



LICENSING SUB-COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON

TUESDAY, 16TH MAY, 2017 AT 10.00 AM

MEMBERSHIP

Councillors

B Flynn

S McKenna

B Selby

Adel and Wharfedale;

Garforth and Swillington;

Killingbeck and Seacroft;

**Agenda compiled by:
Governance Services
Civic Hall
LEEDS LS1 1UR
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A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p style="text-align: center;"><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 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>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 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 13-16 of the Members' Code of Conduct.</p>	
6	Beeston and Holbeck	10.4(1, 2)	<p>REVIEW OF THE PREMISES LICENCE FOR CENTENARY PAVILION, LOWFIELDS ROAD SOUTH, BEESTON, LEEDS, LS12 6BS</p> <p>The report of the Head of Elections, Licensing and Registration requests Members to consider the background and history to the making of the review application made by West Yorkshire Police (Appendix A).</p> <p>(Report attached)</p> <p><u>HEARINGS</u></p> <p><u>Third Party Recording</u></p> <p>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.</p> <p>Use of Recordings by Third Parties – code of practice</p> <ol style="list-style-type: none"> 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. 	3 - 54

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CONFIDENTIAL AND EXEMPT ITEMS

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

9.0 Confidential information – requirement to exclude public access

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

9.2 Confidential information means

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

10.0 Exempt information – discretion to exclude public access

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

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Report Author: Miss Charlotte Deighton
 Tel: 0113 378 5029

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 16th May 2017

Subject: Review of the Premises Licence for Centenary Pavilion, Lowfields Road South, Beeston, Leeds, LS12 6BS.

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Beeston & Holbeck		
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:		
<p>NOT FOR PUBLICATION</p> <p>Exempt under Regulation 14 of the Licensing Act 2003 Hearings Regulations 2005 (SI 2005 No.44)</p> <p>Appendix A & D</p>		

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 Centenary Pavilion, Lowfields Road South, Beeston, Leeds, LS12 6BS. 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 The Licensing Authority received a new premises licence application in July 2010. Environmental Health had made a representation to this but after reaching an agreement this was withdrawn and the licence granted.

In July 2011 we received an application to transfer the premises licence. This was to be transferred from 2 individuals to the now current licence holder Leeds United Centenary Pavilion Limited.

A minor variation was then received on the 5th April 2013. The proposed variation was to add combined fighting sports, to include mixed martial arts and cagefighting style events under the regulated entertainment heading of 'Boxing and Wrestling'. This was granted as applied for.

Several applications have been received to change the Designated premises supervisor.

3.0 Premises Licence

- 3.1 The premises licence holder is Leeds United Centenary Pavilion Limited.
- 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:

Sale by retail of alcohol, Exhibition of a film, Indoor Sporting Events, Boxing or Wrestling Events, Performance of Live Music, Performance of Recorded Music, Performance of Dance, Entertainment of a Similar Description

Everyday 09:00 - 02:00

Late night refreshment

Everyday 23:00 - 02:00

Opening times of the premises

Everyday 09:00 - 03:00

Non Standard Timings

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. At the start of British summertime the terminal hour for all licensable activities shall be extended by one hour.

4.0 Designated Premises Supervisor

- 4.1 The Designated Premises Supervisor for the premises is Vincent Merriman.

5.0 Location

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

6.0 Main Issues

- 6.1 The application for review of the premises licence is made on the ground of the following licensing objectives: The prevention of crime and disorder, Public safety, the prevention of public nuisance and the protection of children from harm.

The grounds for this review centre principally on the reports of incidents involving large scale fights and violent crime since the premises was brought to the attention of West Yorkshire Police in 2014.

Numerous meetings held with management of the premises have not reduced the number of cases being reported. It is therefore the opinion of West Yorkshire Police that the venue struggle to control high risk large capacity functions.

In addition to the application, West Yorkshire Police have provided supplementary evidence to support the review application. Included are copies of the minutes, action plans held with management from the premises, an email from West Yorkshire Police to the DPS and the licence holder of the premises. There is also a detailed telephone conversation by the CEO of Leeds United and West Yorkshire Police. This is attached at **Appendix D**. West Yorkshire Police have also provided two DVD's one from the venues security cameras and one from You Tube which they invite the Members of the Sub Committee to view.

It should be noted that certain information submitted within the West Yorkshire Police review application is potentially exempt information under the Access to Information Rule (10.4(1,2)). As, it includes information relating to an individual and information which is likely to reveal the identity of an individual. This information is also replicated in Appendix A & D.

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 No representations or letters of support have been received by the licensing authority.

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 E**. 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	Map of premises
Appendix D	Supplementary Evidence
Appendix E	Extract from the s182 Guidance

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Details of premises licence**For: Centenary Pavilion**
Leeds
 CITY COUNCIL

This document provides details of the premises licence issued to the stated premises and is not a licence itself.

Licence number: PREM/02923/007

Premises the licence relates to: Centenary Pavilion, Lowfields Road South, Beeston, Leeds, LS12 6BS

Date licence first effective: 25th August 2010

Date current version effective from: May 11, 2016

Licensable activities authorised by the licence:

Sale by retail of alcohol Every Day	09:00 - 02:00
Provision of late night refreshment Every Day	23:00 - 02:00
Exhibition of a film Every Day	09:00 - 02:00
Indoor sporting events Every Day	09:00 - 02:00
Boxing or wrestling entertainment () Every Day	09:00 - 02:00
Performance of live music Every Day	09:00 - 02:00
Performance of recorded music Every Day	09:00 - 02:00
Performance of dance Every Day	09:00 - 02:00
Entertainment similar to live music, recorded music or dance Every Day	09:00 - 02:00

Opening hours of the premises:

Everyday 09:00 - 03:00

Premises licence holder(s):

Designated premises supervisor:

Vincent Merriman

Access to the premises by children

Access to the premises by children is restricted

Annex 1 – Mandatory Conditions

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

- a. games or other 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 other public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- 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 in a manner which carries a significant risk of undermining a licensing objective;
- d. 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

glamorize anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

- e. dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
6. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 7. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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 either -

- a. a holographic mark, or
 - b. an ultraviolet feature.
8. The responsible person must 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: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml;
 - b. these measures are displayed in a menu; price list or other printed material which is available to customers on the premises; and
 - c. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
 9. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1 of this condition -

- a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b. "permitted price" is the price found by applying the formula $P = D + (D \times V)$ where -
 - i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

- d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e. "value added tax" mean value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

Further details: Provision of hot food and drinks.

Exhibition of a film

Location of activity: Indoors

Further details: To include the provision of music videos and DVD's promotional films.

Indoor sporting events

Further details: To include sporting competitions.

Boxing or wrestling entertainment (Including Cage Fighting and Mixed Martial Arts)

Location of activity: Indoors

Further details: Boxing and wrestling tournaments including cage fighting and mixed martial arts

Performance of live music

Location of activity: Indoors

Further details: To include live entertainers.

Performance of recorded music

Location of activity: Indoors

Further details: In house music system.

Performance of dance

Location of activity: Indoors

Entertainment similar to live music, recorded music or dance

Location of activity: Indoors

All activities

Non standard timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. At the start of British summertime the terminal hour for all licensable activities shall be extended by one hour.

Conditions consistent with the operating schedule relating to the licensing objectives

General – All four licensing objectives

10. The sale and supply of intoxicating liquor will be restricted to:
 - a. Those persons partaking of a meal at a table provided therein, the consumption of intoxicants being ancillary to a table meal, or
 - b. Those persons attending private functions subject to the letting of the premises or part thereof by Leeds United AFC limited.
 - c. Those persons possessed of a membership card/season ticket entitling them to entry to the premises.

The prevention of crime and disorder

11. The Licensee shall maintain a Door Staff Daily Record Register which is to be completed on a daily basis by the door staff when they commence and finish duty.
12. 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:
 - Consecutively numbered pages
 - The registration number and full name of each registered person on duty
 - The date and time that he/she commenced that period of duty with a signed acknowledgment by that person
 - The time at which he/she finished duty with a signed acknowledgement by that person
13. Daily Record Registers shall be produced for immediate inspection on request by an official of the SIA, Police or Licensing Authority.
14. Licence Holders must have a written search policy for those entering the premises.
15. All members of staff must be acquainted with this policy.
16. Sufficient number of staff of both sexes shall be on duty to undertake any searches of the public.
17. 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.

18. Secure receptacles, to the standard as required by West Yorkshire Police, must be provided in a restricted part of the building for staff to deposit drugs and weapons.
19. 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.
20. A suitable CCTV system operated in accordance with guidelines from the West Yorkshire Police shall be provided.
21. Any exemption to this condition must be agreed by the West Yorkshire Police.
22. Security footage will be made secure and retained for a period of time to the satisfaction of West Yorkshire Police.
23. A Supervisors Register will be maintained at the licensed premises, showing names, addresses and up to date contact details for the DPS and all personal licence holders.
24. 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 12 months and produced for inspection on request to an authorised officer.
25. The minimum number of door supervisors for the premises is on Match Days 6 on duty and other times between 0 and 10 depending on the event.
26. The Licensee will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti social behaviour, and ejections from the premises.
27. 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 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, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident.
28. The Incident Report Register will be produced for inspection immediately on the request of an authorised officer. A policy for searching patrons at the entrance to the premises will be adopted.
29. The Licensee will inform West Yorkshire Police of any search resulting in a seizure of drugs or offensive weapons.
30. A suitable 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.
31. Notices will be displayed at the entrances of the premises which state:

A search will be conducted as a condition of entry to premises;
Incidents of crime and disorder will be reported to the police;
Entry to the premises will be refused to any person who appears to be drunk, acting in a threatening manner or is violent;
Entry will be refused to any person who has been convicted of an offence of drunkenness, violent or threatening behaviour or the use or distribution of illegal substances.
32. On match days the Police are in the Ground in command control towers. Such communication link will be kept in working order at all times.
33. The communication link will be available to the Designated Premise Supervisor or other nominated supervisor and be monitored by that person at all times that licensed activities are being carried out.

34. Any police instructions or directions given via the link will be complied with whenever given.
35. All incidents of crime and disorder will be reported via the link to an agreed police contact point.
36. The Licensees staff will ask for proof of age from any person appearing to be under the age of 21 who attempts to purchase alcohol at the premises.
37. Empty bottles and glasses will be collected regularly and promptly.
38. Plastic or toughened glasses/bottles will be used when requested by West Yorkshire Police (e.g. football match days).
39. The Licensee will ensure that customers who commit acts of anti social behaviour are removed from the premises. Such customers will be excluded from the premises if further incidents occur.
40. At least thirty minutes will be allowed between the final sales of alcohol and closing the premises. The DPS will permit customers to finish their drinks and leave the premises in an orderly manner.
41. A register of external promoters shall be maintained. Entries should contain the specific date of the event, nature/title of the event and name, address and contact telephone number of the promoter specific to the event. The register must be available for inspection on request by the police or authorised person from the Licensing Authority.

Public safety

42. No exhibition, demonstration or display of pyrotechnics, fireworks 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 14 days written notice of the application must be supplied in such circumstances.
43. 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 Environmental Department has been given not less than 14 days previous written notice.
44. No strobes, lasers or smoke machines will be used at the premises unless there is a clearly displayed warning at the entrance to the premises that such equipment is in use.
45. Flicker rates for 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.
46. A written health and safety policy covering all aspects of the safe use of strobes, lasers, smoke machines or any other special effects, will be provided and staff will be appropriately trained.
47. 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.
48. Any notification of intention to stage a hypnotist should be made in writing providing at least 14 days notice.
49. A written risk assessment will be kept which covers all activities which affect the health and safety of members of the public. This will include the noise levels to which the public are to be exposed and information will be provided for the public via signage at the entrance. The assessment will be produced for inspection at the request of an authorised officer.
50. The Licensee will adopt at the premises written policies and procedures on:

Entry and egress to the premises (including monitoring of any capacity limit)
Evacuation of the premises

51. The Licensee will ensure staff are trained on these measures and all other matters relating to the safety of the public.
52. All exit doors will be accessible, open easily and exits routes will be maintained.
53. Safety checks, including doors, will be undertaken before opening to the public and a record kept of inspections.
54. 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.
55. 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.
56. A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner.
57. The risk of scald and burns to the public from hot food and drink preparation will be assessed and a procedure implemented.
58. Hot food and drink preparation will be isolated or shielded from members of the public to prevent risk of scalds or burns to them.
59. Suitably trained first aid staff will be provided at all times when the premises are open.
60. An appropriately qualified medical practitioner will be present throughout any sporting entertainment.
61. Adequate and appropriate first aid equipment and materials will be available on the premises.
62. A written 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.
63. The Licensee will ensure that there is a procedure for the safe evacuation of disabled persons.
64. Staff will be trained in the procedure and a record kept of such training.

The prevention of public nuisance

65. 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.
66. There will be no external loudspeakers.
67. Empty bottles will be stored in suitable receptacles immediately outside the premises prior to collection.
68. Receptacles will be used in a manner to minimise noise disturbance to adjoining premises.
69. Bottles will not be placed in the external receptacle after 23:00 hours to minimise noise disturbance to adjoining properties.
70. Deliveries, collections of refuse and bottles, and operational servicing will be carried out to minimise noise disturbance to adjoining premises. Instructions will be provided to drivers requiring them to switch off engines during deliveries, collections and servicing, and to minimise other noise caused by their activities. Deliveries will be carried out between 07:00 and 19:00 except where unavoidable.

71. No nuisance will be caused by noise or vibration emanating from the premises from external plant or equipment. The rating level of noise from plant and machinery will be no higher than 5dB below the lowest background level at the most affected noise sensitive premises during the operation of the plant. Plant and machinery will be regularly serviced and maintained to continue to meet the rating level.
72. The Licensee will adopt a cooling down period where music volume is reduced towards closing time of the premises.
73. The Licensee will ensure all lighting in the premises is of suitable intensity and positioning. All lighting on or at the premises will be operated in a manner which will not cause a nuisance to nearby properties.
74. The premises will be operated in a manner which will prevent unwanted odours causing a nuisance to persons in the immediate area or nearby properties.
75. The premises will operate a suitable ventilation and extraction system. The system will be cleaned and maintained to the manufacturers instructions to prevent unwanted odours occurring.
76. The Licensee will operate to a written statement of how potential littering will be prevented. This statement will describe the sources of litter which may arise from the business, e.g. cigarette ends from queuing people, chewing gum, food wrappers, and will include:
 The steps proposed to prevent litter occurring;
 The steps to be taken to remove the litter should prevention not succeed;
 Who will be responsible;
 Methods proposed to evidence that these steps have been undertaken.
77. The licensed premises will store and dispose of business waste correctly and legally. The premise supervisor will ensure that the waste is prevented from seeping or spilling from where it is stored.
78. Clear and legible notices will be displayed at exits, car parks and other circulatory areas requesting patrons to leave the premise 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.
79. Registered door staff will be employed and used where queues are likely to form to manage the queues and ensure:
 Queues are restricted to cordoned areas to prevent them obstructing footpaths and spilling out onto roads, and to keep noise and obstructions away from residential property.
80. The premise supervisor and any door supervisors will monitor the activity of persons leaving the premise and remind them of their public responsibilities where necessary.
81. A facility will be provided for customers to order taxis/private hire vehicles. Telephone numbers for taxi firms/private hire companies will be displayed in a prominent location.
82. There will be a liaison with local taxi/private hire firms to ensure a ready supply of transport to reduce disturbance.
83. Customers will be provided with a designated area on the premises where they can wait for their transport.
84. **Noise and Vibration**

Noise from a licensable activity at the premises shall be inaudible at the nearest noise sensitive premise after 23:00 and at all times if entertainment takes place on more than 30 occasions per year.

85. The PLH/DPS will ensure patrons use external areas in a manner which does not cause disturbance to nearby residents and business in the vicinity. Patrons will not use such areas for the consumption of food or beverages after 23:00 hours.

Protection of children from harm

86. All persons under the age of 16 years will be accompanied by an adult.

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

None







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Key

 On licence	 Late night refreshment
 Off licence	 Other

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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 that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. 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 or the sexual exploitation of children. 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 hard copy, unless the licensing authority waives this requirement.
- 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). 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)¹⁰;
 - 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 to address the causes of concern that instigated the review.
- 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, the sale of firearms, or the sexual exploitation of children. 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.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

- 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 drugs controlled under the Misuse of Drugs Act 1971 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 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 or storage 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;
 - notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

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

- 11.30 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where 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 appropriate.