

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 18th July 2017

Subject: Review of the Premises Licence for George IV, Grove Road, Hunslet, Leeds, LS10 2QT

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	City & Hunslet	
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NOT FOR PUBLICATION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 & E</p> <p>Access to Information Rule (10.4(1,2)).</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 George IV, Grove Road, Hunslet, Leeds, LS10 2QT. 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.

Attached at **Appendix A** is the police review application which is potentially exempt information under Access to Information Procedure Rule 10.4(2) as these include information relating to individuals. Members are asked to consider exclusion of the press and public from the hearing if these matters contained are to be discussed

2.0 Background Information

- 2.1 This application has been adjourned from the 13th June 2017 for Member's consideration.
- 2.2 The Licensing Authority received an application for a new premises licence in August 2005. The application received an objection from WYP, but agreements to conditions were reached and the licence was deemed granted.
- 2.3 In August 2006, an application to transfer the licence and change the DPS was received. The application was to be in joint names, but an objection was received from West Yorkshire Police regarding one of the applicants. WYP requested one of the applicants withdraw from the application and they would have no further objection. The applicant withdrew and the transfer and DPS change were deemed granted, to the one applicant.
- 2.4 Several further DPS changes were received.
- 2.5 In June 2011, a transfer was received into the name of Clifton Properties (Yorkshire) Ltd, who is the current licence holder.
- 2.6 In May 2014, a minor variation application was received to remove a condition and slide the hours for the sale of alcohol and opening hours. No objections were received to this application and it was deemed granted.
- 2.7 In February 2016, an allegation of fraud was received from an individual. The individual alleged that she had been named as DPS at the above mentioned premises without her consent. This was dealt with at the time and no further action was taken.
- 2.8 On 23rd May 2016, an application to change the DPS was received. When checking the personal licence of the proposed DPS, it came to our attention that the signature on the consent form did not match our records and the signature was also spelt incorrectly. We checked with the proposed DPS and he confirmed that he hadn't signed the document.
- 2.9 This was the second alleged fraud at these premises. A warning letter was sent to the Premises licence holder.

3.0 Premises Licence

- 3.1 The premises licence holder is Clifton Properties (Yorkshire) Ltd.
- 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 of alcohol for consumption on and off the premises
09.00 until 23.30 Sunday to Thursday
09.00 until 00.00 Friday and Saturday

Late night refreshment
23.00 until 00.00 every day

Exhibition of a film, indoor sporting events, live music, recorded music,
entertainment similar to live music, recorded music or dance
09.00 until 00.00 every day

4.0 Designated Premises Supervisor

4.1 The Designated Premises Supervisor for the premises is Richard Casling

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 application for review of the premises licence is made on the grounds of the following licensing objectives: The prevention of crime and disorder, Public safety and The Protection of children from harm.

The grounds for this review centre principally on the information concerning drug issues and the resale of stolen goods.

Following a visit to the premises, an action plan meeting was arranged with the PLH and DPS. During this meeting, it was confirmed that the DPS was not in day to day control of the pub. It was agreed that he would attend on a daily basis to assume control and ensure that there were no further issues rather than changing DPS to someone who would be there.

Due to the manner in which the premises are managed, falsely signed official documentation by the PLH, ineffective DPS's, uncooperative staff colluding with aggressive customers, weapons and drugs recently being found on the premises causing serious concerns for children present at the time, and intelligence strongly suggesting regular resale of stolen goods to customers within, WYP feel that there is no alternative but to ask the Sub Committee to give consideration to revoking the premises licence to prevent the commission of further serious offences and to protect both children and the public.

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 One letter in support of the review application has been received, Members attention is drawn to **Appendix D** of the report.

7.3 Letters and a petition have also been received in support of the premises. Members attention is drawn to **Appendix E**.

7.4 **Appendix D and E** are potentially exempt information under Access to Information Procedure Rule 10.4(2) as these include information relating to individuals. Members are asked to consider exclusion of the press and public from the hearing if these matters contained are to be discussed.

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 (Statement of Licensing Policy 2014-2018) that when considering a review the authority will take into account all relevant circumstances, but will view the matters listed in paragraph 11.15 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 11.30 of the Section 182 Statutory Guidance revised in April 2017 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 (as revised April 2017)
- 12.2 Leeds City Council Statement of Licensing Policy 2014-2018

Appendices

Appendix A	Review application
Appendix B	Premises Licence
Appendix C	Map of premises
Appendix D	E-mail in Support of the Review application
Appendix E	Letters/Petition in Support of the Premises
Appendix F	Section 182 Statutory Guidance