



Miss S V Farquharson


**Licensing and Registration
 Services**

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27 September 2011

Dear Madam,

INTERIM STEPS HEARING – The Kiln Brignall Garth Burmantofts

On 26 September 2011, the Licensing Sub Committee met to consider whether interim steps were required following receipt of an application for an expedited summary review application made by West Yorkshire Police for the premises known as The Kiln Brignall Garth Burmantofts Leeds. The application for summary review had been served under section 53 of the Licensing Act 2003 by West Yorkshire Police, and it was accompanied by a certificate from a senior officer who was satisfied that the premises were associated with serious crime.

This letter represents the formal decision of the Sub Committee in respect of the representations.

Preliminary Procedural Issues

The Sub Committee considered preliminary matters of a purely procedural nature. No declarations of interest were made. The Sub Committee set the procedure for the representations hearing having regard to the accepted procedure for review hearings. The representatives of the applicant, West Yorkshire Police (WYP), were invited to address the Sub Committee first followed by the Premises Licence Holder (PLH). A time limit of 20 minutes for submissions was agreed excluding the time allowed for Members of the Sub Committee to ask any relevant questions.

The Sub Committee also considered whether the public should be excluded from any parts of the hearing. The Sub Committee decided to exclude the public from that part of the hearing where members would deliberate on submissions and evidence presented. This would allow them to have a full and frank discussion on all matters put before them, and this fact outweighed the public interest in holding the hearing in public.

Prior to the hearing the Sub Committee considered the Licensing Officer's report containing a copy of the application made by West Yorkshire Police, copies of the relevant certificate and the



premises licence itself. In addition, the report contained a copy of the guidance issued by the Department for Culture, Media and Sport in respect of expedited and summary licence reviews.

In attendance

The Applicant

Sergeant R Fullilove, WYP
Mr B Patterson, WYP
PC Lynne Dobson WYP
SGT. Coultate

Premises Licence Holder

Miss S V Farquharson Premises Licence
Holder
Miss Marie Casey

The Hearing

In considering the representations, the Sub Committee took into account the written evidence contained within the Licensing Officer's report, plus the verbal submissions made at the hearing by all parties.

The Sub Committee had regard to the provisions of the Licensing Act 2003 as amended by the Violent Crime Reduction Act 2006, and the Guidance on Expedited/Summary Licensing Reviews issued by DCMS. Members also considered the Council's own licensing policy, in particular section 13 (Enforcement and Reviews) and section 11 of the Guidance issued by the DCMS under section 182 of the Licensing Act 2003.

Submissions and evidence on behalf of the Applicant, West Yorkshire Police

Mr Patterson outlined the application by WYP and invited PC Dobson to provide detailed information for the Sub Committee to consider. PC Dobson outlined that these premises had always been or had the potential to be problematic and that had been the case throughout her 20 years experience of policing in the North Leeds area.

She explained how WYP had become aware of the involvement of well known criminal families in the running of the premises and had objected in respect of a series of proposed PLH and DPS changes, some of which had taken interim effect. Throughout this period residents had voiced concerns to WYP about how the premises were being run.

In July 2011 WYP had attended the premises with specially trained drugs dogs resulting in 4 people being arrested for possession or possession with intent to supply. Class A and class B drugs were found.

On one occasions WYP had served a closure notice under s19 Criminal Justice and Police Act as, despite the refusal of the proposed DPS resulting in there being no DPS to permit or authorise the sale of alcohol.

On 15 September there had been an incident at the premises in which a firearm was discharged and an individual shot in the back. Enquiries were ongoing and WYP were limited in the detail that could be given. WYP submitted that in their view the poor management of these premises drew this kind of clientele as they knew their behaviour would not be challenged. WYP felt it was pure chance that others had not been seriously injured or killed and the matter was being treated as an attempted murder.

WYP also highlighted an increase in intelligence logs relating to the premises. In the last 6 years 20-25 logs had been submitted compared to 26 logs since June 2011.



WYP submitted that the premises licence should be suspended pending the full review.

Submissions on behalf of the premises licence holder

The PLH at the hearing was Stephanie Farqharson who had submitted a transfer application with immediate effect on the 23 September.

She outlined how the premises were being managed by her and her experience. She also identified some of the staff working at the pub. She disputed some aspects of the police case such as the numbers on site in July when drugs were found. She also indicated that steps had been taken recently and that other than the shooting there had been no grounds for concern since the last application to change the DPS/PLH.

She accepted that the shooting had occurred but felt that this was not as a result of the attendance at the premises and there was nothing she could have done to control the incident.

Decision

The Sub Committee noted the submission made by both parties. They decided to suspend the premises licence pending the full review hearing and a decision made under s53C of the Licensing Act 2003 and until that decision took effect.

That decision was to take immediate effect under s53B (5) (a) of the Act.

The shooting on 15 September amounted to serious crime making it appropriate for WYP to seek a review and for the Sub Committee to impose interim steps under the relevant legal tests.

The police evidence and the response of the PLH to the questions posed by the Sub Committee indicated that there was no effective control being exercised at the premises. The Sub Committee found that no control had been exercised for some time as shown by

- 26 intelligence logs being submitted at the premises in the last 3 months
- The operation in July in which class A and B drugs had been found
- The service of a S19 Notice

Suspension was required pending the review for the protection of the public.

Arrangements were made to hear the review on Wednesday 19 October 2011 at 10:30 am within the Civic Hall.

Yours faithfully



Mr Stephen Holder
Principal Licensing Officer
Entertainment Licensing Section

