

RESTRICTED



APPLYING FOR A SUMMARY LICENCE REVIEW

Application for the review of a Premises Licence under
Section 53a of the Licensing Act 2003
(Premises associated with serious crime or serious disorder or both)

Insert name and address of relevant Licensing Authority and its reference number (optional):

Please read the following instructions first

Before completing this form, please read the guidance notes at the end of the form. If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I, [REDACTED]
(on behalf of) the Chief Officer of Police for the West Yorkshire Police area apply for the review of a premises licence under Section 53a of the Licensing Act 2003.

Part 1 – Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description:

Aviator, 16 High Street, Yeadon

Town/City: Leeds

Postcode: LS19 7PP

Part 2 – Premises licence details

Name of premises licence holder (if known):

Cornertrack Limited

Number of premises licence (if known): PREM/02218

Part 3 – Certificate under Section 53a(1)(b) of the Licensing Act 2003 (please read Guidance note 1)

I confirm that a certificate has been given by a senior member of the police force for the police area above, that in his/her opinion the above premises associated with serious crime or serious disorder or both, and the certificate accompanies this application. (Please 'check' the box to confirm)



Part 4 – Details of association of the above premises with serious crime, serious disorder or both (please read Guidance note 2)

The Aviator is a large sized public house located on the High Street in Yeadon which West Yorkshire Police Licensing Department have been monitoring closely for some time.

The current Premises Licence Holder (PLH) applied to have the existing licence transferred into their name at the end of September 2014. A meeting was held with the Area Manager, [REDACTED] shortly after this time to discuss previous issues which had occurred at the venue and to discuss concerns which had arisen from a licensing visit that had taken place. West Yorkshire Police were advised that the premises were due to close for refurbishment but would be open for Christmas, and the issues raised would be addressed.

Calls for service at the venue have been monitored and a serious incident occurred on 31st May 2015. Police were called to a male who had been knocked unconscious after being assaulted. Unfortunately the injured party did not survive the attack and died shortly afterwards. After police investigation, it was discovered the incident had started in the Aviator. It transpired that a fight had started inside, due to over intoxication of customers and progressed from there. A male who was on the Pubwatch banned list was socialising in the venue and aggravated the suspect which led to him assaulting a male involved in the initial fight, and then punching the male who died.

An action plan meeting was held with the Area Manager, the DPS, [REDACTED] and the Solicitor and agreements made for conditions to be varied onto the licence to try and prevent these issues from reoccurring. It was agreed that the DPS was to be removed due to him not being strong enough to manage the venue. He had effectively run the pub prior to the PLH taking control of the venue in September 2014. It was agreed that [REDACTED] should be placed as DPS as he was running the venue. This took effect from 22nd June 2015. Six/seven weeks

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later a further DPS change was received for [REDACTED]. The premises also had a change in Area Manager and he was apprised of the issues. Unfortunately the calls for service started to increase again, even though the venue were aware that they were under scrutiny after the one punch incident. It was during this time, on the run up to Christmas that WYP were made aware that the DPS was an absent DPS, and the PLH had placed a manager in charge of the venue. The DPS did not attend the venue due to him running another venue in a different area so any concerns would be addressed to the Manager.

In the early hours of 1st January 2016, officers were driving down Yeadon High Street when they came across disorder which had spilled out of the Aviator. The officers reported that 10-20 people were fighting in the street and were even using the van to fight against. Due to the severity of the incident, clusters of customers fighting, officers required more units to attend and help calm the situation. It transpired that the Manager on duty that evening, was covering for the usual manager and it was her family that had been involved in the disorder incident. From viewing the CCTV footage from the venue, it appeared that the temporary manager was also involved in the disorder.

On the 19th January 2016, a further Action Plan meeting was held with the Solicitor, DPS and Area Manager to discuss the events of New Year's Day. During that meeting WYP suggested further conditions be applied to the licence which entailed a change in DPS and a reduction in operating hours. On 27th January 2016 the DPS variation was received for the premises and after chasing the Solicitor for an update on the other conditions, the PLH finally agreed to a minor variation to be submitted to prevent WYP from putting in review paperwork on 4th February 2016.

On the evening of 6th February 2016, another serious disorder incident occurred (a copy of the premises CCTV is enclosed with this application). A large scale fight broke out at the venue where glasses were being used as weapons and people were having their heads repeatedly stamped upon. On officers' arrival they located 3 unconscious injured parties and had to deal with a further 7 from the disorder. This is still under investigation. It transpires from enquiries so far, that the new DPS was not present at the time of the incident, there was no personal licence holder on site and the temporary manager, who was involved in the New Year incident was in running the venue again.

A summary review is requested due to the serious nature of incidents occurring, an increase in frequency in the serious incidents, failure by the PLH to ensure that agreements are reached in a timely manner and, once agreed, a failure to ensure that all the agreements are being carried out. Due to the latest disorder incident, only 6 weeks after the last, West Yorkshire Police have real concerns that should another serious incident occur, any injuries could be potentially fatal. Therefore West Yorkshire Police cannot afford to wait and put public safety at risk, which would be the case if we were to consider a standard licence review.

Our application for the summary review allows for the Licensing Sub-Committee to consider an immediate suspension of the premises licence (which given the circumstances, West Yorkshire Police would fully support) until either the Review proper or such steps are taken by the Premises Licence Holder which satisfy the Licensing Authority and West Yorkshire Police that the public safety risk has been significantly reduced.

Signature of applicant: [REDACTED] Date: 9/2/16
Capacity: Licensing Officer

Contact details for matters concerning this application:
Address: Leeds District Head Quarters, Elland Road, LS11 8BU
Telephone numbers: 0113 385 9416
E-mail address: [REDACTED]

Notes for Guidance

1. A certificate of the kind mentioned in the form, must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder, or both.

Serious crime is defined by reference to Section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- 'Conduct that amounts to one or more criminal offences for which a person who has attained the age of 18 and has no previous convictions, could reasonably be expected to be sentenced to imprisonment for a term of three years or more'; or
- 'Conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose;
- Serious disorder is not defined in legislation and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.