

BEFORE THE LEEDS CITY COUNCIL LICENSING SUB-COMMITEE

IN THE MATTER OF AN APPLICATION FOR A SUMMARY REVIEW (S35A LICENSING ACT 2003)

THREE LEGS HOTEL, 9 THE HEADROW LEEDS LS1 6PU

**SKELETON ARGUMENT ON BEHALF OF THE PREMISES LICENCE HOLDER
FINAL HEARING**

INTRODUCTION

1. As this Licensing Sub-Committee is aware, the Applicant, PC Andy Clifford brought the summary review on the following grounds:
 - a. On the 2 February 2024 a fight occurred at the premises
 - b. Drunkenness 'appears' to be a factor
 - c. A male (male 1) 'takes a shiny item from his pocket and thrusts it towards male 2'
 - d. Both males (identified as males 1 and 2) are ejected before a further fight takes place 'on the street away from the venue'
 - e. A further altercation takes place involving males 1 and 3 where 'at some point...' male 3 is stabbed.
2. As a matter of law, it is for the applicant to make their case and evidence the reasons for any action being proposed as necessary and proportionate in the circumstances.
3. At the initial hearing, the premises licence holder and DPS made the following submissions about the timeline of events on the 2 February:
 - a. CCTV shows a seemingly spontaneous incident of a very short duration at the premises, separated by door supervisors shortly thereafter. They then lead one party directly out of the premises and then, a short time later, remove the second person.
 - b. There is no evidence of a knife or other weapon being used in the premises. No other parties saw or witnessed the use of a weapon on the premises. There was no blood or other evidence that a person was stabbed in the premises. When being removed, the alleged victim did not allege any stabbing at the time nor that he suspected the other

male involved to be carrying a weapon. The 'evidence' appears to be 'a shiny item' observed on CCTV, but there is no evidence that this is a bladed weapon.

- c. The parties involved are removed from the premises without any allegation this was not the proper course of action.
- d. There is then a period of some minutes (estimated to be around five minutes) before the operators become aware of a further altercation away from the premises.
- e. The fight away from the premises occurs some minutes after the ejection from the premises.
- f. If the first victim had indeed been stabbed in the premises rather than when the parties fight outside, one would have suspected some evidence or allegation that this was the case to either have been made at the time or come to light thereafter. In fact, 'male 2' presents himself to the hospital with an 'injury consistent with a stab wound' the following day.
- g. The allegation of a second stabbing 'away from the venue' of 'male 3' is then made. It is not believed that this individual was on the premises prior to the incident. Investigation from the DPS shows that the manager on duty was notified by the door staff and she called an ambulance, before administering first aid to Male 3 who had walked back toward the pub following the fight where the alleged stabbing took place.
- h. There is no evidence to suggest that the operators have acted in anything other than an exemplary way in working with the police following the incident. An ambulance was called and first aid administered. CCTV was provided on the night and measures either put in place or proposed at the meeting with the police on the 9 February. These included:
 - i. Re-training of all staff on sales to intoxicated persons, including making it a gross misconduct issue to serve anyone deemed intoxicated.
 - ii. A new major incident and crime scene preservation policy and staff trained in relation to the policies.
 - iii. A search policy adopted with door supervisors trained in the content.
 - iv. The premises ceasing sales of alcohol at 23:00, closing by 23:20 on Friday night and 00:00 with everyone out by 00:20 Saturday night.

MEETING FRIDAY 9 FEBRUARY 2024

1. On Wednesday 7 February, Jim Owthwaite (BDM Greene King), received a phone call from PC Clifford- the first contact Mr Owthwaite had received from him despite being the BDM for the area for approximately 2 years. He was invited to a meeting on Friday the 9 February and when it was made clear this was a serious matter, Mr Owthwaite cancelled meetings in Manchester for that day to attend.

2. On Friday 9 February PC Clifford and Bob Patterson from West Yorkshire Police met with Jim Owthwaite from Greene King, along with Debbie Fountain (the DPS) and Brenda Scott to discuss the incident on the 2 February. At that meeting, Mr Owthwaite made it very clear to the officers how seriously Greene King took this issue and that a number of measures had been implemented in conjunction with the DPS. At the meeting, PC Clifford made it clear to Mr Owthwaite that he was in two minds as to whether a summary review was required in the circumstances, and he would come back to him once a decision had been made.
3. This was followed up with an email from Mr Owthwaite to PC Clifford setting out the measures that had been put in place at the premises. These are detailed above at paragraph 3(h).
4. PC Clifford then contacted Mr Owthwaite by phone to confirm that 'on balance' he would be bringing a summary review. This was followed up with an email stating:

'Hopefully you understand why I've had to come to this decision. We'll end up having communications down the line, but for now let the process take place.'
5. The phone call on the 7th February was the first communication that Mr Owthwaite (or Greene King more generally) had with PC Clifford who had been in post since around March 2023.

INTERIM STEPS HEARING AND REPRESENTATIONS

6. The matter was originally heard on Tuesday 13 February. The Licensing Sub-Committee allowed all parties to address the Committee. A skeleton argument and accompanying documents (including policies) produced by the premises licence holder in advance of the hearing were permitted in evidence and referred to in the hearing.
7. The determination, given orally, permitted the premises to remain open based on the proposal made by the premises licence holder in their skeleton argument, with two modifications, noted in a contemporaneous note by the solicitor for the premises licence holder, as follows:
 - a. The premises to open from 10am
 - b. The search policy (submitted as part of the premises licence holder's skeleton) to be amended to remove the bullet relating to searches being at a ratio of 1 in 10 customers and replaced with a bullet relating to all customers to be searched for weapons.
8. Following the hearing, advice was given to the premises licence holder and DPS that the search policy was to be amended to reflect point b. above. It is the premises licence holder's

understanding that this was undertaken immediately, with staff re-trained (including door supervisors) in the amended policy.

9. The premises re-opened on the afternoon of the 13 February and has traded each day since; some three weeks since the hearing.
10. On the 23 February, the written determination was received from Leeds City Council, confirming the oral decision given on the day, with further reasons for the determination. A copy of the determination is included in the hearing bundle with the substantive decision at pages 29 and 30 therein.
11. No other parties have made representations supporting the police review. This includes from other responsible authorities. To date, the police have not served any further evidence in support of their case.

MEETING 4 MARCH 2024

12. On the 14 February, the premises licence holder, through their solicitor, requested a meeting with PC Clifford, which was originally agreed to be held on Wednesday 28 February but had to be postponed at the police's last-minute request. Chris Gott, the Operations Director from Greene King had intended to be in attendance, along with Mr Owthwaite and their solicitor, given the police comments about Greene King not taking matters seriously at the interim steps hearing. The re-arranged meeting was held on the 4 March 2024. In attendance was Mr Owthwaite (and solicitor), Sergeant Secker, the DPS and her solicitor (Mr Balmer) and PC Clifford.
13. Prior to the meeting the premises licence holder sent a proposed amendment to the current premises licence for consideration and discussion at the meeting. This included amended hours and conditions.
14. PC Clifford confirmed that there was no further information available to the parties in relation to the investigation of the incident on the 2 February.
15. It was accepted by the DPS that on the evening of Friday 23 February, door staff had been observed by the police failing to check every customer entering the premises. That evening, the DPS, in the presence of the police officers, reacted to this by immediately contacting the door company, with the result that the door supervisors replaced the following evening and a new team brought in. The premises licence holder understands that prior to this, the DPS had regularly been with the door team observing them undertaking checks on all customers entering the premises previously and therefore had satisfied herself that they understood what was required of them. It is fair to say that the DPS was extremely angry on finding out

that the door team were not undertaking the clear instructions they had been given. The DPS reacted immediately to correct the issue. The DPS has confirmed that a full licensing inspection was undertaken that evening by the police and everything else was found to be in order.

16. The DPS notified Mr Owthwaite on the night after the inspection about what had occurred and the steps taken. It is fair to say that Mr Owthwaite was similarly frustrated that the clear instructions given by the DPS had not been adhered to. He had been in close contact with the DPS, including visiting the premises, and had reassured himself that the policy had been amended and that the paperwork had been signed by the door supervisors to say that they understood the policy.
17. On investigation, the DPS has been led to believe that the customers observed not being searched had all initially been searched when entering the premises but then had been allowed out to smoke. The DPS can confirm that her understanding of the condition and what had been clearly communicated to the door supervisors was that they had to search all persons, including those re-entering the premises, even if they had previously been searched.
18. It was confirmed by Sergeant Secker that the police officers observing the premises who notified the DPS on the night had already reported their findings and he was in possession of a full report (by email) from the visit. A copy has been requested by the premises licence holder but has not yet been received. It was explained by Sergeant Secker that he would forward this to PC Clifford to disclose.
19. Further, at the meeting PC Clifford confirmed that there had been no incidents of note of crime and disorder at the premises. Sergeant Secker confirmed that there had been 2 inspections at the premises since the hearing on the 13 February. No further incidents or issues were raised at the meeting in relation to either visit.
20. It is also anticipated that there may have been further covert operations, observations and inspections at the premises that have yet to be disclosed.
21. The premises licence holder confirmed that as well as the training given to staff prior to the initial hearing, further training had been provided by Greene King professional providers to the staff on Thursday 15 February. The DPS has provided details of the training in her witness statement.

INTERPRETATION OF INTERIM STEPS

22. PC Clifford asserted in the meeting that the condition imposed by the Licensing Authority in relation to searches of customers required every customer to be searched at any time the premises was open to the public. The premises licence holder and DPS did not agree with

this interpretation. When asked, PC Clifford conceded that an interpretation that required searches at all times the premises was open would be 'unworkable' in practice.

23. PC Clifford was reminded that the condition added to the licence by way of interim step required:

'A search policy to be implemented and all door supervisors to be trained in the policy.'

24. It was further pointed out that the change made to the search policy by the Licensing Sub-Committee requiring all customers to be searched, in fact amended two bullets in the policy that were only relevant at times door supervisors were on the premises.
25. PC Clifford was reminded, and accepted, that by law searches could not be undertaken unless by a door supervisor. He also accepted that the condition imposed by the Licensing Sub Committee only required door supervisors on Friday and Saturday evenings.
26. Had there been a concern on the part of the police about a difference in interpretation of the condition, the premises licence holder would suggest that this could and should have been raised earlier- especially as there was a previous visit, as well as other observations of the premises. That way, if it was felt necessary, clarification could have been sought from the Licensing Sub-Committee.

PROPOSAL TO AMEND THE PREMISES LICENCE

27. At the meeting, a proposal to amend the premises licence was put forward jointly by the premises licence holder and DPS. The offer included a reduction in trading hours throughout the week and at weekends, as well as a robust set of conditions, many of which had been imposed on an interim basis- modified where it was felt it assisted in ensuring there was no ambiguity in the conditions. An additional condition in relation to radio links between door supervisors and management was also proposed following a successful test of the system over the previous weekend.
28. PC Clifford rejected the proposal as not going far enough. When asked what he thought would go far enough, he refused to provide any suggestions stating: 'it's your job to propose something I'm happy with.'
29. The premises licence holder and DPS have reflected on what PC Clifford has said. Both the premises licence holder and DPS feel that the offer was made in good faith, drafted to deal with the specific issues raised, is robust, fair, appropriate and proportionate. A copy of this proposal can be found in Appendix 1.

30. The premises licence holder will therefore ask the Licensing Sub-Committee to impose the amended hours and conditions permanently on the premises licence as set out in Appendix 1.

GUIDANCE RELATING TO REVIEWS

31. The guidance under S.182 Licensing Act 2003 states at para 11.20:

'In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.'

32. The police case highlighted and relied upon a single incident on the 2 February 2023. In relation to that incident:

- a. There is no evidence to support the need for further or more draconian action in relation to that incident presented by the police.
- b. There have been no incidents of crime and disorder associated with the premises during the 3 weeks since the first hearing.

33. In relation to allegations that the premises has had prior problems managing customers, the only other allegation raised:

- a. Greene King understands that there were no incidents involving crime and or disorder requiring a call to the police from the 27 December 2023 to the 2 February 2024.
- b. Greene Kind understand that there have been relatively few incidents of crime and or disorder at the premises in 2023 - certainly nothing that has been notified to the premises licence holder as raising significant concerns. The police have yet to provide a schedule of incidents they allege occurred at the premises. The premises licence holder reserves the right to make submissions about incidents alleged to have occurred at the premises that have yet to be disclosed- and have not been previously disclosed to Greene King.
- c. The issues relating to shoplifters trying to sell goods in the premises has largely been addressed- as acknowledged by the police in the meeting on the 4 March 2024. The majority of calls to the police following a meeting between PC Clifford and the DPS on the 5 September 2023 were to do with preventing shoplifters coming into the pub. This was specifically requested by PC Clifford.
- d. As much as the police position appears to be that the premises has been a thorn in their side, they freely admit that they have a good working relationship with the DPS (as did the police licensing officer preceding him, PC Arkle). Indeed in June 2021, the police supported an application to remove mandatory door supervisors from the premises on Thursdays.

- e. Further, the premises licence holders are not aware that the police have taken any official enforcement action against the premises. Certainly, since Greene King have been premises licence holders, they have not been previously notified by the police that they consider the premises to be of significant concern, such that would warrant a review or other enforcement action. Indeed, that there was no attempt to contact the premises licence holder by PC Clifford between March 2023 and February 2024 speaks volumes.
34. That is not to say the premises has not had its issues- that has never been the DPS's or premises licence holder's position. However, the DPS and premises licence holder would dispute any assertion from the police that they have been anything other than proactive in the management of the premises and its customers.
35. The high-water mark of the police case in the summary review is that police have raised previous issues alleging the premises has struggled with 'managing customers'.
36. Discussions between the DPS and police show a history of positive dialogue between them, especially following a meeting between them on 5 September 2023. Messages between the DPS and police include references to 'positive feedback' about the premises and 'anecdotally, I am hearing good things' since that meeting, which paint a picture of a premises working hard, and seemingly succeeding, in dealing with concerns raised by the police. These messages are appended to the DPS witness statement.
37. No evidence has so far been provided of a history of crime and disorder associated with the premises. No evidence has been submitted of formal action being taken against the premises in relation to crime and or disorder that would rise to the level of a review, let alone the need to either suspend or revoke the premises licence.

ENFORCEMENT PROTOCOLS

38. Any suggestion that the pub should be considered to be particularly problematic is not borne out by police engagement with the premises licence holder which has to date been minimal. The obligation is on the police to bring matters of concern to the attention of the premises licence holder under the '4 E's' approach to enforcement:
- a. Engage
 - b. Explain
 - c. Encourage
 - d. Enforce.

If the police now suggest that there is a significant history of issues at the premises that require urgent and draconian action by the Licensing Sub-Committee, then the police should

be able to identify why this is the case and why the above protocol has not been followed with the premises licence holder.


39. Likewise, if the police are suggesting that the incidents prior to the 2 February are themselves enough to warrant action, then they should explain why such action wasn't taken at the height of when they say there were issues. Given the interactions between PC Clifford and the DPS following the 5 September 2023 meeting show what appears to be 'good things' in terms of operation of the premises, the evidence would suggest the time for a review would have been then and before matters appear to improve.
40. A full review grants rights to the premises licence holder to be presented with full allegations as part of the application itself. These cannot be added to after the consultation period unless there are additional incidents. The process allows time for the party facing enforcement action to digest and respond to the evidence in support of those allegations in the lead up to the hearing. No substantive allegations were made in the summary review application, outside of the Feb 2 incident, and no such allegations have been formally made in the lead up to the final hearing- let alone evidence served in a timely fashion to allow for proper analysis and a response.

CONCLUSION

41. The premises licence holder and operators of the premises recognise that this was a serious incident and have acted accordingly. The premises licence holder has taken this very seriously, including dropping everything to attend a meeting on the 9 February. Indeed, the original meeting following the interim steps hearing, set for the 28 February, was due to be attended by Chris Gott, the Operations Director from Greene King specifically because of PC Clifford suggesting to the Licensing Sub Committee that Greene King had been 'kicking the can' on the matter. Mr Gott has been directly in contact with PC Clifford to ensure that there is a good dialogue going forward with the police and has invited them to discuss how best this working relationship can be enhanced on Thursday 7 March. Greene King has also closely monitored the premises and kept in contact with the DPS throughout the interim period and are satisfied that the DPS and her team have implemented everything asked of them and worked with officers who have attended the premises.
42. As far as Greene King are aware, there have been no incidents involving knives or stabbings at the premises in its history. They are also not aware of any glassings at the premises. None have been evidenced or referred to by the police in discussions about the premises.
43. With the exception of the one occasion where door supervisors did not comply with the express instructions of the DPS (much to the anger and frustration of the DPS and premises licence holder), the premises has had no trouble or crime & disorder associated with it in the interim

period since the review was sought. Customers are not refusing to be 'wanded' on entry and no weapons have been found.

44. The proposal to close early, especially during the week will prevent customers attending from other premises in Leeds which will assist with the management of intoxication. The conditions, including the addition of radio between management and door supervisors, further assist in ensuring there is proactive management of customers both at the door and inside the premises.
45. Two licensing inspections appear to have shown a clean bill of health in terms of general compliance and a proactive approach to management. It is understood that there have been other observations undertaken by the police but no suggestion made at the meeting of 4 March, nor evidence provided to the premises licence holder or DPS that these have been of concern.
46. For these reasons, it is submitted that the amendments to the licence in Appendix 2 below, are the appropriate, proportionate necessary remedy for the conclusion and disposal of this review.



PIERS WARNE,
TLT SOLICITORS
March 5 2024

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APPENDIX ONE

Hours

Hours for licensable activities amended to:

10:00 to 23:00 Sunday to Wednesday*

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

Premises open to the public:

10:00 to 23:30 Sunday to Wednesday

10:00 to 00:30 Thursday to Saturday

*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.
4. A minimum of 3 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. 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)

The following numbered conditions:

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)

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Witness Statement of Debbie Lacey

1. I am the Designated Premises Supervisor("DPS") of the Three Legs pub, which is situated on the Headrow in Leeds. Between me and my husband, Sean, we have had the tenancy of the Three Legs between us for over 11 years. Throughout this time both of us have had an excellent working relationship with the police and licensing authority.
2. I've held a personal licence since 2010 and had various pubs, some in the Leeds area, and have never had any issues with any of the premises I have managed before this.
3. The Three Legs is a typical City Centre Pub with a huge regular customer base. It's extremely well known for its characters and karaoke. The majority of the clientele at the Three Legs are good people who view the pub as their community. Whilst it is fair to say the pub has its difficult characters, the staff and management are actively proactive.
4. The Manager of the pub is Brenda Scott. She has successfully managed the pub for us for the last 11 years and worked at the pub prior to that. In 2021 Brenda fell seriously ill. Due to this I was asked by the police licensing officer at the time, PC Kath Arkle, to become the DPS with immediate effect. I have been DPS since.
5. In March 2023 PC Arkle retired and PC Andy Clifford became the new police licensing officer. On receipt of his email introducing himself I asked to meet him as a courtesy. When we met, he said that he knew of the pub and its reputation and said it had issues.
6. On 29th August 2023 PC Clifford asked to meet as he had a few concerns. A meeting was arranged for the 5th September. At the meeting PC Clifford advised that he was concerned about shoplifters in the pub and fighting. We assured him it would be dealt with. He wanted to see a particular incident of shoplifters selling Leeds Utd shirts in the pub. In searching for this and going an hour before and a hour after the time stated it was found the incident didn't occur and if it did, it certainly didn't happen in the Three legs. We also agreed that any incidents especially shoplifters would be reported to the police. He said he expected a spike in calls but it would settle down and he would review. We did as he asked and on 14th September

I emailed him informing of agreed actions with the staff. He said he would monitor and get in touch in the coming weeks. I attach a screenshot of that message ("DL1").

7. On 10th October PC Clifford emailed me to advise that he hadn't had chance to go through the crime statistics regarding the pub. I attach a screenshot of that message ("DL2").
8. On 22nd November again advised that he hadn't looked into the crime statistics but he was hearing good things anecdotally about the Three Legs. I attach a screenshot of that message ("DL3").
9. We heard nothing from him until PC Clifford emailed me on 5th February 2024 asking if we could meet to discuss an incident that happened the previous weekend. He asked if I was available the following week. On 6th February he emailed to say someone (possibly 2 people) had been stabbed in the pub. He didn't have the full details but advised me to attend Elland Road Police Station for a meeting. He wanted a representative from Greene King there as well.

stabbing incident

10. Whilst there was an incident in the pub, the door staff reacted quickly and dealt with it as effectively as they could and removed the parties involved. The men came into the pub after 8.30 in the evening. They were halfway down their second pint with us when the scuffle occurred.
11. An altercation with the same person happened further down from the pub with someone who had not been in the premises. After that altercation a man came walking to the pub and a member of staff who was outside noticed blood on his shirt and administered first aid. The door staff notified the shift manager and an ambulance and police were called. The man didn't want to go to hospital.
12. It took 8 days from the incident to the meeting at Elland Road police station. On meeting at the Police Station, PC Clifford said it was serious, that the pub wasn't paying attention to not serving drunk people and as we'd had the conversation before it seemed like we weren't listening to him. He said 2 people had been stabbed in the pub. We questioned this as although there was a scuffle in the pub lasting a few seconds, we could not see any stabbing on the premises CCTV. He said regardless of whether it happened inside or outside the pub we were culpable. After the meeting PC Clifford advised Jim Owthwaite that he would be applying for a review of the premises license.
13. The incident on the 2nd February could not have been predicted. It could have been any pub. However we acknowledged that it was a serious incident and we immediately put measures in place to ensure the safety of the customers.

Post stabbing incident

14. After the incident we increased the door staff from 2 to 3 and introduced a metal detector wand for all customers. I also closed over that weekend voluntarily an hour early, at 11pm.

15. I also decided to purchase 4 radios for use by the staff at personal cost. These are used on a Friday and Saturday night between myself/ the manager, the head doorman who is actually on the door, the door staff walking the pub and a nominated member of staff behind the bar so we can keep in contact when the pub is busy. The radios are working well as even though there have not been any incidents, we can communicate easier and react a lot quicker to a situation with the radios. The pub isn't busy enough during the week for them to be needed.
16. I provided refresher training to the staff and Greene King also provided training. The training provided by Greene King was done by a trainer called [REDACTED], she covered absolutely everything from licensing objectives to pub specific policies i.e. not serving drunk people and dealing with difficult customers. I attach a copy of her notes ("DL4").

Summary Review 13/2/24

17. At the summary review before the licensing committee on the 13th February, the following additional interim conditions were imposed:
 - Searching 100% of people entering the premises (on nights when door staff were on duty).
 - Closing at 11pm every night with time called at 10.30pm
 - Opening at 10am (though this happens anyway although licence states from 8am)
 - DPS to be on the premises 7pm-11pm Wednesday to Sunday.
18. All of the above has been at considerable additional cost combined with fewer trading hours. I amended the search policy to reflect the requirements imposed at the interim hearing.
19. Since the interim hearing we have had various licensing checks. In addition, undercover police have come to the premises at a weekend to check the door staff are searching people. The first licensing check was on 10th February at 11.35hrs. We received no feedback, they just advised everything was in order. I have asked for the paperwork for both visits and was told Sargent Secker would get it to me via email but I have had nothing.
20. The second licensing check was on 23rd February at 19:36hrs. On this occasion we were advised that the door staff not searching people as they were entering the pub. This was contrary to what we had instructed them to do. I spoke with the door staff in the presence of the officers, who advised they hadn't searched them as they had already been in the pub. This was clearly not acceptable to us and we rang up the security company immediately. The same door staff were wandering people the week before at 100% with no issues. They had signed the search policy and had training with myself and the door staff Manager [REDACTED] and understood what was required of them. I spent periods of time at the door with them and was satisfied they knew what was being asked of them.

21. After the police had left from doing their checks, I went out to ensure they were wanding everyone. I have subsequently gone through the CCTV on the evening of the 23rd February. I observed the door staff from 1840hrs to 1900hrs (the times that the police were present) and people were being wanded, although I did observe this wasn't happening 100% as we had specifically asked them to do which was very disappointing.
22. We had the whole door team replaced the following evening. We also received a letter from one of the directors of the door company which I attach apologising ("DL5"). It was so disappointing after all the measures we have put in place. The new door team came in on the following night and signed up to the amended search policy ("DL5A"). There have been no further incidents. I have also been advised that the previous team have all been sacked by the security company.
23. At the summary review PC Clifford stated that the pub has had issues historically and it was struggling to manage some of its customers and that calls to the police had increased. The last incident before 2nd February that required us to call out the police was 23rd December 2023. We don't accept that incidents have increased in the last 12 months and have repeatedly asked for the police to provide us with the figures. There have been a seven reports to the police after the meeting with PC Clifford in September 2023 up to 2nd February. These include a number of calls to the police reporting shoplifters.

Post Interim Hearing up to present date

24. I have been at the pub at the specified required times and no problems or incidents requiring police attention have occurred.
25. In the last 3 weeks I have employed 2 new part time staff who are extremely competent. I have also put out an advert for an experienced General Manager with a personal licence, with a view to replacing the current manager, Brenda. I am also putting 2 members of staff through their personal licence so there are more licence holders on site.
26. The door staff are refusing entry and staff are refusing service to drunk people. Staff are logging this in the refusal book. We are also stopping service to people who in our opinion look to be intoxicated. Staff and door staff are more than happy to eject these people and more often than not they are more than happy to leave.
27. I can confirm that searching is now taking place for all customers entering and re-entering the premises. We have found no knives or weapons in the period since we started this and nobody has refused to be searched or wanded.
28. In a further effort to co-operate with the police I have contacted PC Clifford for advice on how to deal with a problem customer who we had barred from the premises. So far, I have not had a response. I attach a copy of the email sent on 26th February ("DL6").

29. All I want is a good working relationship with the police as we are still going to have to work together moving forward. I feel as the Operator and the DPS I have done nothing wrong and everything in my power to help the police and help Greene King not to have the premises license suspended.

30. The premises is a typical city centre pub. It has its challenges but it's not what the police are making it out to be. We are doing everything they asked. We have opened a petition for the customers to sign to support the premises remaining open. So far we have 690 signatures. A number of the clients have also written letters, which I attach("DL7").

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed: [REDACTED]

Dated: 5th March 2024

DL1



DL2



DL3




Licensing Training

From: [REDACTED]

To: [REDACTED]

Cc: [REDACTED]

Date: Monday, 19 February 2024 at 10:22 GMT

 External images are now more secure and are shown by default. [Change in Settings](#)

Hi Debbie

Thank you for your hospitality on Thursday, It was lovely to meet you and your team, I do hope you found the training useful

The session was interactive so the team were answering questions for me to check their knowledge. I got the team to sign the register which had the agenda on it. Also I pointed out to them that they were signing to say that they understood all the points on the agenda and at the end of the session I checked that they were all happy that they had been trained and fully understood the content of the training, every member of your team answered 'Yes' I have attached a copy of the register to this email for your records.

We covered:

- **What Licensing is**
- **About a Personal License and Premises License**
- **Licensing Compliance**
- **The Licensing Objectives**
- **About Licensing and the Law**
- **Alcohol and ABV's**
- **Legal Measures**
- **Licensed Premises rules**
- **Age Verification Policy Procedures**
- **Your Pub Specific Information**
- **Other considerations**
- **What Passing off is**
- **Licensing Signage that needs to be displayed**
- **Where to get further Information if needed**

I wish you all the best going forward. Should you need anything more from me please do not hesitate to give me a call

Kind Regards

[REDACTED]

[REDACTED]

Shaun Fountain
Three Legs Public House
11 The Headrow
Leeds
LS1 6PU

24th February 2024

Dear Mr Fountain

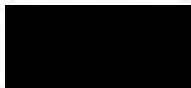
METAL DETECTOR WAND SEARCH

Following the recent stabbing incident outside the Three Legs Public House and the subsequent stipulation by West Yorkshire Police that everyone attending the premises should be wand searched, I, along with my management team was extremely disappointed to learn that the security staff had not followed this clear instruction.

The security guards are all SIA licence holders and have attended the relevant SIA courses including training in the use of metal detector wands. I am deeply sorry that following police surveillance on the front door security guards that it was established that they were randomly wand searching as opposed to the stipulated search of every person entering the premises and had to approach the security team and your management to raise the issue.

Following discussion with yourself, we have made the decision to replace the full team with effect from today 24 February 2024. The new team are of course also SIA registered and trained. They have been fully briefed on the importance of the stipulation that everyone entering the premises must be wand searched. I am confident that the new team who are reliable and responsible will fulfil the full requested duties.

Yours sincerely



DANIEL CARTER
Director

Search Policy

This policy requires SIA registered door staff who are employed at the premises to actively search customers on a random basis. It also required that door staff consider whether customers entering the premises or already on the premises are displaying any signs that would require a search of that person. The policy has 2 parts:

- 1 Door searches
- 2 Other searches

All searches are to be carried out in line with your general legal obligations to the person being searched and also in line with your obligations as SIA badge holders.

It is not permitted for staff to carry out searches without the consent of the individual being searched. If someone is suspected of using drugs or concealing weapons, the duty manager is to be notified and the police informed. If possible, the person should be detained at the premises. However, if not, a full description (with name if known) will be required for the police.

Door Searches

This policy requires door staff when they are on duty at the front door of the premises to undertake the following:

- All persons entering the premises are to be searched for weapons.
- A search wand is to be used for searches.
- Searches are to be undertaken in an area covered by CCTV to ensure that there is a CCTV record of the search in case of any claims later. Items emptied from pockets or bags should be placed on table in view of CCTV in case of allegations of missing items or in case of anything such as drugs or weapons are found.
- Any seizures of either weapons or drugs found on persons are to be dealt with as set out below.
- Anyone refusing to be searched must not be permitted entry.

Other searches

When on duty inside the premises or in the outside areas, door staff are required to search anyone suspected of either having taken or about to take drugs.

Confiscations of drugs and weapons and detention of suspect

It is the duty of the door supervisor undertaking the search to notify the duty manager of any confiscations and to notify the police that drugs or concealed weapons have been found. If possible, the suspect should be detained until instruction has been given by the manger or the police directly.

Weapons

Any weapons are to be secured away in the manager's office

Drugs

Any drugs found will be stored in a secured and locked box in the manager's office and a log made of what was taken. Drugs must remain secured until the police take them away or otherwise instruct on what to do with them.

secured and locked box in the manager's office and a log remain secured until the police take them away or

a customer refuses to be searched an entry matters or in the incident log. with this policy. staff are operating and

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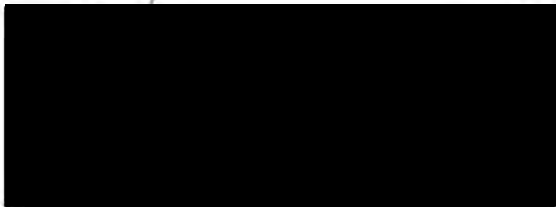
Any drugs found will be stored in a secured and locked box in the manager's office and a log made of what was taken. Drugs must remain secured until the police take them away or otherwise instruct on what to do with them.

Any searches resulting in seizures or where a customer refuses to be searched an entry must be made in a log kept for recording all such matters or in the incident log.

Door staff must sign to say they understand and will comply with this policy.

A copy of this policy is to be kept at the front door whenever door staff are operating and will be made available to customers on request.

T /14601860.1



All signed on Saturday 24th Feb

Agreed and understood



- 9.4
- 9.5
- 9.6 M
Stk
act
- 10.0 Bac
- Gi
- Lei
- Appendices
- Appendix A Pr
- Appendix B Sig
- Appendix C Sigr
- Appendix D Inter
- Appendix E Map
- Appendix F DPS I
- Appendix G s182 C

Lucy Mulligan

From: Debbie Lacey [REDACTED]
Sent: 04 March 2024 16:48
To: Michael Balmer
Subject: Fwd: The Three Legs

Follow Up Flag: Follow up
Flag Status: Flagged

This message originated from outside our organisation and was sent to Michael Balmer. The sender name was [REDACTED] and the sender's email address was [REDACTED]

Email sent to Andy Clifford asking for help. No response as yet.
Sent from my iPhone

Begin forwarded message:

From: Debbie Lacey [REDACTED]
Date: 26 February 2024 at 19:35:29 GMT
To: Andrew Clifford <[REDACTED]>
Subject: The Three Legs

Hi Andy,

I'm emailing for some help and advice please.

We have a gentleman who is barred with a brain injury. Possibly known to yourselves, his name is [REDACTED].

He turns up several times a day and the later it gets the more aggressive he gets. He comes in trying to drink his own beer and starts rolling weed. He knows full well he cannot come in but I've seen first hand how nasty he can get.

We found out he comes from a care home in Yeadon. We have been in touch with Adult Social Services who informed us they would send us a form to complete. We haven't received it as yet (this was last week.) They also advised that there was probably nothing they can do about it and it's a matter for the police. We move him on when we can but as above he unstable and unpredictable.

Can you suggest anything to help?

Thanks

Debbie
Sent from my iPhone

DATE 09 07 2024

TO ALL STAFF

RE : SERVING ALCOHOL TO INTOXICATED CUSTOMERS

AS PER PREVIOUS INSTRUCTIONS - THE SERVING OF ALCOHOL TO INTOXICATED PEOPLE IS AN OFFENCE.

IT BREACHES THE 4 LICENSING OBJECTIVES WHICH ARE :

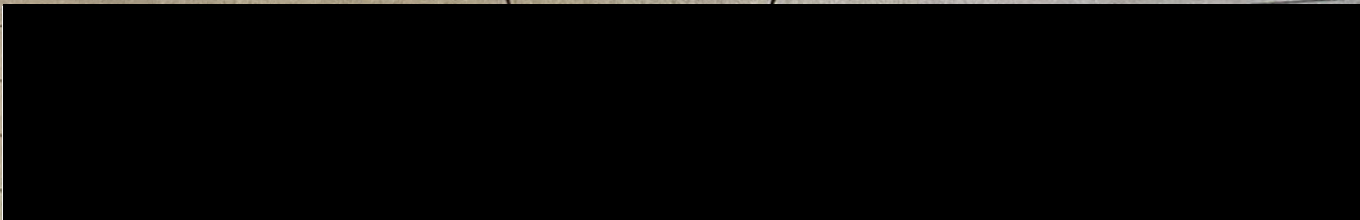
- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

The majority of problems arising from the pub is due to this. The serving of alcohol to drunk people ceases IMMEDIATELY. If you are found to be doing this it will be classed as Gross Misconduct and will lead to instant dismissal.

Please all sign and print below to confirm you have read and understood the above. Thanks
Debbie

As a community, we highly request The Three Leafs to remain open as it is an essential social point for people of various ages, backgrounds and cultures to meet and come together as a community and share in our experiences, lives and up and down. This is a fantastic pub, full of kind and caring people and it would be extremely unfair, a social injustice in fact if were to close down due to an unfortunate incident that is not the community's fault. We stand together to ask that the friendly pub remains open for those who enjoy the environment here. This pub encompasses a family atmosphere that is much needed and appreciated by those who sensibly enjoy this facility as a caring social point of Leeds.

Signed By



NOTE - THE POLICE NEED MORE RESOURCES AND MORE EMPLOYEES IN PLACE OF SOCIAL RESTRICTIONS

NOTE - BAN KNIVES - NOT COMMUNITIES.

See left
Hardw

An absolute meaning place
Loved by local.

x

Three legs
Headrow

An absolute meeting place.

Loved by locals.

x

From: Michael Balmer MichaelB
Subject: RE: The Three Legs
4 Mar 2024 at 15:18:11

CONCERN

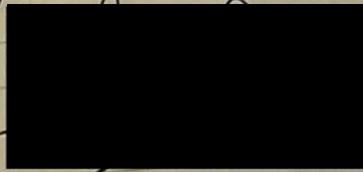
To Council / Police / Whoever.

Please don't close the 3 Legs.

We love this pub. Everyone does.

Its safe and I think people are trying to cause
trouble for the owners and Brenda.

Its wrong.



To the proprietors of
Whom it may concern,

We insist the three
legs pub remains open.

It brings communities
together.

The pub house is
safe environment,
welcoming, clean,
and for families.

Please contact me on

[REDACTED]

[REDACTED]

✓

From Michael Balmer Michael
Three Leas

To whom it may concern

The Three Leas

I have been frequenting the pub
for 11 years and will continue to do so.
It is an essential centre of Leeds
night life.

The atmosphere is like no other in the
city.

Please keep it open

I can be contacted on

[REDACTED]

Thank you

[REDACTED]

03/02/2024	Saturday	00:00	Public Order
02/02/2024	Friday	21:25	S18
19/01/2024	Friday	21:25	Assault DV
12/01/2024	Friday	21:00	S18
16/01/2024	Tuesday	23:25	Assault Hate
29/12/2023	Friday	23:15	Assault
29/12/2023	Friday	23:30	Sexual assault
23/12/2023	Saturday	13:35	Public Order Hate
21/12/2023	Thursday	20:40	Drugs
21/12/2023	Thursday	20:35	D&D
21/12/2023	Thursday	20:00	Assault
21/12/2023	Thursday	20:00	Assault
21/12/2023	Thursday	20:20	Public Order Hate
21/12/2023	Thursday	20:00	Assault
26/11/2023	Sunday	23:05	Assault DV
08/11/2023	Wednesday	20:50	Robbery
27/10/2023	Friday	19:30	Assault
24/10/2023	Tuesday	20:50	Assault
06/10/2023	Friday	20:00	Assault
10/09/2023	Sunday	22:30	Public Order
06/09/2023	Wednesday	19:45	Affray
06/09/2023	Wednesday	19:45	Assault
06/09/2023	Wednesday	19:45	Assault
27/07/2023	Thursday		Assault
23/07/2023	Sunday	20:00	Assault DV
23/07/2023	Sunday	20:00	Assault
08/07/2023	Saturday	23:47	MISPER U18
30/06/2023	Friday	18:00	Assault
23/06/2023	Friday	23:57	Assault DV
12/06/2023	Monday	16:15	Assault
20/05/2023	Saturday	00:15	Affray
11/05/2023	Thursday	22:15	Weapon
31/03/2023	Friday	20:30	Theft

21/03/2023	Monday	22:45	Assault
06/03/2023	Monday	00:00	Assault
02/02/2024	Friday	21:15	S18
16/01/2024	Tuesday	22:00	Assault
08/01/2024	Monday	19:45	Theft
29/12/2023	Friday	17:00	Theft
28/12/2023	Thursday	20:00	Robbery
17/11/2023	Friday	20:00	Theft
09/11/2023	Thursday	18:00	Assault
20/10/2023	Friday	21:45	Assault
24/08/2023	Thursday	22:00	Assault DV
05/08/2023	Saturday	23:00	Theft
02/08/2023	Wednesday	16:30	Assault
14/07/2023	Friday	14:40	Assault
07/07/2023	Friday	23:35	Assault
07/07/2023	Friday	23:35	Assault
13/05/2023	Saturday	16:05	Assault
27/04/2023	Wednesday	23:00	Assault DV
07/04/2023	Friday	23:50	Assault
06/04/2023	Thursday	20:30	Theft
31/03/2023	Friday	14:50	Assault
10/03/2023	Friday	22:30	Theft
17/09/2023	Sunday	22:30	Assault

Nelson, Matthew

Subject: FW: Meeting

From: Wood, Jane

Sent: 28 March 2023 14:41

To: Debbie Lacey [REDACTED]

Cc: Andrew.Clifford@leeds.gov.uk [REDACTED] (External) <Andrew.Clifford@leeds.gov.uk> [REDACTED]

Subject: RE: Meeting

Hi Debbie

Thank you for meeting with Andy and I today in order to discuss recent issues at the premises.

Following our meeting I just wanted to cover in an email the points we discussed, as below:

- New management have been taken on along with an over haul of bar staff in which previous staff have been replaced– staff to be trained on refusals, incident book
- Staff to monitor intox levels of customers when serving and be reminded they can refuse to serve drunk customers
- To discuss with the security company the allocation of door staff as different staff sent every week and not particularly efficient on the door, was discussed to source a different company?
- Incident report register not completed from December to 1st March – to reiterate to staff and door team that each incident requires logging
- Rear outdoor area which is used by customers to smoke, this area to remain closed especially at busy times as impossible for bar staff to monitor which is causing a problem and has led to altercations occurring in the area.
- Bar management to patrol the premises at timely intervals to monitor intox levels of customers, especially at busy times in order to prevent any altercations due to over intoxicated customers
- To discuss the use of radio communication system between door staff and bar staff so all can communicate effectively in order to prevent incidents from occurring and to safely deal with incidents should they happen

It was also noted that the CCTV now has over 31 days footage and a member of staff is on the premises who can retrieve any data should it be required.

If you wish to discuss any of the above in more detail, please feel free to contact me on the number below.

Kind regards

Miss Jane Wood
Senior Liaison & Enforcement Officer
Entertainment Licensing
Leeds City Council

[REDACTED]
[REDACTED]
email: [REDACTED]
www.leeds.gov.uk

From: Debbie Lacey [REDACTED]
Sent: 27 March 2023 12:33
To: Wood, Jane [REDACTED]
Subject: Re: Meeting

Hi Jane,

Hope you're well! Would tomorrow at 11 be ok?

Thanks

Debbie

Sent from my iPhone

On 27 Mar 2023, at 12:08, Wood, Jane [REDACTED] wrote:

Hi Debbie

Andy mentioned you would like us to attend the premises due to changes with management etc. There was also a couple of outstanding issues from my last visit with Cath.

Are you available tomorrow at 11 am? Or Thursday afternoon at around 1.30 pm?

Thanks

Miss Jane Wood
Senior Liaison & Enforcement Officer
Entertainment Licensing
Leeds City Council



email: [REDACTED]
www.leeds.gov.uk

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Nelson, Matthew

From: Debbie Lacey [REDACTED]
Sent: 05 April 2023 09:46
To: Andrew.Clifford [REDACTED] (External); Wood, Jane
Subject: The Three Legs

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Hi,

Was good to meet with you both last week. Thanks for taking the time out to come to the pub and see us.

Just to keep you updated, we have 3 doorstaff on from 6pm on a Saturday night, 2 on the doors and one inside and ones that are doing as we need them to do.

The area manager came yesterday and I told him about the outside area. He asked to see the email as I don't think he believed me. I told him it was just too busy on a weekend evening to keep checking the outside area. He said that's what we have staff for. Told him it didn't work that way therefore it will remain locked.

Jermaine has started moving in and Brenda is going to be in hospital for at least another 2 weeks.

If there is anything else. Just let me know.

Thanks

Debbie
Sent from my iPhone

Nelson, Matthew

From: Debbie Lacey [REDACTED]
Sent: 29 August 2023 16:18
To: Andrew.Clifford [REDACTED] (External)
Subject: Re: 3 Legs

Hi Andy,

11am next Tuesday is absolutely fine. I'll see you there.

Thanks

Debbie

Sent from my iPhone

On 29 Aug 2023, at 15:43, Clifford, Andrew [REDACTED] wrote:

Hi Debbie,

I'm wanting to meet and discuss a few concerns regarding the 3 Legs. Would you be available a week today at the pub (5th September)?

If we say 11am?

Regards

Andy

PC [REDACTED] CLIFFORD
Leeds District Licensing Department
Elland Road Police Station

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