

## Licensing Sub-Committee

Thursday, 7th March, 2024

**PRESENT:** Councillor T Hinchcliffe in the Chair

Councillors N Buckley and S Holroyd-Case

**1 Election of the Chair**

**RESOLVED** – That Councillor Hinchcliffe be elected Chair of the meeting.

**2 Appeals Against Refusal of Inspection of Documents**

There were no appeals against the refusal of inspection of documents.

**3 Exempt Information - Possible Exclusion of the Press and Public**

Agenda item 6 - Summary Review of the Premise Licence held at The Three Legs Hotel, 9 The Headrow, Leeds LS1 6PU - The Sub Committee had received supplementary information provided by West Yorkshire Police which had been designated as exempt from publication under the provisions of Access to Information Procedure Rule 10.4 (7).

**RESOLVED** – That the public be excluded under the provisions of Access to Information Procedure Rule 10.4 (7) from the part of the meeting where discussion was likely to involve the disclosure of exempt information, particularly information relating to action taken in connection with the prevention, investigation or prosecution of crime. (minute 7 refers)

**4 Late Items**

The Sub Committee accepted one Late Item of business onto the agenda in respect of an application for Temporary Event Notice for Wykebeck Arms, Selby Road, Halton, Leeds, LS9 0EW. (minute 6 refers).

The Sub Committee has also received supplementary information in respect of Item 6 – the Summary Review of the Premises Licence held by The Three Legs Hotel, Leeds 1. (minute 7 refers).

**5 Declaration of Interests**

There were no declarations of interest.

**6 Temporary Event Notice for Wykebeck Arms, Selby Road, Halton, Leeds, LS9 0EW**

The report of the Chief Officer, Elections and Regulatory, requested the Sub Committee consider a Temporary Event Notice (TEN) received for the Wykebeck Arms, Selby Road, Halton, Leeds, LS9 0EW. This matter had been accepted onto the agenda as a Late Item of business.

The TEN described the nature of the event as an 'Afrobeat Music Event' and requested the Sale By Retail of Alcohol from 22:00 hours on Saturday 23 March 2023 to 04:00 hours on Sunday 24 March 2024. The application stated that the maximum number of people, including staff, on the premises during the event would be 100 attendees.

The report noted that a Closure Notice under Section 19 of the Criminal Justice and Police Act 2001 had been issued on 27 February 2024 following a licensing visit when a number of premises licence breaches were identified. West Yorkshire Police considered that allowing the premises to be used in the manner proposed would undermine the licensing objectives and had issued an Objection Notice to the TEN.

At the hearing, with the agreement of all parties, supplementary documents which included a copy of the S19 Closure Notice and copies of advertisements for the proposed event were provided.

The following attended the hearing:

PC N Heywood, West Yorkshire Police – Objector to the TEN

Mrs V Radford, LCC Entertainment Licensing (Enforcement)

Mr B Patterson, West Yorkshire Police (Observing)

PC A Clifford, West Yorkshire Police (Observing)

Mr B Barry, Premises User, Wykebeck Arms - applicant

Mrs A J Barry, Designated Premises Supervisor, Wykebeck Arms - applicant

Mr D Mort, Local Democracy Reporter (Observing)

The Sub Committee heard from the representative of West Yorkshire Police (WYP) who highlighted the following matters:

- WYP objected to the TEN citing concerns relating to the prevention of crime and disorder, prevention of public nuisance and protection of public safety.
- WYP and the Licensing Authority had received information from a member of the public that the premises had operated past the hours permitted on the Premises Licence at weekends which led to the visit on 27 February 2024.
- At that visit, officers met with Mr Barry at the premises who described himself as the premises owner, to discuss the alleged late hours. The Inspection Sheet from that meeting listed the serious issues found at the premises which led to the issuing of the S19 Closure Notice.

The Sub Committee then heard from the representative of LCC Entertainment Licensing (Enforcement) in support of WYP who provided the following additional details:

- Mr Barry was not named on the Premises Licence, but was the husband of Mrs Barry, the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS).
- During the 27/02/24 meeting, officers noticed promotional flyers for the proposed March “Ignition” event which was advertised as “10 til late”. No TEN to facilitate that event was in place. Officers believed that the event would have been held without authorisation if they had not attended the premises on 27/02/24. Mr Barry was advised that a TEN was required and he rang Mrs Barry who made the application on-line whilst the visit continued.
- Mr Barry admitted that the premises had operated past the permitted hours, however he told officers that he believed that if he operated for three months

without any complaints, then he would get the additional hours on the licence. He had been advised that this was not the case.

- During the visit, several issues of non-compliance were recorded in the Record of Inspection which had led to the S19 Closure Notice being issued. The Notice required the issues to be rectified within 14 days; these included:
  - No Premises Licence being displayed on site.
  - Employment of non-accredited door staff. Door staff should be booked through the Security Industry Authority (SIA) however Mr Barry had employed people he knew directly, although he had shown evidence of his attempts to obtain door staff via the usual route.
  - No incident register.
  - The premises had not advised WYP of upcoming events as required.
  - Condition 38 of the Premises Licence required that a DPS must be on site. Mr Barry had explained that the DPS, his wife, was on Maternity Leave and could not be on site. He was asked if he was a Personal Licence Holder so that an application to vary the DPS could be made for him to be DPS, Mr Barry confirmed that he did not hold a Personal Licence.
- The Licensing Authority doubted that Mr Barry had read the conditions attached to the Premises Licence which stipulated 00:00 midnight as the terminal hour as he planned events which would close at 03:00 to 04:00 hours.
- Mr Barry had previously operated the Gardeners Arms premises and LCC Licensing Enforcement colleagues had attended the premises due to it operating past the terminal hours stipulated on the Premises Licence. Despite that, the Gardeners Arms continued to operate as it had and eventually a Noise Abatement enforcement notice was issued.

To conclude, the representative of WYP made the following comments:

- WYP would have serious concerns if the 23/24 March event was held. The Wykebeck Arms was in a residential area with houses backing onto the pub boundary. There was concern for public safety as the premises was not designed for this style of event as well as concerns the event would cause public nuisance to local residents.
- It was suggested that the proposed event was more akin to those held in a city centre super club event with 8 DJs proposed and more to be added. Mr Barry had said he had spent £10,000 on securing DJ acts already. Tickets were being sold at £25 each.
- There was concern the event would exceed the 100 attendees specified on the TEN application.

As such, WYP requested the Sub Committee issue a Counter Notice to the TEN.

The Sub Committee then heard from Mr Barry, on behalf of the applicant, who began by acknowledging the objections to the application. Mr Barry provided the following information:

- He acknowledged the mistakes he had made in the past, but he maintained these were due to misinformation.
- The representation made by LCC Licensing Authority was based on all the honest answers he had given to questions at the meeting held 27/02/24. He had apologised for the issues identified and had worked to rectify these within the 14 days as required by the Notice.
- Door staff were employed by him, not through a company. He was not aware of the stipulation that door staff should be registered and employed through a company. He did now have a contract with a security company and they would provide 2 door staff – he had shown his efforts to secure door staff to officers on 27/02/24.
- He had not claimed to hold a Personal Licence, he had explained that his wife could not be at the premises all the time as she was on Maternity Leave.
- He had not said he had spent £15,000 on the event. He had said it would cost £10,000 as he was trying to promote the Wykebeck Arms. Tickets were being sold on-line and only 155 had been sold so far. The 300 tickets available for the event were intended to generate £15,000. The event promoters also had tickets to distribute to the DJ acts for their supporters. He had not stated the event would be for up to 100 people. The Wykebeck Arms was not a nightclub, there would not be 500 people on the premises.
- A register was maintained which he used to keep track of things and he had showed it to officers.
- When they moved from the Gardeners Arms, he had thought that if they operated the Wykebeck Arms with no complaints for three months, then he would be able to provide evidence of the successful operation of the pub. He was aware of the pub's previous reputation but this had improved since they had been there. Only one complaint was made whilst he had operated the Gardeners Arms and they had chosen to move afterwards to a better opportunity.
- He had only operated past the permitted closing time on New Years Eve, 8<sup>th</sup> February on his wife's birthday and 2 other occasions.
- The proposed 23/24 March event was not just about promoting his business as the event would host local artists and had been promoted widely.
- He feared for his business and for his safety if the event did not go ahead. Artists and promoters had advised him that he must pay them any outstanding balance and it was not their fault if the event was cancelled.
- Since 2012, food had been his focus and he had applied for permission for Late Night Refreshment previously, with the Premises Licence in his wife's name.
- His attempt to build a database to show WYP that events had been held successfully at the premises before making an application to amend the Premises Licence had been a mistake. Based on all the things he had been told about the previous patrons of the pub, he had wanted to operate for three months to be able to show the changes that he had made. Previously, people like him would not have been allowed in the Wykebeck Arms, but now he was there he could show the change that had been made, and he felt that the local residents were supportive of his efforts.
- The only time a call had been made to the police was by themselves when two people had been arguing and a window had been broken.

Mr Barry concluded by reiterating his investment in the event and his intention to make the business work for his family. He expressed disappointment that evidence presented to the Sub Committee was based on the information he had provided at the 27/02/24 licensing visit. He asked the Members to give him a chance and emphasised that any mistakes he had made were because his focus was on the food side of the business and he hadn't been aware of the requirements of the Premises Licence.

The Sub Committee then asked questions of the applicant and the following additional information was provided:

- The style of music at the proposed event was described as lively music such as Afro-Beats, UK Garage, Hip/Hop and R&B. It could be loud, but would be contained within the premises, not in the garden as had been the case at the Gardeners Arms.
- He hoped to recoup his financial investment in the event with 300 attendees, 150 tickets were set aside for the promoters of the acts. It was noted that 300 attendees were expected but the application stipulated 100 attendees (to include staff) Mr Barry explained that he called his wife during the meeting on 27/02/24 so she could make the application. He had been asked how many tickets had been sold but at that time he had not been able to say exactly how many, possibly 75 to 100, and the figure of 100 was heard by Mrs Barry and included in error in the application.
- The Sub Committee noted that WYP and the Environmental Protection Team had assessed the proposed event on the basis that 100 attendees were expected and explained that their decision had to be based on the application before them.
- Although the application proposed the sale of alcohol from 10:00 until 04:00 hours, it was intended that alcohol sales would cease at 03:00 /03:15 to give patrons time to finish their drinks. The premises would close at 04:00.
- In answer to a query over how long he had worked in licensed premises, Mr Barry stated that his time had been divided between the two premises – the Gardeners Arms and Wykebeck Arms. He had been at the Wykebeck Arms since 15 December 2023 and had opened for business on New Years Eve
- During the planning for the proposed March event, none of the proposed acts or promoters had suggested that a TEN would be required.
- Mr Barry did express some concern for his safety if the event did not go ahead as he knew the proposed acts would be unhappy if they did not receive full payment, even if the event was cancelled.

The representative of WYP then summarised their representation, emphasising that this was to be a large event until 04:00 hours, and nothing that had been said gave WYP confidence to assuage concerns for public safety, prevention of public nuisance or prevention of crime and disorder.

During deliberations, the Licensing Sub Committee considered the TEN application and the written submissions from West Yorkshire Police. Members also carefully considered the verbal submissions made at the hearing made on behalf of the applicant and representatives of West Yorkshire Police and

the Licensing Authority, and had regard to the Statement of Licensing Policy, the Licensing Act 2003 and associated Guidance.

The Sub Committee expressed concern that the premises had been operating beyond its permitted hours, and in all the circumstance of this case, in order to uphold the licensing objectives,

**RESOLVED** – To issue a counter notice under Section 105 of the Licensing Act 2003.

## **7 Summary Review of the Premises Licence for the Three Legs Hotel, 9 The Headrow, Leeds, LS1 6PU**

The report of the Chief Officer, Elections and Regulatory, requested consideration of an application made by West Yorkshire Police under Section 53A of the Licensing Act 2003, for the summary review of the premises licence in respect of the Three Legs Hotel, 9 The Headrow, Leeds, LS1 6PU. West Yorkshire Police were of the opinion that the premises were associated with serious crime or serious disorder, or both and the Licensing Authority was under a duty to hold a review hearing in accordance with Section 53C of the Licensing Act 2003.

The report outlined the outcome of an interim steps hearing on 13<sup>th</sup> February 2024 where the conditions of the licence were modified with immediate effect pending the substantive hearing of the review application.

The report included the following documents:

- Copy of the Premises Licence
- Copy of the Summary Review application submitted by West Yorkshire Police
- Copy of the certificate signed by Superintendent Rutter confirming the view of West Yorkshire Police that the premises was associated with serious crime or serious disorder, or both
- Copy of the Interim Steps Hearing 13 February 2024 Decision Notice
- Map showing the location of the Three Legs Hotel
- Copy of a representation submitted by the Designated Premises Supervisor
- Copy of Section 12 of the Section 182 Guidance (Summary Reviews).

Following the despatch of the agenda, the Sub Committee received the following supplementary information:

- Additional Information supplied by Greene King
- Additional information supplied by the Designated Premises Supervisor
- Additional information supplied by West Yorkshire Police (WYP), including some information which was designated as exempt from publication under the provisions of Access to Information Procedure Rule 10.4 (7) as it related to action taken in connection with the prevention, investigation or prosecution of crime.

The following attended the hearing:

PC Andrew Clifford, West Yorkshire Police – Summary Review Applicant  
Mr Bob Patterson, West Yorkshire Police (Observing)

Mr Piers Warne, TLT Solicitors – Representing the Premise Licence Holder -  
Greene King Brewing & Retail Ltd.

Mr Chris Gott - Greene King Brewing & Retail Ltd.

Mr Jim Outhwaite, Greene King Brewing & Retail Ltd

Mr Michael Balmer, Weightmans LLP – Representing the Designated  
Premises Supervisor

Mrs Deborah Fountain/Lacey - DPS

Mr Sean Fountain – Husband of the DPS (Observer)

Mr Don Mort – Local Democracy Reporter (Observer)

The Legal Officer outlined the procedure for the Review hearing which would deal with the Interim Steps hearing and the Summary Review. The parties agreed the time limit for submissions and Mr Balmer for the DPS indicated he had brought clearer copies of items DL1 and DL2 from their submission to table if needed.

The Licensing Officer outlined the report and summary review application and drew Members attention to the outcome of the Interim Steps hearing held 13 February 2024. Members were advised that WYP intended to show CCTV footage of the time of the incident at the premises on 2<sup>nd</sup> February 2024, and at that point of the hearing, the Sub Committee may resolve to view the footage in private session. Members were also advised of the options available in terms of actions the Sub Committee could take.

The Sub Committee heard from the representative of West Yorkshire Police (WYP)

- The Three Legs premises had a poor reputation and was known to be a place for people with a propensity for violence to be intoxicated. Over intoxication appeared to be an aggravating factor in the 02/02/24 incident and was an issue which had previously been drawn to the attention of the DPS. However, the pub was very profitable for Greene King.
- The severity of the two stabbing incidents on 02/02 were an escalation of previous incidents and immediate intervention was required. The statistics included within the written submission provided a snapshot of incidents over previous years at the premises, although previously there had not been an incident serious enough to require a Review.
- WYP had engaged with the premises and discussed the crimes reported during 2020-22. The previous DPS had begun to contact BACIL more often and issues had seemed to stabilise before the 02/02/24 incident.
- The new DPS appeared to believe that issues/incidents had peaked, however the Incident Log at the Three Legs did not tally with WYP understanding of the crimes occurring on/associated with the premises. The premises continued to require a lot of support from WYP.
- WYP understood that the DPS had refused a request from Greene King to utilise the rear outdoor area for customers, as she preferred to be able to see all of the customers from the bar area. WYP suggested that this revealed what the operator knew about the customers.

- Following the Interim Steps hearing WYP had visited the premises and found non-compliance with the condition requiring a full search of patrons.
- WYP suggested that Greene King had not expressed concern for the victims of the 02/02 incidents but had focussed on the reputation of the company and should the Sub Committee suspend or revoke the premises licence, was likely to appeal that decision.
- In cases where workable solutions could be identified, such as modified or new conditions, WYP would suggest them, however this was not such a case. The PLH now held responsibility to offer solutions for WYP or Members to consider. The Three Legs Hotel was a stain on Leeds reputation as a safe city. As such WYP requested the licence be revoked.

WYP indicated their intention to present CCTV footage providing views inside the premises and street views as part of their representation. In order to view the footage, the Sub Committee

RESOLVED – That the meeting enter closed session to enable the Sub Committee and parties to the hearing to view CCTV footage relevant to the incident of 2<sup>nd</sup> February 2024.

Having viewed the CCTV footage, the Sub Committee resumed open session.

The Sub Committee then heard from Mr P Warne, representing Greene King Brewing & Retail Ltd, the Premise Licence Holder. Mr Warne's submission included the following matters:

- Greene King refuted the assertion made by WYP that the PLH did not take these matters seriously. The Three Legs Hotel was part of Greene King's leased pub estate, and Greene King had a landlord relationship with the DPS who managed the pub independently of Greene King.
- The additional submission from Greene King presented measures which they felt were appropriate to impose on the premises licence. These included:
  - reduced hours of licensable activities - 10:00 to 23:00 Sunday to Wednesday and 10:00 to 00:00 (midnight) Thursday to Saturday, with the premises to close 30 minutes later. Late night refreshment to start at 23:00 daily and cease when the premises closes to the public.
  - Additional conditions proposed included implementation of a serious incident policy and staff training; police to be notified of any violent incidents; implementation of a search policy and use of electronic search wands, at least 3 door staff to be present from 19.00 hours till close Friday and Saturday and during non-standard hours; and a radio communication system to be implemented on site.
  - The removal of some embedded restrictions (conditions 9 to 33) and other duplicate conditions (71 and 34).
- The CCTV footage had showed a patron expelling vape, but it was not illegal to vape inside a pub as pubs could set their own rules.
- WYP had not provided Greene King with follow up information on the 02/02 incident which had led to the Summary Review. It was reported that there had been no incidents either prior to, or following, the 02/02 incident.
- It was not the case that the pub management were ineffective - the DPS had taken proactive action since the 02/02 incident and had met with WYP Sergeant Secker on 4<sup>th</sup> March.



- The DPS had also met with WYP in September 2023 to discuss the issue of drunkenness and shoplifting at the premises. The emails submitted in the additional information provided an indication of how matters had improved since then. WYP had not had cause to contact the PLH between September and the 02/02 incident.
- WYP presented a case that the Three Legs Hotel was a high crime pub with no solution other than to revoke the premises licence. The PLH did not believe there was sufficient evidence to support that.
- In respect of the additional evidence provided by WYP just prior to the hearing which included a schedule listing incidents attributed to the premises, it was suggested that this had no provenance, as the dates and descriptions of incidents did not provide sufficient detail for the PLH or DPS to comment on. The schedule had a low evidential value as, for example, on 28/12, one crime was triplicated, and it was believed that a lot of the incidents were not directly associated with the Three Legs but occurred outside the premises with the Three Legs used to identify the location for the emergency services – the incidents listed could have resulted in no further action being taken.
- WYP had not provided the notes of meetings with the DPS held before and after the February incident, copies of the email messages between WYP and the DPS during 2023 nor records of any actions undertaken by the DPS since Interim Steps.

In conclusion Mr Warne stated that the PLH would continue to work with WYP, but that given the submission by WYP and the contents of the CCTV footage, the position of the PLH was that the measures proposed in the PLH submission were appropriate and proportionate.

During discussions with Members, the following additional information was provided:

- The schedule of incidents submitted by WYP should include more detail - correct dates, a link to the relevant incident report such as a CRIS report, the information recorded at the time of the call and the outcome, i.e. did the incident occur inside or outside the Three Legs, if the report indicated a Domestic Violence incident, were the victim and/or perpetrator at the Three Legs prior to the incident.
- In response to a comment that the PLH offered to reduce opening hours by one hour, yet the 02/02 incident occurred at 20:00 hours, Mr Warne emphasised that incidents could happen at any time with different outcomes and gave the example of a serious incident at Revolución De Cuba which had not subsequently been subject to the Review process. The PLH had taken the view that later opening at the Three Legs Hotel encouraged more people to come the pub later on, so closing earlier would discourage that.
- With regards to the door staff and bar staff and the WYP concern over alcohol being served to patrons who were already drunk, the proposed third door staff would “roam” throughout the premises and not be static on the door. All staff were retrained after the February incident and serving alcohol to anyone who was already drunk was now a dismissal offence.

The Sub Committee then heard from Mr Balmer representing Mrs Fountain, the Designated Premises Supervisor (DPS) who began by stating that Mrs Fountain, like Greene King, treated every incident of violence very seriously and particularly the incident of 2<sup>nd</sup> February. Mr Balmer provided the following information:

- WYP had stated that the pub management was ineffective to make changes, yet after the 02/02 incident the DPS closed the pub early and ensured that staff were retrained – these measures were implemented before the 08/02 meeting with WYP. Following which, Greene King provided further training to staff. 4 radios were acquired so that staff and door staff can easily communicate between each other.
- WYP stated that the search policy imposed by the Interim Steps hearing had not been adhered to as patrons were not searched 100% of the time. The policy drawn up after the Interim Steps Hearing required “door staff to undertake the following *when in place*” and, as door staff were not on duty every night, a search of 100% of patrons was not achievable.
- All conditions imposed by the Interim Steps Hearing had been implemented and there had been no issues from the clientele and no further incidents requiring WYP intervention since the 02/02 incident.
- On 23/02 when the DPS was made aware that the door staff were not searching 100% of the patrons entering the premises, she contacted the door staff company whilst WYP were conducting their visit to make her displeasure known. DL5 and DL5a) of the additional submission from the DPS included emails detailing the apology from the door staff company and evidence that a new door staff team was now in place. The door staff in place on 02/02 had been dismissed by the door staff company.
- There was little evidential value in the schedule of incidents provided by WYP. The DPS had reviewed the schedule but had found it difficult to identify specific events which could be attributed to The Three Legs due to the lack of detail. For example, the schedule listed 6 incidents in 40 minutes on 21/12 but there was no corresponding record of 6 incidents at the Three Legs on that date, so it was possible that these were duplicate entries for just one incident. An incident recorded on 08/07/23 related to a missing person under the age of 18, yet no further detail is provided. The Section 18 incident of 02/02 was also recorded twice which may be due to there being two victims, but more detail was required to fully understand how the schedule was devised and how incidents were attributed to the Three Legs. The schedule also omitted who made the calls to WYP. Staff of the Three Legs had called WYP on some occasions, but the schedule did not reflect those calls.
- The issue of shoplifting was discussed at the WYP/DPS meeting in September 2023, and situation was much improved since then. Copies of email exchanges between the DPS and WYP (at DL2 and DL3 of the additional material) indicated anecdotally that WYP was “hearing good things” about the pub and this was at odds with the case now presented by WYP.

Mr Balmer concluded by emphasising that the DPS supported the measures proposed by Greene King.

In response to queries from the Sub Committee, the following information was provided:

- With regards to comments previously made at the Interim Steps hearing that the patrons were not as intoxicated as WYP made out, the CCTV footage showed patrons' behaviour and also showed that the door staff had intervened on 02/02. In relation to that incident, the atmosphere in the pub did calm down for a while but had very quickly escalated to the point where a patron was stabbed. It was difficult to say whether door staff could have made a decision to intervene in such a short space of time.
- The door staff on duty on 02/02 when the incident occurred and when CCTV showed patrons passing cigarettes between them in the pub doorway had been dismissed.

The Sub Committee then invited parties to sum up.

WYP presented a summary of their case and responded to comments as follows:

- Referring to Revolución De Cuba, it was not appropriate to raise other premises at this hearing.
- It was quite common for stab victims not to realise that they were injured, but the CCTV footage did show a patch suggested to be blood from the wound on the victim's top, and the patch grew over time.
- The schedule of incidents was presented to provide an idea of what happened at the pub, it was not intended to be a full 12 month report. WYP were alive to the issue of "landmarking" as pubs are used as landmarks when people report incidents to the police. The schedule presented recorded crimes and any reports which identified the Three Legs just as landmark or related to the bus stop immediately outside the premises had been discounted. With regards to the missing person report, this related to an under-age female missing person found drunk in the Three Legs toilets.
- In terms of concerns over duplication, there could be several victims and several crimes as a result of one incident which led to multiple entries for one date, but these were not duplicates.
- The Three Legs had been given a lifeline by the decision of the Interim Steps hearing not to suspend the premises licence, however issues remained at the premises which needed to be resolved. WYP were of the view that the conditions imposed in relation to searching patrons had not been complied with and WYP sought revocation of the premises licence.

The representative of the PLH presented a summary of their case as follows:

- The pub staff called WYP to the 02/02 incident and administered first aid to a victim.
- The door staff had conducted patron searches since the Interim Steps hearing, including a "wand search" on two undercover police officers and the door staff who had not followed the instructions given by the DPS had been dismissed.
- The schedule of crime statistics associated with the pub showed 6 incidents in 6 months but did not provide detail of the incidents nor indicate subsequent action taken by WYP.

- The Sub Committee were directed to the relevant paragraphs 9:12 and 9.43 of the Guidance which required that it was incumbent on all responsible authorities that the representation withstand scrutiny and determination of the application should be evidence based, appropriate and proportionate. The view of the PLH was that the schedule of incidents provided by WYP would not withstand scrutiny by a Magistrates Court and that although WYP sought revocation of the premises licence, the evidence did not show that the Three Legs was the worst pub in Leeds.

The representative of the DPS presented a summary of their case as follows:

- The DPS felt that the amended conditions and hours of operation proposed in the additional written submission by Greene King were appropriate and proportionate.
- This was the first review of the Three Legs premises licence and the first that the DPS had been involved in. WYP stated that, historically, the pub had taken up a disproportionate amount of WYP time, however until the 02/02 incident WYP had not sought to Review the Premises Licence.
- The DPS felt that WYP did not like the premises nor the clientele. The Sub Committee was directed to the additional submission from the DPS which included letters from patrons in support of the premises, many of whom referenced the community feel of the pub.
- WYP had sought a suspension of the premises licence at the Interim Steps hearing, however a Sub Committee chose to modify the conditions. The modified conditions were implemented and monitored and appeared to be successful. The DPS had also implemented voluntary measures.
- Of the 2 Licensing inspections undertaken, one found that all was in order, one found that the door staff were not searching patrons and the DPS had immediately taken action to advise the door staff company.
- WYP had provided little evidence to support the assertion that the Three Legs would continue to be problematic. No incidents had been recorded since 02/02/24.
- WYP had provided no justification for the Sub Committee to move away from the earlier Interim Steps hearing decision to modify the conditions and it would be inappropriate and disproportionate to revoke the Premises Licence.

The Sub Committee then deliberated the Review application in private session.

During deliberations, the Licensing Sub Committee considered the Review application and all of the written submissions from West Yorkshire Police, Greene King the Premises Licence Holder and from the Designated Premises Supervisor. Members also carefully considered the verbal submissions made at the hearing made on behalf of West Yorkshire Police and the representatives of the Premises Licence Holder and the Designated Premises Supervisor. Members also had regard to the CCTV footage they had viewed. In considering the application, the Sub Committee had regard to the Statement of Licensing Policy, the Licensing Act 2003 and associated Guidance and the options available to them.

**RESOLVED** – Not to revoke the Premises Licence, but to modify the Premises Licence to incorporate the conditions proposed by the representative of the Premises Licence Holder and endorsed by the representative of the Designated Premises Supervisor.

- The new and amended conditions are applied to support the aims of the licensing objectives.
- The conditions as modified will apply as new Interim Steps measures until the end of the period of appeal, or until the end of the appeal process should an appeal be made.

*Hours for licensable activities amended to:*

10:00 to 23:00 Sunday to Wednesday

10:00 to 00:00 (midnight) Thursday to Saturday

With the premises to close 30 minutes later. Late night refreshment to start at 23:00 daily and cease when the premises closes to the public.

*Additional conditions*

1. A serious incident and crime scene preservation policy to be implemented and all staff trained in the policy. A copy of the policy to be available to officers and staff members behind the bar at all times. Door supervisors to be made aware of and agree to abide by the policies prior to working. A copy of the policy will be made available to the responsible authorities on request.
2. A search policy to be drawn up and implemented. All door supervisors to be trained in the policy. Electronic wands to be used as part of the search policy. When door supervisors are on duty all customers to be searched, including customers who have temporarily left the premises to smoke. A copy of the policy will be made available to the responsible authorities on request.
3. Police to be notified immediately of any incident involving violence at the premises and a record made in the incident log of the time the police were notified.

Amended 4.

- a) No fewer than 2 door staff must be used at the premises to carry out security activities from 15:00 hours until 19:00 hours on Saturdays and any day preceding a Bank Holiday
- b) No fewer than 3 door staff must be used at the premises to carry out security activities from 19:00 hours until the premises closes on Fridays, Saturdays and any day preceding a Bank Holiday

This will also apply to non-standard timings. At all other times the requirement for security staff will be risk assessed on a day to day basis. This condition can be amended by way of minor variation in agreement with West Yorkshire Police.  
(replace condition 64)

5. A radio communication system to be introduced at the premises to allow door supervisors (when on duty) to speak directly to the manager on duty.

*Conditions to be removed:*

All embedded restrictions (conditions 9 to 33)

39. All instances of crime and disorder will be reported to the police and will be kept in an incident log book. (repeats condition 71)

63. A recognised Proof of Age Policy will be enforced. (repetitive of condition 34)

64. A minimum of 2 door staff must be used at the premises to carry out security activities from 19.00 hours till close Friday and Saturday. This will also apply to non-standard timings. At all other times the requirement for security staff will be risk assessed on a day to day basis. (replaced by the new condition above)