



Report of the Assistant Chief Executive (Corporate Governance)

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

Date: 18 August 2009

Subject: Puro (Formerly The Fruit Cupboard), 50A Call Lane Leeds LS1 6DT

Electoral wards affected:

City & Hunslet

Specific implications for:

Ethnic minorities

Women

Disabled people

Narrowing the gap

Executive Summary

1. West Yorkshire Police have made an application under Section 53A of the Licensing Act 2003 for the Summary Review of the Premises Licence held by True Reason Ltd. West Yorkshire Police believe that Puro is a premises associated with serious crime and serious disorder. The Licensing Authority is now under a duty to hold a Summary Review Hearing. This hearing follows an Interim Steps Hearing that took place on the 24 July 2009. The narrative of this report sets out the background to the Premises Licence, the relevant law and hi-lights the relevant guidance for Members. Finally, a recommendation is 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 a Summary Review of a Premises Licence in respect of Puro (Formerly The Fruit Cupboard), 50A Call Lane, Leeds, LS1 6DT. West Yorkshire Police make this application on the grounds of serious crime and serious disorder.
- 1.2 The Licensing Authority is now under a duty to review the Premises Licence held by True Reason Limited. A copy of this Licence is attached at **Appendix A** with a map of the local area.

2.0 Background information

2.1 The Summary Review Process

Under Section 53A of the Licensing Act 2003 (“the Act”) the Chief Officer of Police for the Leeds Area may apply to the Council for a review of a Premises Licence if:-

- (a) The premises are licensed for the sale of alcohol by retail; and
- (b) A senior member of that force has given a Certificate that it is of the opinion that the premises are associated with serious crime or serious disorder or both and that Certificate must accompany the application.

Within 48 hours of receipt of the application the Licensing Authority must give the Premises License holder and all responsible authorities a copy of the application for the summary review and a copy of the Certificate. The Licensing Authority must also, within this 48 hour period, consider whether it is necessary to take interim steps. Within 28 days of receiving the application the Licensing Authority must conduct a review of the Premises Licence.

The Interim Steps Hearing

An Interim Steps Hearing was held on 24 July 2009 before a sub-committee. The decision of the sub-committee is set out at **Appendix B**. Members should note that the decision reached on 24 July 2009 does not bind Members conducting the Summary Review today. It is for Members conducting this Summary Review to consider all matters before them and reach their own conclusions on how best to promote the licensing objectives.

2.2 The Application For Summary Review

The application for the Summary Review is attached to this report at **Appendix C**.

- 2.3 Members should note that the premises partially come under the jurisdiction of the British Transport Police. However, the British Transport Police are not a responsible authority within the meaning of the Act and therefore are unable to make an application for a Summary Review in its own right. West Yorkshire Police have therefore made the Summary Review application on behalf of the British Transport Police. Members will also note that attached to the application of West Yorkshire Police is a Certificate made under Section 53 (1B) of the Act, which confirms that a senior member of the West Yorkshire Police is of the opinion that the premises are associated with serious crime or serious disorder. This Certificate is attached to this report at **Appendix D**.

Officers confirm that the application and Certificate have been served on the Premises Licence holder and responsible authorities. Officers have also advertised the Summary Review by way of a notice displayed prominently at the relevant premises. This notice remained in place from 23 July 2009 until 4 August 2009. Representations were able to be made in relation to the Summary Review and the representations received are set out in this report below. The notices were removed at the end of this period.

2.4 The History of the Premises Licence

An application for the conversion and variation of the former Justice's Licence, Special Hours Certificate and Public Entertainment Licence in accordance with the Licensing Act 2003 was submitted in July 2005 by True Reason Ltd of Loscoe Close, Foxbridge Way, Normanton, West Yorkshire WF6 1TN.

There were no objections to the conversion application and therefore a premise licence was granted for the existing activities and hours.

Representations were received to the variation application from West Yorkshire Police and agreements were reached with the applicants True Reason Ltd. Consequently West Yorkshire Police withdrew their representation and a Premise licence was duly issued which incorporated the variation application and agreed conditions.

The premises currently have the benefit of a Premises Licence issued under the Licensing Act 2003 for the following activities/hours

Provision of Facilities for Dancing
Performance of Live Music
Performance of Recorded Music
Anything of a similar Description
Facilities for Entertainment of Similar Description
Sale by Retail of Alcohol

Every Day 11:00 to 06:00

Opening Hours of the Premises

Every Day 11:00 to 06:30

2.5 Representations Received

At the time of writing no representations have been received from a responsible authority and or interested party. If any representations are received after report dispatched, they will be forwarded to Members as soon as possible.

3.0 **Main issues**

3.1 Relevant Representations

Under the Act representations can be received from the holder of the Premises Licence, a responsible authority or an interested party within the prescribed time

limits. Representations must be relevant and not repetitious. In the case of an interested party the representation may not be frivolous or vexatious.

Representations must relate to one or more of the licensing objectives and must not have been withdrawn. Members should note that although the expedited Summary Review Hearing is held due to allegations of serious crime and allegations of serious disorder at the premises, interested parties and responsible authorities are not restricted to making representations on the prevention of crime and disorder grounds only.

4.0 Matters relevant to the Application

4.1 Members are of course aware that any decision made in respect of this review must promote the licensing objectives which are:-

- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm.

4.2 In making their decision members are obliged to have regard to guidance issued under Section 182 of the Act and the Council's Licensing Policy. Members must also have regard to the relevant representations made and the evidence they hear.

4.3 The Department for Culture, Media and Sport has issued specific guidance for Summary Licence Reviews which is attached at **Appendix E**. Members are invited to also take into account this guidance when determining this matter.

5.0 Implications for Council Policy and Governance

5.1 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.

5.2 Under the Act the Licensing Authority must hold the expedited Summary of Review hearing within 28 days of receiving the original application from West Yorkshire Police. Today's hearing is within that timescale therefore complying with the Act and the principles of good governance.

6.0 Legal and Resource Implications

6.1 There are no resource implications in determining the review.

6.2 The Act provides the right to appeal any decision reached on review. The right of appeal is to the Magistrates Court. If any appeal is brought, due to the decision taken at the Interim Steps Hearing, the premises will remain closed until the appeal is concluded.

7.0 Recommendations

7.1 Members are requested to determine this Summary Review. The sub-committee must take such 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 any alteration or omission of existing conditions.
- To remove the designated premises supervisor
- To suspend the licence for a period not exceeding three months
- To exclude any licensable activity from the scope of the licence
- To revoke the licence.

In determining this Summary Review Members should also address the Interim Steps taken pending this review and secure that they cease to have effect.

7.2 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.

7.3 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 actually be necessary in order to promote the licensing objectives.

Background Papers

- Guidance issued under Section 182 of the Licensing Act.
- Leeds City Council's Licensing Policy.