

Public Document Pack

LATE ITEM

LICENSING SUB COMMITTEE – 7TH MARCH 2024

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

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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

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Premises Licence

Part A Schedule 12 Licensing Act 2003

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

Wykebeck Arms, Selby Road, Leeds, LS9 0EW

Licensable activities authorised by this licence

Sale by retail of alcohol, Provision of late night refreshment, Exhibition of a film, Indoor sporting events, Performance of live music, Performance of recorded music, Performance of dance, Entertainment similar to live music, recorded music or dance,

Times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol

Friday & Saturday	10:00 - 00:00
Sunday to Thursday	11:00 - 23:00

Provision of late night refreshment

Friday & Saturday	23:00 - 00:00
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Location of activity: Indoors

Further details: The sale of alcohol will not be required to be ancillary to the sale of food at any time during opening hours

Exhibition of a film

Friday & Saturday	10:00 - 00:00
Sunday to Thursday	11:00 - 23:00

Location of activity: Indoors

Indoor sporting events

Friday & Saturday	10:00 - 00:00
Sunday to Thursday	11:00 - 23:00

Location of activity: Indoors

Performance of live music

Friday & Saturday	10:00 - 00:00
Sunday to Thursday	11:00 - 23:00

Location of activity: Both indoors and outdoors

Performance of recorded music

Friday & Saturday 10:00 - 00:00
Sunday to Thursday 11:00 - 23:00

Location of activity: Both indoors and outdoors

Performance of dance

Friday & Saturday 10:00 - 00:00
Sunday to Thursday 11:00 - 23:00

Location of activity: Indoors

Entertainment similar to live music, recorded music or dance

Friday & Saturday 10:00 - 00:00
Sunday to Thursday 11:00 - 23:00

Location of activity: Indoors

Further details: Comperes for quiz and similar events comedians and similar performances using voice amplification

Opening hours of the premises

Friday & Saturday 10:00 - 00:00
Sunday to Thursday 11:00 - 23:00

Alcohol is sold for consumption on and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

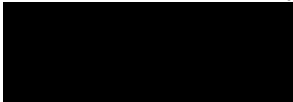
Social Cellar Ltd
3 Monkspath Hall Road
Solihull
West Midlands
B90 4SJ

Registered number of holder, for example company number, charity number (where applicable)

Registered business number: 10481529

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Ardene Jennifer Barry

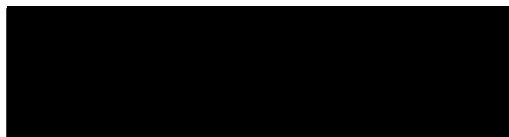


Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal licence number:

Licensing authority:

Licence issued under the authority of Leeds City Council



Mr Martyn Musson
Licensing Officer
Entertainment Licensing
Elections, Licensing and Registration

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 admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made
 - a. By the British Board of Film Classification (BBFC,) where the film has been classified by the Board, or
 - b. By the Licensing Authority where no classification certificate has been granted by the BBFC, or,
 - c. where the licensing authority has notified the licence holder that section 20 (3) (b) (74 (3) (b) for clubs) of the Licensing Act 2003 applies to the film.
5. 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).
6. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
7. 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.
8. 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.
9. 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.

- 1. Sub-paragraph 2 applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- 2. The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

The prevention of crime and disorder

- 10. A suitable Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises.
- 11. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors and stairways (excluding WCs and changing rooms).
- 12. The CCTV system will cover the main entrance/s and exit/s and designated emergency egress routes from the premises.
- 13. The CCTV system will cover all external areas of the premises occupied by the public, i.e. queuing areas, beer gardens, smoking areas and car parks.
- 14. The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.
- 15. The CCTV system will contain the correct time and date stamp information.
- 16. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days' continuous footage which will be of good quality.
- 17. The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has accessed the system, the reason why and when.
- 18. A designated member / members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority.
- 19. The CCTV system will be adequately maintained and be capable of transporting recorded material onto a removable media.

20. The Supervisors Register will state the name of the person who is in overall charge of the premises at each time that licensed activities are carried out, and this information will be retained for a period of twelve months and produced for inspection on request to an authorised officer.
21. The DPS will belong to a recognised trade body or Pub Watch Scheme where one exists, whose aims include the promotion of the licensing objectives. 80% of Pub Watch meetings to be attended.
22. The DPS staff will ask for proof of age from any person appearing to be under the age of 25 who attempts to purchase alcohol at the premises.
23. For any pre-booked party or function commencing after 19:00hrs, on Friday and Saturday, 2 door supervisors will be engaged from the start time of the function until 00:30hrs or 30 minutes after the finish time of that function if that function finishes prior to midnight

For any temporary event notice extending the hours permitted for alcohol sales later than 00:00hrs 2 door supervisors will be engaged from 19:00hrs until 30 minutes beyond closing time.

Unless otherwise agreed with West Yorkshire Police, 2 SIA registered door supervisors will be employed from 20:00 to 30 minutes after the last permitted time for alcohol sales on Fridays and Saturdays of Bank Holiday weekends and on Christmas Eve and New Year's Eve
24. The premises licence holder/designated premises supervisor will ensure that a 'Daily Record Register' is maintained on the premises by the door staff.
25. The Daily Record Register will contain consecutively numbered pages, the full name and registration number of each person on duty, the employer of that person and the date and time he/she commenced duty and finished duty (verified by the individual's signature).
26. The Daily Record Register will be retained on the premises for a period of twelve months from the date of the last entry.
27. Security staff/designated supervisors will be familiar with the premises policy concerning the admission, exclusion and safeguarding of customers whilst in the premises.
28. The premises licence holder/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.
29. The Incident Report Register will contain consecutively numbered pages, the date time and location of the incident, details of the nature of the incident, the names and registration numbers of any door staff involved or to whom the incident was reported, the names and personal licence numbers (if any) of any other staff involved or to whom the incident was reported, the names and numbers of any police officers attending, the police incident and / or crime number, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident.
30. The Incident Report Register will be produced for inspection immediately on the request of an authorised officer.
31. A policy for searching patrons at the entrance to premises will be adopted and prominently displayed on the premises.
32. The premises licence holder and/or designated premises supervisor will inform West Yorkshire Police as soon as practicably of any search resulting in a seizure of drugs or offensive weapons.

33. A suitable purpose-made receptacle for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with West Yorkshire Police or British Transport Police.
34. Notices will be prominently displayed at the entrances of the premises which state:
 - a. A search will be conducted as a condition of entry to premises.
 - b. Incidents of crime and disorder will be reported to the police and a full recorded entry will be made in the incident report register.
 - c. Entry to the premises will be refused to any person who appears to be drunk, acting in a threatening manner or is violent; or appears to be under the influence of drugs.
 - d. Entry will be refused to any person who has been convicted of an offence of drunkenness, violent or threatening behaviour or the use or distribution of illegal substances.
35. Provide receptacles for the disposal of glass and other sharp objects and ensure any receptacle situated in an area to which the public may gain or have access is secure.
36. Where there are reasonably held concerns about crime and or disorder at a venue, consult with police regarding initiatives or action plans aimed at addressing such issues.
37. All functions to be notified to WYP with at least 14 days notice.
38. The DPS will be on site and working for all functions taking place at the premises.

Public Safety

39. During opening hours the cellar door must be kept locked or adequately supervised to prevent unauthorised access by the public.
40. Empty bottles and glasses will be collected regularly paying particular attention to balcony areas and raised levels.
41. A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner.
42. A suitably trained First Aider or appointed person will be provided at all times when the premises are open.
43. One of the following protective measures shall be used for all socket-outlets which may be used for the connection for lighting, video or sound amplification equipment and display models:
 - a. Each socket-outlet circuit will be protected by a residual current device having a rated residual operating current not exceeding 30mA, or
 - b. Each individual socket-outlet will be protected by an integral residual current device having a rated residual operating current not exceeding 30mA.

The current operation of all residual current devices will be checked regularly by pressing the test button. If the device does not switch off the supply, an electrical contractor should be consulted. At the same time action should be taken to prohibit the use of socket outlets associated with a faulty residual current device.

44. An appropriately qualified medical practitioner will be present throughout any sporting entertainment.

The prevention of public nuisance

45. Noise from a licensable activity at the premises will be inaudible at the nearest noise sensitive premises.
46. There will be no external loudspeakers.
47. The premises licence holder and/or designated premises supervisor will ensure patrons use beer gardens, external areas and play areas in a manner which does not cause disturbance to nearby residents and business in the vicinity. Patrons will not use such areas after 23:00.
48. Clear and legible notices will be displayed at exits, car parks and other circulatory areas requesting patrons to leave the premises quietly having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos and anti-social behaviour.
49. A facility will be provided for customers to order Hackney taxis/private hire vehicles. Telephone numbers for taxi firms/private hire companies will be displayed in a prominent position on the premises.
50. No bottles shall be placed in the external receptacle after 23:00 hours to minimise noise disturbance to adjoining properties.

Protection of children from harm

51. Persons under 18 must be supervised by an adult at all times .
52. Persons under 18 will only be permitted in the bar area of the premises and not permitted to remain in the premises after 20:00 unless they are attending a pre-booked private function, notice of which has been given to West Yorkshire Police not later than 14 days prior to the function.
53. 2 SIA registered door staff to be employed for all 21st birthday parties.
54. There will be no 16th,18th,19th or 20th birthday parties.
55. The designated premises supervisor will operate a Challenge 25 scheme.

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

The prevention of crime and disorder

56. CCTV system to cover all internal and external drinking areas and the premises car park.

The prevention of public nuisance

57. There shall be no external loudspeakers.

Annex 4 – Plans

The plans for these premises are as those submitted with the application. A copy of which is held by Leeds City Council licensing authority.

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TEN

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.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	
Surname	Ardene Jennifer Barry
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	[REDACTED]
6. Your current address: (We will use this address to correspond with you unless you complete the separate correspondence box below).	
[REDACTED]	
7. Other contact details	
Telephone numbers:	
Daytime	[REDACTED]
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)	
<div style="background-color: black; width: 100px; height: 15px; margin-bottom: 5px;"></div>	
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)	
The event I will take place in our function room., Wykebeck Arms, Selby Road, Halton, Leeds, LS9 0EW	
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	PREM/00374/010
Club premises certificate number	
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)	
The event I will take place in our function room.	
Please describe the nature of the premises below. (Please read note 4)	
Ona pub	
Please describe the nature of the event below. (Please read note 5)	
Afrobeat music event	

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	X
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)	
The provision of late night refreshment	
Are you giving a late temporary event notice? (Please read note 8)	X

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

23/03/2024 - 24/03/2024

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)

23/03/2024 from 22:00 to 23:59
24/03/2024 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)	100
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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	X
	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

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

5. Previous temporary event notices you have given (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 X
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

6. Associates and business colleagues (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 X
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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7. Checklist (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		X
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated;		X
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated		X
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		X
Signed the declaration in Section 9 below		X

8. Condition *Please read note 17*

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.

9. Declarations *Please read note 18*

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

For completion by the licensing authority

10. Acknowledgement (Please read note 20)

I acknowledge receipt of this temporary event notice.

SIGNATURE
On behalf of the Licensing Authority

DATE

Name of officer signing

NOTES

General

In these notes, a person who gives a temporary event notice is called a “premises user”.

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority may intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 8 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person (the “premises user”) may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person (the “premises user”) may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (15 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 16 below explains the definition of an “associate”.

When permitted temporary activities take place, a premises user must either ensure that:

- a copy of the temporary event notice is prominently displayed at the premises; or
- the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where the temporary event notice or a notice specifying the nominated person is not displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003

- the sale or supply of alcohol to children under 18 years of age (subject to an unlimited fine, on conviction).
- Allowing the sale of alcohol to children under 18 (subject to an unlimited fine, on conviction).
- Knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (subject to an unlimited fine, on conviction).
- Allowing disorderly behaviour on the premises (maximum fine on conviction is a fine up to a level 3 on the standard scale, on conviction).
- The sale of alcohol to a person who is drunk (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, on conviction).
- Obtaining alcohol for a person who is drunk (maximum fine on conviction is a fine up to level 3 on the standard scale, on conviction).
- Knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply have been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (maximum fine on conviction is a fine up to level 1 on the standard scale, on conviction), and
- Knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (maximum fine on conviction is a fine up to level 3 on the standard scale, on conviction).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9) the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under section 104A, 106A or 107 of the Licensing Act 2003.

Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds or private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- Not to give a counter notice under section 105 of the Licensing Act 2003;
- The conditions apply to the licence or certificate; and
- The imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within with a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Note 7

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 8

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

Note 9

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours (seven days).

Note 10

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

Note 11

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 includes not only the audience, spectators or consumers but also, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 12

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a sale takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol purchased is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 13

Relevant entertainment is defined in the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act") as *any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must be reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)*. Relevant entertainment therefore includes, but is not limited to, lap dancing and pole dancing.

The 1982 Act requires premises which provide relevant entertainment to be licensed under that Act for this purpose. Premises at which there have not been more than eleven occasions on which such entertainment has been provided within a period of 12 months, no such occasion has lasted for more than 24 hours and there has been a period of at least one month between each such occasion are exempt from the requirement to obtain a licence under the 1982 Act. Such premises are likely instead to require an authorisation under the Licensing Act 2003 to be used for such activities as these are a licensable activity (the provision of regulated entertainment – see note 6 above). A temporary event notice may be given for this purpose.

Note 14

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Note 15

As stated under Note 13, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 10 late notices) in any calendar year. An individual who does not hold a valid personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in a calendar year. A calendar year is the period between 1 January to 31 December, inclusive, in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (15 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 15 below sets out the definition of an "associate".

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours of the start of the event period under the current proposal or within 24 hours after the end of the event period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user.

Note 16

An “associate” of the proposed premises user is:

- (a) the spouse or civil partner of that person;
- (b) a child, parent, grandchild, grandparent, brother or sister of that person;
- (c) an agent or employee of that person; or
- (d) the spouse or civil partner of a person within (b) or (c).

For these purposes, a person living with another as that person’s husband or wife is to be treated as that person’s spouse.

Note 17

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgement from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the further police force and local authority exercising environmental health functions.

Note 18

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

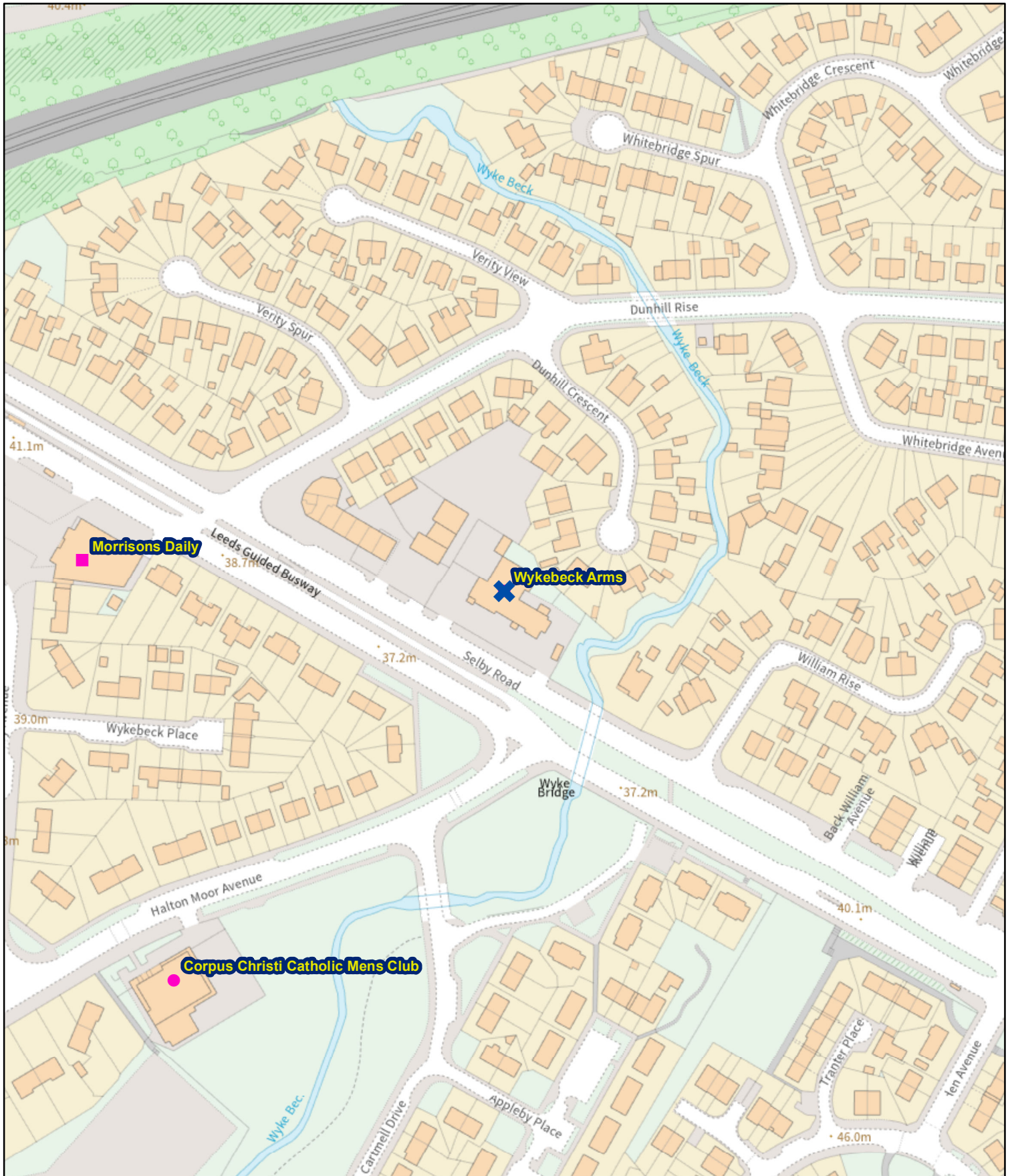
Note 19

It is an offence knowingly or recklessly to make a false statement in or in connection with a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and an unlimited fine.

Note 20

You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of receipt of the notice.

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Key			
Neighbouring premises			
	Applicant premises		On licence
	Off licence		Late night refreshment
	GA area		Other

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

Tel:

Email: [REDACTED]

28th February 2024

Ardene Barry
 [REDACTED]

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: Wykebeck Arms, Selby Road, Halton, Leeds, LS9 0EW

Your temporary event notice was received by West Yorkshire Police on the 28th February 2024. The notices relate to licensable activities at the premises on:-

23rd to the 24th March 2024

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

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:-

This venue is not complying with its current licence and is breaching a number of conditions. This premises has been served a Section 19 Closure notice on the 27th February 2024 due to serious breaches of licence. These include:-

- Operating outside of its permitted times of operation
- Employing Door staff without the correct accreditation
- CCTV system not operating correctly.
- No door staff register.
- No incident book.

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- Failing to notify West Yorkshire Police about functions that takes place.

These are serious issues and show the operators are not operating in way that will keep people safe and promote the licensing objectives. We are very concerned about any attempt to extend licensed activities when the current licence is not being adhered to.

West Yorkshire Police also have concerns about the nature of the event proposed which is “dancehall and afrobeats” spread across two rooms with at least 8 named acts and potential further guest acts. This premises is best described as a local pub which is directly next to residential streets and houses where families live. We have concerns that this event will exceed the stated guest numbers of 100, and will exceed the legal limit of 499 guests allowed under a temporary event notice. This event will cause significant public nuisance and disruption to the local community.

West Yorkshire Police have concerns that the prevention of crime and disorder, prevention of public nuisance and public safety objectives will be undermined by this application.

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.

PC [REDACTED] Haywood
Leeds District Licensing Officer
West Yorkshire Police

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