

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee: Summary Review of a Premises Licence

Date: Monday 7th March 2016

Subject: The Aviator, 16 High Street, Yeadon, Leeds, LS19 7PP

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Otley and Yeadon	
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
Exempt under Regulation 14 of the Licensing Act 2003 Hearing Regulations 2005 – SI 2005 Appendix D only		

Summary of Main Issues

West Yorkshire Police have made an application under Section 53A of the Licensing Act 2003 for the Summary Review of the Premises Licence in respect of The Aviator, 16 High Street, Yeadon, Leeds, LS19 7PP.

West Yorkshire Police are of the opinion that these premises are associated with serious crime or serious disorder or both. The Licensing Authority is now under a duty to hold a review hearing in accordance with Section 53C of the Licensing Act 2003.

This hearing follows an interim steps hearing which took place on 11th February 2016, where the Licensing Sub Committee resolved to suspend the Premises Licence, pending the review hearing.

The narrative of this report sets out the background of the Premises Licence, the relevant law and highlights appropriate guidance for Members. A recommendation is also made to Members that the Premises Licence is reviewed using their statutory powers.

1.0 Purpose of this Report

- 1.1 This report informs Members of an application for the Summary Review of a Premises Licence in respect of The Aviator, 16 High Street, Yeadon, Leeds, LS19 7PP. West Yorkshire Police submit this application on the grounds of serious crime or serious disorder or both.
- 1.2 The Licensing Sub Committee now has the responsibility to review the Premises Licence held by Cornertrack Limited.

2.0 History of Premises

- 2.1 On 28th February 2006, an application was submitted for grant of a premises licence for the premises formerly known as Smith and Jones. The applicants were Barracuda Pubs and Bars Limited. Representations were received to the application from responsible authorities, but agreements were reached and a premises licence was granted as applied for.
- 2.2 On the 26th June 2006, a variation application was submitted for the premises. The application was to seek approval to extend the licensed area to include an external area in accordance with the plan submitted. Representations were received from responsible authorities, but again agreements were reached and the variation was granted. The premises were now known as The Aviator.
- 2.3 On 13th October 2006, a further variation application was submitted. This was to extend the licensable activities Sunday to Wednesday: 10:00 – 00:00 and Thursday to Saturday: 10:00 – 01:00 the following morning. The provision of late night refreshment and the closure of the premises was to be 30 minutes thereafter. Also to permit the sale of alcohol and regulated entertainment as authorised until 01:00 on the Sunday and Monday of the Bank holiday weekends, Christmas Eve and Boxing Day. To permit the sale of alcohol and regulated entertainment from the commencement of permitted hours on New Years Eve through to the termination of permitted hours on New Years Day.

The application received representations, therefore a Sub Committee hearing was scheduled. The Sub Committee's decision was to grant the application for licensable activities as requested, with one amendment to the hours allowed for late night refreshment, to bring it into line with other activities, 23:00 hours until 00:00 hours Sunday to Wednesday and 23:00 hours until 01:00 hours Thursday to Saturday.

On the 23rd October 2007, another application for variation was received. This was to vary the terminal hour for all licensing activities on Friday and Saturday evenings, Sunday of Bank Holiday weekends and the day before all other public holidays to 02:00. Opening hours to be 30 minutes beyond these times.

This application attracted representations from other persons, therefore a Sub Committee hearing was scheduled. The applicant withdrew the application and the hearing was cancelled.

- 2.4 On the 11th March 2011, a closure notice was issued by a Leeds City Council Entertainment Licensing Enforcement Officer for the CCTV system not storing footage for 31 days in accordance with West Yorkshire Police guidance. The

licence holder was to demonstrate 31 days storage of footage within 14 days.

A cancellation of closure notice was issued on 19th April 2011, as this had now been demonstrated by the premises licence holder.

- 2.5 On the 8th October 2012, Barracuda Pubs and Bars Limited changed its name to Bramwell Pubs and Bars Limited.
- 2.6 On the 22nd October 2013, another premises licence variation was submitted. This was to advance the commencement hour every day to 9:00 for licensable activities and 08:00 for opening hours. It was anticipated that the site would be offering non licensable activities such as teas and coffees and breakfasts during the pre-extended hours. The variation request in respect of licensable activities was to permit maximum flexibility.

Representations to the application were received from other persons and a Sub Committee hearing was scheduled. This application was then withdrawn by the applicant and the hearing cancelled.

- 2.7 On the 31st October 2013, a transfer application was submitted to transfer the licence into the name of LT Management Services Limited. This application was granted.
- 2.8 On the 15th January 2013, a further transfer application was received, to transfer the licence into the name of Bean Leisure (Holdings) Limited. This application was granted.
- 2.9 On September 30th 2014, another transfer application was submitted. This was to transfer the licence into the name of Cornertrack Limited, also an application for variation was submitted. The variation was to extend the licensable activities from the current hours to Thursday to Saturday 09:00 until 01:00 and Sunday to Wednesday 09:00 until 00:00. Also to extend the sale of alcohol from its current hours of Thursday to Saturday 10:00 until 01:00 and Sunday to Wednesday 10:00 until 00:00, with a further half hour for the closing time.

They also requested to amend the current non-standard timing hour in respect of New Years Eve from when the supply of alcohol is extended, the provision of licensable activities are extended. New Years Eve 10:00 to 01:00 to the proposed wording of From the end of normal permitted hours on New Years Eve, until the start of permitted hours on New Years Day.

No representations were received to both applications so they were both deemed granted.

- 2.10 On 14th November 2014, a closure notice was served by Leeds City Council Entertainment Licensing Officer, regarding issues relating to the camera.

Cancellation of the closure notice was given on 9th March 2015.

- 2.11 On the 25th June 2015, a minor variation application was submitted. This was to remove a condition regarding prior notification of any non-standard hours of any bank holiday period or an event of national interest or a televised sporting event of national interest and to add a list of conditions relating to crime and disorder that

can be found on the current premises licence. There were no representations to the application and it was deemed granted.

- 2.12 On the 9th February 2016, a minor variation was submitted. This was to reduce the hours for regulated entertainment from the current hours to the proposed hours of Sunday to Thursday 09:00 to 23:00 and Friday and Saturday 09:00 to 00:00, also to reduce late night refreshment from current hours to the proposed hours of Friday and Saturday 23:00 to 00:00, late night refreshment would not be required throughout the week. Also to reduce the sale of alcohol from its current hours to the proposed hours of Sunday to Thursday 09:00 to 23:00 and Friday, Saturday 09:00 to 00:30. Also to remove the non-standard timings from the premises licence and to add crime and disorder related conditions.

This application was withdrawn on the 10th February 2016.

3.0 Main Issues

Application

- 3.1 An application for Summary Review of the Premises Licence has been brought by West Yorkshire Police. A copy of this application is attached at **Appendix A**. The Licensing Department are in receipt of a signed copy of the application.
- 3.2 Members will also note that in accompaniment of the application a certificate made under Section 53(1B) of the Act, which confirms that a senior member of West Yorkshire Police is satisfied that these premises are associated with serious crime or serious disorder or both. The certificate can be found at **Appendix B** of this report.
- 3.3 Officers can confirm that the application and certificate has been served on the premises licence holder and the Responsible Authorities. This was done in line with the requirement of the Licensing Act 2003 on the 9th February 2016.
- 3.4 The Licensing Authority can confirm that the statutory requirements to advertise the review application have been followed. The notices were attached to lamp posts either side of The Aviator Public House from 10th February 2016 to 16th February 2016, and removed upon expiry of that period.

Interim Steps

- 3.5 At the interim steps hearing, the measures available to Members and considered were:
- The modifications of the conditions of the Premises Licence;
 - The exclusion of the sale of alcohol by retail from the scope of the Premises Licence;
 - The removal of the Designated Premises Supervisor from the Licence; and
 - The suspension of the Licence.

- 3.6 It was decided that suspension of the licence was the most appropriate course of action, as to modify conditions, exclude the sale of alcohol or remove the designated premises supervisor, would not, in the opinion of the Licensing Sub-Committee on the evidence provided, resolve the reported serious issues arising from this premises.

Representation

- 3.9 In accordance with Section 53B of the Licensing Act 2003, a premises licence holder may submit representation to the interim steps initially taken. In this instance, no such representation has been received.

4.0 Premises Licence

- 4.1 The premises licence holder is Cornertrack Limited.

- 4.2 A copy of the premises licence can be found at **Appendix C**

5.0 Designated Premises Supervisor

- 5.1 The Designated Premises Supervisor for the premises is Mr Peter Jackson.

6.0 Representations

- 6.1 Under the Act representations can be received from responsible authorities and/or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

Representations from Responsible Authorities

- 6.2 There has been no representation from the Responsible Authorities.

Other representations

- 6.3 There are no representations on behalf of other persons.

7.0 Additional Information

7.1 Additional Information has been submitted by West Yorkshire Police which includes witness statements of several Police Officers.. A copy of this documentation can found at **Appendix D**.

It should be noted that the contents of appendix D is potentially exempt information under Access to Information Procedure Rules 10.4(7) as this includes information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

7.2 The Licensing Authority is also in receipt of a DVDs showing video footage which have been supplied by West Yorkshire Police in support of their application.

7.3 The DVD accompanied the expedited review application on the 9th February 2016 and shows a continuing disturbance involving fights and confrontation captured by CCTV at the premises.

9.0 Other matters relevant to the application

9.1 In making their decision, Members may take into account the guidance issued by the Department of Culture, Media & Sport in relation to Summary Licence Reviews. Although this guidance is not issued under Section 182 of the Licensing Act 2003, it will be of some assistance in reaching a conclusion in this matter. A copy of this guidance is attached at **Appendix E** of this report.

9.2 Members should also show regard to the promotion of the licensing objectives and the evidence presented.

10.0 Options Available to Members

10.1 In the determination of this review the Sub Committee are required to take any of the following steps as it considers necessary for the promotion of the Licensing Objectives:

- To modify the conditions of the licence which includes adding new conditions or the alteration or omission of any existing conditions;
- To remove the Designated Premises Supervisor;
- To suspend the licence for a period not exceeding three months;
- To exclude any licensable activity form the scope of the licence; and
- To revoke the licence.

10.2 In determining this review, Members should also address any interim steps initially taken and secure that they cease to have effect.

10.3 Members may alternatively decide that no action is necessary and that the circumstances of the Review do not require the Sub Committee to take any steps to promote the licensing objectives.

10.4 Members of the Licensing Sub 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 actually be necessary in order to promote the licensing objectives.

11.0 Background Papers

- Guidance issued by the Department of Culture, Media & Sport
- Leeds City Council Licensing Policy

Appendices

Appendix A	Application Form
Appendix B	Certificate
Appendix C	Premises Licence
Appendix D	WYP – Additional Information
Appendix E	Summary Review Guidance