the consent of the Licensing Authority, bars, wire guards or the like shall not be fitted to windows, nor shall the windows be otherwise obstructed in a manner likely to render them unavailable for the purposes of rescue in case of emergency.
44. The closing of collapsible gates or shutters across exit openings shall be prohibited whilst the public are in the premises.

FIRE PRECAUTIONS

45. The licensed premises shall be provided with fire appliances suitable to the fire risk in the premises and to the satisfaction of the Fire Authority.
46. Fire appliances shall be affixed to wall brackets to the satisfaction of the Fire Authority, and available for instant use at all times.
47. Fire extinguishers should be regularly examined, tested and maintained in accordance with the current British Standard to the satisfaction of the Fire Authority.
48. The licensee and employees should be made fully conversant with the location of fire appliances, method of operation and safe use, and with the action to be taken in case of fire.
49. A manually operated electrical fire alarm system shall be provided to the satisfaction of the Fire Authority. The alarm should be clearly audible in all parts of the building.
50. The Fire alarm system should be tested on a weekly basis in accordance with the current British Standard and to the satisfaction of the Fire Authority. The result of all tests with the exception of the daily inspection, should be recorded in a suitable log book provided for the purpose. The log book should be available for immediate inspection upon request of any official of the Licensing or Fire Authority.
51. The licensee and all employees should be made familiar with the method of giving warning of fire and with the escape route available from each part of the premises to which they resort or in which they may work.
52. All fire doors shall be maintained self-closing and shall not be secured in an open position.
53. A system for automatically cutting off the sound system which is linked to the sounding of the fire alarm shall be provided.
54. All scenery, drapes, curtains and decorations within the licensed premises shall be made of such material or shall be treated and maintained so as to be flame retardant in accordance with the current British Standard and to the satisfaction of the Fire Authority.
55. Plastic decorations are not acceptable.
56. Filling materials used in furnishings should be restricted to combustion modified foam or other materials having at least the same standard of fire performance. Upholstered furniture and floor coverings should comply with the current British Standard to the satisfaction of the Fire

Authority.

57. Flues from kitchens and serveries and over grills and all ventilating shafts shall be maintained in a clean condition.
58. Smoking shall be strictly prohibited within the stage risk area and in dressing rooms. Notices bearing the words "NO SMOKING" in red letters on a white background shall be conspicuously displayed in these areas.
59. Where any open fireplaces, high temperature heating appliances or naked flames are used they shall be adequately protected by a suitable guard.
60. In the event of the heating being by a central heating system the heating apparatus shall be placed in a separate room from the auditorium. The door between this room and the auditorium should be self-closing and fire-resistant to a one hour standard.
61. Explosives, inflammable liquids or high inflammable articles shall not be brought into or used within any portion of the licensed premises.

SPECIAL EFFECTS:

Pyrotechnics:

62. No exhibition, demonstration or display of pyrotechnics or displays involving the use of fire shall be given in the licensed premises without the prior consent of the Licensing and Fire Authority. At least fourteen days written notice of application must be supplied in such circumstances.

Laser Equipment:

63. No exhibition, demonstration or display of laser equipment shall be given by any person in the licensed premises and no laser equipment shall be used by such person in the said premises unless the Director of the Leeds Environment Department has been given not less than 14 days previous written notice.

Strobe Lighting:

64. At entrances to venues where strobe lighting is in use warnings should be posted that stroboscopic lighting is in use and the possibility that susceptible people may be affected.
65. Flicker rates from stroboscopic lighting should be set at 4 or less flickers per second. This frequency shall apply to the combined flicker rates on any group of lights which can be directly gazed at.

LIGHTING

66. In all parts of the building to which the public are admitted and in all passages, corridors, ramps and stairways to which the public have access and which lead from the auditorium to the outside of the building, there shall provided adequate illumination by general lighting to the satisfaction of the Licensing Authority.
67. In addition to the general lighting, adequate illumination to enable the public to see their way out of the building, without the assistance of the general lighting, shall be provided in the auditorium and all other parts of the building to which the public are admitted and in all passages, corridors, ramps and stairways, which lead from the auditorium to the outside of the building. This lighting shall be referred to as the safety lighting.
68. The safety lighting shall be provided from a source other than that of the general lighting.
69. All notices and exit indications shall be illuminated by both general and safety lighting.
70. The safety lighting shall be kept on at all times when the public are on the premises except in

those parts of the building which are lit equally well by daylight.

71. Any battery supplying safety lighting shall be fully charged before the public are admitted to the premises and shall be of such capacity and so maintained as to be capable of supplying at normal voltage, the full load of the safety lighting during the whole time that the public are on the premises.
72. If there is a failure of the general lighting and the lighting is not restored within one hour, the public in the licensed premises shall be instructed to leave the building.
73. If there is a failure of the safety lighting, all parts of the building required to be illuminated by the safety lighting shall be immediately illuminated by the general lighting and the public in the licensed premises shall be instructed to leave the building forthwith.
74. Electrical apparatus and equipment within the building shall not be used for such purpose, or in such a manner, or when it is such a condition, as to cause danger of electric shock, fire or explosion.
75. Where gas is used for the lighting all gas burners within reach of the public shall be protected by glass or wire gloves and all gas taps shall be guarded in such a manner as to prevent unauthorised interference.

ELECTRICAL INSTALLATION

76. Electrical installation (including the fire alarm and emergency lighting systems) shall be in the charge of a competent electrician whose name is published on the Roll of National Inspection Council for Electrical Installation Contracting, or a member of Electrical Contractors' Association.
77. One of the following protective measures shall be used for all socket-outlets which may be used for the connection for lighting, video or sound amplification equipment and display models:
 - a. Each socket-outlet circuit shall be protected by a residual current device having a rated residual operating current not exceeding 30mA.
 - Or
 - b. Each individual socket-outlet shall be protected by an integral residual current device having a rated residual operating current not exceeding 30mA.

The current operation of all residual current devices shall be checked regularly by pressing the test button. If the device does not switch off the supply, an electrical contractor should be consulted. At the same time action should be taken to prohibit the use of socket outlets associated with a faulty residual current device.

ELECTRICAL SAFETY CERTIFICATE

78. The Licensee shall ensure that the electrical installation to the whole of the premises carries a recent safety certificate issued by a competent electrician whose name is published on the Roll of National Inspection Council for Electrical Installation Contracting, or a member of the Electrical Contractors' Association.

The inspection shall include **ALL** electrical appliances and fire alarm and emergency lighting systems.

The licensee shall ensure that the electrical installation is checked on an **annual** basis and on renewal of the Public Entertainment Licence shall furnish the Licensing Authority with a copy of an Electrical Safety Certificate valid for the period of the licence.

SANITATION/CLEANSING

79. Suitable and sufficient sanitary accommodation must be provided and maintained to the satisfaction of the Chief Environmental Health Officer.

80. The premises shall at all times be maintained in a clean, sanitary and safe condition and shall be open during the continuance of this licence to an inspection by the Licensing Authority or their authorised agents.

SEATING

81. Any seating in the licensed premises shall be so arranged as to allow free access to all exits there from.
82. For a closely seated audience chairs shall be either securely fixed to the floor or alternatively shall be battened securely together in units of not less than four seats. Adequate gangways, not less than 42" (1100mm) wide, unless otherwise approved by the Licensing Authority, shall be provided. The gangways shall lead directly to each exit door and shall be kept free from obstruction. No seat shall be more than twelve feet (4.0m) from any gangway.
83. Seating in invalid chairs other than engine driven chairs will be permitted subject to any condition imposed by the Licensing and Fire Authority.

ACCESS, EGRESS AND FACILITIES FOR THE DISABLED

84. Means of access, egress and emergency egress shall be provided and maintained in accordance with any recommendations of the Licensing and Fire Authority.

ALTERATIONS

85. Alterations or additions, whether permanent or temporary, to the structure, the lighting, electrical heating, ventilating, mechanical, or installations, or to the seating, gangways or other arrangements in building in which the licensed premises are situated shall not be made except with the consent of the Licensing Authority and in accordance with any conditions of such consent.

FIRST AID FACILITIES

86. The Licensee shall maintain a first aid box on the premises in accordance with the Health and Safety (First Aid) Regulations 1981 and make sure that:
- it is accessible at all times
 - items are replaced as they are used

Any person who appears unwell, including those affected by drugs or alcohol, must be seen by a trained first aider, who shall:

- give first aid
- if necessary, seek medical assistance.

INCIDENT REPORT REGISTER

87. The licensee shall maintain an Incident Report Register within which staff must record any incident which has occurred on the premises.

The Incident Report Register must be retained on the premises for a period of one year, taken from the date of the last entry, and include the following:

- a. consecutively numbered pages;
- b. the date and time of incident;
- c. the nature of incident;
- d. the full name/s of staff involved including the registration number of any door staff, and to whom the incident was reported, including the names and numbers of any police

officers who attended the scene of the incident and details of any witness/es;

- e. Any notes relative to the incident.

Incident Report Registers shall be produced for immediate inspection on request by any Official of the Licensing or Police Authority.

VENTILATION

88. The premises must be effectively ventilated when the public are present. Any mechanical ventilation system must be properly maintained.

DRINKING WATER

89. Drinking water provision must be clearly available, free of charge, at all times whilst the Entertainment Licence is operative.

This facility must be kept in a clean condition.

HYPNOTISM

90. No exhibition, demonstration or performance of hypnotism shall be given on any person in the premises except with the express consent of the Licensing Authority and subject to such conditions as the Licensing Authority may attach to such consent.

Any notification of intention to stage a hypnotist should be made in writing providing at least fourteen days notice.

Prevention of Public Nuisance

NOISE NUISANCE

91. The Licensee shall ensure that no nuisance is caused by noise or vibration emanating from the licensed premises resulting from the use of this Licence. The Licensee shall provide urgent attention to any reports of noise nuisance, and act upon direction of the Licensing Authority.

FLYPOSTING

92. Licensees are reminded that unauthorised fly posting is an offence under the Town & Country Planning Act 1990, as amended, Section 224.

Protection of Children from harm

93. In the case of an audience consisting of persons under 16 years of age, the minimum number of staff shall increase to a ratio of one per 100 occupancy.
94. At any licensed function no child shall be permitted to occupy any seat in the front row of the balcony, gallery or tier unless accompanied by, or in the charge of a person who appears to have attained the age of 16 years.

Prevention of Crime and Disorder

REGISTERED DOOR STAFF

95. The Licensee shall ensure that any persons employed on the premises to work in the capacity as a *door supervisor*, hold current registration with the SIA and comply with all relevant rules and regulations laid down by that body.

Door Staff Daily Record Register

96. The Licensee shall maintain a Daily Record Register which is to be completed on a daily basis by

the door staff when they commence and finish duty.

97. The Daily Record Register must be retained on the premises for a period of one year, taken from the date of the last entry, and include the following:
- a. consecutively number pages;
 - b. the registration number and full name of each registered person on duty;
 - c. the date and time that he/she commenced that period of duty with a signed acknowledgement by that person;
 - d. the time at which he/she finished duty with a signed acknowledgement by that person.

Daily Record Registers shall be produced for immediate inspection on request by any official of the SIA, Police or Licensing Authority.

SEARCH POLICIES

98. Licence holders must have a written search policy for those entering the premises.
99. All members of staff must be acquainted with this policy.
100. Sufficient number of staff of both sexes shall be on duty to undertake any searches of the public.
101. Clear and visible notices should be displayed to those entering the premises detailing the establishments search policy. These signs should state that the police will be informed if anyone is found in possession of controlled substances or weapons.
102. Secure receptacles, to the standard as required by the West Yorkshire Police, must be provided in a restricted part of the building for staff to deposit drugs and weapons.
103. Any seizure of controlled substances and weapons must be recorded in the Incident Report Register and reported to the police at the earliest possible time.

GLASS RECEPTACLES

104. The licensee shall ensure that drinks glasses and any other glass receptacles are prevented from being taken off the premises accepting off-sales and their legitimate sale.

CLOSE CIRCUIT TELEVISION (CCTV)

105. A suitable CCTV system operated in accordance with guidelines from the West Yorkshire Police shall be provided.
106. Any exemption to this condition must be agreed by the West Yorkshire Police and Licensing Authority.

Annex 2 – Conditions consistent with the Operating Schedule

Additional details in respect of Licensable Activities authorised by this licence

107. Provision of late night refreshment

Location where activity will take place:

This activity will take place indoors.

Activity Details:

Food

108. Exhibition of a film

Location where activity will take place:

This activity will take place indoors.

109. Performance of live music

Location where activity will take place:

This activity will take place indoors.

Activity Details:

Live music and recorded music to either floor. Dependant on size of group.

110. Performance of recorded music

Location where activity will take place:

This activity will take place indoors.

111. Entertainment similar to live music, recorded music or dance

Location where activity will take place:

This activity will take place indoors.

Activity Details:

SKY TV for sports broadcasts and music channels

112. Provision of facilities for making music

Facilities provided:

Disco Equipment

Location where activity will take place:

This activity will take place indoors.

Activity Details:

Provision of music with other musical facilities as and when required

113. Provision of facilities for dancing

Location where activity will take place:

This activity will take place indoors.

Activity Details:

Dancing usually in conjunction with live/recorded music

114. Concerns in respect of children

None

Conditions consistent with the operating schedule relating to the licensing objectives

The prevention of crime and disorder

115. The applicant to agree with West Yorkshire Police, a risk assessment based upon appropriate crime prevention measures relevant to the individual merits and intended operating style of the premises.
116. Adopt a check 21 proof of age scheme in accordance with guidance issued by West Yorkshire Police.
117. Participate in a local pubwatch scheme or licensing association, (where one exists), that is recognised by West Yorkshire Police.
118. Implement a dispersal policy agreed with West Yorkshire Police.
119. There shall be no licensable activities taking place in the external area prior to 23:00 hours (please note licensable activities does not include the consumption of alcohol or food).
120. There shall be no consumption of alcohol or food or any other licensable activities in the external area after 23:00 hours.

Public safety

121. Regular safety checks of the premises, including decorative and functional fixtures, floor surfaces and equipment (including electrical appliances) to which the public may come into contact, must be undertaken. Records of these safety checks must be kept and made available for inspection by an authorised officer.
122. A procedure for dealing with unwell members of the public will be in place including those who appear to be affected by alcohol or drugs. Staff will be appropriately trained in such procedures.

The prevention of public nuisance

123. No speakers shall be located external to the building.
124. All music and amplified sound systems to be limited by tamper and proof noise-limiting equipment installed in the premises. The device shall be set and fixed at levels agreed with Leeds City Councils Environmental Protection Team. The noise limiting device must be designed so that it fails to safety. No amplified sound shall be played on site other than through the equipment.
125. Noise from the application premises shall be inaudible at all nearby noise sensitive premises.
126. Suitable acoustic double-glazing shall be provided to the windows located to the front of the premises.
127. A lobby and an additional set of doors shall be provided to the front entrance on Lowtown. One set of doors shall be kept closed at all times whilst the entertainment is in operation.
128. Noise shall be inaudible at the nearest noise sensitive premises after 23:00 hours and when entertainment takes place on a regular basis at all times.
129. Clear and legible notices shall be displayed at exits and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents, in particular

emphasising the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos and anti social behaviour. The activity of persons leaving the premises shall be monitored and they shall be reminded to leave quietly where necessary.

130. A facility shall be provided for customers to order taxis and telephone numbers for taxi firms shall be displayed in a prominent location. Where possible, there should be a liaison with a local taxi firm to ensure a ready supply of transport and thereby reduce disturbance, a waiting area within the premises shall be provided.
131. The sound limiting device and electrical cut-out system should be properly maintained and in full working order. Records should be kept of regular maintenance and checks.

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 - Plans

The plans for these premises are as those submitted with the application. A copy of which is held by Leeds City Council Licensing Authority.

PREM/00599/006

Bojangles, 28-30 Lowtown, Pudsey, Leeds, LS28 7AA



This map is based upon the Ordnance Survey's Digital Data with the Permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office

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Date:	02 May 2012
Scale:	1:1250
Comments:	Appendix B

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[Insert name and address of relevant licensing authority and its reference number (optional)]

Appendix C

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I KEITH SUTHERLAND..... apply for the review of a
(Insert name of applicant)
premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description <u>BOYANGLES</u> <u>28-30 LOWTON</u> <u>PODSEY</u>	
Post town <u>LEEDS</u>	Post code (if known) <u>LS 28 7AA</u>

Name of premises licence holder or club holding club premises certificate (if known) <u>A. MOORE</u>

Number of premises licence or club premises certificate (if known) <u>NOT KNOWN.</u>

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises



2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname First names

Please tick yes

I am 18 years old or over

Current address

Post Town Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address	
Telephone number (if any)	
E-mail (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	
Telephone number (if any)	
E-mail (optional)	

This application to review relates to the following licensing objective(s)

Please tick one or more boxes Y

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

I LIVE IN ADJACENT PROPERTY TO PREMISES.
 I HAVE CCTV ATTACHED TO MY PROPERTY
 AND ENCLOSE FOOTAGE SHOWING
 BREACHES OF THE LICENSING
 OBJECTIVES.
 DRUGS ARE RIFE FROM THESE PREMISES
 PEOPLE URINATING IN THE STREETS DUE
 TO INSUFFICIENT TOILET FACILITIES.
 THERE IS DRINKING AFTER TIME
 PEOPLE HAVE DRINKS ON STREETS
 INADEQUATE DOOR STAFF, AND
 TWO DOORSTAFF URINATIONS OUTSIDE

Please provide as much information as possible to support the application (please read guidance note 2)

HE SHOULD HAVE A DISPERCAL
POLICY AS A LICENSE CONDITION
BUT CLEARLY THIS IS NOT
USED.

HE APPEARS TO BE IGNORING
CONDITIONS WITH HIS LICENSE

Please tick if
yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

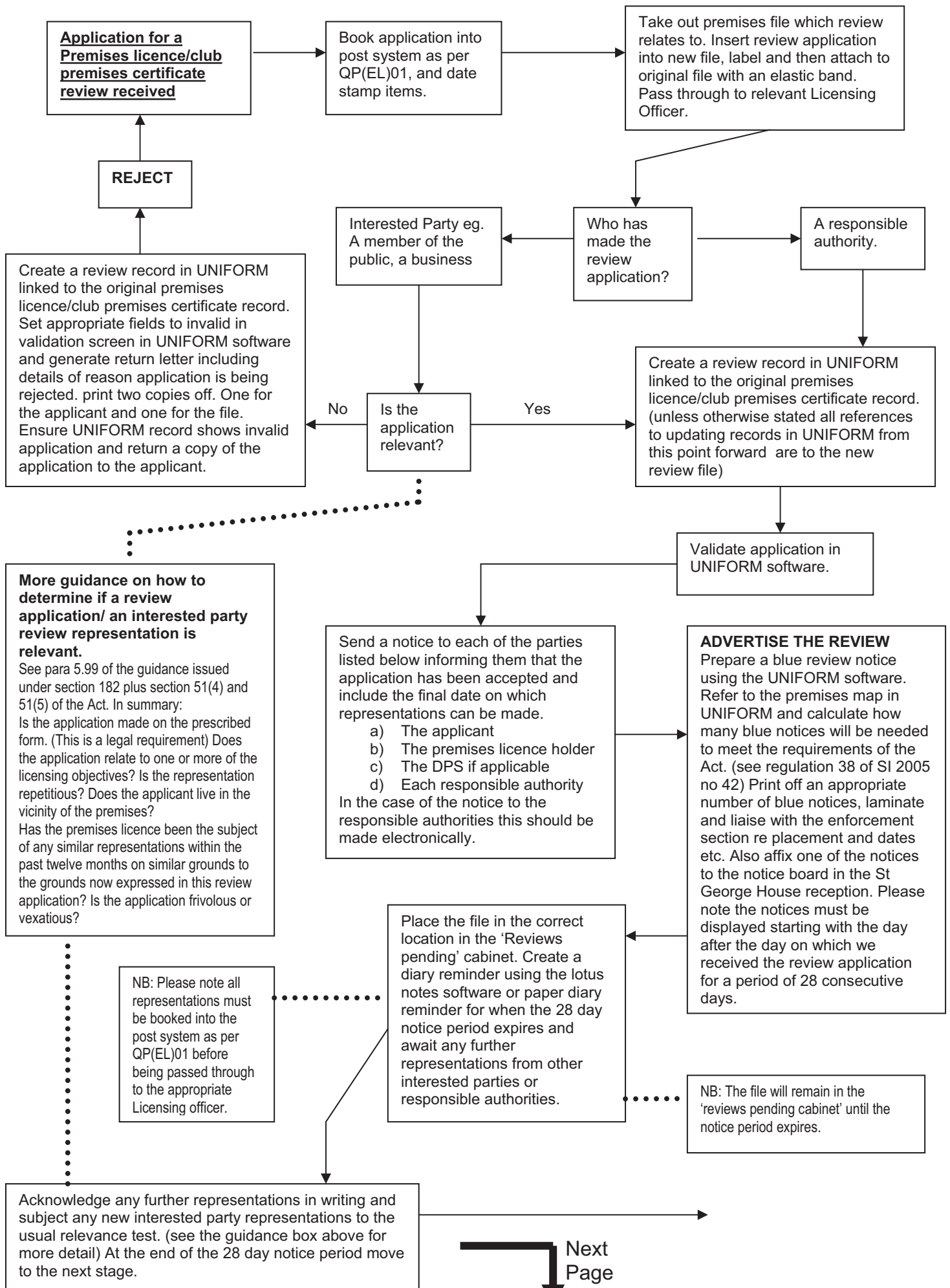
Date

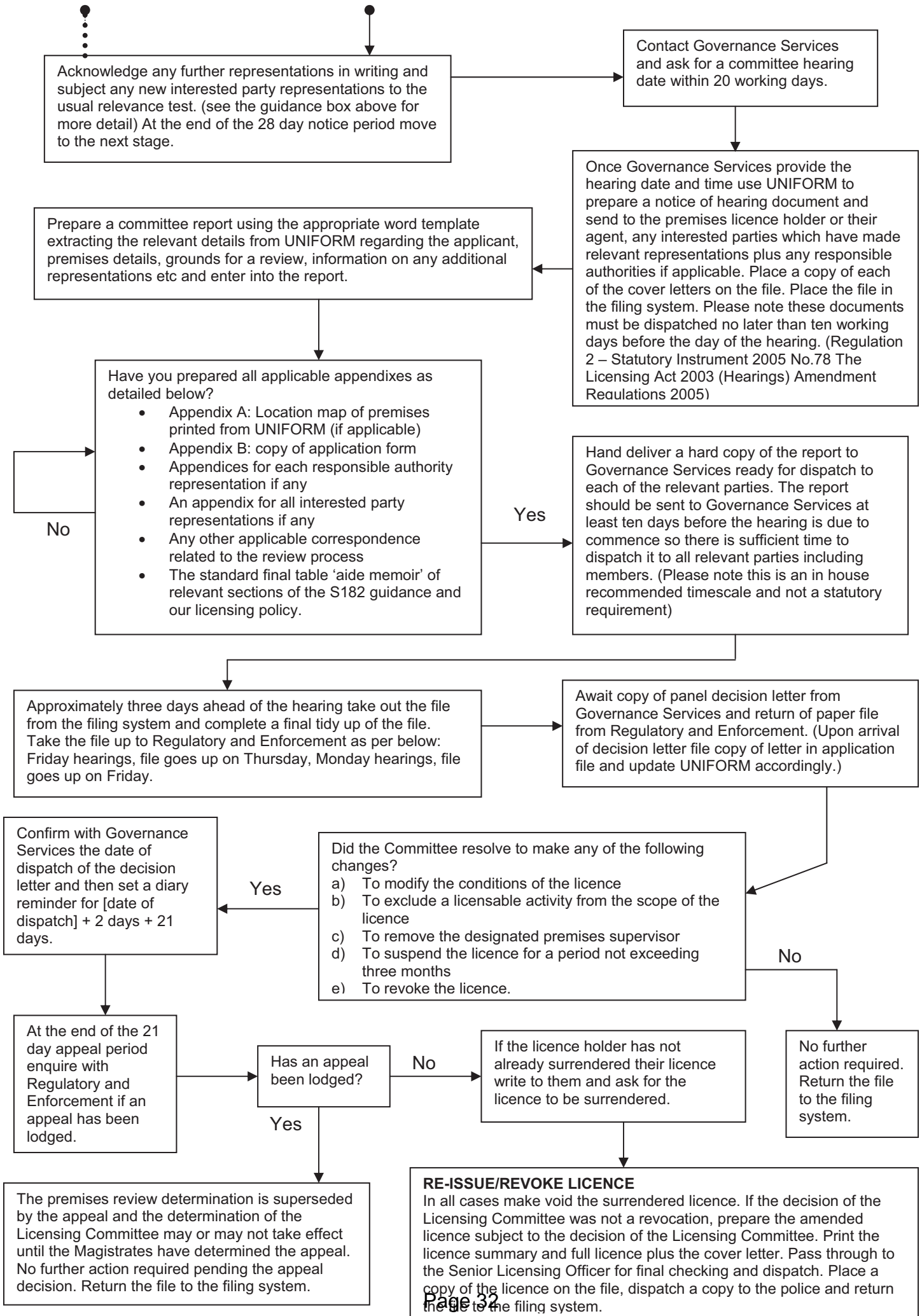
Capacity

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
KEITH SUTHERLAND 26 LOWTOWN PODSEY	
Post town	Post code
WEGGS	WS28 7AA
Telephone number (if any)	
07552777687	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.





Appendix E

Wood, Jane

From: Coulson, Cllr Mick
Sent: 19 April 2012 19:17
To: Entertainment Licensing
Subject: boogangles pudsey

I have known this establishment since it first opened ,,It has never been a problem to the area in fact is known as one of Pudsey better run bars ..becaures of mischief making by persons unknown ,I recently called a meeting of all council deptments licencing ,enviromentl envocment ,police to try and find out what the problems were ,,the out come of this meeting was that no department had any complaints against boogangles ,, I have sent e mails confirming this meeting to boogangles solicitor ,,

Cllr mick coulson Pudsey ward my fellow cllrs agree with me sending this e mail ..

The 2012 Olympics. Volunteer. Get involved. Line the streets.
www.leedsgold.co.uk

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Appendix F

Wood, Jane

From: Patterson, Bob [bob.patterson@westyorkshire.pnn.police.uk]
Sent: 19 April 2012 17:11
To: Entertainment Licensing
Cc: Cawkwell, Richard; robert.fullilove@westyorkshire.pnn.police.uk
Subject: BOJANGLES REVIEW APPLICATION

To whom it may concern,

West Yorkshire Police recently received an application for the review of a premises licence, from a Mr. Keith Sutherland being an "interested party" and in relation to premises known as Bojangles, which are situated at 28-30 Lowtown Pudsey Leeds LS28 7AA, The premises licence holder is a Mr. Anthony Moore.

Being accepted by the licensing authority in the first instance, the on-going review process, now allows West Yorkshire Police as a "responsible authority" to make relevant representations about the review application, based on the 4 licensing objectives fundamental to Licensing Act 2003.

West Yorkshire Police CANNOT find good reason to make such representations about this review application.

Notwithstanding this however, the Neighbourhood Policing Team Inspector for the area, is keen for the sub-committee who will preside at the hearing over this review application, whenever that might take place, to be made fully aware of the stance of the local police over some of the allegations made in Mr. Sutherland's review application, which hopefully will assist the sub-committee in making a fully informed decision on the day. To this end, I would ask that the email from Inspector Richard Cawkwell, copied below in blue italics, is attached to the bundle of papers about the review, for the benefit of the sub-committee.

Copy of email from Inspector Cawkwell:

Bob - as discussed yesterday. I think its only right in the interests of fairness that I give my views in respect of the application for review made by Mr Sutherland.

For completeness I tasked our CATO to produce for me a research package for this premise in relation to the past 12 months (from 01/04/11 to 19/04/12).

When looking at the 8 recorded crimes on this report there is clearly one incident which stands out that is crime ref 13120033441 and 13120033555, which occurred on the same night 20th January 2012. This was where a male and female had been drinking in the pub and the male was ejected by a door man for urinating outside the premises. There was an allegation by the two parties that the member of door staff concerned had driven into them causing them minor injury. This suspect was interviewed by the police, the matter was denied and there was insufficient evidence to prosecute the man.

There are 10 recorded calls for the location also which range in their nature.

In the grand scheme of things I don't consider Bojangles to be a problem location for the Police in terms of crime and disorder. Being realistic the crimes concerned are not excessive for a 12 month period. The lions share of crime appears to be domestic related / involve people who are known to each other. There are no reported issues of recovered controlled drugs.

I am not aware of any information which would suggest that controlled drugs are a major issue at these premises. I am not aware that Mr Sutherland has ever shared his concerns over potential criminal conduct with the Police, certainly I have no record of this.

I hope this assists.

*Inspector Richard Cawkwell
 West Outer Neighbourhood Policing Team
 Covering the ward areas of;
 Pudsey, Calverley and Farsley, Wortley and Farnley
 Pudsey Police Station
 Dawson's Corner
 Leeds*

Telephone 01132414847 (Extn 58047)
Mobile 07872 678360
e mail - richard.cawkwell@westyorkshire.pnn.police.uk
I hope this is to your satisfaction.

Appendix

Regards.

Mr. Bob Patterson
Leeds District Licensing Officer
Millgarth Police Station
Millgarth Street
Leeds
LS2 7HX
Tel: 0113-2414023 (24023)
Fax: 0113-2413123 (24123)
Email: bob.patterson@westyorkshire.pnn.police.co.uk

REPORT MINOR CRIME ONLINE: Report a West Yorkshire crime online, request a callback or report lost property, all via our website <http://www.westyorkshire.police.uk/>

This email carries a disclaimer, a copy of which may be read at <http://www.westyorkshire.police.uk/emailDisclaimer.asp>

11. Reviews

THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.
- 11.2 At any stage, following the grant of a premises licence, a responsible authority, or an interested party, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 The Regulations allow applications for reviews to be made electronically, as long as the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via businesslink or the licensing authority's electronic facility.
- 11.4 In addition, a review of the licence will normally follow any action by the police to close down the premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a notice of magistrates' court's determination sent to the licensing authority.
- 11.5 Licensing officers may not initiate their own reviews of premises licences, but elected members of the licensing authority may request reviews if they are concerned about licensed activities at a premises or such matters are brought to their attention (see paragraph 8.15 above). Officers of the local authority who are specified as responsible authorities under the 2003 Act, such as environmental health officers, may also request reviews on any matter which relates to the promotion of one or more of the licensing objectives.
- 11.6 Representations made by a department of the local authority which is a responsible authority should be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual.
- 11.7 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.
- 11.9 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common

aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. It is good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review.

- 11.10 Where the request originates with an interested party – e.g. a local resident, residents’ association, local business or trade association – the licensing authority must first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.
- 11.11 Further information for interested parties about the review process is available in “Guidance for interested parties: applying for a review” which can be found on the DCMS website.

REPETITIOUS REPRESENTATIONS

- 11.12 Relevance, vexation and frivolousness were dealt with in paragraphs 9.8 – 9.13 above. A repetitious representation is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence which has already been determined; or
 - representations considered by the licensing authority when the premises licence was first granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement;

and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of the licence.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a second bite of the cherry following the failure of representations to persuade the licensing authority on earlier occasions. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, the Secretary of State recommends that more than one review originating from an interested party should not be permitted within a period of twelve months on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one request for a review of a premises within a 12 month period.
- 11.15 When a licensing authority receives a request for a review from a responsible authority or an interested party or in accordance with the closure procedures described in Part 8 of the 2003 Act, it must arrange a hearing. The arrangements for the hearing must follow the provisions set out by the Secretary of State in regulations. The details may be viewed on the DCMS website. The Secretary of State considers it particularly important that the premises licence holder is fully aware of the representations made in respect of the premises, any evidence supporting the representations and that they or their legal representatives have therefore been able to prepare a response.

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

11.16 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

11.17 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

11.18 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;

- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

11.19 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

11.20 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.21 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

11.22 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

REVIEWS ARISING IN CONNECTION WITH CRIME

11.23 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority

to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.

11.24 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

11.25 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the

licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being

undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

11.28 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

REVIEW OF A PREMISES LICENCE FOLLOWING CLOSURE ORDER

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review: The determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within 10 working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than 5 working days before the first hearing day. There must be five clear working days between the giving of the notice and the start of the hearing.

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