



Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: 15th October 2012

Subject: Review of the Premises Licence for Fire 50a Call Lane Leeds LS1 6DT

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	City and 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
Appendix number E		
If relevant, Access to Information Procedure Rule number: 10.4 (7)		
This appendix is regarded exempt under the provisions of Paragraph 14 of the Licensing Act 2003 (Hearings Regulations 2005)		

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 Fire 50a Call Lane Leeds LS1 6DT. The Licensing Authority is now under a duty to review the Premises Licence held by these premises. Members may recall that this application was originally to be considered on the 18th July. Following discussions between the applicant's solicitor and the police solicitor it was agreed to seek an adjournment to allow the applicants time seek a buyer for the premises. The applicants agreed that the premises would not operate during the period of adjournment. At the time of writing this report we understand that a purchaser has been found but no application to transfer the licence has been received.

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"), and informs members of the options available to them when reviewing a premises licence.

2.0 Background Information

2.1 An application for the conversion of a Justices Licence, Special Hours Certificate and Public Entertainment Licence was received by the Licensing Authority on 29th July 2005. The only responsible authority who could comment on conversions was West Yorkshire Police who did not make a representation and subsequently the licence was granted. The applicants applied to vary the licence. The application did receive representations from responsible authorities but these were all agreed and so the licence was granted.

On the 22nd July 2009 West Yorkshire Police made an application for a summary review supported by British Transport Police. The application was heard on the 28th August 2009. The decision of the Sub Committee was to remove the designated premises supervisor and add conditions. A copy of the decision letter is attached at Appendix A.

On the 23rd December 2009 the premises licence holder applied to vary the designated premises supervisor from Ken Doleki to Christopher Barrow. No representation was received from West Yorkshire Police and the application was granted.

On the 4th March 2011 the premises licence holder applied to vary the designated premises supervisor from Christopher Barrow to Alexander David Pinnegar. No representation was received from West Yorkshire Police and the application was granted.

On the 10th April 2012 the premises licence holder applied to vary the designated premises licence supervisor from Alexander David Pinnegar to Mike Gibson. No representation was received from West Yorkshire Police and the application was granted.

On the 26th April 2012 the premises licence holder applied by way of a minor variation to reduce the hours of operation and add additional conditions. West Yorkshire Police submitted a representation to the licensing authority as they considered the application inadequate to deal with the issues at the premises and they felt it was an attempt to undermine the review process. The Licensing Authority considered the reduction of hours and additional conditions proposed in the minor variation application did not undermine the licensing objectives and granted the minor variation.

2.0 Premises Licence

2.1 The Premises Licence Holder is True Reason Ltd .

2.2 A copy of the Premises Licence can be found at Appendix B of this report.

2.2 In summary, the Premises Licence permits the following:

Sale of alcohol
Performance of live music
Performance of recorded music
Entertainment of a similar description
Provision of facilities for dancing
Provision of facilities for anything similar to making music or dancing.

Every Day 11:00 to 03:00 Hours

Opening hours 11:00 to 03:30 Hours

3.0 Designated Premises Supervisor

3.1 The Designated Premises Supervisor for the premises is Mr Mike Gibson

4.0 Location

4.1 A map which identifies the location of the premises is attached at Appendix C.

5.0 Main Issues

5.1 The review is being sought by West Yorkshire Police on the grounds of the prevention of crime & disorder, prevention of public nuisance, public safety and protection of children from harm. The application and supporting evidence is contained within appendix D.

5.2 It should be noted that certain information submitted by West Yorkshire Police, within the application is potentially exempt information under Access to Information Rule 10.4 (7) as it includes information which relates to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. This information is contained within Appendix E

5.2 As part of the review procedure, details of the review and an outline of the grounds on which the review is requested must be displayed at the premises for a period of 28 days, commencing the day after the application is received.

5.3 Such notices were duly placed on prominent display at the premises on 16th May 2012 and checked on a regular basis. The notices were removed at the end of the consultation period on 12th June 2012.

5.4 Section 51 of the Licensing Act 2003 places the Licensing Authority under a duty to review the premises Licence in respect of Fire Nightclub. A summary of the procedure followed in accordance with the Act is attached to this report by way of a flow chart at Appendix F.

5.5 West Yorkshire Police have submitted DVDs as part of their review application which will be available for members of the Licensing Sub Committee to view at the hearing.

6.0 Relevant Representations/Support

6.1 Under the Act representations/support can be received from responsible authorities and or other persons. Representations must be relevant and, in the case of an other persons, must not be frivolous or vexatious.

6.1.2 A letter of Support to the review application has been received from other persons. Members attention is drawn to the background papers provided.

7.0 Matters Relevant to the Application

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

- 7.1.1 the prevention of crime and disorder;
- 7.1.2 public safety;
- 7.1.3 the prevention of public nuisance; and
- 7.1.4 the protection of children from harm.

7.2 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 G. Members must also have regard to the Council's licensing policy, the relevant representations made and evidence they hear.

8.0 Implications for Council Policy and Government

8.1 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.

9.0 Legal and Resource Implications

9.1 There are no resource implications in determining the review.

9.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrate's Court.

10.0 Recommendations

10.1 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:

- 10.1.1 to modify the conditions of the licence (which includes adding new conditions or any alteration or omission of an existing condition);
- 10.1.2 exclude any licensable activities to which the application relates;
- 10.1.3 to remove the Designated Premises Supervisor;
- 10.1.4 to suspend the licence for a period not exceeding 3 months; and/or
- 10.1.5 to revoke the licence.

10.2 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.

10.3 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.

10.4 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.

11.0 Background Papers

11.1 Guidance issued under s182 Licensing Act 2003

11.2 Leeds City Council Statement of Licensing Policy

11.3 Background papers – Support from a member of the public