

Public Document Pack

Late Item – Temporary Event Notice,
Beat Bar, Merrion Street, Leeds 2

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Report author: Mrs Victoria Radford
0113 2474095

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: 9th December 2013

Subject: Temporary event notice for Beat Bar 66 Merrion Street, Leeds, LS2 8LW

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

Summary of main issues

This report advises Members that two temporary event notice applications have been received and that West Yorkshire Police have served an objection notice to both applications on the grounds of crime and disorder.

Members of the Licensing Sub Committee are asked to consider the temporary event notices and the objection notice.

Please refer to paragraph 3.4 of the report to note the dates and times of the notices applied for.

Purpose of this Report

- 1.1 To advise Members of two temporary event notices 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 these applications due to the receipt of an objection notice from West Yorkshire Police.

2.0 History of Premises

- 2.1 The premises currently have the benefit of a premises licence for sale of alcohol and regulated entertainment every day between the hours of 12:00 - 4:00 along with late night refreshment every day between the hours of 23:00 – 04:00.
- 2.2 The premises have previously held temporary event notices on the following dates in 2013 for regulated entertainment, late night refreshment and sale of alcohol.
 - From: 26th January 22:00 to 06:00 hours on the 27th January.
 - From: 23rd March 22:00 hours to 06:00 hours on the 24th March.
 - From 2nd August 22:00 hours to 06:00 hours on the 3rd August.
 - From 1st November 21:00 hours to 06:00 hours on the 2nd November.
 - From 8th November 23:00 hours to 05:00 hours on the 9th November.

3.0 The Application

- 3.1 The proposed premises user is Mr Ashley David Robinson.
- 3.2 The location of the premises can be seen on the maps at Appendix A.
- 3.3 A copy of the temporary event notices are attached at Appendix B.
- 3.4 In summary the temporary event notices are:

From 14th December 23:00 to 05:00 hours on the 15th December

- Sale by retail of Alcohol
- Regulated Entertainment
- Late Night Refreshment

From 26th December 23:00 to 06:00 on the 27th December

- Sale by retail of alcohol
- Regulated Entertainment
- Late Night Refreshment

Maximum capacity for both events: 300 persons

4.0 Other matters relevant to the application

4.1 Members are to note that the applicant had applied for a late temporary event notice for the 7th through to the 8th of December – the application received representation from West Yorkshire Police. In light of the application being a late application the notice was refused outright.

4.2 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.

4.3 Members of the Licensing Sub Committee must make decision with a view to the prevention of crime and disorder.

5.0 Representations

5.1 West Yorkshire Police have received a copy of both notices. They consider that allowing the premises to be used in the manner set out in the temporary event notices will undermine the prevention of crime and disorder and have issued an objection notice.

5.2 Copies of the objection notice will be available at the hearing for Members consideration.

6.0 Options Available to Members

6.1 The Licensing sub-committee must take such of the following steps as it considers necessary:

- Issue a counter notice against the event in order to prevent the event from taking place.
- Allow the event to take place

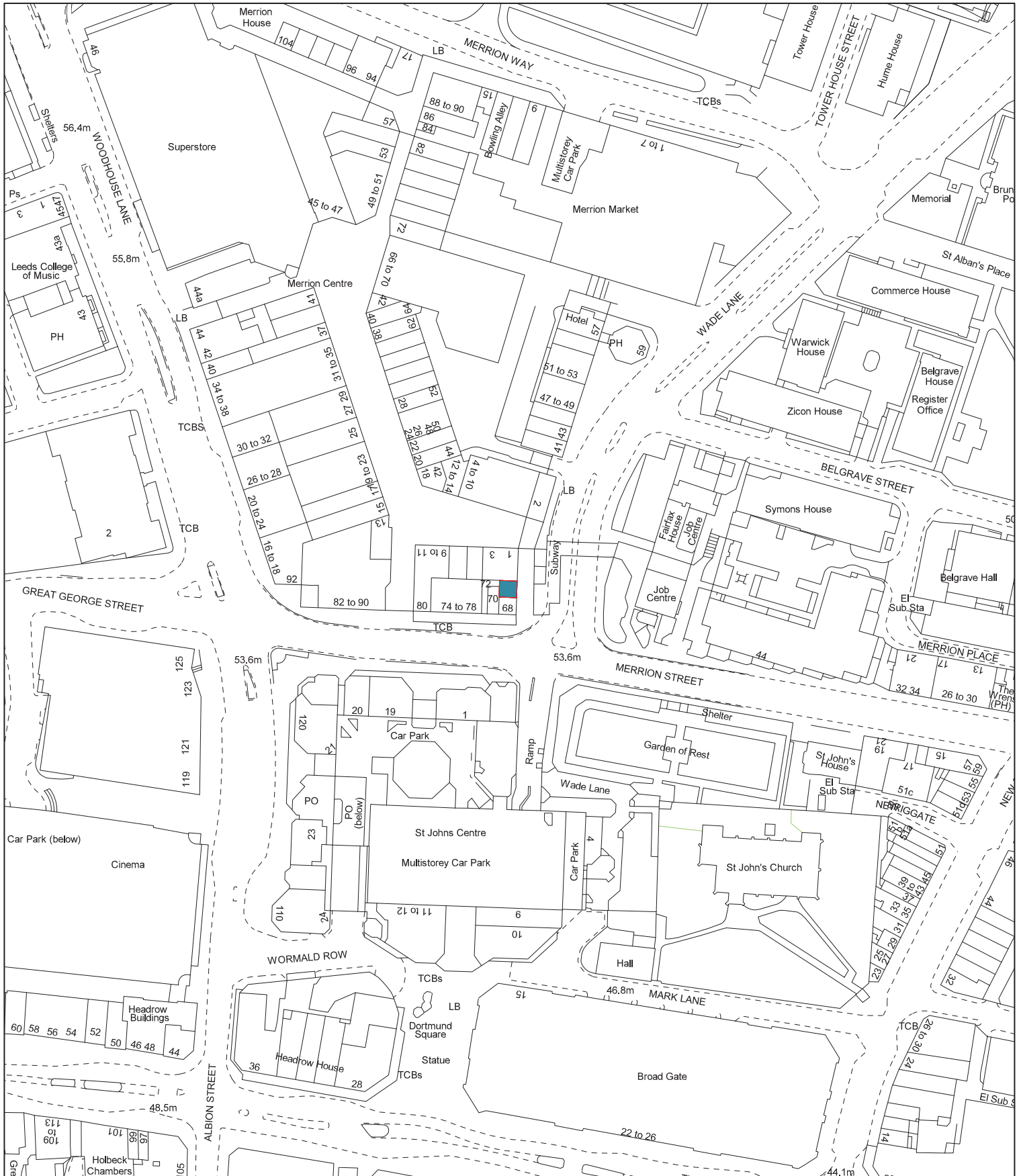
6.2 Members of the licensing sub committee are asked to note that they may not restrict or attach conditions to the temporary event notice.

7.0 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy
- Representations received from Interested Parties

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Appendix A



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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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	Mr		
Surname	Robinson		
Forenames	Ashley David		
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	Day 14	Month 10	Year 1990
4. Your place of birth	Stockton-on-tees		
5. National Insurance Number	TBA		
6. Your current address: (We will use this address to correspond with you unless you complete the separate correspondence box below).			
16 Ice Works, 4 Cross York Street			
Post town Leeds	Post code LS2 7EE		
7. Other contact details			
Telephone numbers:	07528048104		
Daytime	07528048104		
Evening (optional)			
Mobile (optional)			
FAX NUMBER (optional)			
E-Mail Address (if available)	Ashley.robinson@beat-bar.co.uk		

8. Alternative address for correspondence (if you complete the detail below, we will use this address to correspond with you)	
Post town	Post code
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)	
Beat Bar 66 Merrion Steet Leeds LS2 9LW	
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/03146/001
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)	
Please describe the nature of the premises below. (Please read note 4)	
Music venue/Nightclub	
Please describe the nature of the event below. (Please read note 5)	
Music Entertainment by DJ playing recorded music.	

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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	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input checked="" type="checkbox"/>

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)

26/12/2013

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 9)

23:00 – 06:00

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 10)

300

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 11)

On the premises only	<input checked="" type="checkbox"/>
Off the premises only	<input type="checkbox"/>
Both	<input type="checkbox"/>

4. Personal licence holders (Please read note 12)

Do you currently hold a valid personal licence?
(Please tick)

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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If "Yes" please provide the details of your personal licence below.

Issuing licensing authority	Leeds City Council
Licence number	LEEDS/PERL/07195/13
Date of issue	
Date of expiry	31/10/2023

Any further relevant details	
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5. Previous temporary event notices you have given (Please read note 13 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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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	0	
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 14 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 <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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.	5	
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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: a) ends 24 hours or less before; or b) begins 24 hours or less after; the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 15)	
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;	<input type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
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	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
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	<input type="checkbox"/>
Made or enclose payment of the fee for the application	<input type="checkbox"/>
Signed the declaration in Section 9 below	<input type="checkbox"/>

8. Condition Please read note 15
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 16
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:- Ashley David Robinson
DATE 25/11/2013
Name of Person signing: Ashley David Robinson

For completion by the licensing authority

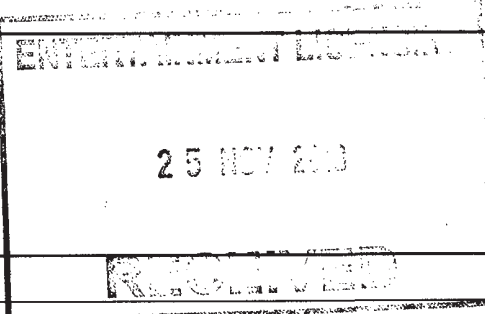
10. Acknowledgement (Please read note 19)
I acknowledge receipt of this temporary event notice.
SIGNATURE <i>Philomena Carville</i> On behalf of the Licensing Authority
DATE <i>27/11/2013</i>
Name of officer signing <i>PHILOMENA CARVILLE</i>

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	Mr		
Surname	Robinson		
Forenames	Ashley David		
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	Day 14	Month 10	Year 1990
4. Your place of birth	Stockton-on-tees		
5. National Insurance Number	TBA		
6. Your current address: (We will use this address to correspond with you unless you complete the separate correspondence box below).			
16 Ice Works, 4 Cross York Street			
Post town	Leeds	Post code	LS2 7EE
7. Other contact details			
Telephone numbers:	07528048104		
Daytime	07528048104		
Evening (optional)			
Mobile (optional)			
FAX NUMBER (optional)			
E-Mail Address (if available)	Ashley.robinson@beat-bar.co.uk		

8. Alternative address for correspondence (if you complete the detail below, we will use this address to correspond with you)	
Post town	Post code
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)	
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Music venue/Nightclub	
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Music Entertainment by DJ playing recorded music.	

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The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input checked="" type="checkbox"/>

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)

14/12/2013

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 9)

23:00 – 05:00

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 10)	300
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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 11)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

4. Personal licence holders (Please read note 12)

Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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If "Yes" please provide the details of your personal licence below.

Issuing licensing authority	Leeds City Council
Licence number	LEEDS/PERL/07195/13
Date of issue	
Date of expiry	31/10/2023

Any further relevant details	
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5. Previous temporary event notices you have given (Please read note 13 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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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	0	
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>

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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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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: a) ends 24 hours or less before; or b) begins 24 hours or less after; the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 15)	
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;	<input type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
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	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
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	<input type="checkbox"/>
Made or enclose payment of the fee for the application	<input type="checkbox"/>
Signed the declaration in Section 9 below	<input type="checkbox"/>

8. Condition Please read note 15
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 16
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:- Ashley David Robinson
DATE 25/11/2013
Name of Person signing: Ashley David Robinson

For completion by the licensing authority

10. Acknowledgement (Please read note 19)
I acknowledge receipt of this temporary event notice.
SIGNATURE <i>Philomena Carville</i> On behalf of the Licensing Authority
DATE <i>27/11/2013</i>
Name of officer signing <i>PHILOMENA CARVILLE</i>

NOT PROTECTIVELY MARKED**Leeds District Licensing Department**

Millgarth Police Station – 1st floor
 Millgarth Street
 Leeds
 LS2 7HX

Tel: 0113-2414023
 Fax: 0113-2413123
 Email:
 catherine.arkle@westyorkshire.pnn.police.uk
 Website:

Your ref:
 Our ref:

28th November 2013

Mr.Ashley Robinson
16, Ice Works
4, Cross York Street
Leeds
LS2 7EE

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 'LATE' & 'STANDARD' TEMPORARY EVENT NOTICE
LICENSING ACT 2003

PREMISES: BEAT BAR, 66, MERRION STREET, LEEDS, LS2 9LW

Your 'late' temporary event notice and 'standard' temporary event notices were received by West Yorkshire Police at the above address on 25/11/2013. The 'late' notice relates to licensable activities at the premises on:- Saturday 7th December into Sunday 8th December from 23:00hrs until 05:00hrs. The 'standard' notices relate to licensable activities at the premises on:- Saturday 14th December in to Sunday 15th December from 23:00hrs until 05:00, and Thursday 26th December in to Friday 27th December from 23:00hrs until 06:00hrs.

I **PC Catherine Arkle for West Yorkshire Police**, hereby give you notice that I intend to object to your 'late' and 'standard' temporary event notices.

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

- 22:25hrs on 23/11/2012 – licensed visit. Only one member of door staff on duty. Breach of licence condition.

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

- 02:52 hrs on 23/02/2013 – report from venue of 30 fighting outside. Only one member of door staff on duty who cannot cope.
- 23:54hrs on 05/04/2013 – licensed visit. Only one member of door staff on duty again. Customers being allowed to take alcoholic drinks/glass outside – breach of licence condition. Strong smell of cannabis reported in staff area behind the bar.
- 22:50hrs on 04/10/2013 – licensed visit. Bar staff found to be drinking alcohol whilst on duty.
- 00:18hrs on 13/10/2013 – manager reporting that door staff have said a male has taken an unconscious female and loaded her in to a vehicle. Transpires the male is the female's father-in-law and he has come to take her home because she is so drunk.
- 03:00hrs on 02/11/2013 – male exits venue and is punched in the face outside by an unknown party – injuries are sustained.
- 02:00hrs on 20/11/2013 – door staff eject a group of males for fighting inside the club. Altercation continues outside and male is punched in the face sustaining injuries.
- 00:48hrs on 23/11/2013 – licensed visit. Only one member of door staff on duty again. Numerous cans and bottles seized from customers outside the venue, and some customers inside reported as over inebriated.

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.

PC 5548 Catherine Arkle
Divisional Licensing Officer.
City & Holbeck
West Yorkshire Police.

NOT PROTECTIVELY MARKED