



LICENSING SUB-COMMITTEE

**MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
MONDAY, 30TH JULY, 2012 AT 11.00 AM**

MEMBERSHIP

Councillors

J Dunn - Ardsley and Robin Hood;
C Townsley - Horsforth;
G Wilkinson - Wetherby;

**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			<p><u>PRELIMINARY PROCEDURES</u></p> <p>ELECTION OF THE CHAIR</p>	
2			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>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)</p> <p>(*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)</p>	

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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>	

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5			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13 -18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19 -20 of the Members' Code of Conduct.</p> <p><u>HEARINGS</u></p>	
6	Morley South;		<p>"SLIP INN"</p> <p>To consider the report by the Head of Licensing and Registration providing Members with an update as to the licence position for the 'Slip Inn' and seek Members direction with regards to a condition appertaining to SIA registered door staff.</p>	1 - 14



Report author:
Philomena Carville

Report of the head of licensing and registration

Report to the licensing sub committee

Date: 30th July 2012

Subject: Licensing Act 2003

Slip Inn, Morley, Leeds 27 8DT

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Morley South		
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 report informs Members of an agreement reached between West Yorkshire Police and the Premise Licence Holder following a Review under Section 51 of the Licensing Act 2003, of the Premise Licence in respect of the Slip Inn, Morley, Leeds LS27 8DT.

1.0 Purpose of this Report

1.1 To provide Members with an update as to the licence position for the Slip Inn and seek Members direction with regards to a condition appertaining to SIA registered door staff.

2.0 History of Premises

2.1 The premises have been licensed for a number of years. Prior to 2005 the premises held an alcohol licence issued by the Magistrates Court. This was duly converted to a Premises Licence under the Licensing Act 2003 when the Leeds City Council local authority took on their new role as licensing authority. The conversion application did attract representations but following a hearing before the Licensing Sub Committee the licence was granted subject to conditions. A copy of the Premises Licence may be found at Appendix A of this report.

2.2 The Premises has the benefit of a Premises Licence to allow licensable activities to take place as follows:

Sale by Retail of Alcohol Every Day	10.00 - 00:00
Performance of Recorded Music Every Day	10:00 – 00:00
Provision of Facilities for Making Music Every Day	10:00 – 00:00

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

Every Day	10:00 – 00:30
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2.4 In August 2010 a complaint was received that a 17 year old minor was selling alcohol without supervision. A warning was sent to the designated premises supervisor and it was not necessary to take any further action on this occasion.

2.5 On the 5th January 2012 the West Yorkshire Police submitted a Review of the Premise Licence on the grounds of crime and disorder, public nuisance, public safety and protection of children from harm.

2.6 The review application was supported by local ward members who complained of drinking outside the premises creating nuisances, intimidation of passing residents, broken glass, and fighting.

2.7 A hearing was set for 1st March 2012 and documentary evidence to support the review on the grounds described above was supplied to members to consider.

2.8 After reading all the evidence before them and hearing evidence from the Police, local ward councilors and the licence holders, the sub-committee found that there was a series of problems at the premises which included selling to persons who were intoxicated, smoking in the premises and sales taking place after hours. The committee accepted and adopted the police submissions that the cause was weak management at the premises. The committee further considered imposing conditions but had no confidence the management would comply with any conditions imposed and therefore had no option but to revoke the licence.

2.9 The Applicant then appealed the decision to the Magistrates Court.

2.10 Subsequently the named designated premises supervisor passed away and an application was received on 16th March 2012 to transfer the premises licence from Benson to Scottish and Newcastle Pub (Management) Company and to appoint a new Designated Premises Supervisor.

3.0 Current Situation

- 3.1 As a consequence of the change in the management and operation of these premises the parties agree that revocation of the licence is no longer necessary to promote the licensing objectives.
- 3.2 Dialogue has been held between the police, licence holder and legal services and through a Consent Order a number of conditions have been agreed in substitution and in addition to those already set out in the premises licence.
- 3.3 A copy of the Consent Order may be found at Appendix 2.
- 3.4 Members will note the Consent Order requires 'The Licensing Sub-Committee to consider whether it is necessary to impose a condition requiring the employment of doorstaff, and if so, consideration also needs to be given to what days, hours and how many door staff should be employed.'

4.0 Recommendations

Members are requested to note the contents of this report and determine the matter as set out in paragraph 3.4 above.

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Premises Licence

Premises Licence Number:

PREM/02251/004**Public Register Copy**

Initial licence issued from:

24th November 2005

Current licence effective from:

29th March 2012**Premises Address:** Slip Inn, Albion Street, Morley, Leeds, LS27 8DT**Licensable activities authorised by this licence:** Sale by retail of alcohol; Performance of recorded music; Provision of facilities for making music;**Times for licensable activities**Sale by retail of alcohol

Every Day 10:00 - 00:00

Performance of recorded music

Every Day 10:00 - 00:00

Provision of facilities for making music

Every Day 10:00 - 00:00


Opening hours of premises

Everyday

10:00 - 00:30

Alcohol sales are permitted for consumption both on and off the premises**Premises Licence Holder(s):** Scottish & Newcastle Pub Company
(Management) Limited, 2-4 Broadway Park,
South Gyle Broadway, Edinburgh, EH12 9JZ**Registered number of holder(s):** SC250925**Designated Premises supervisor:** Ashley Saul Stone**Access to the premises by children is restricted.
Detailed in full on Part A of this licence.**

Licence Issued under the authority of Leeds City Council

Mrs Emma White 
Licensing Officer
Entertainment Licensing
Licensing and Registration

Licence produced on 13/04/2012

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 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.
5. 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).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7. 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.

8. 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.

9. Alcohol shall not be sold or supplied except during the hours stated on this licence and:

- a. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- b. On New Year's Eve 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, midnight on 31st December).

10. The above restrictions do not prohibit:

- a. the taking of the 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 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 for consumption on 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.
11. Where the number of children attending the entertainment exceeds 100 the licensee shall ensure that the provisions of Section 12 of the Children and Young Persons Act 1933 are complied with.

Annex 2 – Conditions consistent with the Operating Schedule

Additional details in respect of Licensable Activities authorised by this licence

12. Performance of recorded music

Location where activity will take place:

This activity will take place indoors.

13. Provision of facilities for making music

Location where activity will take place:

This activity will take place indoors.

14. Concerns in respect of children

None defined

Conditions consistent with the operating schedule relating to the licensing objectives

The prevention of crime and disorder

- 15. Adopt the Check 21 proof of age scheme in accordance with guidance issued by West Yorkshire Police, or another approved proof of age scheme.
- 16. Participate in a local pubwatch scheme or licensing association, (where one exists) that is recognised by West Yorkshire Police.
- 17. No irresponsible sales promotions of alcoholic beverages shall be offered to customers.
- 18. No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.

Public safety

- 19. Before opening to the public, checks will be undertaken to ensure all access to the premises are clear for emergency vehicles. Regular checks will be undertaken when the premises is open.
- 20. Written records of all accidents and safety incidents involving members of the public will be kept. These will be made available at the request of an authorised officer.
- 21. 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.
22. During opening hours the cellar door must be kept locked or adequately supervised to prevent unauthorised access by the public.
 23. Electrical installations will be inspected on a periodic basis (at least every 3 years or at a frequency specified in writing) by a suitably qualified and competent person. Inspection records/certificates will be kept. These will be made available at the request of an authorised officer.
 24. If used, any temporary electrical wiring and distributions will be inspected by a suitably qualified and competent person before they are put into use. An inspection record/certificate will be retained for inspection by an authorised officer.
 25. Safety glass that is impact resistant or shielded to protect it from impact will be used all areas where the public may come into contact with it.
 26. All floor surfaces will be suitably slip resistant, kept in good condition and free of obstructions to prevent slips, trips and falls.
 27. A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner.
 28. A suitably trained First Aider or appointed person will be provided at all times when the premises are open.
 29. Adequate and appropriate First Aid equipment and materials will be available on the premises.
 30. 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.
 31. All fire doors will be maintained effectively self closing and shall not be held open other than by approved devices.
 32. Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade shall be summoned, are to be prominently displayed.

The prevention of public nuisance

33. No regulated entertainment of any type shall take place outside the premises in any areas which are within the licence holders control after 22:00hrs save for any special event seven days notice of which has been given to the licensing authority and police.
34. When amplified musical entertainment is taking place inside the premises after 22:00hrs windows and doors, save for entrance and exit purposes, will be kept shut.
35. A sign will be located at the exit(s) requesting that customers leaving the premises do so quietly and with consideration to neighbours.

The protection of children from harm

36. No one under the age of 16 will be allowed to enter or remain on the premises after 22:00hrs save on Christmas Eve and New Years Eve.

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.

CASE NO: 131200242683

IN THE LEEDS MAGISTRATES COURT

BETWEEN

TERENCE BENSON

Appellant

and

LEEDS CITY COUNCIL

Respondent

CONSENT ORDER

UPON the parties agreeing that revocation of the licence is no longer necessary to promote the licensing objectives.

It is agreed that:-

- 1 The decision of the licensing authority (Leeds City Council) dated 1 March 2012 to revoke the Premises Licence under Section 52(4)(e) is rescinded.
- 2 The Court should remit the matter back to the licensing authority to dispose of in accordance with the following direction pursuant to Section 181 (2) (c).

That the licensing authority should substitute for that decision a decision to modify the Conditions of the Licence under Section 52(4)(a)

That the licensing authority should consider whether it is necessary to impose a condition requiring the use of SIA registered door supervision and if so the number of staff and the days of the week and times when that would be required.

The Conditions on the existing licence should also be modified as follows:-

- 2.1. Delete existing Condition 12 on the Premises Licence.
- 2.2. Insert the following Conditions on the Licence as Conditions imposed following a Hearing before the Licensing Committee.

Crime and Disorder

- **A suitable close circuit television (CCTV) system must be operational at the premises at all times when licensable activities are being carried out and at any other times when members of the public are present on the premises.**
- **The CCTV system must cover all areas of the premises occupied by the public under the terms of the licence excluding WCs.**
- **The CCTV system must cover the main entrance(s) and exit(s) and designated emergency egress routes from the premises.**
- **The CCTV system must cover all external areas of the premises occupied by the public.**
- **The CCTV system must be of satisfactory resolution quality which will enable the identification of persons and activities and other fine details such as vehicle registration number plates.**
- **The CCTV system must contain the correct date and time stamp information.**
- **The CCTV system must have sufficient storage retention capacity for a minimum of 31 days continuous footage which must be of good quality.**
- **The CCTV system must be adequately maintained and be capable of transporting recorded material on to a removable media.**
- **A designated member or members of staff at the premises must be authorised to access the CCTV footage and be conversant with operating the system. At the request of an authorised officer of the Licensing Authority or a responsible Authority under the Licensing Act 2003, any CCTV footage requested must be downloaded immediately or secure to prevent overwriting. The CCTV footage must be supplied, on request, to an authorised officer of the Licensing Authority or a responsible Authority.**
- **A supervisors register must be maintained at the licensed premises showing the name, address and up to date contact details for the DPS and all personal licence holders.**
- **The supervisors register must state the name of the person who is overall charge of the premises at each time that the licensable activities are carried out and this information must be retained for a period of 12 months and produced for inspection on request to an authorised officer.**
- **On every Friday and Saturday evening between the hours of 5 pm and closing the supervisor must be present in the public area of the premises and must oversee the operation of the premises. That supervisor must not carry out additional duties such as serving behind the bar during that time.**
- **The premises licence holder/DPS/staff must ask for proof of age from any person appearing to be under the age of 25 who attempts to purchase alcohol at the premises.**

Public Nuisance

- Drinks, open bottles and glasses must not be taken from the premises at any time. Empty bottles and glasses must be collected regularly and promptly. Glass and other sharp objects must be stored and disposed of safely using suitable receptacles. Receptacles must be secured and not accessible to the customers.
- The PLH/DPS must prominently display notices which inform customers that open bottles or glasses may not be taken off the premises.

Signed on behalf of the
Respondent licensing authority

.....*Michael O'Connell*.....

Solicitor to the Council

Dated ..17 July 2012.....

Signed on behalf of the
Appellant

.....*Anthony Blaylock*.....

Dated ..17 July 2012.....

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