

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NOT FOR PUBLICATION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 Environmental Health had made a representation to this but after reaching an agreement this was withdrawn and the licence granted.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