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## LICENSING SUB-COMMITTEE

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MEETING TO BE HELD IN CIVIC HALL, LEEDS ON  
THURSDAY, 7TH MARCH, 2024 AT 10.00 AM

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### MEMBERSHIP

#### Councillors

N Buckley - Alwoodley;  
S Holroyd-Case - Ardsley and Robin Hood;  
T Hinchcliffe - Bramley and Stanningley;

Please do not attend the meeting in person if you have symptoms of Covid 19 and please follow current public health advice to avoid passing the virus onto other people.

We strive to ensure our public committee meetings are inclusive and accessible for all. If you are intending to observe a public meeting in-person, please advise us in advance by email ([FacilitiesManagement@leeds.gov.uk](mailto:FacilitiesManagement@leeds.gov.uk)) of any specific access requirements, or if you have a Personal Emergency Evacuation Plan (PEEP) that we need to take into account. Please state the name, date and start time of the committee meeting you will be observing and include your full name and contact details.

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**Enquiries specific to  
Entertainment Licensing:**

**Matthew Nelson  
Tel No: 0113 37 85337**

**Agenda compiled by:  
Governance and Scrutiny  
Support  
Civic Hall  
LEEDS LS1 1UR  
Tel No: 0113 37 88657**

## **CONFIDENTIAL AND EXEMPT ITEMS**

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

### **9.0 Confidential information – requirement to exclude public access**

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

### **9.2 Confidential information means**

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

### **10.0 Exempt information – discretion to exclude public access**

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

# A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p style="text-align: center;"><b><u>PRELIMINARY PROCEDURES</u></b></p> <p><b>ELECTION OF THE CHAIR</b></p> <p>To seek nominations for the election for the position of Chair.</p>	
2			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance and Scrutiny Support at least 24 hours before the meeting)</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1) To highlight reports or appendices which:</p> <p>a) officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>b) To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>c) If so, to formally pass the following resolution:-</p> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p> <p>2) To note that under the Licensing Procedure rules, the press and the public will be excluded from that part of the hearing where Members will deliberate on each application as it is in the public interest to allow the Members to have a full and frank debate on the matter before them.</p>	
4			<p><b>LATE ITEMS</b></p> <p>To identify any applications as late items of business which have been admitted to the agenda for consideration</p> <p>(the special circumstances shall be identified in the minutes)</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
5			<p><b>DECLARATION OF INTERESTS</b></p> <p>To disclose or draw attention to any interests in accordance with Leeds City Council's 'Councillor Code of Conduct'.</p> <p><b><u>HEARINGS</u></b></p>	
6	Little London and Woodhouse		<p><b>SUMMARY REVIEW OF THE PREMISES LICENCE FOR THE THREE LEGS HOTEL, 9 THE HEADROW, LEEDS, LS1 6PU</b></p> <p>The report of the Chief Officer, Elections and Regulatory, advises Members that West Yorkshire Police have made an application under section 53A of the Licensing Act 2003, for the summary review of the premises licence in respect of the Three Legs Hotel, 9 The Headrow, Leeds, LS1 6PU.</p> <p><b><u>Third Party Recording</u></b></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties – code of practice</p> <ul style="list-style-type: none"> <li>a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.</li> <li>b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.</li> </ul>	7 - 44

Item No	Ward/Equal Opportunities	Item Not Open		Page No
			<p>'We strive to ensure our public committee meetings are inclusive and accessible for all. If you are intending to observe a public meeting in-person, please advise us in advance of any specific access requirements that we need to take into account by email (<a href="mailto:FacilitiesManagement@leeds.gov.uk">FacilitiesManagement@leeds.gov.uk</a>). Please state the name, date and start time of the committee meeting you will be observing and include your full name and contact details'.</p>	



Report Author: Mr Matthew Nelson  
 Tel: 0113 378 5029

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

**Report to the Licensing Sub Committee**

**Date: Thursday, 7 March 2024**

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

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Little London & Woodhouse		
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:		

**Executive Summary**

West Yorkshire Police have made an application under section 53A of the Licensing Act 2003, for the summary review of the premises licence in respect of the Three Legs Hotel, 9 The Headrow, Leeds, LS1 6PU.

West Yorkshire Police are of the opinion that these premises are associated with serious crime or serious disorder, or both. The Licensing Authority is now under a duty to hold a review hearing in accordance with Section 53C of the Licensing Act 2003.

This engagement follows the consideration of interim steps on the 13 February 2024. Members unanimously resolved to modify the conditions of the licence with immediate effect pending the substantive hearing of the review application.

The narrative of this report sets out the background of the premises licence, the relevant law and highlights appropriate guidance for Members. A recommendation is also made to Members that the premises licence is reviewed using their statutory powers.

Members must also have regard to reviewing the interim steps pending the appeal period to ensure there are appropriate and proportionate safeguards in place at all times.

## 1.0 Purpose of this Report

- 1.1 This report informs Members of the Licensing Sub Committee of an application by the West Yorkshire Police for the summary review of the licence in respect of the Three Legs Hotel, 9 The Headrow, Leeds, LS1 6PU. The application is made on the grounds of serious crime and serious disorder.
- 1.2 The Licensing Sub Committee now has the responsibility to review the premises licence held by Greene King Brewing & Retailing Limited.

## 2.0 History of the Premises

- 2.1 An application was received by the Licensing Authority to convert the existing Justices' On Licence and Public Entertainment Licence during the transitional period. The applicant at the time was Spirit Group Limited and the licence was granted as applied for when the Licensing Act 2003 came into effect on 24 November 2005.
- 2.2 On 24 December 2010 an application was made to vary the licence proposing to extend the start times of existing licensable activities, the opening hours of the premises and to remove/amend a number of the existing conditions attached to the licence. The application attracted a representation offering suggested measures from West Yorkshire Police and proceeded to a hearing as no agreement was reached. The Licensing Sub Committee resolved to grant the earlier start times as applied for, whilst modifying the amended conditions in part and imposing the measures suggested by the police in their representation.
- 2.3 On 3 March 2020 an application was served on the Licensing Authority to transfer the licence to the current holder, Greene King Brewing and Retailing Limited. With no objection from West Yorkshire Police, the licence was granted as applied for.
- 2.4 A minor variation application was received on the 3 June 2021 suggesting an amendment to the licence condition requiring the use of door staff on the premises every Thursday, Friday and Saturday, from 20:00 hours until close. The amendment was to remove the need for door staff on a Thursday only (Friday and Saturday to remain as existing) and West Yorkshire Police made comments recommending the use of a minimum of two door staff from 19:00 hours until close on Friday and Saturday evenings. The applicant agreed to accept the police's suggestion, and the licence was granted as per the agreement reached.
- 2.5 On 9 November 2022 an application was made to appoint the current Designated Premises Supervisor, Deborah Fountain. The application did not attract a police objection and the licence was issued as requested.
- 2.6 A copy of the premises licence details can be found at **Appendix A** of this report.

## 3.0 Main Issues

### Application

- 3.1 An application for a summary review of the premises licence has been sought by West Yorkshire Police. A redacted version of the application is attached at **Appendix B**.
- 3.2 Members will note that a certificate under section 53(1B) of the Act confirms that a Senior Officer of West Yorkshire Police is satisfied that these premises are associated



with serious crime or serious disorder or both. A redacted version of the certificate can be found at **Appendix C**.

3.3 Officers confirm that a copy of the application and certificate were served by e-mail on the Responsible Authorities and the licence holder's representative on the 9 February 2024. A hard copy of the application and certificate were hand delivered directly to the premises and posted to the licence holder's head office on the 12 February 2024.

3.4 The licence review was advertised by way of a notice displayed prominently at the premises from 12 February 2024 to 23 February 2024. The notice was checked periodically and removed at the end of the consultation period.

#### The Interim Steps

3.5 At the meeting to consider interim steps the measures available to the Members were:

- The modification of the conditions of the premises licence.
- The exclusion of the sale of alcohol by retail from the scope of the premises licence.
- The removal of the designated premises supervisor from the licence.
- The suspension of the licence.

3.6 The Licensing Sub Committee unanimously resolved, with immediate effect, to modify the conditions of the licence to incorporate the conditions offered by the licence holder and set out below, subject to the amendment of Condition C:

- A. The premises to cease the sale of alcohol at 22:30 and close to the public at 23:00;
- B. A serious incident and crime scene preservation policy to be implemented and all staff trained in the policy. A copy of the policy to be available to officers and staff members behind the bar at all times. Door supervisors to be made aware of and agree to abide by the policies prior to working;
- C. A search policy in accordance with the policy attached at Appendix 3 of the licence holder's submission and modified as set out below to be implemented and all door supervisors to be trained in the policy (as amended by the Licensing Sub Committee);
- D. Staff and door supervisors to receive refresher training in relation to the law around serving intoxicated customers;
- E. Police to be notified immediately of any incident involving violence at the premises  
Three door supervisors to be on the premises from 18:00 Friday and Saturday until the premises are closed to the public; and
- F. The DPS will be on site at all times between 19:00 and close of business every day, except Monday and Tuesday.

3.7 And the inclusion of the following:

- That no alcohol shall be served before 10:00am (as per the opening hours currently being operated); and
- The first bullet point of the search policy to read; "*All persons entering the premises are to be searched for weapons*", resulting in the third bullet point of the search policy (regarding random searching) being rendered superfluous and removed.

3.8 Further information on the interim steps taken is contained within a copy of the decision notice at **Appendix D** of this report.

## Representation

3.9 A premises licence holder may submit a representation to the interim steps taken and any representation would be in accordance with Section 53B of the Licensing Act 2003. In this instance, the licence holder has not made any representation to the interim steps.

### **4.0 Premises Licence**

4.1 The premises licence holder is Greene King Brewing and Retailing Limited.

### **5.0 Designated Premises Supervisor**

5.1 The Designated Premises Supervisor is Deborah Fountain.

### **6.0 Location**

6.1 A map which identifies the location of the premises is attached at **Appendix E**.

### **7.0 Representations**

7.1 Under the Act representations can be received from Responsible Authorities and/or other persons. Representations must be relevant and, in the case of other persons, must not be frivolous or vexatious.

#### Representations from Responsible Authorities

7.2 There have been no representations on behalf of the Responsible Authorities.

#### Other Representations

7.3 In this instance the Licensing Authority has received an individual representation from for the Designated Premises Supervisor for the premises, Deborah Fountain. Members' attention is drawn to **Appendix F** of the report.

### **8.0 Matters Relevant to the Application**

8.1 In making their decision, Members may take into account the guidance issued under Section 182 of the Act. The section of this guidance specific to Summary Reviews is available at **Appendix G**.

### **9.0 Options Available to Members**

#### Determination of Summary Review

9.1 In the determination of this review the Licensing Sub Committee are required to take any of the following steps as it considers necessary for the promotion of the licensing objectives:

- To modify the conditions of the licence, which includes adding new conditions or the alteration or omission of an existing conditions;
- To remove the designated premises supervisor;
- To suspend the licence for a period not exceeding three months;
- To exclude any licensable activity from the scope of the licence; or
- To revoke the licence.

## Review of the Interim steps

- 9.2 The Licensing Authority's determination does not have effect until the end of the 21 day period for appealing the decision, or until the disposal of any appeal that is lodged. Should the premises licence holder or applicant appeal the decision, the interim steps decision will remain in place until the appeal is decided or dispensed with.
- 9.3 To ensure that there are appropriate and proportionate safeguards in place at all times the Licensing Authority is required to review the interim steps and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn. The review of the interim steps should take place immediately after the determination under s53C of the Licensing Act 2003 has been reached. In making its decision the Licensing Authority must consider any relevant representations made and Members are directed to paragraphs 12.29 and 12.30 of the Section 182 Guidance.
- 9.4 In conducting the review under this section, Members must:
- Consider whether the interim steps are appropriate for the promotion of the licensing objectives;
  - Consider any relevant representations; and
  - Determine whether to withdraw or modify the interim steps taken.
- 9.5 Members may alternatively decide that no action is necessary and that the circumstances of review do not require the Licensing Sub Committee to take any steps to promote the licensing objectives.
- 9.6 Members of the Licensing Sub Committee are asked to note that they may not take any steps outlined above merely because they consider it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

## **10.0 Background Papers**

- Guidance issued under S182 of the Licensing Act 2003
- Leeds City Council Licensing Policy

## **Appendices**

Appendix A	Premises Licence Details
Appendix B	Signed Application
Appendix C	Signed Certificate
Appendix D	Interim Steps Decision Notice
Appendix E	Map
Appendix F	DPS Representation
Appendix G	s182 Guidance

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# Details of premises licence

For: Three Legs Hotel



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

**Licence number:** PREM/01559/009

**Premises the licence relates to:** Three Legs Hotel, 9 The Headrow, Leeds, LS1 6PU

**Date licence first effective:** 24 November 2005

**Date current version effective from:** 9 November 2022

## Licensable activities authorised by the licence:

### Sale by retail of alcohol

Monday to Wednesday	08:00 - 00:00
Thursday to Saturday	08:00 - 01:00
Sunday	09:00 - 00:00

### Provision of late night refreshment

Thursday to Saturday	23:00 - 01:30
Sunday to Wednesday	23:00 - 00:30

### Performance of live music

Thursday to Saturday	10:00 - 01:00
Sunday to Wednesday	10:00 - 00:00

### Performance of recorded music

Monday to Wednesday	08:00 - 00:00
Thursday to Saturday	08:00 - 01:00
Sunday	09:00 - 00:00

## Opening hours of the premises:

Monday to Wednesday	08:00 - 00:30
Thursday to Saturday	08:00 - 01:30
Sunday	09:00 - 00:30

## Premises licence holder(s):

Greene King Brewing And Retailing Limited, Westgate Brewery, Bury St Edmunds, Suffolk, IP33 1QT

## Designated premises supervisor:

Deborah Fountain

## **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" means 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.

### **Embedded Restrictions**

9. Alcohol shall not be sold or supplied except during the hours stated on this licence and:
  - a. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
  - b. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
10. The above restrictions do not prohibit:
  - a. the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first thirty minutes after above hours;
  - b. the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals.
  - c. consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;
  - d. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
  - e. the sale of alcohol to a trader or club for the purposes of the trade or club;
  - f. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's Naval, Military or Air Forces;
  - g. the taking of alcohol from the premises by a person residing there; or
  - h. the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
  - i. the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
11. Where the number of children attending the entertainment exceeds 100 the licensee shall ensure that the provisions of Section 12 of the Children and Young Persons Act 1933 are complied with.
12. The Licensee shall not permit persons in excess of 100 to enter or occupy any portion of the licensed premises.
13. The Licensee shall ensure that staff are familiar with the maximum capacity of the premises.

14. The Licensee shall display notice containing details as to the maximum capacity figure in a prominent position upon entry to the premises. Where the capacity is divided into separate floors/areas within the premises notice of the appropriate capacity for each floor/area shall also be prominently displayed upon entry to the relevant floor/area.
15. Appropriately trained staff shall be provided to oversee general safety within the premises, and these shall be provided to a minimum number of one member of staff per 250 occupancy or part thereof, in accordance with the occupancy figure as stated on the Public Entertainment Licence.
16. Furthermore, in addition to the above the licensee shall ensure that an appropriately trained member of staff is designated to each emergency exit door to assist in the event of an emergency evacuation.
17. All members of staff shall be instructed in the safety precautions to be observed in the premises as far as those precautions relate to their duties and to the action to be taken by them in the event of fire or emergency.
18. All exits, passages, landings and stairways shall be kept free from obstruction at all times when the premises are used for licensed purposes.
19. A clear unobstructed route leading from each fire exit to a place of safety outside the premises shall be provided and maintained available for use at all times.
20. Every door in the building for use by members of the public going from the auditorium to the outside of the building shall open outwards, unless the Licensing Authority shall have been satisfied that this is impracticable to the circumstances of the particular case, and shall be capable of being opened easily and immediately from the inside, without the use of a key, when required.
21. Where, with the prior consent of the Licensing Authority, doors or gates across exits open inwards, they shall be fastened fully opened so as not to form an obstruction.
22. If security is required for outward opening fire exit doors, then they should be secured with panic bolt or panic latch type fastenings only to the satisfaction of the Licensing and Fire Authority. A conspicuous 'PUSH BAR TO OPEN' sign should be provided immediately above the push bars.
23. Any removable fastenings permitted by the Licensing or Fire Authority for securing exit doors when the public are not on the premises shall be removed before the public are admitted to the premises and shall not be replaced until the public have vacated the building.
24. Illuminated fire exit sign boxes lit by both primary and emergency lighting should be provided above all exits. Illuminated boxes incorporating graphic fire exit symbols, e.g. man moving through open door, should have white symbols on a green background. The size of the exit boxes should be appropriate for the maximum viewing distances involved.
25. Doors and openings other than exits to or from parts of the licensed premises to which the public are admitted shall be provided with notices indicating their uses or shall be marked "Private", and wherever practicable shall be kept secured. Where exit doors are fitted with automatic bolts they shall be clearly indicated with the words "PUSH BAR TO OPEN".
26. Where curtains are provided across an exit doorway they shall be divided at the centre and shall not trail the floor.
27. Except with the consent of the Licensing Authority, bars, wire guards or the like shall not be fitted to windows, nor shall the windows be otherwise obstructed in a manner likely to render them unavailable for the purposes of rescue in case of emergency.
28. The closing of collapsible gates or shutters across exit openings shall be prohibited whilst the public are in the premises.



## **Conditions consistent with the operating schedule relating to the licensing objectives**

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

34. Adopt the check 21 proof of age scheme in accordance with guidance issued by West Yorkshire Police, or other approved proof of age scheme.
35. Participate in a local pubwatch scheme or licensing association, (where one exists) that is recognised by West Yorkshire Police.
36. Operate an effective CCTV system to be maintained in accordance with guidelines issued by West Yorkshire Police,
37. A zero tolerance towards illegal drugs will be enforced at all times.
38. If a disc jockey is used on any night then he/she will ask customers to leave quietly.
39. All instances of crime and disorder will be reported to the police and will be kept in an incident log book.

### **Public safety**

40. Before opening to the public, checks will be undertaken to ensure all access to the premises are clear for emergency vehicles. Regular checks will be undertaken when the premises is open.
41. Written records of all accidents and safety incidents involving members of the public will be kept. These will be made available at the request of an authorised officer.
42. Regular safety checks of the premises including decorative and functional fixtures, floor surfaces and equipment (including electrical appliances) to which the public may come into contact, must be undertaken. Records of these safety checks must be kept and made available for inspection by an authorised officer.
43. During opening hours the cellar door must locked or adequately supervised to prevent unauthorised access to the public.
44. Empty bottles and glasses will be collected regularly paying particular attention to balcony areas and raised levels.
45. Electrical installations will be inspected on a periodic basis (at least every 3 years or at a frequency specified in writing) by a suitably qualified and competent person. Inspection records/certificates will be kept. These will be made available at the request of an authorised officer.
46. Regular safety checks of guardings to stairs, balconies, landings and ramps will be undertaken, and a supervision policy will be maintained to prevent people from inappropriate behaviour including climbing which may lead to a fall from height.
47. A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner.
48. Members of the public will be prevented from accessing hot food and drink preparation areas to prevent risk of scalds or burns to them.
49. A suitably trained First Aider or appointed person will be provided at all times when the premises are open.
50. Adequate and appropriate First Aid equipment and materials will be available on the premises.
51. A procedure for dealing with unwell members of the public will be in place including those who appear to be affected by alcohol or drugs. Staff will be appropriately trained in such procedures.

52. Where strobes, lasers, smoke machines, or any other special effects equipment may be used, a written health and safety policy covering all aspects of their use will be provided, and staff will be appropriately trained.
53. No strobes, lasers, smoke machines or any other special effects will be used at the premises unless there is a clearly displayed warning at the entrance to the premises that such equipment is in use.

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

54. Ensure that no noise nuisance is caused by noise or vibration emanating from the premises.
55. Noise shall be inaudible at the nearest noise sensitive premises after 23:00 hours and when entertainment takes place on a regular basis at all times.
56. Ensure that all licensable activities are conducted and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties.
57. No bottles shall be placed in the external receptacle after 23:00 hours to minimise disturbance to adjoining properties.
58. Clear and legible notices shall be displayed at exits and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents.
59. A cooling down period with reduced music volume shall be operated before the premises close.
60. Additional patrols will take place by members of staff, internally and externally, to limit any noise pollution when entertainment is being offered within the premises.

### **Protection of children from harm**

61. When children are allowed upon the premises, any entertainment offered within the premises will be suitable for young persons.
62. Children will be required to be supervised by the accompanying adult at all times.
63. A recognised Proof of Age Policy will be enforced.

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

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

64. A minimum of 2 door staff must be used at the premises to carry out security activities from 19.00 hours till close Friday and Saturday. This will also apply to non-standard timings. At all other times the requirement for security staff will be risk assessed on a day to day basis.
65. CCTV security footage will be made secure and retained for a minimum period of 31 days' time to the satisfaction of the West Yorkshire police.
66. At all times when licensable activities are taking place there shall be a member of staff on duty who is conversant with operating the CCTV system and who is able to download immediately any footage requested by an officer from any of the Responsible Authorities.
67. A 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 his information will be retained for a period of 12 months and produced for inspection on request to an authorised officer.

68. The Premises License Holder (PLH) / Designated Premises Supervisor (DPS) will ensure that a Daily Record Register is maintained on the premises by the door staff (when door staff are employed).
69. 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).
70. The Daily Record Register will be retained on the premises for a period of 12 months from the date of the last entry.
71. The PLH/DPS will ensure that an Incident Report Register is maintained on the premises to record incidents such as antisocial behaviour, admissions refusals and ejections from the premises.
72. 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 license 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.
73. The Incident Report Register will be produced for inspection and immediately on the request of an authorised officer.
74. 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.
75. There shall be a communication link via radio to other venues in the city centre. This shall be a system recognised by the current Business Crime Reduction Partnership for the city, Leeds City Council and West Yorkshire police-currently Nitenet.
76. Such communication link will be kept in working order at all times when licensable activities are taking place.
77. The communication link will be available to the Designated Purposes Supervisor or other nominated supervisor and be monitored by that person at all times that licensed activities are being carried out.

- Select Protective Marking -



## APPLYING FOR A SUMMARY LICENCE REVIEW

Application for the review of a Premises Licence under  
Section 53a of the Licensing Act 2003

(Premises associated with serious crime or serious disorder or both)

**Insert name and address of relevant Licensing Authority and its reference number (optional):**

Leeds City Council, Entertainment Licensing Section, Civic Hall, Leeds. LS1 1UR

### Please read the following instructions first

Before completing this form, please read the guidance notes at the end of the form. If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I, PC [REDACTED] Andy CLIFFORD

(on behalf of) the Chief Officer of Police for the West Yorkshire Police area apply for the review of a premises licence under Section 53a of the Licensing Act 2003.

### Part 1 – Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description:

Three Legs Hotel  
9 The Headrow

Town/City: Leeds

Postcode: LS16PU

### Part 2 – Premises licence details

Name of premises licence holder (if known):

Greene King Brewing & Retailing Limited

Number of premises licence (if known): PREM/01559/009

### Part 3 – Certificate under Section 53a(1)(b) of the Licensing Act 2003 (please read Guidance note 1)

I confirm that a certificate has been given by a senior member of the police force for the police area above, that in his/her opinion the above premises associated with serious crime or serious disorder or both, and the certificate accompanies this application. (Please 'check' the box to confirm)



### Part 4 – Details of association of the above premises with serious crime, serious disorder or both (please read Guidance note 2)

On 2<sup>nd</sup> February 2024 the venue was open and operating a standard Friday night with karaoke. During the evening a small group of males and a female are stood predominantly by the bar drinking and appear to be acting in a boisterous manner. Throughout a period of approximately 30 mins an issues appears to develop between two of the males and drunkenness appears to be a factor. The incident comes to a head when the males begin to throw punches at each other. Males 1 takes a shiny item from his pocket and thrusts it towards male 2.

Both males are ejected from the premises and a further altercation takes place on the street away from the venue. During this time a group of people gather outside the pub smoking and watching.

Male 2 leaves and later presents at hospital with an injury consistent with a stab wound.

A further altercation then takes place involving male 1 and a 3<sup>rd</sup> male where punches are thrown. At some point during this incident male 3 is stabbed and officers are called.

**- Select Protective Marking -**

The 3 Legs has historically struggled to manage some of its customers, leading to a lot of crime and calls for service. Drunkenness is frequently an issue and this is an escalation coming from that.

The escalation has led to a severity such that there would be no other means to deal with the premises other than that of summary review.

This incident alone demonstrates serious crime and disorder being linked to the premises. As such West Yorkshire Police are concerned that while these premises are open and operating, that public safety cannot be maintained and would ask the Licensing Sub-Committee consider immediate suspension of the premises licence until the Review proper.

Signature of applicant: [REDACTED] ..... Date: 09/02/2024  
Capacity: Police Licensing Officer

**Contact details for matters concerning this application:**

Address: Licensing Dept, Elland Road Police Station, Elland Road, Leeds, LS11 8BU  
Telephone numbers: [REDACTED]  
E-mail address: [REDACTED]

**Notes for Guidance**

1. A certificate of the kind mentioned in the form, must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder, or both.  
Serious crime is defined by reference to Section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
  - 'Conduct that amounts to one or more criminal offences for which a person who has attained the age of 18 and has no previous convictions, could reasonably be expected to be sentenced to imprisonment for a term of three years or more'; or
  - 'Conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose;
  - Serious disorder is not defined in legislation and so bears its ordinary English meaning.
2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.



RESTRICTED



## CERTIFICATE

Under Section 53a(1)(b) of the Licensing Act 2003

\*Delete as applicable.

**I hereby certify that in my opinion the premises described below are associated with both serious crime and serious disorder.**

### Premises details

Premises (include business name and address and any other relevant identifying details):

Three Legs Hotel  
 9 The Headrow  
 Leeds  
 LS16PU  
 PREM/01559/009

*I am a* (insert rank of officer giving the certificate, which must be superintendent or above):

**SUPERINTENDENT**

*in the West Yorkshire Police Force.*

### Optional

*I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because:*

(Give brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned).

The severity and seriousness of a recent incident where 2 people have been stabbed leads me to believe that public safety is at risk, and that an immediate suspension of the premises licence is necessary to protect public safety. A standard review process cannot achieve this.

Signed:

SUPT  
 RUTTER

Date:

9/2/24

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# Notice of Decision



## of the Licensing Sub Committee

<b>Date of Meeting:</b>	13 February 2024
<b>Determination Date:</b>	13 February 2024
<b>Notice of Decision:</b>	23 February 2024
<b>Members:</b>	Cllr L Farley (Chair) Cllr S Holroyd-Case Cllr D Seary
<b>Legal Officer:</b>	Robert Brown, Principal Legal Officer
<b>Committee Clerk:</b>	Debbie Oldham
<b>Licensing Officer:</b>	Matthew Nelson, Principal Licensing Officer
<b>Premises:</b>	The Three Legs Hotel, 9 The Headrow, Leeds, LS1 6PU
<b>Application:</b>	Summary Review: Interim Steps
<b>Attendees:</b>	P.C. Andy Clifford (West Yorkshire Police) Jim Outhwaite (Greene King Brewing & Retailing Limited) Deborah Fountain (Designated Premises Supervisor ("DPS")) Piers Warne, TLT Solicitors (Licence Holder's Representative)

West Yorkshire Police having made an application for summary review of the premises licence of The Three Legs Hotel, 9 The Headrow, Leeds, LS1 6PU, pursuant to section 53A of the Licensing Act 2003, the Council's Licensing Sub-Committee (herein referred to as "the Committee") met to consider whether it was necessary to take interim steps pending the determination of the substantive application.

Members of the Licensing Sub-Committee had been provided in advance with a copy of the Report of the Chief Officer Elections and Regulatory. Appended to that Report were copies of the following:

- A copy of the premises licence
- An application submitted by West Yorkshire Police for a summary review of the premises licence

- A certificate under s.53A(1)(b) of the Licensing Act 2003 from a senior officer of West Yorkshire Police that in the opinion of that officer the premises are associated with serious crime and serious disorder
- A copy of the Summary Review Guidance under the Statutory Guidance issued under Section 182 of the Licensing Act 2003

P.C. Clifford addressed the Committee. He said that an application for summary review of a premises licence was not a step that he took lightly. He added that the process was usually only used in instances of knife crime. He said that there had been two stabbings at the premises on 2 February 2024.

P.C. Clifford said that an aggravating factor was the level of drunkenness. He said that he had seen CCTV footage taken from the premises and that this indicated that there had been a buildup of aggression between two customers, with finger pointing and nose to nose confrontation over a period of 30 to 40 minutes. He said that there had been an opportunity to address the conflict before it had escalated. After the violence broke out, both males had been ejected from the premises, the apparent perpetrator of the stabbing leaving first, followed by the victim.

P.C. Clifford said that there is a bus stop outside the premises and members of the public were present and witnessed further violence. He said that the original suspected perpetrator then apparently becomes involved in an altercation with a third male. At present, it was unclear whether or not that third male had been inside the premises earlier. P.C. Clifford said that the premises has a reputation, including for trouble.

In response to questions from the Committee, P.C. Clifford said that he cannot be sure that a knife was used. He said that the CCTV footage shows one of the males taking something shiny from his pocket and that could be a knife or other sharp object. He said that the first victim's injuries are consistent with a bladed article having been used.

Mr Warne addressed the Committee on behalf of the DPS and the licence holder. He said the Committee has the potential to remove livelihoods; he said there are a number of people whose livelihoods would be impacted if the licence were to be suspended.

Mr Warne said that it had taken the Police some time to come back to the operator. He said that the shiny object seen being taken from a pocket might have been a key and was not a large knife, albeit he said he was not discounting that it might have been a knife.

Mr Warne said that the two males involved in the first incident were in close proximity to each other and that this might have been because the karaoke music was very loud. He said that the fight itself was very quick. He said that regular customers are adamant that the third male had not been within the premises earlier. He said that at this stage there is no evidence that he was.

Mr Warne said that the summary review process is not expected to be used for a single incident. He said that this was a single incident and the premises has a significant history of not having issues and there is an ongoing relationship between Ms Fountain and the Police. She had made sure that the CCTV was ready for the Police. Mr Warne said that as soon as the male was observed to have a wound, the manager called the emergency services.

Mr Warne referred to the interim conditions which his clients were offering, and which were set out in paragraph 22 of his skeleton argument. He said that since the incident electronic wands have been used and all customers have been searched and there have been no weapons found. He said that there has been no reduction in the number of customers and that was, he submitted, an indication that customers did not feel unsafe. He said that 186 people have signed a petition supporting the continued operation of the premises.

In response to questions from members, it was suggested that the incident had taken place between 21:00 and 22:00 and not at closing time.

Ms Fountain said that in the past she had had meetings with P.C. Arkle of West Yorkshire Police.

The Legal Officer asked Mr Warne whether he would accept that *R (on the application of Lalli) v (1) Commissioner of Police for the Metropolis and (2) Council of the London Borough of Newham [2014]* was authority for the proposition that an association with serious crime or serious disorder might be established on the basis of a single incident. Mr Warne said that particular case involved a serious assault carried out by the husband of the licensee and was not therefore comparable. The Legal Officer read out paragraphs 73 and 74 of the judgment in *Lalli*<sup>1</sup> and suggested that those included general principles that were not limited to the specific facts of that case. The fact that *Lalli* is frequently cited as authority for those principles indicates that they are indeed principles of general application, albeit each case must be decided on its own merits.

## Decision

Having carefully considered the available information and having deliberated in private session, the Licensing Sub-Committee unanimously resolved, with immediate effect, to modify the conditions of the licence so as to incorporate the conditions set out in paragraph 22 of the Licence Holder's Skeleton Argument or Submissions, pending the substantive hearing of the review application, subject to the following:

- No alcohol shall be served before 10:00am (as per the opening hours currently being operated)

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<sup>1</sup> "73. A summary review of a premises licence that authorises the sale of alcohol under the 2003 Act is not a penal sanction nor are its consequences "draconian". It is a process designed to enable such a licence to be reviewed swiftly, and interim steps taken pending the determination of that review, by the relevant licensing authority with a view to promoting the licensing objectives. The provisions governing a summary review are compatible with the licensee's rights under article 6 of, and article 1 of the First Protocol to, the Convention for the Protection of Human Rights and Fundamental Freedoms.

74. A summary review may be invoked by an application made by the chief officer of the relevant police force that has to be accompanied by a certificate by a senior member of that force stating that in his or her opinion the licensed premises are associated with serious crime or serious disorder or both. That requires there to be a connection or link between the premises and serious crime or serious disorder that could be relevant to the regulation of such premises under the 2003 Act. Parliament has decided not to define or to limit the nature of any such association but has decided instead, given that the connection or link may take various forms and occur in potentially unpredictable circumstances, to leave it to the opinion of a senior member of the relevant police force whether such an association exists. There is no requirement that the licensed premises must be persistently associated, or that they have been repeatedly associated or associated more than once, with serious crime or serious disorder. They may be associated with serious crime or serious disorder on the basis of a single incident of serious disorder or a single serious crime."

- Condition C to be amended so as to read:

*“A search policy in accordance with the policy attached at Appendix 3 modified as set out below to be implemented and all door supervisors to be trained in the policy.”*

The first bullet point to read:

*“All persons entering the premises are to be searched for weapons.”*

The third bullet point (being rendered superfluous by the new first bullet point above) to be deleted.

### Reasons

While some of the details surrounding the incidents at the premises are currently still unclear, it appeared to be the case that a fight had taken place within the premises, that following their ejection this may have continued or resumed outside. At some point one of the combatants had been stabbed. A further altercation had then taken place outside the premises and a second individual had apparently also been stabbed. The manager had called the emergency services.

The livelihoods of staff were cited as a reason not to suspend the licence. However, the Committee took the view that the contractual relationship between the licence holder and its staff – and whether the licensee continued to pay its staff – was a matter for them. The Committee’s primary concerns were for the licensing objectives; in particular the prevention of crime and disorder and the safety of the public.

The Committee accepted that *Lalli* is authority for the proposition that a single incident can justify the suspension of a premises licence. However, at this stage the Committee’s task was to consider whether it was necessary to take any of the steps under section 53B(3) pending the hearing of the substantive application.

The Committee decided to modify the conditions of the licence as set out above. In doing so, the Committee took into account the information currently available, the conditions offered by the licence holder and the fact that the operator has already started to search all customers. The Committee did not consider that random searches or targeted searches as proposed by the licensee were sufficient at this time. It was not an onerous requirement for all customers to be searched on entry pending the full hearing and it would help ensure that all customers and staff were safe from knife attacks within the premises.

The temporary modification of the hours was also considered by the Committee to be sensible, appropriate, proportionate and necessary in the circumstances.

The Committee hoped that the Police and the licence holder would use the period before the substantive hearing to hold discussions with a view to addressing the concerns.

### Right of Appeal

There is no right of appeal at this stage of the summary review process. However, the legislation permits a premises licence holder to make representations against the interim steps taken by the licensing authority.

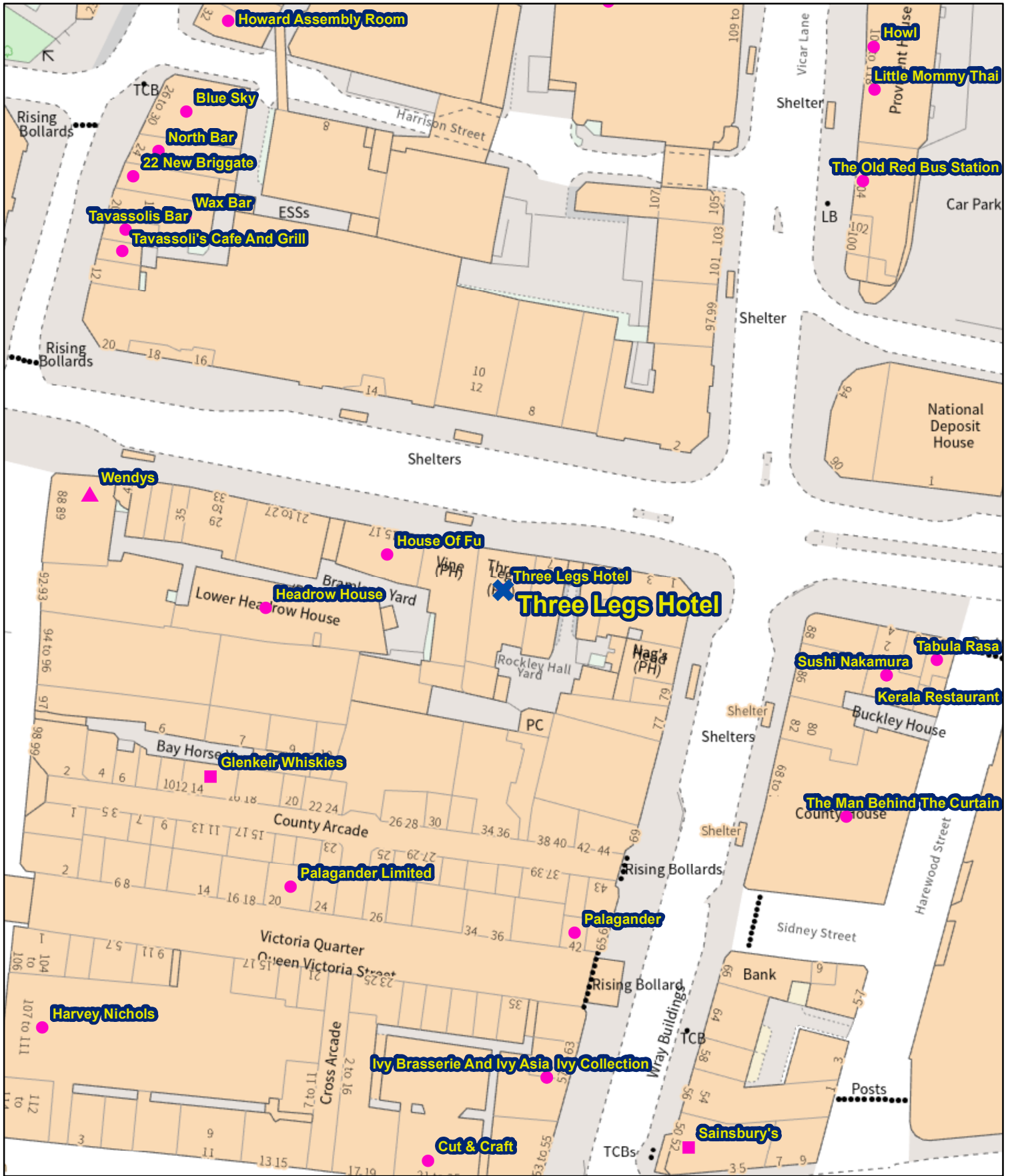
On receipt of such representations the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt.

Further information on making a representation against the interim measures can be found in the Guidance issued under section 182 of the Licensing Act 2003.

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# Appendix E



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

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**Nelson, Matthew**

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**From:** Debbie Lacey [REDACTED]  
**Sent:** 23 February 2024 15:48  
**To:** Entertainment Licensing; Nelson, Matthew  
**Subject:** The Three Legs

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Matthew

I am the DPS at the Three Legs and appeared at the summary review hearing last week. I am making a representation in relation to the summary review as I wish to preserve the right to address the licensing authority in my own right. As the DPS I can speak to the operation of the premises and how we work hard to promote the licensing objectives. I also want to protect my right to answer any points raised by the police or any other party in relation to the allegations and our response to the incident on the night or any other incidents that the police may raise at the hearing.

Can you please confirm you have received this email and accepted it as a valid representation.

Yours sincerely  
Debbie Fountain  
Sent from my iPhone

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## 12. Summary reviews

- 12.1 Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process, set out under sections 53A-53D of the 2003 Act, allows interim conditions to be quickly attached to a licence and a fast track licence review. The provisions were inserted by section 21 of the Violent Crime Reduction Act 2006 and amended by sections 136-137 of the Policing and Crime Act 2017, including the addition of section 53D.
- 12.2 The powers apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The powers are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives. The powers complement the general procedures in the 2003 Act for tackling crime and disorder associated with licensed premises and should be reserved for the most serious matters which cannot be adequately or otherwise redressed unless urgent action is taken. Separate powers in the Anti-social Behaviour, Crime and Policing Act 2014 provide for the instant closure of premises by the police in some circumstances (in essence, disorder or nuisance). The consequent review of premises licences by the licensing authority is provided for by section 167 of the Licensing Act 2003.

### Application for summary review

- 12.3 Section 53A of the 2003 Act sets out who may apply for an expedited review and the circumstances in which it can be used. The application is made by, or on behalf of, the chief officer of police and must be made in the form which is set out in Schedule 8A to the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (SI 2005/42).
- 12.4 The completed application must be accompanied by a certificate issued by a senior officer of the rank of superintendent or above. The certificate is a formal note which identifies the licensed premises and includes a signed statement by the senior officer that in his/her opinion the premises are associated with serious crime, serious disorder or both. This form is not prescribed in legislation. However, a sample form which forces may wish to adopt is published on GOV.UK.
- 12.5 The tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) of the Regulation of Investigatory Powers Act 2000. Those tests are that the conduct:
- (a) constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; or
  - (b) Involves the use of violence, results in substantial financial gain or is conducted by a large number of persons in pursuit of a common purpose.
- 12.6 There is no definitive list of behaviours that constitute serious disorder, and the matter is one for judgment by the local police. The phrase should be given its plain, ordinary meaning, as is the case under section 12 of the Public Order Act 1986 in which it is also used.

- 12.7 In deciding whether to sign a certificate, the senior officer should consider the following (as applicable):
- The track record of the licensed premises concerned and whether the police have previously had cause to give advice about serious criminal or disorderly conduct (or the likelihood of such conduct) attributable to activities taking place on the premises. It is not expected that this power will be used as a first response to a problem and summary reviews triggered by a single incident are likely to be the exception.
  - The nature of the likely crime and/or disorder – is the potential incident sufficiently serious to warrant using this power?
  - Should an alternative power be deployed? Is the incident sufficiently serious to warrant use of the powers in Part 4, Chapter 3 of the Anti-social Behaviour, Crime and Policing Act 2014, or section 38 of and Schedule 6 to the Immigration Act 2016, to close the premises? Or could the police trigger a standard licence review to address the problem? Alternatively, could expedited reviews be used in conjunction with other powers (for example, modifying licence conditions following the use of a closure power)?
  - What added value will use of the expedited process bring? How would any interim steps that the licensing authority might take effectively address the problem?
- 12.8 It is recommended that these points are addressed in the chief officer's application to the licensing authority. In particular, it is important to explain why other powers or actions are not considered to be appropriate. It is up to the police to decide whether to include this information in the certificate or in section 4 of the application for summary review. The police will also have an opportunity later to make representations in relation to the full review. In appropriate circumstances the police might want to make representations to the licensing authority suggesting that they modify the conditions of the premises licence to require searches of customers for offensive weapons upon entry. Under the powers in sections 53A to 53D, this could be done on an interim basis pending a full hearing of the issues within the prescribed 28-day timeframe or for an appropriate period determined by the licensing authority.
- 12.9 Similarly, the power could, where appropriate, be used to reduce the risk of injury caused by glass by requiring the adoption of a safer alternative (but see paragraphs 12.15 and 12.16 below). However, it should always be borne in mind that the aim of the powers is to provide a selective tool, to be used proportionately.

## **The licensing authority and interim steps pending the review**

- 12.10 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and responsible authorities a notice of the review and should include a copy of the application for review and a copy of the certificate, and must also consider whether it is necessary to take interim steps (place temporary conditions on the licence). When calculating the 48 hour period any non-working day can be disregarded<sup>11</sup>.
- 12.11 The licensing authority may want to consult the police about the steps that it thinks are

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<sup>11</sup> This means that, for example, if the application was received at 3pm on a Friday, the 48 hour period would cover the remaining 9 hours on that Friday and the remaining 39 hours starting on the Monday morning (provided it was not a bank holiday). In this case the licensing authority would have to decide on interim steps by 3pm on the Tuesday.

necessary, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder. The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. This does not, of course, mean that the licensing authority *cannot* afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances.

12.12 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions are likely to be taken by a licensing sub-committee rather than the full committee. It should also be noted that there is no requirement for a formal hearing in order to take interim steps. This means that the relevant sub committee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.

12.13 The interim steps that the licensing authority must consider taking are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail from the scope of the licence;
- the removal of the designated premises supervisor from the licence; and
- the suspension of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

12.14 If the licensing authority decides to take steps at the initial interim stage:

- the decision takes effect immediately, or as soon after it as the licensing authority directs; but
- the licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application. The 2003 Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect. In such a case, the decision and the reasons for it should be explained clearly and in full to the licence-holder (or someone who may properly act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example, by email or fax) which is identical to, or not significantly different from, the version given by telephone.

12.15 The licensing authority, in deciding when its decision on interim steps should take effect, should consider the practical implications of compliance in relation to the premises. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.

12.16 In addition, very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw

or modify those steps. For example, making structural changes, installing additional CCTV or replacing all glassware with safer alternatives may be valid steps, but might be disproportionate if they are not likely to be deemed necessary following the full review (or any subsequent appeal). The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring.

## **Making representations against the interim steps**

- 12.17 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded. Where the licensing authority has already held a hearing to consider representations against the interim steps, the holder of the licence may only make further representations if there has been a material change in circumstances.
- 12.18 The licensing authority must give advance notice of the hearing to the premises licence holder and the chief officer of police. Given that these measures are designed to deal with serious crime and/or serious disorder on an interim basis only, the process is designed to avoid delay and, as such, significant portions of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44) (which set out the usual processes governing the conduct of licensing authority hearings) do not apply in order to streamline the hearing process. One result of this is that the licensing authority cannot adjourn the hearing to a later date if the licence holder fails to attend at the scheduled time, as is the case under the normal review procedure. And as is the case with that procedure, the licence holder does not have to be present for the hearing to take place. In addition, there is no timescale for notifying the licence holder of the hearing under the modified process, providing the notification takes place before the hearing is held. However, it is imperative that the licence holder be given as much notice as is possible in the circumstances to afford the holder a maximum practicable opportunity to prepare for and attend the hearing. Licensing authorities should bear in mind that the usual principles of public law decision-making will apply to interim determinations, in a form that has regard to the statutory context of an expedited process.
- 12.19 At the hearing to consider representations against interim steps the licensing authority must:
- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
  - determine whether to withdraw or modify the steps taken.
- 12.20 When considering the case the licensing authority must take into account:
- the senior officer's certificate that accompanied the application;
  - the chief officer's representations (if any); and
  - any representations made by the premises licence holder.
- 12.21 There is no right of appeal to a magistrates' court against the licensing authority's



decision at this stage.

## **The review of the premises licence under section 53C**

- 12.22 The licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the chief officer's application. There can be no adjournment of the hearing or delay in reaching a determination beyond the end of the 28 day period. This must take place even if the chief officer or other responsible authority and/or other person asks to withdraw their application or representation (as the case may be). At the review hearing, the licensing authority must consider what steps are appropriate for the promotion of the licensing objectives taking into account the application and any change in circumstances since any interim steps were imposed, consider any relevant representations, and review the interim steps already taken (if any).
- 12.23 In making its final determination the steps the licensing authority can take are:
- the modification of the conditions of the premises licence;
  - the exclusion of a licensable activity from the scope of the licence;
  - the removal of the designated premises supervisor from the licence;
  - the suspension of the licence for a period not exceeding 3 months; and
  - the revocation of the licence.
- 12.24 Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.
- 12.25 The licensing authority must:
- advertise the review inviting representations from any persons for no less than seven consecutive days, by notice as described in regulation 38 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (SI 2005/42) and, if applicable, on the licensing authority's website (see regulation 38(1)(b) of the above). The relevant notices should be published on the day after the day of receipt of the chief officer's application.
  - advertise that any representations which the premises licence holder, responsible authority or any other person want the licensing authority to consider at the review hearing, should be submitted to the licensing authority within 10 working days of the advertisement of the review appearing.
  - give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority.
- 12.26 A party shall give to the licensing authority a notice no later than two working days before the day or the first day on which the hearing is to be held stating –
- whether he intends to attend or be represented at the hearing;
  - whether he considers a hearing to be unnecessary.
  - whether he would like permission for any other person (other than the person he intends to represent him at the hearing) to appear at the hearing and, if so, explain on which points that person will be able to contribute.

- 12.27 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44). They apply to final hearings under the section 53A(2)(b) in a similar way to hearings following closure orders under section 167 of the 2003 Act (it should be emphasised that the truncated version of the hearings regulations described in paragraph 12.18 above applies to interim hearings only). The issues they address include who can make representations and what those representations can be about. It is therefore possible for responsible authorities or any other persons to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly, where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.
- 12.28 The licensing authority must notify its decision and the reasons for making it to:
- the holder of the premises licence;
  - any person who made relevant representations; and
  - the chief officer of police who made the original application.

## **Review of the interim steps under section 53D**

- 12.29 The licensing authority's determination does not have effect until the end of the 21 day period given for appealing the decision, or until the disposal of any appeal that is lodged (see below information on right of appeal). To ensure that there are appropriate and proportionate safeguards in place at all times, the licensing authority is required to review any interim steps that it has taken that are in place on the date of the hearing and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn. The review of the interim steps should take place immediately after the determination under section 53C has been reached. In making its decision, the licensing authority must consider any relevant representations made.
- 12.30 In conducting the review of the interim steps the licensing authority has the power to take any of the steps that were available to it at the initial stage (see paragraph 12.13). Any interim steps taken at the review hearing apply until—
- (a) the end of the period given for appealing against a decision made under section 53C (21 days),
  - (b) if the decision under section 53C is appealed against, the time the appeal is disposed of, or
  - (c) the end of a period determined by the relevant licensing authority (which may not be longer than the period of time for which such interim steps could apply under (a) or (b) above).

## **Right of appeal against review of interim steps decision**

- 12.31 The licence holder or the chief officer of police may appeal against the decision made by the licensing authority concerning its review of the interim steps to a magistrates' court. The appeal must be made within 21 days of the appellant being notified of the licensing authority's decision and must be heard in full by the magistrates' court within 28 days beginning with the day on which the appellant lodged the appeal.

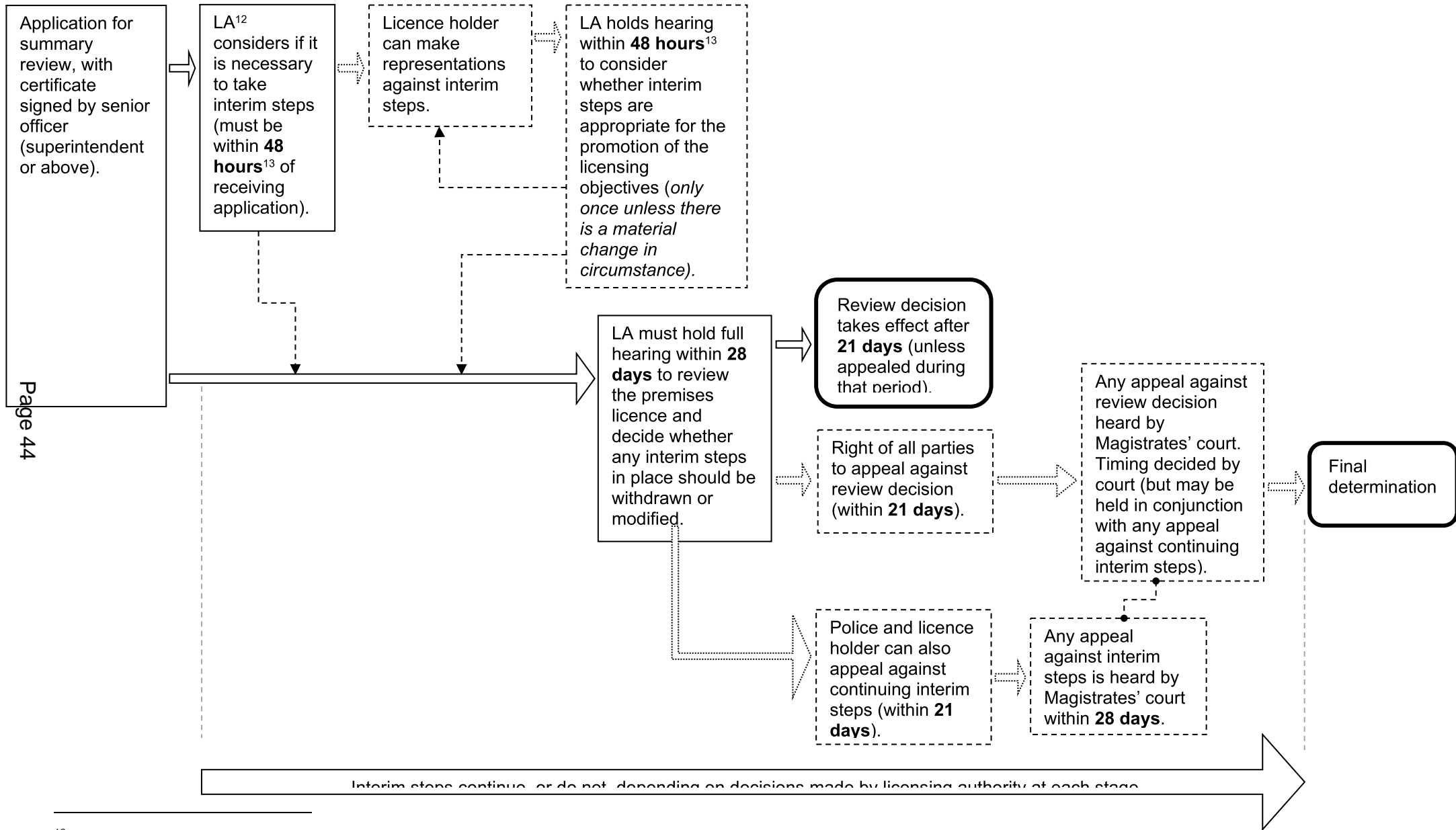
## **Right of appeal against final review decision**

- 12.32 An appeal against the final review decision may be made to a magistrates' court within 21 days of the appellant being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
- 12.33 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.
- 12.34 Where appeals are lodged both against the decision following the review of the interim steps and against the final determination, the courts may decide to consider the appeal against the final determination within the 28 day period, allowing the interim steps appeal to be disposed of at the same time.

## **Flow diagram of the summary review process**

- 12.35 The following flow diagram summarises the process.

Summary review flowchart



<sup>12</sup> Licensing authority

<sup>13</sup> Only working days count