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## LICENSING SUB-COMMITTEE

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MEETING TO BE HELD IN CIVIC HALL, LEEDS ON

TUESDAY, 22ND APRIL, 2014 AT 10.00 AM

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### MEMBERSHIP

#### Councillors

K Bruce - Rothwell;  
R Downes - Otley and Yeadon;  
B Gettings - Morley North;

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p><b><u>PRELIMINARY PROCEDURES</u></b></p> <p><b>ELECTION OF THE CHAIR</b></p>	
2			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 15.2 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 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

Item No	Ward	Item Not Open		Page No
3			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></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><b>RESOLVED</b> – 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><b>LATE ITEMS</b></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><b>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</b></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 13-16 of the Members' Code of Conduct.</p> <p><b><u>HEARINGS</u></b></p>	
6	Wetherby	10.4(7)	<p><b>REVIEW OF THE PREMISES LICENCE FOR THE ANGEL, HIGH STREET, WETHERBY, LS22 6LT</b></p> <p>The report of the Head of Licensing and Registration informs Members of an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003, sought by West Yorkshire Police in respect of The Angel, High Street, Wetherby, LS22 6LT. The licensing authority is now under a duty to review the premises licence held by these premises.</p>	5 - 414

### **Third Party Recording**

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

#### **Use of Recordings by Third Parties– code of practice**

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.



## Report of the Head of Licensing and Registration

### Report to the Licensing Sub Committee

**Date:**                **Tuesday 22nd April 2014**

**Subject:**            **Review of the Premises Licence for The Angel, High Street, Wetherby, LS22 6LT**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):        Wetherby		
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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: Appendix D is considered exempt under the provision of Paragraph 14 of the Licensing Act 2003 (Hearings Regulations 2005)		

## Executive Summary

This report informs Members of an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003, sought by West Yorkshire Police in respect of The Angel, High Street, Wetherby, LS22 6LT. The licensing authority is now under a duty to review the premises licence held by these premises.

### 1.0 Purpose of this Report

1.1 This report provides Members with the background and history to the making of the review application made by West Yorkshire Police (**Appendix A**). The report sets out the relevant law when reviewing licences under the Licensing Act 2003 (“the Act”), and informs Members of the options available to them when reviewing a premises licence.

## **2.0 Background Information**

- 2.1 An application was received on the 19<sup>th</sup> July 2005 to covert and vary the existing Justices' On Licence and Public Entertainment Licence in to a premises licence.
- 2.2 The application attracted representations from Leeds City Council's Environmental Health and Health & Safety Team. Each agencies objection were later withdrawn subject to the agreements of suggested measures forming part of the operating schedule, and the licence subsequently.
- 2.3 At this time the premises licence holder was Mill House Inns Limited. On the 23<sup>rd</sup> April 2007 the licence became the property of Spirit Group Limited by way of a transfer application. The transfer application progressed through the consultation period without representation from West Yorkshire Police and was duly granted with immediate effect.
- 2.4 Over the course of the following two years, several changes to the Designated Premises Supervisor were made and granted. However the next key change was on 18<sup>th</sup> August 2009 with the appointment of the current premises licence holders; Franco Del Bueno and Catherine Spence.
- 2.5 Ten days later on the 28<sup>th</sup> August 2009, an application to specify Gary Lockhart as the Designated Premises Supervisor was received.
- 2.6 Both applications to transfer the licence and change the DPS to the current management of the premises did not attract representation and were granted as requested.
- 2.7 Also on the 28<sup>th</sup> August 2009 an application to vary the premises licence was made. The application only proposed to alter the internal layout of the premises, however it attracted a representation from West Yorkshire Police suggesting measures to address their concerns in relation to CCTV retention, proof of age requirement and the prohibition of licensable activities taking place in the outside area.
- 2.8 The above measures were agreed by the licence holder resulting in the representation being withdrawn and the licence being granted with the measures incorporated.
- 2.9 A further application to vary the premises licence was made on the 4<sup>th</sup> March 2010. On this occasion the proposal was to alter the internal layout of the premises to facilitate a function room, along with an extension to the hours of all licensable activities.
- 2.10 This application was subjected to representation from West Yorkshire Police and the Environmental Protection Team, both offering suggested measures which remained outstanding and a matter for Members consideration at hearing on the 19<sup>th</sup> April 2010.
- 2.11 Members carefully considered all submissions and remained concerned about the likely impact of granting the application on the licensing objectives regarding public nuisance and the prevention of crime and disorder. The Sub Committee however felt it was possible to take proportionate steps to address the concerns raised, and resolved to grant the application in part.

- 2.12 A terminal hour of 00:30 hours on Friday and Saturday evenings for Late Night Refreshment and the Sale of Alcohol was granted, along with the inclusion of all the measures suggested by the two responsible authorities in to the operating schedule.
- 2.13 On 21st May 2013, a minor variation application was received by the Licensing authority. This application proposed to alter the wording of a condition in relation to door staff requirements which read 'The minimum number of door supervisors for the premises is 2 on a Thursday, Friday and Saturday evening from 19:00 hours until one hour after close of business.'
- 2.14 The wording offered by the licence holders were that 'The minimum number of door supervisors for the premises is 2 on a Friday and Saturday evening from 21:00 hours until one hour after the close of business.'
- 2.15 Concerns to the revision were expressed by West Yorkshire Police who submitted a representation to the application. With a duty to refuse the application on receipt of a representation, save except for an agreement being reached, a meeting was held between West Yorkshire Police and the premises licence holder.
- 2.16 The meeting did result in an agreement which involved further modification to the wording. The measure agreed by both parties was that 'The minimum number of door supervisors for the premises is 2 on a Thursday from 21:00 hours until one hour after the close of business, and on a Friday and Saturday evenings from 20:30 hours until one hour after the close of business.'

### **3.0 Premises Licence**

- 3.1 The premises licence holders are Franco Del Bueno and Catherine Spence.
- 3.2 A copy of the premises licence can be found at **Appendix B** of this report. In summary, the premises licence permits the following:
- 3.2.1 Sale by Retail of Alcohol  
10:00 until 00:00 hours Monday to Thursday  
10:00 until 00:30 hours Friday and Saturday  
12:00 until 00:00 hours Sunday
- 3.2.2 Late Night Refreshment  
23:00 until 00:00 hours Sunday to Thursday  
23:00 until 00:30 hours Friday and Saturday
- 3.2.3 Live Music  
Recorded Music  
Performance of Dance  
Entertainment Similar to Live Music, Recorded Music or Dance  
10:00 until 00:00 hours Monday to Saturday  
12:00 until 00:00 hours Sunday

### **4.0 Designated Premises Supervisor**

- 4.1 The Designated Premises Supervisor for the premises is Gary Lockhart.

## **5.0 Location**

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

## **6.0 Main Issues**

6.1 The grounds for this review centre principally on the reports of assaults and disturbances that have been received from these premises since the current licence holders took over in 2009.

6.2 Over these years, drugs information has been received in relation to the venue along with two positive test purchases of under-age alcohol sales. Further concerns have also been raised over the relevant planning consent and noise issues experienced at the premises.

6.3 Violent crime is a major concern taking place on the premises or as customers leave. The absence of CCTV has also been highlighted to licence holders on many occasions, which has prevented offenders from being brought to justice.

6.4 After a lengthy period of engagement, West Yorkshire Police feel that the review is necessary as the licence holders continue to operate outside of their premises licence.

6.5 In addition to the application, West Yorkshire Police have provided supplementary evidence to support the review application which is attached at **Appendix D** for Members consideration. Included is a chronology of events leading up to the review, witness statements of various officers, press releases and images captured from CCTV footage along with other evidence supporting the review.

6.6 It should be noted that the contents of this appendix are potentially exempt information under Access to Information Procedure Rule 10.4(7) as these include information relating to any particular person and it may contain information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

6.7 Also included with the police submissions are several DVDs showing CCTV footage of incidents at the premises. These will be made available for Members viewing on the day of the hearing.

## **7.0 Relevant Representations/Letters of Support**

7.1 Under the Act representations/support can be received from responsible authorities and or other persons. Representations must be relevant and, in the case of other people, must not be frivolous or vexatious.

7.2 A letter in support of the review application has been received from a premises in the area which expresses concerns over the impact that the premises is having on the local area. Member's attention is drawn to copy of this representation at **Appendix E** of this report.

## **8.0 Matters Relevant to the Application**

8.1 Members of the Licensing Sub Committee must make decisions which are appropriate to the promotion of the licensing objectives which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

8.2 In making their decision Members are obliged to have regard to guidance issued under Section 182 of the Act. A copy of the relevant section is attached at **Appendix F**. Members must also have regard to the Council's licensing policy, the relevant representations made and evidence they hear.

## **9.0 Implications for Council Policy and Government**

9.1 It is the stated licensing policy of the Council that when considering a review the authority will take into account all relevant circumstances, but will view the matters listed in paragraph 13.15 of the policy with particular seriousness.

## **10.0 Legal and Resource Implications**

10.1 There are no resource implications in determining the review.

10.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrate's Court.

## **11.0 Recommendations**

11.1 Members are requested to determine this review. The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- to modify the conditions of the licence (which includes adding new conditions or any alteration or omission of an existing condition);
- exclude any licensable activities to which the application relates;
- to remove the Designated Premises Supervisor;
- to suspend the licence for a period not exceeding 3 months; and/or
- to revoke the licence.

11.2 Members may decide that no action is necessary and that the circumstance of the review does not require the Committee to take any steps to promote the licensing objectives.

11.3 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.

11.4 Where the Committee decide that a modification of conditions or exclusion of licensable activities may be imposed, this can either be permanently or for a temporary period of up to three months.

- 11.5 Members are directed to paragraphs 11.25 to 11.31 of the Statutory Guidance which related to reviews arising in connection with crime.
- 11.6 Members of the Licensing Committee are asked to note that they may not take any of the steps outlined above merely because they consider it desirable to do so. It must be appropriate for the promotion of the licensing objectives.

## **12.0 Background Papers**

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

## **Appendices**

- Appendix A Review Application
- Appendix B Premises Licence
- Appendix C Premises Map
- Appendix D Supplementary Information
- Appendix E Letter in Support of the Review Application
- Appendix F Extract from the S182 Guidance



**REV1**

Entertainment Licensing, Leeds City Council, Civic Hall, Leeds, LS1 1UR

**Application for a 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 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 PC 5783 Dobson – North East Leeds Licensing Officer for West Yorkshire Police apply for the review of a premises licence under section 51

**Part 1 – Premises or club premises details**

<b>Postal address of premises or club premises, or if none, ordnance survey map reference or description</b>	
<b>The Angel, High Street,</b>	
<b>Wetherby</b>	<b>LS22 6LT</b>

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
<b>Franco Del Buono and Catherine Spence</b>

<b>Number of premises licence or club premises certificate (if known)</b>
<b>PREM/00580</b>

**Part 2 – Applicant details**

- |   |   |                                     |
|---|---|-------------------------------------|
|   | I am  | Please tick ✓ yes                   |
| 1 | An individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below) | <input type="checkbox"/>            |
| 2 | A responsible authority (please complete (C) below)   | <input checked="" type="checkbox"/> |
| 3 | A member of the club to which this application relates (please complete (A) below)  | <input type="checkbox"/>            |

**(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 postal address  
if different from  
premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

**(B) DETAILS OF OTHER APPLICANT**

Name

Address

Telephone number (if any)

E-mail (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name West Yorkshire Police
Address  Millgarth Police Station Millgarth Street Leeds LS2 7HX
Telephone number (if any) 0113 2414111
E-mail (optional) lynn.dobson@westyorkshire.pnn.police.uk

**This application to review relates to the following licensing objectives(s)**

Please tick one or more boxes ✓

- |    |                                      |                                     |
|----|--------------------------------------|-------------------------------------|
| 1. | the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2. | public safety                        | <input type="checkbox"/>            |
| 3. | the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4. | the protection of children from harm | <input checked="" type="checkbox"/> |

**Please state the ground(s) for review (please read guidance note 2)**

The Angel has been considered a problem location for a number of years. The current PLH took over in 2009 and a lengthy period of engagement has continued since this time.

The premises licence holders are Franco Del Buono and Catherine Spence the designated premises supervisor is Gary Lockhart.

Reports of fights, assaults and disturbances have been received within weeks of the PLH taking over the business. During this time the building underwent an extensive refurbishment but continued to trade.

On 19 April 2010 a licensing hearing took place in which the PLH requested an extension in hours. The upstairs of the business was portrayed as a function room/conference facility by day and an overspill bar for the downstairs restaurant in the evening. The extension in hours was granted in part and numerous conditions attached to the licence. WYP will say that the upstairs of the building has never operated solely for this purpose and operates as a bar for a mainly younger clientele.

Over the past four years drugs information has been received in relation to the venue. Two positive test purchase sales have been made by the venue; one to a West Yorkshire Police test purchase volunteer and one to a West Yorkshire Trading Standards test purchase volunteer. Concerns have also been raised in relation to the relevant planning consent and Environmental Health noise issues.

Violent crime has been the main concern for West Yorkshire Police with some very nasty offences taking place, either on the premises or as customers leave. The absence of CCTV has been highlighted on many occasions, this has prevented offenders being brought to justice and crimes finalised as undetected. This simply is not good enough.

The incorrect deployment of door staff has been highlighted and a minor variation was agreed to assist the PLH but still uphold the licensing objectives. Despite this the deployment of door staff remains an issue.

On 25 September 2013 Officers from WYP Licensing and WYP Imaging visited the premises and inspected the CCTV system. This inspection was conducted in the presence of Mr Del Buono and showed the premises operating beyond the permitted hours. A Section 19 closure notice was served on Mr Del Buono.

In January 2014 an inspection of Police computer systems gave a strong indication that the premises had operated beyond the permitted hours again despite the existence of the Section 19 closure notice.

On 21 January 2014 Officers from WYP Licensing and WYP Imaging revisited and inspected the CCTV system. This inspection showed that the premises had operated beyond the permitted hours.

It is now felt necessary to review the premises licence for this venue. There has been a lengthy period of engagement, involving numerous agencies, but the PLH has still continued to operate outside his premises licence.

**Please provide as much information as possible to support the application (please read guidance note 3)**

Please see attached bundle of evidence.

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

Please tick ✓ yes

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**

**No**

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 X
- I understand that if I do not comply with the above requirements my application will be rejected X

**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.** (See guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature .....

Date .....

Capacity .....

<b>Contact Name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>	

**Notes for guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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# Premises Licence

Initial licence from:

**18th August 2005****Part A****Schedule 12 Licensing Act 2003**

Current Licence effective from:

**13th June 2013****Part 1 – Premises details****Postal address of premises, or if none, ordnance survey map reference or description**

The Angel, High Street, Wetherby, LS22 6LT

**Licensable activities authorised by this licence**

Sale by retail of alcohol, Provision of late night refreshment, Performance of live music, Performance of recorded music, Performance of dance, Entertainment similar to live music, recorded music or dance, Provision of facilities for making music, Provision of facilities for dancing,

**Times the licence authorises the carrying out of licensable activities***Sale by retail of alcohol*

Monday to Thursday	10:00 - 00:00
Friday & Saturday	10:00 - 00:30
Sunday	12:00 - 00:00

*Provision of late night refreshment*

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

*Performance of live music*

Monday to Saturday	10:00 - 00:00
Sunday	12:00 - 00:00

*Performance of recorded music*

Monday to Saturday	10:00 - 00:00
Sunday	12:00 - 00:00

*Performance of dance*

Monday to Saturday	10:00 - 00:00
Sunday	12:00 - 00:00

*Entertainment similar to live music, recorded music or dance*

Monday to Saturday	10:00 - 00:00
Sunday	12:00 - 00:00

**The opening hours of the premises**

Monday to Thursday	10:00 - 00:30
Friday & Saturday	10:00 - 01:00
Sunday	12:00 - 00:30

Alcohol is sold for consumption on and off the premises

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Franco Del Buono



Daytime Contact Telephone Number:



Catherine Spence



**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**



**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Personal licence number: LEEDS/PERL/01268/05

Licensing authority: Leeds City Council

Licence issued under the authority of Leeds City Council

A handwritten signature in blue ink, appearing to read 'Wood', written over a light blue rectangular stamp.

Miss Jane Wood  
Licensing Officer  
Entertainment Licensing  
Licensing and Registration

## 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**

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.
  12. Throughout all parts of these conditions the phrase `Licensing Authority' means the Leeds City Council.
  13.
    - 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.
  14. 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.
  15. 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.
  16. 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.
  17. 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.
  18. 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.
  19. The person in charge shall be conversant with all licence conditions.
  20. 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 its authorised agents.

21. The maximum number of persons allowed in the stated areas whilst the Licence is in force is:  
330
22. 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.
23. The Licensee shall ensure that staff are familiar with the maximum capacity of the premises.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. All exits, passages, landings and stairways shall be kept free from obstruction at all times when the premises are used for licensed purposes.
30. 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.
31. 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.
32. 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.
33. 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.
34. 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.

35. 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.
36. 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".
37. Where curtains are provided across an exit doorway they shall be divided at the centre and shall not trail the floor.
38. 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.
39. The closing of collapsible gates or shutters across exit openings shall be prohibited whilst the public are in the premises.
40. 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.
41. Fire appliances shall be affixed to wall brackets to the satisfaction of the Fire Authority, and available for instant use at all times.
42. Fire extinguishers should be regularly examined, tested and maintained in accordance with the current British Standard to the satisfaction of the Fire Authority.
43. 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.
44. 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.
45. 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.
46. 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.
47. All fire doors shall be maintained self-closing and shall not be secured in an open position.
48. A system for automatically cutting off the sound system which is linked to the sounding of the fire alarm shall be provided.
49. 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.
50. Plastic decorations are not acceptable.
51. 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.

52. Flues from kitchens and serveries and over grills and all ventilating shafts shall be maintained in a clean condition.
53. 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.
54. Where any open fireplaces, high temperature heating appliances or naked flames are used they shall be adequately protected by a suitable guard.
55. 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.
56. Explosives, inflammable liquids or high inflammable articles shall not be brought into or used within any portion of the licensed premises.
57. 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.
58. 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.
59. 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.
60. 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.
61. 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.
62. 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.
63. The safety lighting shall be provided from a source other than that of the general lighting.
64. All notices and exit indications shall be illuminated by both general and safety lighting.
65. 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.
66. 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.
67. 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.

68. 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.
69. 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.
70. 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.
71. 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.
72. 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.
  - b) Each individual socket-outlet shall be protected by an integral residual current device having a rated residual operating current not exceeding 30mA.
73. 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.
74. 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.
75. The inspection shall include ALL electrical appliances and fire alarm and emergency lighting systems.
76. 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.
77. Suitable and sufficient sanitary accommodation must be provided and maintained to the satisfaction of the Chief Environmental Health Officer.
78. 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.
79. Any seating in the licensed premises shall be so arranged as to allow free access to all exits there from.
80. 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.
81. Seating in invalid chairs other than engine driven chairs will be permitted subject to any condition imposed by the Licensing and Fire Authority.

82. Means of access, egress and emergency egress shall be provided and maintained in accordance with any recommendations of the Licensing and Fire Authority.
83. 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.
84. 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
85. 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
86. The licensee shall maintain an Incident Report Register within which staff must record any incident which has occurred on the premises.
87. 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.
88. Incident Report Registers shall be produced for immediate inspection on request by any Official of the Licensing or Police Authority.
89. The premises must be effectively ventilated when the public are present. Any mechanical ventilation system must be properly maintained.
90. Drinking water provision must be clearly available, free of charge, at all times whilst the Entertainment Licence is operative.
91. This facility must be kept in a clean condition.
92. 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.
93. 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.
94. Licensees are reminded that unauthorised flyposting is an offence under the Town & Country Planning Act 1990, as amended, Section 224.

95. 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.
96. 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.
97. 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.
98. Door Staff Daily Record Register
- 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.
99. 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.
100. Daily Record Registers shall be produced for immediate inspection on request by any official of the SIA, Police or Licensing Authority.
101. Licence holders must have a written search policy for those entering the premises.
- All members of staff must be acquainted with this policy.
102. Sufficient number of staff of both sexes shall be on duty to undertake any searches of the public.
103. 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.
104. 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.
105. 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.
106. 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.
107. A suitable CCTV system operated in accordance with guidelines from the West Yorkshire Police shall be provided.
108. 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**

#### Provision of late night refreshment

Location of activity: Indoors

#### Performance of live music

Location of activity: Indoors

#### Performance of recorded music

Location of activity: Indoors

#### Performance of dance

Location of activity: Indoors

#### Entertainment similar to live music, recorded music or dance

Location of activity: Indoors

#### Provision of facilities for making music

Location of activity: Indoors

#### Provision of facilities for dancing

Location of activity: Indoors

#### All activities

Non standard timings: None

### **Conditions consistent with the operating schedule relating to the licensing objectives**

#### **The prevention of crime and disorder**

109. The PLH/DPS will belong to a recognised trade body or Pub Watch Scheme where one exists whose aims include the promotion of the licensing objectives.
110. Drinks open bottles and glasses will not be taken from the premises at any time. Empty bottles and glasses will be collected regularly and promptly. Glass and other sharp objects will be stored and disposed of safely using suitable receptacles. Receptacles will be secured and not accessible to the customers.
111. The PLH/DPS will be prominently display notices which inform customers that open bottles or glasses may to be taken off the premises.
112. Plastic or toughened polycarbonate (or similar) glasses/bottles will be used in all outdoor areas.
113. Notices will be prominently displayed at the entrances of the premises which state:  
  
A search will be conducted as a condition of entry to the premises;  
Incidents of crime and disorder will be reported to the police and a full recorded entry will be made in the incident report register.  
Entry to the premises will be refused to any person who appears to be drunk, acting in a threatening manner or is violent; or who appears to be under the influence of drugs.

Entry will be refused to any person who has been convicted of an offence of drunkenness, violent or threatening behaviour of the use or distribution of illegal substances.

114. A suitable purpose-made receptacle for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with West Yorkshire Police or British Transport Police.
115. The PLH/DPS will inform West Yorkshire Police as soon as practicably of any search resulting in a seizure of drugs or offensive weapons.
116. The Daily Record Register will be retained on the premises for a period of twelve months from the date of the last entry.
117. The daily Record Register will contain consecutively numbered pages, the full name and registration number of each person on duty, the employer of that person and the date and time he/she commenced duty and finished duty. (verified by the individual's signature)
118. CCTV security footage will be made secure and retained for a minimum period of 31 days time to the satisfaction of WYP.
119. The minimum number of door supervisors for the premise is 2 on a Thursday from 21:00 until one hour after the close of business. Friday and Saturday evenings from 20:30 until one hour after the close of business.
120. A policy for searching patrons at the entrance to premises will be adopted and prominently displayed on the premises.
121. The incident Report Register will be produced for inspection immediately on the request of any authorised officer.
122. The Incident Report Register will contain consecutively numbered pages, the date time and location of the incident, details of the nature of the incident, the names and registration numbers of any door staff or to whom the incident was reported the names and personal licence numbers (if any) of any other staff involved or to whom the incident was reported the names and personal licence numbers (if any) of any other staff involved or to whom the incident was reported, the names and numbers of any police officers attending, the police incident and /or crime number, names and addressees of any witnesses and confirmation of whether there is CCTV footage of the incident.
123. The Supervisors Register will state the name of the person who is in overall charge of the premises at each time that licensed activities are carried out, and this information will be retained for a period of twelve months and produced for inspection on request to any authorised officer.
124. A Supervisors Register will be maintained at the licensed premises showing the names addresses and up-to-date contact details for the DPS and all personal licence holders.
125. No consumption of alcohol or food shall take place in any external place in any external area after 24:00 hours Monday to Sunday (as identified on plan 20113/32B refer produced by Phoenix Architecture and interiors ltd)
126. No licensable activities of any description including no Mobile bars or any other type of alcohol dispense point shall be used any time in the external area (as identified on Plan 20113/32B refer produced by Phoenix Architecture and Interiors Ltd)
127. The PLH/DPS staff will ask for proof of age from any person appearing to be under the age of 21 who attempts to purchase alcohol.
128. The PLH/DPS will ensure that an incident Report Register is maintained on the premises to record incidents such as anti social behaviour, admissions refusals and ejections from the premises.

## **Public safety**

129. During opening hours the cellar door must be kept locked or adequately supervised to prevent unauthorised access by the public.
130. Empty bottles and glasses will be collected regularly paying particular attention to balcony areas and raised levels.
131. If used, any temporary electrical wiring and distributions will be inspected by a suitably qualified and competent person before they are put in use. An inspection record/certificate will be retained for inspection by an authorised officer.
132. Regular safety checks of guarding to stairs, balconies, landings and ramps will be undertaken, and a supervision policy will be maintained to prevent people from inappropriate behaviour including climbing which may lead to a fall from height.
133. Safety glass that is impact resistant or shielded to protect it from impact will be used in all areas where the public may come into contact with it.
134. All floor surfaces will be suitably slip resistant, kept in good condition and free of obstructions to prevent slips, trips and falls.
135. Where strobes, lasers smoke machines or any other special effects equipment may be used, a written health and safety policy covering all aspects of their use will be provided and staff will be appropriately trained.

## **The prevention of public nuisance**

136. To ensure that no nuisance is caused by noise or vibration emanating from the premises.
137. Noise from any licensable activity within the application premises 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.
138. No bottles shall be placed in the external receptacle after 23:00 hours to minimise noise disturbance to adjoining premises.
139. 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.
140. Telephone numbers of local taxi firms shall be displayed next the public payphone on the premises.
141. Licensable activities shall be conducted and the facilities for licensed activities shall be designed and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties.
142. Noise from a licensable activity at the premises shall be inaudible at the nearest noise sensitive premises after 23.00 hours and at all times if entertainment takes place on more than 30 occasions per year.
143. There shall be no external loudspeakers.
144. Ensure all doors and windows are kept closed to reduce noise nuisance from the premises when regulated entertainment takes place.

145. Bottles will not be placed in any external receptacle after 23.00 hours to minimise noise disturbance to neighbouring properties.
146. Noise from plant or machinery shall be inaudible at the nearest noise sensitive premises during the operation of the plant or machinery. Plant and machinery shall be regularly serviced and maintained to meet this level.
147. The PLH/DPS will ensure patrons use beer gardens, external areas and play areas in a manner which does not cause disturbance to nearby residents and business in the vicinity. Patrons will not use such areas after 23:00 hours.
148. The activities of persons using the external areas shall be monitored after 23:00 hours and they shall be reminded to have regard to the needs of local residents and to refrain from shouting and anti social behaviour etc when necessary.
149. The Premises Licence Holder (PLH) / Designated Premises Supervisor (DPS) will adopt a "cooling down" period where music volume is reduced towards the closing time of the premises.
150. The PLH/DPS shall ensure that litter arising from people using the premises is cleared away regularly and that promotional materials such as flyers do not create litter.
151. Clear and legible notices will be displayed at exits, car parks and other circulatory areas requesting patrons to leave the premises quietly 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.
152. The designated premises supervisor and any door supervisors will monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.
153. SIA Registered door staff will be employed and used where queues are likely to form to manage the queues and ensure that queues are restricted to cordoned areas to prevent those obstructing footpaths and spilling out onto roads, and to keep noise and obstructions away from residential property.
154. A facility will be provided for customers to order Hackney taxis/private hire vehicles. Telephone numbers for taxi firms/private hire companies will be displayed in a prominent position on the premises.

### **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.

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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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Key	
	On licence
	Late night refreshment
	Off licence
	Other

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Entertainment Licensing Section  
Leeds City Council  
Civic Hall  
Leeds  
LS1 1UR

12<sup>th</sup> March 2014

Dear Sir/Madam

Review of Premises Licence The Angel, High Street, Wetherby LS22 6LT

I am writing regarding the above premises licence review. One of our restaurants is in the market place near The Angel. Our customers are constantly being harassed by the patrons from the club on a Friday and Saturday night. We are always clearing up glasses and glass bottles and vomit mainly on Saturday and Sunday mornings that has been left by people coming from The Angel.

We are keen to return to a civilised neighbourhood where our customers can enjoy their nights out without the fear or dread of chaos from this unruly establishment.

Yours faithfully



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# 11. Reviews

## The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided 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 GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as 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 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.9 Representations must be made 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. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

## Repetitious grounds of review

- 11.12 A repetitious ground 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 or certificate which has already been determined; or
  - representations considered by the licensing authority when the premises licence or certificate was 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 grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period 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 application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has 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 which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate 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 informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as 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 address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- 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;
  - 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);
  - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;

- suspend the licence for a period not exceeding three months;
  - revoke the licence.
- 11.20 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 that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
- 11.21 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.
- 11.22 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 that impact upon the licensing objectives.
- 11.23 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 an appropriate 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 appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

## Reviews arising in connection with crime

- 11.24 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; money laundering by criminal gangs, the sale of contraband or stolen goods, 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. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. 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. 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 beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

- 11.26 Where the licensing authority is conducting a review on the grounds 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 licence holder 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 appropriate 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 licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which 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 illegal 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 knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
  - for unlawful gambling; and
  - for the sale of smuggled tobacco and alcohol.
- 11.28 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.

## **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 ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- day (there must be five clear working days between the giving of the notice and the start of the hearing).

## **Review of a premises licence following persistent sales of alcohol to children**

11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.