

**Report of the Chief Officer Elections and Regulatory**

**Report to the Licensing Sub Committee**

**Date: Thursday, 7 March 2024**

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

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Temple Newsam		
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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

**Summary of Main Issues**

A Temporary Event Notice has been received for the premises Wykebeck Arms, Selby Road, Halton, Leeds, LS9 0EW.

The notice describes the nature of the event as an 'Afrobeat Music Event', and seeks to authorise the Sale By Retail of Alcohol from 22:00 hours on Saturday 23 March 2023 to 04:00 hours on Sunday 24 March 2024.

A Closure Notice under section 19 of the Criminal Justice and Police Act 2001 was issued on 27 February 2024 following a licence visit where a number of premises licence breaches were identified.

West Yorkshire Police consider that allowing the premises to be used in the manner set out in the Temporary Event Notice will undermine the licensing objectives and have issued an Objection Notice.

Members of the Licensing Sub Committee are asked to consider the Temporary Event Notice and the Objection Notice.

## **1 Purpose of this Report**

- 1.1 To advise Members of a Temporary Event Notice served under section 100 of the Licensing Act 2003 ("the Act") in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of an Objection Notice from West Yorkshire Police.

## **2 History of Premises**

- 2.1 These premises do have the benefit of a premises licence and a copy of the licence details can be found at **Appendix A**.
- 2.2 Following a recent visit to the premises on the 27 February 2024, enforcement officers from Leeds City Council met with the business operator and husband to the Designated Premises Supervisor, Ardene J Barry, to discuss a complaint which had been made to the Entertainment Licensing department in relation to the premises operating beyond permitted hours.
- 2.3 At the time of the visit a full licensing inspection was carried out by officers and a large number of breaches were found in relation to the premises not operating in accordance with the premises licence and committing offences under the Licensing Act 2003. Furthermore a Closure Notice was issued to the business operator under section 19 of the Criminal Justice and Police Act 2001; the notice alleges that the premises are/have been operating illegally, contrary to the provisions in the Premises Operating Schedule and therefore in breach of its licence. The notice informs a person with control of, or responsibility for, the activities carried on at the premises (normally the licence holder or the designated premises supervisor) that if unauthorised alcohol sales continue (i.e. that the activity is or was carried on without an authorisation (premises licence, club premises certificate or temporary event notice), or not in accordance with the conditions of an authorisation for the sale of alcohol), an application may be made to a court under section 20 for an order to close the premises under section 21 of the Act. Such an application cannot be made less than seven days or more than six months after the service of the closure notice under section 19.
- 2.4 The business operator has previously been involved in the running of a licensed premises known as the Gardeners Arms in the Hunslet area of the City. This premises came to our attention on the 17 April 2023 and issues were ongoing at the premises until the 20 November 2023; the complaint was closed purely as a result of the premises being sold. During the time of managing this premises the business operator was subject to enforcement action taken by both Leeds City Council Entertainment Licensing by way of warning letters issued to the premises for non-compliance namely operating beyond permitted hours and by Leeds City Council Environmental Health Services Environmental Protection Team by way of a noise abatement notice.

## **3 The Temporary Event Notice**

- 3.1 The proposed premises user is Ardene Jennifer Barry.
- 3.2 A copy of the temporary event notice is attached at **Appendix B**.

3.3 In summary, the temporary event notice is for:

*The sale by retail of alcohol, from 22:00 hours on 23 March 2024 to 04:00 hours on the 24 March 2024*

3.4 The maximum number of people, including staff, on the premises during the event has been specified as 100 attendees.

3.5 The location of the premises can be seen on the map at **Appendix C**.

## **4 Representations**

4.1 West Yorkshire Police and Leeds City Council's Environmental Protection Team have received a copy of the notice.

4.2 West Yorkshire Police do consider that allowing the premises to be used in the manner set out in the Temporary Event Notice will undermine the licensing objectives and have issued an Objection Notice.

4.3 A copy of the Objection Notice is available at **Appendix D** for Members' consideration.

## **5 Equality and Diversity Implications**

5.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub-Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

## **6 Options Available to Members**

6.1 The Licensing Sub Committee must take such of the following steps as it considers appropriate to promote the licensing objectives:

- Issue a counter notice against the event in order to prevent the event from taking place;
- If the premises benefits from a premises licence, attach relevant conditions which are attached to that premises licence; and/or
- Allow the event to take place.

6.2 Members of the Licensing Sub Committee are asked to note that they may only attach conditions that are present on the premises licence and are relevant to the activities stated on the temporary event notice.

## **7 Background Papers**

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy