



Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: 1st March 2012

Subject: Review of a Premises Licence for:
The Slip Inn, Albion Street, Morley, Leeds, LS27 8DT

Electoral Wards Affected:

Morley South



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

This report informs Members of an application for the review of a Premises Licence made by West Yorkshire Police in respect of The Slip Inn, Albion Street, Morley, Leeds, LS27 8DT under Section 51. of the Licensing Act 2003. The Licensing Authority is now under a duty to review the Premises Licence held in respect of The Slip Inn.

1.0 Purpose of this Report

1.1 This report provides Members with the background and history to the making of the review. The report sets out the relevant law when reviewing licences under the Licensing Act 2003 ("the Act"). Finally, this report informs members of the options available to them when reviewing a premises licence.

2.0 Background Information

2.1 An application to convert and vary a Justice's Licence was received in 2005. Representations were received from West Yorkshire Police, Leeds City Council Environmental Noise Nuisance Team and Leeds City Council Health and Safety Team. Conditions were agreed and the licence was duly granted.

Enforcement Action

In August 2010 a complaint was received that a 17 year old minor was selling alcohol without supervision. A warning letter was sent to the designated premises supervisor no further action was taken.

- 2.2 The premises currently have the benefit of a Premises Licence issued under the Licensing Act 2003 for the following licensable activities to take place during the stated hours:

Sale by retail of alcohol Every Day	10:00 - 00:00
Performance of Recorded Music Every Day	10:00 - 00:00
Provision of Facilities for Making Music Every Day	10:00 - 00:00

- 2.3 The premises licence allows the premises to be open to the public during the following times:

Everyday	10:00 - 00:30
----------	---------------

- 2.4 The Premises Licence Holder is Mr Terence Benson

- 2.5 The Designated Premises Supervisor for the premises is Gerald Lennon

- 2.6 A copy of the current Premises Licence is attached at **Appendix A** for the benefit of members.

- 2.7 A map detailing the location of the premises is attached at **Appendix B**.

3.0 Main Issues

- 3.1 The review is being sought by West Yorkshire Police on the grounds of crime and disorder, public nuisance, public safety and protection of children from harm. A copy of the review application is located at **Appendix C**.

- 3.2 Documentary evidence to support the review of the grounds described above can be found at **Appendix D**.

- 3.3 As part of the review procedure details of the review and an outline of the grounds on which the review was requested must be displayed at the premises for a period of 28 days commencing the day after the application was received, this being **2nd February 2012**.

- 3.4 Notices providing details of the review were duly placed on prominent display at the premises on **6th January 2012**, which are then checked on a regular basis. The notices were removed at the end of the 28 day consultation period.

- 3.5 Section 51 of the Act places the Licensing Authority under a duty to review the premises Licence in respect of . The Licensing Authority must then follow a

procedure set out in the Licensing Act 2003. A summary of this procedure is attached to this report by way of a flow chart at **Appendix E**.

4.0 Relevant Representations

4.1 Under the Act representations can be received from responsible authorities or interested parties. Representations must be relevant and, in the case of an interested party, must not be frivolous or vexatious.

4.2 Representations have been received from responsible authorities . Members are invited to consider the representation from Environmental Noise Protection Team attached at **Appendix F**.

4.3 Representations have been received from local Ward Members and are attached at **Appendix G** for Members consideration.

4.4 A representation has been received from a local resident, Members are invited to consider the background papers.

5.0 Matters Relevant to the Application

5.1 Members of the Licensing Sub Committee must make decisions with a view to promoting the licensing objectives which are:

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

5.2 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 H** and the council's licensing policy (paragraphs 5.99 to 5.117). Members must also have regard to the relevant representations made and evidence they hear.

6.0 Implications for Council Policy and Government

6.1 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 12.13 of the policy with particular seriousness.

7.0 Legal and Resource Implications

7.1 There are no resource implications in determining the review.

7.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrates Court.

8.0 Recommendations

8.1 Members are requested to determine this review. The 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 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
- To revoke the licence

8.2 Members may alternatively 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.

8.3 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.

8.4 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 s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy
- Representation from a resident in support of West Yorkshire Police and letters of support for the Slip Inn from members of the public.