

**LICENSING SUB-COMMITTEE**

**23<sup>rd</sup> AUGUST 2023**

**LATE ITEM: Temporary Event Notice for Sky  
Emerald, Unit 1, 91 Queen Street, Morley,  
Leeds, LS27 8DW**

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**Report author:** Miss Charlotte Deighton

**Tel:** 0113 378 5029

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

**Report to the Licensing Sub Committee**

**Date:** 23rd August 2023

**Subject:** Temporary event notice for Sky Emerald, Unit 1, 91 Queen Street, Morley, Leeds, LS27 8DW

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Morley South		
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**

This report advises Members that a temporary event notice has been received and West Yorkshire Police and Leeds City Council Environmental Protection Team have served an objection notice on the grounds of the prevention of crime and disorder and the prevention of public nuisance.

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 and Leeds City Council Environmental Protection Team.

## **2 History of premises**

2.1 This premises benefits from a premises licence. A copy of the licence is attached at Appendix A.

## **3 The temporary event notice**

3.1 The proposed premises user is Sephuine Morgan.

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  
The provision of regulated entertainment  
The provision of late night refreshment

28th August 2023                      23:00 - 23:59

29th August 2023                      00:00 - 04:00

The maximum number of people, including staff, on the premises during the event has been specified as 250.

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

## **4 Representations**

4.1 West Yorkshire Police and LCC Environmental Protection Team have received a copy of the notice.

4.2 West Yorkshire Police and Leeds City Council Environmental Protection Team consider that allowing the premises to be used in the manner set out in the temporary event notice will undermine the prevention of crime and disorder and the prevention of public nuisance and have issued an objection notice.

4.3 Copies of the objection notices are attached for member's consideration and can be found at Appendix D.

## **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
- 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

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## Details of premises licence

For: Sky Emerald Banqueting Suite



This document provides details of the premises licence issued to the stated premises and is not a licence itself.

**Licence number:** PREM/04606/002

**Premises the licence relates to:** Sky Emerald Banqueting Suite, Unit 1E,  
91A Queen Street, Morley, Leeds, LS27  
8DW

**Date licence first effective:** 8th October 2020

**Date current version effective from:** November 13, 2020

### Licensable activities authorised by the licence:

#### Sale by retail of alcohol

Monday to Saturday	11:00 - 23:00
Sunday	11:00 - 22:00

#### Performance of a play

Monday to Saturday	11:00 - 23:00
Sunday	11:00 - 22:00

#### Exhibition of a film

Monday to Saturday	11:00 - 23:00
Sunday	11:00 - 22:00

#### Indoor sporting events

Monday to Saturday	11:00 - 23:00
Sunday	11:00 - 22:00

#### Boxing or wrestling entertainment

Monday to Saturday	11:00 - 23:00
Sunday	11:00 - 22:00

#### Performance of live music

Monday to Saturday	13:00 - 23:00
Sunday	13:00 - 22:00

#### Performance of recorded music

Monday to Saturday	11:00 - 23:00
Sunday	11:00 - 22:00

#### Performance of dance

Monday to Saturday	11:00 - 23:00
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Entertainment similar to live music, recorded music or dance  
Monday to Saturday 11:00 - 23:00  
Sunday 11:00 - 22:00

**Opening hours of the premises:**

Thursday to Saturday 09:00 - 00:00  
Sunday to Wednesday 09:00 - 23:00

**Premises licence holder(s):**

**Skyru Management Limited, Unit 1E, 91A Queen Street, Morley, Leeds, LS27 8DW**

**Designated premises supervisor:**

Anuoluwa Aimufua

**Access to the premises by children**

Access to the premises by children is restricted



## Annex 1 – Mandatory Conditions

1. Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-
  - a. unauthorised access or occupation (e.g. through door supervision), or
  - b. outbreaks of disorder, or
  - c. damage
2. No supply of alcohol may be made under this licence
  - a. At a time when there is no designated premises supervisor in respect of the premises licence, or
  - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

- a. games or other activities which require or encourage, or are designed to require or encourage individuals to -
    - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
  - b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - d. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorize anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
  - e. dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
  6. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- a. a holographic mark, or
- b. an ultraviolet feature.

7. The responsible person must ensure that -

- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
  - i. beer or cider: ½ pint;
  - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - iii. still wine in a glass: 125 ml;
- b. these measures are displayed in a menu; price list or other printed material which is available to customers on the premises; and
- c. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

8. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1 of this condition -

- a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b. "permitted price" is the price found by applying the formula  $P = D + (D \times V)$  where -
  - i. P is the permitted price,
  - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
  - i. the holder of the premises licence,
  - ii. the designated premises supervisor (if any) in respect of such a licence, or
  - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e. "value added tax" mean value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.



10. The premises licence holder/designated premises supervisor will ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to patrons under the influence and underage persons
11. The premises licence holder/designated premises supervisor will ensure records are kept of training and refresher training.

### **The prevention of crime and disorder**

12. A suitable closed circuit Television (CCTV) system will be in operation at the premises at all times when it is being used for the provision of licensable activities and/or when members of the public are permitted to be on the premises.
13. The CCTV system will record images to cover all areas of the premises to which the public have access (save for toilets), including any external areas of the premises.
14. The CCTV system will be capable of retaining images for a minimum of 31 days, will be of good quality and will contain the correct time and date stamp information.
15. The CCTV system and images will be kept in a secure environment to which members of the public will not be permitted access.
16. At least one member of staff will be on duty at the premises who is capable of operating the system and downloading images recorded by it. These images will be downloaded and provided, on request, to an officer of a responsible authority.
17. The premises licence holder and/or designated premises supervisor will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti social behaviour, admissions refusals and ejections from the premises.
18. The Incident Report Register will contain:
  - (a) consecutively numbered pages,
  - (b) the date time and location of the incident,
  - (c) details of the nature of the incident,
  - (d) the names and registration numbers of any door staff involved or to whom the incident was reported (where appropriate),
  - (e) the names and personal licence numbers (if any) of any other staff involved or to whom the incident was reported,
  - (f) the names and numbers of any police officers attending,
  - (g) the police incident and/or crime number, names and addresses of any witnesses and
  - (h) confirmation of whether there is CCTV footage of the incident.
19. The Incident Report Register will be retained for a period of twelve months and produced for inspection immediately on the request of an authorised officer.

### **Public safety**

20. The premises licence holder/designated premises supervisor will ensure appropriate fire safety procedures are in place including fire extinguishers (foam, H<sub>2</sub>O and CO<sub>2</sub>), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting.

### **The prevention of public nuisance**

21. The premises licence holder/designated premises supervisor will ensure all customers will be asked to leave quietly.
22. The premises licence holder/designated premises supervisor will ensure clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbors.

23. The premises licence holder/designated premises supervisor will ensure there is no allowance for patrons to smoke outside the front of the premises and alternative arrangements to be made for smoking shelters and smoking items disposal.
24. The premises licence holder/designated premises supervisor will ensure emptying of waste bins outside to only take place between 09:00 and 19:00.
25. A waste management plan with a reputable waste management company to be adopted so that their own waste is disposed of accordingly.

**Protection of children from harm**

26. Staff will verify persons who appear to be under the age of 25 with photographic ID such as proof of age cards, photographic driving license or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.

**Annex 3 – Conditions attached after a hearing by the licensing authority**

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TEN
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**Entertainment Licensing, Leeds City Council, Civic Hall, Leeds, LS1 1UR**

## Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

**I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.**

<b>1. The personal details of premises user</b> (Please read note 1)	
1. Your name	
Title	
Surname	Sephuine Morgan
Forenames	
2. Previous names: (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary).	
Title	
Surname	
Forenames	
3. Your date of birth	[REDACTED]
4. Your place of birth	[REDACTED]
5. National Insurance Number	
6. Your current address: (We will use this address to correspond with you unless you complete the separate correspondence box below).	
[REDACTED ADDRESS]	
7. Other contact details	
Telephone numbers:	
Daytime	
Evening (optional)	
Mobile (optional)	
FAX NUMBER (optional)	
E-Mail Address (if available)	[REDACTED]

8. Alternative address for correspondence (if you complete the detail below, we will use this address to correspond with you)



9. Alternative contact details (if applicable)

Telephone numbers:

Daytime

Evening (optional)

Mobile (optional)

FAX NUMBER (optional)

E-Mail Address (if available)

## 2. The premises

Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references).  
(Please read note 2)

Sky Emerald, Unit 1, 91 Queen Street, Morley, Leeds, LS27 8DW,

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so please enter the licence or certificate number below.

Premises licence number

Club premises certificate number

PREM/04606/002

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

Please describe the nature of the premises below. (Please read note 4)

Please describe the nature of the event below. (Please read note 5)

Community event with a pay bar celebrating inclusion and diversity, through means of dance, performance and art.



**3. The licensable activities**

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)

The sale by retail of alcohol	<b>X</b>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	
The provision of regulated entertainment (Please read note 7)	<b>X</b>
The provision of late night refreshment	<b>X</b>
Are you giving a late temporary event notice? (Please read note 8)	<b>X</b>

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)

28/08/2023

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)


28/08/2023 from 23:00 to 23:59  
29/08/2023 from 00:00 to 04:00

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)	250
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If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 12)	On the premises only	
	Off the premises only	
	Both	

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (Please read note 13)

No

<b>4. Personal licence holders</b> (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	Yes <b>X</b>	No
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		
Licence number		
Date of issue		
Any further relevant details		

<b>5. Previous temporary event notices you have given</b> (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes	No <b>X</b>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after; the event period proposed in this notice?	Yes	No

<b>6. Associates and business colleagues</b> (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes	No <b>X</b>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after; the event period proposed in this notice?	Yes	No
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes	No
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:	Yes	No

a) ends 24 hours or less before; or b) begins 24 hours or less after; the event period proposed in this notice?		
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<b>7. Checklist</b> (Please read note 17)		
I have: (Please tick the appropriate boxes)		
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated		<b>X</b>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated;		<b>X</b>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated		<b>X</b>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority		
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police		
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions		
Made or enclose payment of the fee for the application		<b>X</b>
Signed the declaration in Section 9 below		<b>X</b>

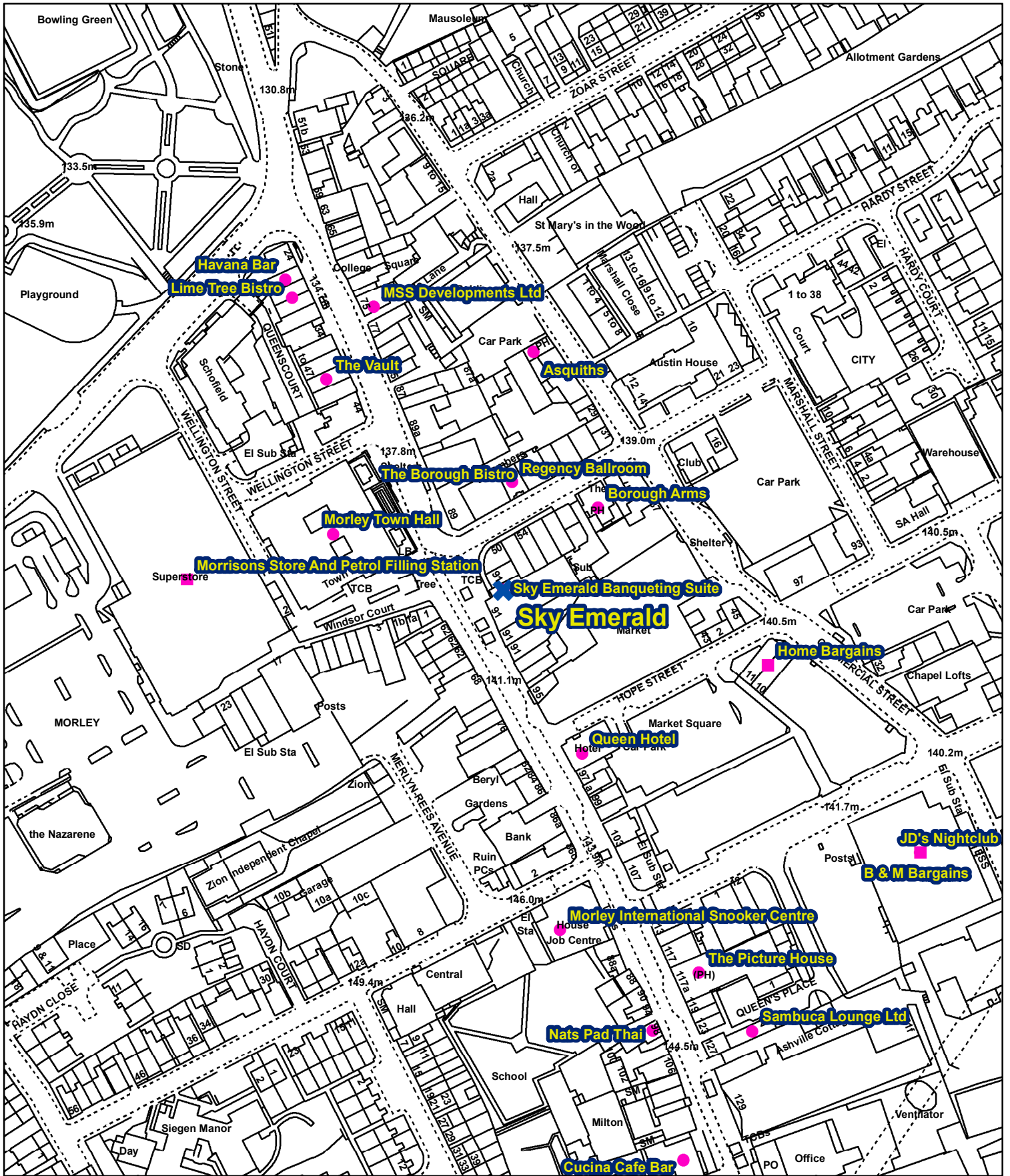
<b>8. Condition</b> <i>Please read note 17</i>
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

<b>9. Declarations</b> <i>Please read note 18</i>
The information contained in this form is correct to the best of my knowledge and belief.
I understand that it is an offence:
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale, and;
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months, or to both.
SIGNATURE
DATE 11 August 2023
Name of Person signing

For completion by the licensing authority

<b>10. Acknowledgement</b> <i>(Please read note 20)</i>
I acknowledge receipt of this temporary event notice.
SIGNATURE On behalf of the Licensing Authority
DATE





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This map is based upon the Ordnance Survey's digital data with the permission of the Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office

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Key	
	On licence
	Late night refreshment
	Off licence
	Other

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Sephuine Morgan  


Environmental Protection Team  
 Leeds City Council  
 Seacroft Ring Road Depot  
 Leeds  
 LS14 1NZ  
 Contact: Vanessa Holroyd  


Our reference: TEN/001508  
 23/054729/EPLA01  
 16<sup>th</sup> August 2023

Dear Ms Morgan

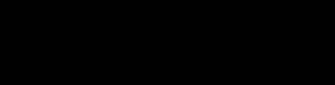
**Licensing Act 2003 - The Prevention of Public Nuisance**  
**Name and Address of Premises: Skyru Management Ltd, Unit 1, 91 Queen Street, Morley, Leeds, LS27 8DW**

We have recently received notification of a temporary event for 23:00 hours 28<sup>th</sup> August to 04:00 hours 29<sup>th</sup> August 2023. The notification is for the applicant to extend the clubs permitted hours and be allowed the sale of alcohol, regulated entertainment and late-night refreshment until 04:00 hours for up to 250 people.

The premises currently benefits from a premises licence with licensable activity of sale of alcohol and live music etc. having a terminal hour of 23:00 hours Monday to Saturday and 22:00 hours on Sundays. There is a significant history of noise complaints affecting residents who live in close proximity concerning loud music, shouting, drinking on the street and fighting when events have gone past their permitted hours by way of TENs.

The most recent complaints were on Saturday night into Sunday morning to 03:00 hours 28<sup>th</sup>/29<sup>th</sup> May 2022 and Sunday night into Monday morning 29<sup>th</sup>/30<sup>th</sup> May 2022 until 05:00 hours. These nights did have TENs in place with a terminal hour of 03:00 hours. There were issues of crime and disorder on the early hours of Monday morning where paramedics and the Police had to attend. Therefore, it is my view that the event proposed with the late night opening hours is extremely likely to cause noise nuisance to nearby residents from loud music and noise from customers outside smoking and drinking as well as noise from leaving the events in the early hours.

This Department therefore has concerns that the licensing objective for the prevention of public nuisance will not be met should this proposed event take place and thus is formally serving notice that we object to this TEN application.

Yours faithfully  


Vanessa Holroyd  
 Senior Environmental Health Officer

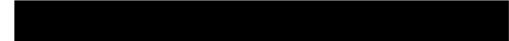
*Leeds District Licensing*



*Department*

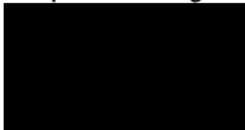
**Leeds District Licensing Department**  
**First Floor**  
Elland Road DHQ  
Elland Road  
Leeds  
LS11 8BU

Tel:  
Email:



16th August 2023

Sephuine Morgan



cc. Entertainment Licensing Section – Leeds City Council Civic Hall Leeds LS1 1UR.  
cc. Health & Environmental Action Service – Leeds City Council Millshaw Park Way LS11 0LS

**NOTICE OF OBJECTION BY A RELEVANT PERSON**  
**TO TEMPORARY EVENT NOTICES**  
**SECTION 104(2) as amended – LICENSING ACT 2003**

**PREMISES:** Sky Emerald, Unit 1, 91 Queen Street, Morley, Leeds, LS27 8DW

Your temporary event notice was received by West Yorkshire Police on 11<sup>th</sup> August 2023. The notices relate to licensable activities at the premises on:-

28<sup>th</sup> to the 29<sup>th</sup> August 2023

**I PC Neil Haywood**, hereby give you notice that I intend to object to your temporary event notices.

West Yorkshire Police are satisfied that allowing the premises to be used in accordance with the notices would undermine licensing objectives, for the following documented reasons:-

The application specifies that the hours of operation are as follows:-

28/08/2023 from 23:00 to 23:59  
29/08/2023 from 00:00 to 04:00

This venue has previously held events that have extended to the early hours of the morning, resulting in complaints from local residents about levels of noise and disruption emanating from the venue.

**NOT PROTECTIVELY MARKED**



## **NOT PROTECTIVELY MARKED**

There was also an incident of disorder on the 30<sup>th</sup> May 2022 where patrons of the venue were attacking each other including the use of bottles of weapons. This happened at 03:20am

West Yorkshire Police have concerns that the prevention of crime and disorder, and the prevention of public nuisance objective will be undermined if the application is not amended to a finish time of 01:00 hours

West Yorkshire Police therefore ask the presiding sub-committee at any future hearing to give the premises user a counter notice in promotion of the licensing objectives, under Section 105 Licensing Act 2003 in lieu of an amended application.

  
**Leeds District Licensing Officer**  
**West Yorkshire Police**

**NOT PROTECTIVELY MARKED**

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