



**Leeds District Licensing
Department**

Leeds District Licensing Department
Leeds District HQ
Elland Road
Leeds
LS11 8BU

W: www.westyorkshire.police.uk

15th November 2017

Clinton Gordon

cc. Entertainment Licensing Section – Leeds City Council Civic Hall Leeds LS1 1UR.
cc. Health & Environmental Action Service – Leeds City Council Millshaw Park Way LS11 0LS

NOTICE OF OBJECTION BY A RELEVANT PERSON
TO A 'STANDARD' TEMPORARY EVENT NOTICE
SECTION 104(2) as amended – LICENSING ACT 2003

PREMISES: RUM AND REASON, 57-59, NEW BRIGGATE, LEEDS, LS2 8JE
PREM No. PREM/03264/012

Your 'standard' temporary event notice was received by the West Yorkshire Police at the above address on 13th November 2017

The notice relates to licensable activities at the premises on:- Wednesday 29th November 2017 (21:30) to Thursday 30th November 2017 (04:00).

PC 5548, on behalf of West Yorkshire Police, hereby give you notice that I intend to object to your 'standard' temporary event notice, in accordance with section 104(2) Licensing Act 2003.

West Yorkshire Police are satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective, for the following reasons:-

- **A similar event two years ago, 2015, resulted in an offence of violent disorder after the MOBOs, and the suspects have never been traced. Many of the acts and their entourages**

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remain the same as they were in 2015 and if the correct control measures are not in place there are real concerns that disorder may again occur.

However, having since made contact with the premises user and agreed that the conditions of the current premises licence (PREM/03264/012) are also attached to this 'standard' temporary event notice for its entire duration, under section 106A Licensing Act 2003, West Yorkshire Police now invite Leeds City Council as the licensing authority, to give the premises user a notice to be accompanied by a separate "statement of conditions" imposed, with a view to promoting the licensing objectives.

The conditions agreed between West Yorkshire Police and the premises user on this occasion are:-

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 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).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. 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.

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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.

7. 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.

8. 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.

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(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

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The prevention of crime and disorder

9. There shall be a minimum of 85 seats maintained throughout the premises: 30 on the ground floor and 55 on the first floor.

10. Waiter/waitress service will be in operation throughout the premises in relation to orders for food.

11. The PLH/DPS staff will ask for proof of age from any person appearing to be under the age of 25 who attempts to purchase alcohol at the premises.

12. The premises shall remain predominantly food led.

13. The PLH/DPS will belong to a recognised trade body or Pub Watch Scheme where one exists, whose aims include the promotion of the licensing objectives.

14. Where high category football matches are played in Leeds and the Police have reasonably held concerns relating to disorder, the venue will not open on the day of the match during times specified by West Yorkshire Police.

15. A suitable Closed-Circuit television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises.

16. The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.

17. The CCTV system will contain the correct time and date stamp information.

18. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days continuous footage which will be of good quality.

19. The CCTV footage will be controlled and kept in a secure environment to prevent tampering, or unauthorised viewing. A record will be kept of who has accessed the system, the reason why and when.

20. A designated member/members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or Responsible Authority.

21. The CCTV system will be adequately maintained and be capable of transporting recorded material onto a removable media.

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22. The CCTV system replay software must allow an authorised officer of the Licensing Authority or Responsible Authority to search the picture footage effectively and see all the information contained in the picture footage.

23. The Designated Premises Supervisor will generally be on site but if he isn't, he will be contactable by mobile telephone. A Supervisors Register will be maintained at the licensed premises, showing the names, addresses and up-to-date contact details for the DPS and all personal licence holders. The Supervisors Register will state the name of the person who is in overall charge of the premises each time that licensed activities are carried out, and this information will be retained for a period of twelve months and produced for inspection on request to an authorised officer.

24. The need for door staff will be risk assessed on a day to day basis by the premises licence holders and or the designated premises supervisor.

25. The Premises Licence Holder (PLH)/DPS will ensure that a 'Daily Record Register' is maintained on the premises by the door staff.

26. The Daily Record Register will contain consecutively numbered pages, the full name and registration number of each person on duty, the employer of that person and the date and time he/she commenced duty and finished duty (verified by the individuals signature).

27. The Daily Record Register will be retained on the premises for a period of twelve months from the date of the last entry.

28. Security staff/DPS's will be familiar with the premises policy concerning the admission, exclusion

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and safeguarding of customers whilst in the premises.

29. The PLH/DPS will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti-social behaviour, admissions refusals and ejections from the premises.

30. 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, the police incident and/or crime number, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident.

31. The Incident Report Register will be produced for inspection immediately on the request of an authorised officer.

32. The applicant will have regard to the Crime and Disorder Act 1998.

33. The staff will be fully briefed to be vigilant for signs of drunkenness, the use or attempt to use or supply drugs and any signs of abuse or violence.

34. The PLH/DPS will inform West Yorkshire Police as soon as practicably possible of any search resulting in a seizure of drugs or offensive weapons.

35. A suitable purpose-made receptacle for the safe retention of illegal substances will be provided and arrangement made for the safe disposal of its contents as agreed with West Yorkshire Police or British Transport Police.

36. There will be a communication link via radio to other venues in the city centre. This will be the system recognised by the current Business Crime Reduction Partnership for the city, Leeds City Council and West Yorkshire Police.

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37. Such communication link will be kept in working order at all times when licensable activities are taking place.

38. The communication link will be available to the Designated Premises Supervisor or other nominated Supervisor and be monitored by that person at all times that licensed activities are being carried out.

39. Any police instructions or directions given via the link will be complied with whenever given.

40. All incidents of crime or disorder will be reported via the link to an agreed police contact point.

41. Drinks, open bottles and glasses will not be taken from the premises at any time. Empty bottles and glasses will be collected regularly and promptly. Glass and other sharp objects will be stored and disposed of safely using suitable receptacles will be secured and not accessible to the customers.

42. The PLH/DPS will prominently display notices which inform customers that bottles or glasses may not be taken off the premises.

43. Plastic or toughened polycarbonate (or similar) glasses/bottles will be used when requested by West Yorkshire Police, British Transport Police (e.g. football match days).

44. The PLH/DPS will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The policy will be agreed with West Yorkshire Police. The PLH/DPS will ensure that staff receive training on the policy.

Public Safety

45. 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.

46. 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.

47. During opening hours the cellar door must be kept locked or adequately supervised to prevent unauthorised access by the public.

48. A suitably trained and competent person must ensure regular safety checks of the premises including decorative and functional fixtures, floor services and equipment (including electrical appliances) to which the public may come into contact are undertaken. Records of these safety

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checks must be kept and made available for inspection by an authorised officer.

49. Empty bottles and glasses will be collected regularly paying particular attention to the balcony area and raised levels.

50. Electrical installations will be inspected on a periodic basis (at least every three years or at a frequency specified in writing) by a suitably qualified and competent person. Inspection records/certificates will be kept and made available at the request of an authorised office. If used, any temporary electrical wiring and distributions will also be inspected. Inspection records/certificates will be kept. These will be made available at the request of an authorised officer.

51. Regular safety checks of guarding to stairs, balconies, landing and ramps will be undertaken and a supervision policy will be maintained to prevent people from inappropriate behaviour including climbing which may lead to a fall from height.

52. Safety glass that is impact resistant or shielded to protect it from impact will be used in all areas where the public may come into contact with.

53. A written spillage policy will be kept to ensure that spillages are dealt with in a timely manner. Licence produced on 04/07/2017 by Mr Matthew Nelson Page 8 of 9

54. Members of the public will be prevented from accessing hot food and drink preparation areas to prevent risk of scald or burns.

55. A suitably trained first aider or an appointed person will be provided at all times when the premises are open.

56. Adequate and appropriate first aid equipment and materials will be made available on the premises at all times.

57. A 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.

58. 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.

59. Written records of all accidents and safety incidents involving members of the public will be kept and will be made available at the request of an authorised officer.

60. All electrical appliances within the premises will carry Electrical Safety Certificates and will be inspected on a periodic basis by a suitably qualified and competent person.

61. A fire risk assessment of the premises will be carried out regularly. All alarm systems will be serviced regularly and all fire extinguishers will be tested and certified. All fire doors at the premises will be easily opened and accessible at all times. Fire doors will be checked on a regular basis to ensure they function satisfactorily. There will be clear fire exit signs at the premises and detailed notices detailing action to be taken in a fire and all staff will be trained on emergence escapes.

62. There will be adequate first aid material on the premises together with a trained first aider.

The prevention of public nuisance

63. Licensable activities shall be conducted and the facilities for licensed activities shall be designed and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties.

64. Noise from plant or machinery shall not be audible at the nearest noise sensitive premises during the operation of the plant or machinery. Plant and machinery shall be regularly serviced and maintained to meet this level.

65. The PLH/DPS shall ensure that litter arising from people using the premises is cleared away regularly and that promotional materials such as flyers do not create litter.

66. SIA registered door staff will be employed and used where queues are likely to form to manage the queues and ensure that 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.

67. Noise from a licensable activity at the premises will be inaudible at the nearest noise sensitive premises.

68. There will be no external loud speakers.

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69. Bottles will not be placed in any external receptacles after 2300 hours and 0700 hours to minimize noise and disturbance to neighbouring properties.

70. The activities of persons using external areas will be monitored after 2300 hours and they will be reminded to have regard to the needs of local residents and to refrain from shouting and anti-social behaviour etc. when necessary.

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71. Clear and legible notices will be displayed at exits, car parks and other circulatory areas requesting patrons to leave the premises quietly 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 and anti-social behaviour.

72. SIA registered door staff will be employed and used where queues are likely to form to manage the queues and ensure that queues are restricted to cordoned areas to prevent them obstructing footpaths and spilling out on to roads, and to keep noise and obstructions away from residential properties.

73. The designated premises supervisor and door supervision staff will monitor the activity of persons leaving the premises and remind them of their public responsibilities when necessary.

Protection of children from harm

74. The premises intends on operating as a family orientated restaurant. Children under the age of 18 years must be accompanied by an adult. Staff are to be briefed to be extra vigilant when children are on the premises.

75. If bookings are taken for groups under the age of 18 years, they will be emailed or sent a letter advising them of the strict policy of no under age alcohol consumption.

76. The operating procedures ensure that if any doubt exists all staff are required to ask for proof of age. No alcohol will be served to those under the age of 18 years.

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

None

Annex 4 – Plans

The plans for these premises are as those submitted with the application. A copy of which is held by Leeds City Council licensing authority.

The Minor Variation application is granted in accordance with the plan submitted with the application on 10th February 2017.

PC [REDACTED]
Leeds District Licensing Officer.
West Yorkshire Police.

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