



LICENSING SUB-COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
MONDAY, 16TH AUGUST, 2021 AT 10.00 AM

MEMBERSHIP

Councillors

- N Buckley - Alwoodley;
- A Hutchison - Morley North;
- J Lennox - Cross Gates and Whinmoor;

This meeting will be held at the Civic Hall, Leeds. Due to current restrictions arising from the pandemic, there will be very limited capacity in the public gallery for observers of the meeting. If you would like to attend to observe in person, please email (FacilitiesManagement@leeds.gov.uk) to request a place, clearly stating the name, date and start time of the committee and include your full name and contact details, no later than 24 hours before the meeting begins. Please note that the pre-booked places will be allocated on a 'first come, first served' basis and once pre-booked capacity has been reached there will be no further public admittance to the meeting. On receipt of your request, colleagues will provide a response to you.

Please Note - Coronavirus is still circulating in Leeds. Therefore, even if you have had the vaccine, if you have Coronavirus symptoms: a high temperature; a new, continuous cough; or a loss or change to your sense of smell or taste, you should NOT attend the meeting and stay at home, and get a PCR test. For those who are attending the meeting, please bring a face covering, unless you are exempt.

**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 88662**

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;"><u>PRELIMINARY PROCEDURES</u></p> <p>ELECTION OF THE CHAIR</p> <p>To seek nominations for the election for the position of Chair.</p> | |
| 2 | | | <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</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>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</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>RESOLVED – 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>LATE ITEMS</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 |
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| 5 | | | <p>DECLARATION OF INTERESTS</p> <p>To disclose or draw attention to any interests in accordance with Leeds City Council's 'Councillor Code of Conduct'.</p> <p><u>HEARINGS</u></p> | |
| 6 | | | <p>SUMMARY REVIEW OF THE PREMISES LICENCE FOR BARLEY MOW, LOWER TOWN STREET, BRAMLEY, LS13 3EN</p> <p>To consider the report of the Chief Officer (Elections and Regulatory) that advises of an application for a licence summary review made by the West Yorkshire Police in respect of Barley Mow, Lower Town Street, Bramley, LS13 3EN. The application is made on the grounds of serious crime and disorder.</p> <p><u>GUIDANCE FOR ATTENDING MEETINGS IN CIVIC HALL LEEDS</u></p> <p><u>Third Party Recording</u></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> <ol style="list-style-type: none"> 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. 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. | 7 - 74 |

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Report Author: Miss Charlotte Deighton

Tel: 0113 378 5029

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Monday 16th August 2021

Subject: Summary Review of the Premises Licence for Barley Mow, Lower Town Street, Bramley, LS13 3EN

| | | |
|---|---|--|
| Are specific electoral Wards affected? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If relevant, name(s) of Ward(s): | Bramley & Stanningley | |
| 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 Barley Mow, Lower Town Street, Bramley, LS13 3EN.

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 interim steps which Members carefully considered on the 22nd July 2021. Members resolved to suspend the licence with immediate effect pending the hearing of the substantive review application.

A representation to the decision of the interim steps hearing was submitted by the applicant's agent (Woods Whur). In this document the agent offered several conditions in which the premises would adhere to should the licence be reinstated. On receipt of the representation a further hearing was scheduled for the 3rd August where members made the decision to reinstate the licence, simultaneously imposing the conditions offered by the agent.

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.

Member must also have regard to reviewing the interim steps pending the appeal period to ensure appropriate and proportionate safeguards are 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 for a licence summary review made by the West Yorkshire Police in respect of Barley Mow, Lower Town Street, Bramley, LS13 3EN. The application is made on the grounds of serious crime and disorder.
- 1.2 The Licensing Sub Committee now has the responsibility to review the premises licence held by Mrs Kelly Shaw.

1.0 History of the Premises

- 2.1 On the 1st June 2005 an application by the licence holder at the time, Mitchells And Butlers Leisure Retail Ltd, was made to convert and simultaneously vary the existing Justices' On Licence and Public Entertainment Licence in to a premises licence.
- 2.2 The variation proposed to extend the hours for licensable activities and attracted representations from the Leeds City Council Environmental Protection Team, West Yorkshire Police and a number of local residents.
- 2.3 The representations from the two responsible authorities suggested additional measures to promote the licensing objectives, however only some of these were agreed prior to the hearing. During the consultation period, the Environmental Protection Team received several noise complaints regarding the premises and changed their original representation to an outright objection.
- 2.4 The outstanding matters were considered by a Licensing Sub Committee on the 15th July 2005, where Members of that committee resolved to grant the licence in part authorising all licensable activities Sunday to Thursday 10:00 until 23:00 hours, and Friday & Saturday 10:00 until midnight. The committee also imposed additional measures aimed at promoting the licensing objectives, specifically the prevention of crime & disorder, the prevention of public nuisance and public safety.
- 2.5 An application to vary the designated premises supervisor was received on the 23rd November 2007. No representations were received, and the licence was granted.
- 2.6 An application to vary the premises licence was received by the Licensing Authority on the 20th December 2007. The variation sought to make alterations to the layout of the premises. Licensable activities/times were to remain the same. No representations were received and the licence was granted as applied for.
- 2.7 Applications to change the designated premises supervisor were made on the 16th January 2008, 27th April 2010, and the 7th September 2010. All applications were granted as applied for as no representations were received.
- 2.8 On the 19th October 2010 a closure notice was served on the premises by Paul Rix (Senior Enforcement & Liaison Officer) from the licensing Authority due to having no drug safe and no authorisation by the DPS for sales of alcohol. The steps to be taken were to obtain and install a drug safe within 14 days of the notice been served and to appoint a DPS within 3 days. Paul Rix then issued a cancellation notice to the closure notice on the 1st November as he was satisfied the points had been addressed.

- 2.9 On the 20th October 2010 an application to vary the designated premises supervisor was made to the licensing authority. This received no representations and the licence was granted.
- 2.10 The Licensing Authority received a minor variation on the 20th October 2010 to permit structural alterations to the layout of the premises and to remove obsolete conditions. The Environmental Protection Team submitted a representation, however agreements were reached with the applicant's agent and subsequently the representation was withdrawn. With no representations outstanding the licence was granted subject to the agreement reached.
- 2.11 On the 12th November 2010 the licensing authority received an application to vary the designated premises supervisor in which the licence was granted.
- 2.12 On the 16th August 2011, 18th September 2012, 22nd November 2013 and the 19th June 2014, applications to vary the designated premises supervisor were received by the licensing authority. No representations were received to any of these applications and all licences were granted.
- 2.11 The licensing authority received a minor variation on the 7th October 2014. The minor variation sought to make slight amendments to the contact details on the licence and to also extend the opening hours of the premises to permit trade to start from 07:00 hours, Monday to Sunday, to allow breakfast to be served. No comments were received and the application was granted as applied for.
- 2.12 Applications to vary the designated premises supervisor were made to the licensing authority on the 7th June 2016, 15th September 2016 and 10th March 2017. All applications were successfully granted.
- 2.13 On the 2nd August 2017 the licensing authority received an application to transfer the licence from Mitchells And Butlers Leisure Retail Ltd to LT Management Services Limited. The application did not attract a representation from West Yorkshire Police and the licence was granted.
- 2.14 An application to vary the designated premises supervisor was received on the 22nd May 2018 and was successfully granted.
- 2.15 On the 23rd October 2018 the licensing authority received an application to transfer the premises licence from LT Management Services Limited to Milton Portfolio Op Co 2 Limited. As no representations were received this was successfully granted.
- 2.16 On the 14th September 2020 the licensing authority received applications to transfer the licence and vary the designated premises supervisor (DPS) to the current licence holder and DPS, Kelly Shaw. Both these applications did not receive representations from West Yorkshire Police and they were granted as applied for.

3.0 Main Issues

Application

- 3.1 An application for a summary review of the premises licence has been brought by West Yorkshire Police. A redacted copy of this application is attached at **Appendix A**. The licensing authority is in receipt of a signed copy of the application.

- 3.2 Members will note that in accompaniment of the application a certificate made under section 53(1B) of the Act, which confirms that a senior member 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 B** of this report and as above, the Licensing Authority is in receipt of a signed copy of the certificate.
- 3.3 Officers can confirm that signed versions of the application and certificate were served on the premises licence holder and the responsible authorities. This is in line with requirements of the Licensing Act 2003 and took place, by e-mail, on receipt of the application on 20th July 2021, and additionally hand delivered direct to the premises the following day on 21st July 2021.
- 3.4 The licensing authority can confirm that the statutory requirements to advertise the review application have been followed.

The Interim Steps

- 3.5 At the interim steps hearing, the measures available to Members and considered were:
- The modifications 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 It was decided that the most appropriate course of action would be to suspend the licence with immediate effect pending the hearing of the substantive review application. The Committee took the view that to modify or add to existing conditions of the licence or to exclude the sale of alcohol by retail from the scope of the licence would not adequately address the risk of further violent offences taking place at the premises and that to remove the designated premises supervisor would have no effect on the commission of violent offences in the future.
- 3.7 Further information on the resolution taken is contained within the Interim Steps decision notice attached at **Appendix C** of this report.

Representation

- 3.8 In accordance with Section 53B of the Licensing Act 2003, a premises licence holder may submit a representation to the interim steps initially taken. In this instance, a representation was submitted by the applicant's representative. A copy of this along with supporting documents may be found at **Appendix D**.

Hearing – Representation against interim steps decision

- 3.9 The hearing for the representation against the interim steps decision occurred on the 2nd August 2021 and after having carefully considered the contents of the senior police officer's certificate that accompanied the application, Mr Parker's representations and the representation made on behalf of Ms Shaw, the Committee resolved to lift the suspension with immediate effect and to impose the conditions offered by the licence holder pending the hearing of West Yorkshire Police's substantive application. A copy of this decision notice is attached at **Appendix E**.

4.0 Premises Licence

4.1 The premises licence holder is Mrs Kelly Shaw.

4.2 A copy of the premises licence can be found at **Appendix F** of this report.

5.0 Designated Premises Supervisor

5.1 The Designated Premises Supervisor is Mrs Kelly Shaw.

6.0 Location

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

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 another person, must not be frivolous or vexatious.

Representations from Responsible Authorities

7.2 The application has attracted representations from both the Licensing Authority and the Environmental Protection Team in their capacities as responsible authorities.

7.3 The representation made by the Licensing Authority supports the review sought by West Yorkshire Police. Paul Rix, Senior Liaison and Enforcement Officer, is the author and a copy of this representation can be found at **Appendix H** of the report.

7.4 Also supporting the review application is the Environmental Protection Team, who have submitted a representation providing a chronology of nuisance complaints. A copy of this representation is available at **Appendix I**.

Other representations

7.5 The application has attracted representation from members of the public (described as 'other persons' in the legislation).

7.6 The licensing authority is in receipt of a total of 3 individual letters of objection on the grounds of crime and disorder & public nuisance all of which support the police's application to review the premises licence.

7.9 All representations received from members of the public have expressed concern that they may be at risk of retribution should their details be made public. As such their personal details have been redacted and they will remain anonymous. For this reason, despite their strength of feeling they will not be attending the hearing and would like their representations to be considered fully in their absence.

7.9 In order to protect personal data, redacted copies of the representations supporting the premises are attached at **Appendix J**. Original copies will be circulated in advance of the hearing for Member's consideration.

7.7 It should be noted that following the hearing to consider the representation against the interim steps, an interested party who has raised a representation supporting the review application has made further comments that have been appended to their original representation. The same party also included a photograph included with their representation and three audio files that will be made available at the hearing.

8.0 Matters Relevant to the Application

8.1 In making their decision, Members may take into account the guidance issued by the Home Office in relation to summary licence reviews. Although this guidance is not provided under Section 182 of the Act, it will be of some assistance in reaching a conclusion in this matter. A copy of this guidance is attached at **Appendix K** of this report.

9.0 Options Available to Members

Determination of Summary Review

9.1 In the determination of this review the licensing subcommittee 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; and
- 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 given 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. 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 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 53C has been reached. In making its decision the licensing authority must consider any relevant representations made. Members are directed to paragraphs 12.29 and 12.30 of the Section 182 Guidance.

9.3 In conducting the review under this section, the Members must –

- (a) Consider whether the interim steps are appropriate for the promotion of the licensing objectives;
- (b) Consider any relevant representations; and
- (c) Determine whether to withdraw or modify the interim steps taken.

- 9.4 Members may alternatively decide that no action is necessary and that the circumstances of review do not require the licensing subcommittee to take any steps to promote the licensing objectives.
- 9.5 Members of the licensing subcommittee 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 by the Home Office
- Leeds City Council Licensing Policy

Appendices

- Appendix A - Application Form
- Appendix B - Certificate
- Appendix C - Interim Steps Decision Notice
- Appendix D - Representation Against Interim Steps
- Appendix E - Representation Against Interim Steps Decision Notice
- Appendix F - Premises Licence
- Appendix G - Premises Location
- Appendix H - Licensing Authority Representation
- Appendix I - Environmental Protection Team Representation
- Appendix J - Public Representations
- Appendix K - Summary Review Guidance

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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

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, David Parker

(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:

The Barley Mow, 37-39 Lower Town Street, Bramley

Town/City: Leeds

Postcode: LS13 3EN

Part 2 – Premises licence details

Name of premises licence holder (if known):

Mrs Kelly SHAW

Number of premises licence (if known): PREM/00095/016

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)

Section 18 Grievous bodily harm with intent - 25th June 2021 - Section 18 of the Offences Against the Person Act 1861.

Affray – 25th June 2021 – Section 3 of the Public Order Act 1986

Between 2330hrs x 2340hrs on 25th of June 2021 police attended to a report of an affray and assault at the premises. It was reported that between 6 to 10 people were fighting in the outside smoking area involving both males and females. During the affray a 16year old male had been assaulted. Subsequent hospital treatment was required resulting in the diagnosis of injuries including two fractures to the skull, a bleed to the brain and a displaced jaw. These injuries resulted in him being admitted to hospital as an in-patient. It was established that at the time of the incident this male was under the influence of alcohol and had allegedly taken cocaine. Enquiries revealed that he had been in the public house playing pool and drinking since between 2015 and 2030hrs until the incident occurred. He states that whilst in the premises he had consumed alcohol, but he stated he could not recall taking cocaine.

- Select Protective Marking -

Section 18 Grievous bodily harm with intent – 4th June 2021 section 18 of the Offences Against the Person Act 1861.

At 1630hrs 4th of June 2021 a male had attended the premises he was heavily intoxicated and states that throughout the day he had approximately 14 alcoholic drinks. He continued to be served alcohol until the time of the incident. He states that whilst on the premises an altercation took place during which he was assaulted and knocked to the ground. Subsequently he left the premises and the disturbance continued during which he was assaulted again. He states that the incident resulted in him being knocked unconscious. Hospital treatment was subsequently sought which resulted in treatment for a fractured jaw which he states required him having a metal plate fitted. The matter was reported to the police but no further action was taken due to a lack of support from the victim.

These incidents lead 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.

Signature of applicant: ...D.Parker

...20.07.21.....

Date:

Capacity: Licensing officer

Contact details for matters concerning this application:

Address:

Telephone numbers:

E-mail address:

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.

- Select Protective Marking -



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):

The Barley Mow, 37-39 Lower Town Street, Bramley, Leeds - PREM/00095/016

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

Chief Superintendent Damien Miller

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).

I am satisfied that the premises are associated with serious crime as defined by the reference to Section 81 of the Regulatory of Investigatory Powers Act 2000 and serious disorder namely:

Section 18 Grievous bodily harm with intent - 25th June 2021 - Section 18 of the Offences Against the Person Act 1861.

Affray – 25th June 2021 – Section 3 of the Public Order Act 1986

Section 18 Grievous bodily harm with intent – 4th June 2021 section 18 of the Offences Against the Person Act 1861.

The severity and seriousness of the incident which occurred on the 25th of June involved an affray outside the premises which resulted in the assault of a 16 year old male who had been drinking alcohol in the premises whilst allegedly under the influence of cocaine. The assault resulting in injuries including two fractures to the skull, a bleed to the brain and a displaced jaw.

The severity and seriousness of the incident which occurred on the 4th of June involving an assault that began within the premises. This continued outside the premises which resulted in a male suffering a fractured jaw which required hospital treatment that involved the fitting of a metal plate.

These incidents lead 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.

| | |
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| Signe | Date: 20/07/2021 |
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Notice of Decision

of the Licensing Sub Committee

Interim Steps

| | |
|--|--|
| Date of Hearing: | 22 July 2021 |
| Determination Date: | 22 July 2021 |
| Notice of Decision: | 22 July 2021 |
| Members: | Cllr A Hutchison (Chair) Cllr J Lennox |
| Legal Officer(s): | Robert Brown, Principal Legal Officer |
| Premises: | Barley Mow, Lower Town Street, Bramley, Leeds, LS13 3EN |
| Summary Review application made by: | West Yorkshire Police |
| Premises Licence Holder: | Mrs Kelly Shaw |

West Yorkshire Police having made an application for summary review of the premises licence of Barley Mow, Lower Town Street, Bramley, Leeds, LS13 3EN pursuant to s.53A of the Licensing Act 2003, two members of the Council's Licensing Sub-Committee (herein referred to as "the Committee") met via remote means to consider whether it was necessary to take interim steps pending the determination of the substantive application. The legal officer and clerk also attended via remote means.

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:

- The premises licence
- The application submitted by West Yorkshire Police ("WYP") 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 WYP that in the opinion of that officer the premises are associated with serious crime
- A copy of the Home Office Summary Review Guidance

Only two members of the Licensing Sub Committee were available for the meeting. Many requests for further members had been made by those organising the meeting but to no avail. The meeting therefore proceeded with two members only on the basis that in the absence of agreement no interim steps could be taken.

The Committee noted that there appeared to have been several weeks between the latest of the two alleged incidents (25 June 2021) and the date the application was submitted (20 July 2021). Given that the application stated that "immediate suspension of the premises licence

is necessary to protect public safety” the Committee was of the view that an explanation for the lapse of time was required. David Parker, Licensing Officer with WYP, was contacted and joined the meeting via remote means. He told the Committee that investigations were ongoing and evidence that the 16 year old person had been inside the premises had only been obtained recently.

In response to questions, Mr Parker also told the meeting that the incidents on 4 June 2021 and 25 June 2021 were not linked to each other. He said that there had been other complaints relating to anti-social behaviour and common assaults (including one last weekend), but those were not serious crimes.

Mr Parker said the 16 year old had been drinking alcohol in the premises prior to the incident which led to his injuries, although Mr Parker did not know whether this young person had been served the alcohol.

The Committee noted the reasons for the application for review set out by the West Yorkshire Police and that they seek immediate suspension of the premises licence.

Decision

The Licensing Sub-Committee resolved to suspend the premises licence with immediate effect pending the hearing of the substantive application.

Reasons

The Licensing Sub Committee found that the recent incidents of violence associated with the premises according to the senior officer’s certificate were serious, had led to serious injury and that there was a significant risk that further similar serious violent crimes would take place. The Committee found that interim steps were necessary to avoid the risk that further violent crimes would take place and to promote the prevention of crime licensing objective. The Committee took the view that to modify or add to existing conditions of the licence or to exclude the sale of alcohol by retail from the scope of the licence would not adequately address the risk of further violent offences taking place at the premises and that to remove the designate premises supervisor would have no effect on the commission of violent offences in the future.

Right of Appeal

There is no right of appeal at this stage of the summary review process. However, the premises licence holder may 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 representation against the interim measures can be found in the guidance issued under S182 of the Licensing Act 2003.

All correspondence should be sent to our Leeds office

Matthew Nelson
Principal Licensing Officer
Entertainment Licensing
Leeds City Council

Our ref PW/AH/KEL001-1-6/5721

Your ref

28 July 2021

Dear Sirs,

Barley Mow, Lower Town Street, Bramley, LS13 3EN
Representations Against Interim Steps, Section 53B(6) Licensing Act 2003

We represent the premises licence holder for the above premises.

A summary review has been launched against those premises, dated 20th July 2021.

At a hearing virtual hearing on 22nd July 2021, the Licensing Sub-Committee determined to suspend the premises licence by way of interim steps, pending the final review of the premises licence hearing.

Our clients were not invited to attend the hearing.

Please take this letter as formal representations against the interim sets imposed against our client's premises licence on that date.

Our clients have undertaken work at the premises to improve the CCTV system and train all staff in relation to their duties of age verification, not selling alcohol to those who have consumed too much alcohol or those who appear to be drunk, and conflict management.

Throughout this week, we have been in communication with West Yorkshire Police explaining the developments at the premises.

Our client would wish the Licensing Authority to consider their representations against the interim steps.

Our client would wish for the sub-committee to find there have been material changes in circumstances since the virtual hearing of 22nd July 2021, which would allow the premises to reopen.

We would ask the Licensing Authority to consider varying the interim steps by removing the suspension, and imposing the following conditions as interim steps being necessary to promote the licensing objectives until the final review hearing:-

1. No-one under the age of 18 will be allowed on the premises from 2100 hours.
2. A suitable closed circuit Television (CCTV) system will be in operation at the premises at all times when it is being used for the provision of licensable activities and/or when members of the public

are permitted to be on the premises. The CCTV system will record images to cover all areas of the premises to which the public have access (save for toilets), including any external areas of the premises such as car parks and beer gardens. The CCTV system will be capable of retaining images for a minimum of 31 days, will be of good quality and will contain the correct time and date stamp information. The CCTV system and images will be kept in a secure environment to which members of the public will not be permitted access. At least one member of staff will be on duty at the premises who is capable of operating the system and downloading images recorded by it. These images will be downloaded and provided, on request, to an officer of a responsible authority.

3. A Supervisor's Register will be maintained at the licensed premises, showing the names, addresses and up-to-date contact details for the DPS and all personal licence holders.
4. The minimum number of door supervisors for the premises is 2. The days and hours door supervisors operate on the premises are: Fridays, Saturdays and Sundays from 2000 until the premises are closed.
5. The premises licence holder and/or designated premises supervisor will ensure that a Daily Record Register is maintained on the premises by the door staff. 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). The Daily Record Register will be retained on the premises for a period of twelve months from the date of the last entry.
6. Designated supervisors will be familiar with the premises policy concerning the admission, exclusion and safeguarding of customers whilst in the premises.
7. The premises licence holder and/or designated premises supervisor will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti-social behaviour, admissions refusals and ejections from the premises. 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 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. The Incident Report Register will be retained for a period of twelve months and produced for inspection immediately on the request of an authorised officer.
8. The premises licence holder and/or designated premises supervisor will inform West Yorkshire Police as soon as practicably of any search resulting in a seizure of drugs or offensive weapons.
9. 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.
10. The age verification policy adopted by the premises, in respect of the sale or supply of alcohol will be Challenge 21 which means that those seeking to purchase alcohol at the premises who appear to be under the age of 21 will be required to provide acceptable evidence (as approved by West Yorkshire Police) that they are 18 years of age (or older) before any alcohol is sold or supplied to them.
11. All staff will be trained in the premises age verification and Challenge 21 policies.
12. The premises licence holder and/or designated premises supervisor will belong to a recognised trade body or Pub Watch Scheme where one exists, whose aim includes the promotion of the licensing objectives.

We attach to these representations:

- a screenshot of the new 16 camera system including coverage of outside area, carpark, smoking area and beer garden.
- confirmation of installation from Playtronics Leeds Limited showing the specifications of the system which also allows the CCTV to be monitored remotely by the owners of the business if not present.

We would be grateful if you could inform us of when the hearing will take place for the Licensing Sub-Committee to determine our application.

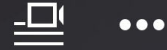
Yours sincerely

Paddy Whur

Woods Whur



Camera 01



- 1
- 4
- 9
- 12
- 16

BASIC



Nelson, Matthew

From: Kelly Shaw [REDACTED]
Sent: 28 July 2021 17:14
To: Paddy Whur
Subject: Fwd: Re Letter explaining camera position
Attachments: Cctv.pdf

Best Wishes
Kelly Shaw

Begin forwarded message:

From: Danny Ibbetson [REDACTED]
Date: 28 July 2021 at 16:59:44 BST
To: [REDACTED]
Subject: Re Letter explaining camera position

Hi Kelly please find attached a headed letter explain the positions of the cameras as requested

Kind Regards

D. Ibbetson

Danny Ibbetson (Director)

PLAYTRONICS LEEDS LTD.

88a High Street
Heckmondwike
WF16 0AJ





gambleaware.co.uk
GAMBLER RESPONSIBILITY



PLAYTRONICS LEEDS LTD

Suppliers & Installers of Alarms, CCTV & Music Systems.

The Forge
88a High Street
Heckmondwike
WF16 0AJ

Web : www.playtronics.co.uk

Barley Mow
Lower Town Street
Bramley
LS13 3EN

28.07.21

To install a cctv system that will cover the premises and record for 31 days.
Cameras are to be fitted in the following locations.

1. 3 x cameras in the pool room
2. 1 x Entrance
3. 1 x Bar area
4. 1 x Snug
5. 1 x Green room
6. 1 x Toilet are
7. 1 x Second front entrance
8. 2 x Beer garden
9. 1 x Back Entrance
10. 1 x Smoking Area
11. 1 x Side car park
12. 1 x Front of Building
13. 1 x Back corridor

16 x 1080p cameras in total

1 Monitor behind the bar

1 monitor in the office

Dvr to record for 31 days

System is networked so can be viewed at an time remotely

Yours Sincerely

D. Ibbetson

D. Ibbetson (Director)

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Notice of Decision



of the Licensing Sub Committee

| | |
|----------------------------|--|
| Date of Hearing: | 2 August 2021 |
| Determination Date: | 2 August 2021 |
| Notice of Decision: | 3 August 2021 |
| Members: | Cllr J Lennox (Chair) Cllr A Hutchison Cllr R Downes |
| Legal Officer(s): | Robert Brown, Principal Legal Officer |
| Premises: | Barley Mow, Lower Town Street, Bramley, Leeds, LS13 3EN |
| Application: | Summary Review: Representation Against Interim Steps |
| Attendees: | Mr P Whur (Woods Whur, for the Premises Licence Holder) Ms Kelly Shaw (Premises Licence Holder) Mr David Parker (West Yorkshire Police) |

West Yorkshire Police having made an application for a summary review of the premises licence of Barley Mow, Lower Town Street, Bramley, Leeds, LS13 3EN pursuant to s.53A of the Licensing Act 2003, and members of the Council's Licensing Sub-Committee (herein referred to as "the Committee") having resolved on 22 July 2021 to take the interim step of suspending the premises licence, a representation by the licence holder against that suspension was received by the authority on 29 July 2021. A hearing via remote means was therefore convened to consider whether the interim steps remain appropriate for the promotion of the licensing objectives and whether to withdraw or modify the steps taken.

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:

- The application submitted by West Yorkshire Police ("WYP") for a summary review of the premises licence
- The certificate under s.53A(1)(b) of the Licensing Act 2003 from a senior officer of WYP that in the opinion of that officer the premises are associated with serious crime
- The Interim Steps Decision Notice
- The Licence Holder's [Solicitor's] Representation against the Interim Steps
- The premises licence
- A copy of the Home Office Summary Review Guidance

Mr Whur addressed the Committee. He said that Ms Shaw had owned some 30 licenced premises over the years. He said that this was the first time that any of her premises had been the subject of a review. That was despite the fact that a number of the premises could be described as being in challenging locations. He told the Committee that Ms Shaw had taken over The World's End pub and managed to turn it around after it had had its licence revoked and that the condition requiring it to employ door staff had now been removed. Mr Whur said that Ms Shaw had a proven track record.

Mr Whur told the Committee that Barley Mow had been closed for five years and was derelict when Ms Shaw had taken it over. She had invested a large sum of money to repair and refurbish the premises. He said that there has been a deputy manager in charge who had simply not been strong enough to deal with the challenges the premises had faced recently. Mr Whur said that as soon as she became aware of the problem Ms Shaw had flown back from her holiday. This application had not been made immediately. He said that Ms Shaw had accepted his advice to work with West Yorkshire Police to address the issues before making a representation against the interim steps. Ms Shaw was now offering a number of additional measures.

The CCTV system had been brought up to a higher standard by a company called Plantronics and now met the current requirements of West Yorkshire Police.

Mr Whur then referred to his application letter of 28 July 2021, a copy of which was included in the agenda pack at Appendix D. He said that the premises has now been closed for the last two weekends. Ms Shaw will be in direct management control. He said that he was now asking the Committee to lift the suspension but to add 12 suggested measures. These were as follows:

1. No person under the age of 18 will be allowed on the premises after 21:00 hours.
2. A suitable closed-circuit television system will be in operation at the premises.
3. A supervisors' register will be maintained at the premises.
4. A minimum of two door supervisors will operate on Fridays, Saturdays and Sundays from 20:00 hours until the premises close.
5. A daily record register will be maintained on the premises by the door staff.
6. Supervisors will be familiar with the policy concerning the admission, exclusion and safeguarding of customers.
7. An incident report register will be maintained on the premises to record any incidents of anti-social behaviour, admissions refusals and ejections from the premises.
8. The licence holder and/or designated premises supervisor will inform West Yorkshire Police of any search resulting in a seizure of drugs or offensive weapons.
9. 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.

10. The challenge 21 age verification policy will be adopted.

11. All staff will be trained in the age verification and challenge 21 policies.

12. The premises licence holder and/or designated premises supervisor will belong to a recognised trade body or pub watch scheme where one exists.

Mr Whur told the Committee that there had been a spike of incidents. Training of staff has now taken place via Zoom. He said that the premises is a local community pub. The current deputy manager will not be there going forward and a new deputy manager will be put in place for when Ms Shaw needs downtime.

Mr Whur referred the Committee to paragraph 12.16 of the Guidance issued under section 182 of the Licensing Act 2003. This provides that the focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring, rather than requiring significant cost or permanent adjustments to the premises. Mr Whur submitted that the proposed steps were appropriate in all the circumstances.

Asked by the Committee why the training had not taken place previously, Mr Whur said that it had done but that all staff have now undertaken refresher training. He also offered profuse apologies on Ms Shaw's behalf. Mr Parker of West Yorkshire Police said that there had been a number of other incidents, some of which he referred to. Ms Shaw said that the problems had been down to poor management by the deputy manager who has now gone. She added that ultimate responsibility rests with her, but she is a very strong manager.

Mr Whur said that all staff and Ms Shaw have now undertaken the training and the premises is ready to reopen with new door staff.

Mr. Parker then addressed the Committee. He said that the new closed-circuit television condition is the current standard and that is appreciated by WYP. He added that all the conditions offered positives, albeit it is for the Committee to decide whether they are appropriate to meet the licensing objectives. He also said that Ms Shaw has other premises that have not caused any problems. Mr. Parker said that he has been in communication with Mr Whur and some amendments to the proposed measures have been agreed and Mr. Parker said that he sees it as a positive that Ms Shaw is taking over the premises herself. In Mr Parker's view there were no other conditions that would enhance the situation and he believed that the offered conditions would be reasonable ones to impose. He could not think of anything else that could be imposed that would address the issues any more effectively.

Addressing the Committee again and summing up, Mr Whur reiterated the measures which were being proposed and submitted that these are appropriate; only measures which are necessary should be imposed. He submitted that it was appropriate therefore to modify the conditions and to lift the suspension.

Having started its deliberations, the Committee returned to the meeting to ask two further questions. Mr Whur and Ms Shaw were asked whether they would consider having door staff operating from an earlier time in the evening, possibly one from 18:00 hours. The Committee also asked whether the premises would agree to operating Challenge 25 rather than Challenge 21 as its age verification criteria. Having taken instructions, Mr Whur returned to the meeting and said that the issues that had caused the problems had occurred later in the evening. Ms Shaw did not think that it needed to be any earlier as she would be there as the manager herself. Mr Whur said that the staff had been trained in Challenge 21 but Ms Shaw could deal with training and adopting Challenge 25 instead. She was comfortable with that.

Decision

The Committee reminded itself that the authority has to consider whether the interim steps are appropriate for the promotion of the licencing objectives; and then determine whether to withdraw or modify the interim steps.

Having carefully considered the contents of the senior police officer's certificate that accompanied the application, Mr Parker's representations and the representation made on behalf of Ms Shaw, the Committee resolved to lift the suspension with immediate effect and to impose the conditions offered subject to Challenge 25 rather than Challenge 21 pending the hearing of WYP's substantive application.

Premises Licence

Part A Schedule 12 Licensing Act 2003

Part 1 – Premises Details

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

Barley Mow, Lower Town Street, Bramley, Leeds, LS13 3EN

Licensable activities authorised by this licence

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

Times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol

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

Provision of late night refreshment

| | |
|-------------------|---------------|
| Friday & Saturday | 23:00 - 00:00 |
|-------------------|---------------|

Location of activity: Indoors

Exhibition of a film

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

Location of activity: Indoors

Indoor sporting events

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

Location of activity: Indoors

Performance of live music

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

Location of activity: Indoors

Performance of recorded music

| | |
|-----------|---------------|
| Every Day | 00:00 - 23:59 |
|-----------|---------------|

Location of activity: Indoors

Performance of dance

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

Location of activity: Indoors

Opening hours of the premises

Friday & Saturday 07:00 - 00:30
Sunday to Thursday 07:00 - 23:30

Alcohol is sold for consumption on and off the premises

Part 2

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

Mrs Kelly Shaw

[Redacted address]

Daytime Contact Telephone Number:

[Redacted telephone number]

Current Email Address:

[Redacted email address]

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

Mrs Kelly Shaw

[Redacted address]

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

Personal licence number:

[Redacted licence number]

Licensing authority: Leeds City Council

Licence issued under the authority of Leeds City Council

Miss Jane Wood
Senior Liaison and Enforcement Officer
Entertainment Licensing
Elections, Licensing and Registration

Annex 1 – Mandatory Conditions

1. Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-
 - a. unauthorised access or occupation (e.g. through door supervision), or
 - b. outbreaks of disorder, or
 - c. damage
2. No supply of alcohol may be made under this licence
 - a. At a time when there is no designated premises supervisor in respect of the premises licence, or
 - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made
 - a. By the British Board of Film Classification (BBFC,) where the film has been classified by the Board, or
 - b. By the Licensing Authority where no classification certificate has been granted by the BBFC, or,
 - c. where the licensing authority has notified the licence holder that section 20 (3) (b) (74 (3) (b) for clubs) of the Licensing Act 2003 applies to the film.
5. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

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

- a. games or other activities which require or encourage, or are designed to require or encourage individuals to -
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
- b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorize anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

- e. dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
6. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
7. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

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

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

- a. a holographic mark, or
 - b. an ultraviolet feature.
8. The responsible person must ensure that -
- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml;
 - b. these measures are displayed in a menu; price list or other printed material which is available to customers on the premises; and
 - c. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
9. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

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

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

- d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e. "value added tax" mean value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

Annex 2 – Conditions consistent with the operating schedule

The prevention of crime and disorder

- 10. Provide receptacles for the disposal of glass and other sharp objects and ensure any receptacles situated in an area to which the public may gain or have access is secure.
- 11. Discourage criminal conduct, in particular the use of illegal substances by displaying notices in and at entrances to licensed venues which clearly state that

Entry will be refused to any person who is drunk, threatening or violent. Entry may be refused to any person who has been convicted of an offence of drunkenness, violent or threatening behaviour or the use or distribution of illegal substances at a licensed venue. Evidence may be recorded on imaging equipment or CCTV and offences will be reported to the Police.

- 12. To maintain the existing CCTV system, to keep tapes for 31 days and to provide tapes to the Police on request.
- 13. To provide a suitable receptacle in accordance with Police guidance for the safe retention of illegal substances and inform the Police to arrange appropriate dispersal.
- 14. Where there are reasonably held concerns about crime and/or disorder at a venue, consult with the Police regarding initiatives or action plans at addressing such issues.
- 15. Maintain a daily incident register and signing on/off sheet in accordance with Police guidelines for all staff employed at the venue in the capacity of security, control or regulation of customers and those registered by the Security Industry Authority.

Public Safety

- 16. The Premise Licence Holder will operate by their in-house procedures with regard to the use of safety measures for entertainers, first aid and incident recording.

The prevention of public nuisance

- 17. 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.

18. There shall be no external loud speakers.
19. Clear and legible notices shall be displayed at exits and other circulatory areas requesting patrons to leave the premise having regards to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, sounding horns, loud use of vehicle stereos and anti-social behaviour. The activity of persons leaving the premise shall be monitored and they shall be reminded to leave quietly where necessary.
20. The sound limiting device and electrical cut-out system should be properly maintained and in full working order. Records should be kept of regular maintenance checks.

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

General – All four licensing objectives

21. Off sales to halt at 23:00 every night.

The prevention of crime and disorder

22. In relation to non-standard timings in lieu of 'the transmission of any international event', the Police will agree to 12 occasions per year with 10 days written notice and Police consent.
23. Ensure dance areas are properly supervised by staff and drinking is prohibited within dance floors.
24. To maintain an effective and efficient CCTV system in accordance with guidance issued by and acceptable to West Yorkshire Police.
25. To record full details of the circumstances surrounding any seizure of drugs or articles taken as a consequence of a criminal offence or other incident. To retain the items where they may be required as evidence and inform Police of their existence.
26. The Licensee will adopt the Company's own proof of age scheme.

Public safety

27. 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.
28. 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.

The prevention of public nuisance

29. No bottles shall be placed in the external receptacle after 22:00 hours to minimise noise disturbance to adjoining properties.
30. Patrons shall not be allowed to use the beer garden, or any other external space subject to the terminal hour attached to the current Public Entertainment Licence, but not exceed 23:00 Monday to Saturday and 22:30 Sunday.
31. A facility shall be provided for customers to order taxis and telephone numbers for taxi firms shall be displayed in a prominent location.
32. To ensure that all windows and doors at the premises are kept closed, except for access and egress, at all times when entertainment takes place. (Certain inward opening front doors may

be left open where required by the Fire Service. In such cases it may be necessary to provide an additional lobby to prevent noise breakout).

Annex 4 – Plans

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

Granted in accordance with Plan Number: P1931.00 submitted as a minor variation

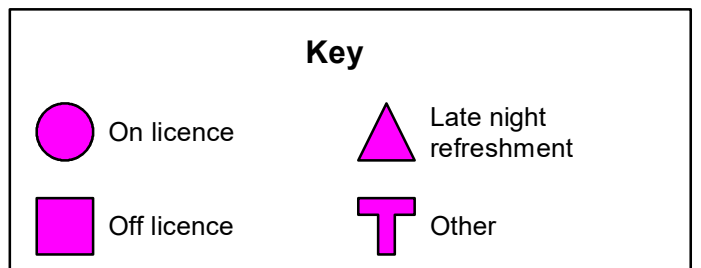
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This map is based upon the Ordnance Survey's digital data with the permission of the Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office

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Entertainment Licensing
Civic Hall
Leeds
LS1 1UR
BY EMAIL

Elections and Regulatory
Civic Hall
Leeds
LS1 1UR

Contact: Paul Rix
Tel: [REDACTED]
Fax: [REDACTED]
Email: [REDACTED]
Our Ref : A80/PR/LIC/PREM/00095/017

Date: 2nd August 2021

Dear Sirs/ Madam,

**REVIEW APPLICATION UNDER THE LICENSING ACT 2003
PREMISES: THE BARLEY MOW, LOWER TOWN STREET, BRAMLEY, LS13
3EN.**

Please accept this formal representation by an officer on behalf of the Licensing Authority. I am employed as a Senior Liaison & Enforcement Officer within Leeds City Council's Entertainment Licensing Section.

My duties include investigating complaints for licensed /unlicensed premises contrary to the Licensing Act 2003. I have delegated authority under the said Act.

The current Premises Licence PREM/00095/016 has been held by Mrs Kelly Shaw since September 2020 with Mrs Shaw specified as the Designated Premises Supervisor (DPS) since the same date.

As the enforcement officer for the LS13 postcode I am dealing with a current complaint from a neighbour. The complaint is about noise nuisance from the outside areas which has been passed to the relevant agency and also the use of said area after the permitted hours of 23:00 Monday to Saturday and 22:30 Sunday.

On 12 July 2021 a warning letter regards use of outside areas was sent by email to the Premises Licence Holder (PLH) / Designated Premises Supervisor (DPS).

Following the letter, the PLH rang me and advised she would ensure management on site ensured compliance.

I am aware the PLH is / has been in Spain for a period of time.

I am aware that Mrs Shaw has several premises in the Leeds area and also in other council areas.

I have formed the opinion that although Mrs Shaw is named on the licence as DPS she is not actually at the premises the majority of its opening hours and relies on management. The management does not seem to have sufficient ability to adequately control the premises.

In view of the issues referred to, and the failure of Mrs Shaw to operate responsibly in upholding the licensing objectives; the prevention of crime and disorder, public safety and the prevention of public nuisance, I support West Yorkshire Police in their application to review this Premises Licence.

[REDACTED]

Paul Rix
Senior Liaison & Enforcement Officer
Entertainment Licensing

Email: [REDACTED]

www.leeds.gov.uk

Entertainment Licensing
Leeds City Council
Civic Hall
Leeds
LS1 1UR

Environmental Protection Team
Leeds City Council
Millshaw Park Way
Leeds
LS11 0LS

Contact: Vanessa Holroyd

Tel: [REDACTED]

Your Ref: PREM/00095/016

Our reference: 21/042211/EPLA01

21 July 2021

Dear Sir/Madam

Licensing Act 2003 - The Prevention of Public Nuisance

Name and Address of Premises: Barley Mow Inn, Town Street, Bramley, Leeds, LS13 3EN

We have recently received notification of an application by West Yorkshire Police to have the premises licence at the above premises formally reviewed with a view to having the licence immediately suspended to protect public safety.

Environmental Health therefore would like to make representation in supporting evidence regarding the management of the premises relating to complaints we have received regarding public nuisance and breaches of the Health Protection (Coronavirus Restrictions) (England) Regulations 2020: -

24/03/2021 A prohibition notice was served on Kelly Shaw under the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 to close the pub as hospitality businesses were not allowed to open at this time. This was due to the police visiting on 22/03/2021 and finding a number of people in the pub watching television and consuming alcohol.

04/05/2021 Complaint received via a Councillor concerning a local resident who had contacted them on 30/04/2021 regarding loud noise and swearing from patrons outside. They were also concerned that a large TV was going to be placed outside. We visited the pub on the 07/05/2021 and confirmed that the TV was outside and on but with no volume. However, there was a large speaker by the rear door emitting loud heavy bass beat. Advice was given to keep the volume below voice levels and reduce the bass.

12/07/2021 Complaint received via Licensing from a local resident concerning loud noise and light nuisance from the TV outside on Friday 9/07/21 to 01:00 hours the next day and also noise from patrons outside. Complainant was also alleging noise from patrons and noise from the TV every day from 12pm until after closing time which was particularly bad during televised football matches

13/07/2021 Second complaint received from another resident concerning the above issues.

14/07/2021 Licensing Officer, Paul Rix, reached an agreement with the DPS, Kelly Shaw to put the TV on a timer in order for it to be switched off at 09:30pm.

19/07/2021 Complaint via licensing concerning loud music from a car parked in the car park for 30 minutes on 17/07/2021.

Yours faithfully



Vanessa Holroyd
Senior Environmental Health Officer

Sensitive

Requested to remain anonymous
throughout the full process

[REDACTED]
Sent: 25 Jul 2021 16:37:24 +0100

To: Entertainment Licensing

Subject: Re summary review - Barley Mow, Lower Town Street, Bramley, Leeds, LS13 3EN

Dear Sir/Madam

I am writing in reference to the Summary review of premises licence for the above public house.

[REDACTED] and would like to register my concerns around the anti-social behaviour and noise disturbance arising from these premises being open.

1. Noise made by the customers of the pub is a particular problem at closing time and beyond and hasn't been limited to the weekend. Since lockdown restrictions were lifted this has been seven nights a week. Warm nights have made the issue more noticeable due to the need to open windows during the warm weather. Shouting, screaming, brawling in the street and surrounds. Cars screeching away from the pub after closing time etc.
2. The general noise experienced during opening hours from the front of the pub, as that seems to be where people congregate to smoke, and from the beer garden can be a bit of an issue as well.
3. The nature of this noise, particularly as point 1., leads us to believe that there has been a cohort of teenagers frequenting the premises and drinking alcohol. Whilst I have no proof, my belief is that some of these young people are under the age of eighteen.
4. The licensee has a responsibility, not only to their clientele, but also their neighbours and there does not seem to have been any effort made to address the very regular and frequent noise disturbance. Allowing their customers to become so intoxicated to cause a local nuisance is not responsible behaviour.
5. Since the pub reopened, the amount of broken glass and bottles has massively increased, both outside the pub itself and across the road outside the bookmakers and private residences. I have not seen anyone from the pub cleaning up this litter, rather there are local volunteers that have to do this. The previous landlords would regularly clear this up. This glass poses a risk to children, local residents and dog walkers.
6. My impression is that the owner/licensee has little regard for the law. Not only related to serving alcohol to underage drinkers and people that are already significantly inebriated, but I understand that the premises opened illegally during lockdown and were reported for that.
7. The events of the 25th June were shocking, not just because there was a serious assault, but because that assault took place right outside the pub and the victim was a young person under the age of eighteen.
8. The lack of respect for the law isn't restricted to the licencing - the building is Grade II listed and roofing works have been undertaken which don't appear to comply with the planning restrictions on such a building. I have searched the planning applications and am unable to find any application for this property since

2003. The replaced roofing materials are not in keeping with the building. Whilst I understand this is outside your remit, it serves to support the fact that the owner/licensee has no regard for the law or the local area.

In summary, I have no faith that the current licence holder is a fit and proper person to run a public house, and seems incapable of upholding the main objectives of the Licencing act 2003

- the prevention of crime and disorder,
- public safety,
- the prevention of public nuisance, and
- the protection of children from harm.

For clarity, the reason I hadn't reported these disturbances previously is purely because I wasn't aware of the process. Should the licensee retain their licence, I would not hesitate to report any antisocial behaviour that exceeds the norm from living so close to a public house in the future. I hope my views will be taken into consideration at the summary review. In view of the nature of my concerns I would like to ensure they remain anonymous.

[REDACTED]

[REDACTED]

Requested to remain anonymous
throughout the full process

[REDACTED]
Sent: 2 Aug 2021 10:38:59 +0100

To: Entertainment Licensing

Subject: LICENSING ACT 2003 - SECTION 53A PUBLIC NOTICE OF APPLICATION FOR SUMMARY REVIEW OF PREMISES LICENCE Barley Mow, Lower Town Street, Bramley, Leeds, LS13 3EN

Dear Sirs

LICENSING ACT 2003 - SECTION 53A PUBLIC NOTICE OF APPLICATION FOR SUMMARY REVIEW OF PREMISES LICENCE Barley Mow, Lower Town Street, Bramley, Leeds, LS13 3EN

I refer to the above and would like to set down my representations under Public Nuisance in regard to the above licensed premises.

I am writing on behalf of myself and my husband, [REDACTED], who has also witnessed all of the following incidents.

[REDACTED]

The pub has obviously operated since well before we lived here, as it is a Listed Building and an iconic and historic building in Bramley, and we were well aware how close the pub was when we bought the house. However, in 1984 the Barley Mow was a brewery-owned local, a normal, friendly pub with a beer garden which welcomed children, and in fact in the late 80s an extension was built as a children's room, so it really was a family pub.

The pub then changed hands, from Bass-Charrington to Spirit Taverns and then to Mitchell & Butlers, and gradually turned into a pub which went out of its way to attract a younger clientele by holding weekly discos and providing TVs for sports coverage. After it became clear that the pub no longer appealed to the family market, and the customers it now attracted were more likely to (and did) cause trouble, Mitchell & Butlers sold it to a private equity company in about 2017. This company were not interested in reviving the pub and when it was no longer an asset to them, they closed it and put it up for sale in late 2018. It

remained empty and unsold, despite a valiant attempt by local people to buy it and use it as a community hub, until the present owner bought it in early 2020.

Of course, due to the pandemic and various lockdowns, the pub was not able to fully operate until April of this year. Prior to it reopening, I learned from a Facebook page associated with the pub (or a staff member) that they had acquired a 34ft TV screen for screening football matches in the beer garden (**see attached photo**).



This TV was duly installed in the beer garden and a timber sheltered area was built to protect the customers from the weather whilst watching the TV, which only exacerbated the shouting and foul language as the noise was diverted sideways and into our gardens.

I now set out the timeline of my complaints about noise from this TV, the patrons of the pub, and users of the car park, over the past 3 months as follows:

1. 30th April 2021 □ after the pub had been open for only 2 weeks, I contacted my local councillors () to advise that the licence conditions pertaining to the beer garden (i.e. to be closed at 23.00 Mon to Sat and 22.30 on Sundays) were being flouted, as people were still in there after midnight on more than one occasion . Cllr Ritchie took this up with Paul Rix of the Entertainment Licensing department.
2. 4th May 2021 □ I received an email from Paul Rix saying that the owner (Mrs Kelly Shaw) had advised him that the beer garden had been closing at 22.00, and he confirmed that due to legislative changes, it could be used from 08.00 to 23.00 as long as the sound was at background level (i.e. people would not have to shout to be heard above it).

3. 1st June 2021 I reported to Paul Rix that people had been in the beer garden at 00.25 on Sunday 30th May and also shouting in the car park at 23.30 on the Sunday night, [REDACTED]

4. 2nd June 2021 I emailed to Paul Rix to tell him that the TV screen had been left on after 22.30 on several occasions [REDACTED]

5. [REDACTED]

6. [REDACTED]

7. [REDACTED]

8. 23rd June 2021 at the end of my tether, I reported the loudness of the TV at 22.56 to the Noise Nuisance department online (ref W05439211746), [REDACTED] I have a recording on my phone of this noise, [REDACTED] (attached hereto **Voice 005**).

9. 26th June 2021 I reported fighting in the car park at 22.40 via the online form (ref W81631211771).
10. 2nd July 2021 I reported via the online form (ref W09255211836) that the TV was still on at 01.00, [REDACTED]
11. 9th July 2021 once again, I reported online that the TV was very loud and could be [REDACTED] even though there appeared to be nobody in the beer garden (ref W41241211900).
12. 10th July 2021 I reported again that the TV was still on at 01.00 (ref W78841211912) [REDACTED] I have video evidence of this on my phone.
13. 12th July 2021 I emailed Paul Rix to advise him that the TV had been left on and playing loudly until 01.00 on Saturday night/Sunday morning, and that the TV, which we had been told would only be used for the Euros and Leeds United games, had been on most days from lunchtime, [REDACTED] and provided him with the video/audio evidence and copies of my complaints to the Environmental Protection department.
14. [REDACTED] [REDACTED]
[REDACTED]
[REDACTED] It appeared that the car owner had left his radio on loud enough to be heard in the beer garden whilst he enjoyed a drink or two. It went on for at least 30 mins, and although I tried to contact the police by the non-emergency number to report this anti-social behaviour, I was unable to get through. [REDACTED]
[REDACTED] and asked them to speak to the person in the car park and get them to turn their radio off. A few minutes later the radio was turned off. However, later in the evening it happened again, presumably when the perpetrator returned to their car to drive off (incidentally, when it happened the second time, it

was met with loud cheers from the beer garden, presumably because they were enjoying the music (UB40's Greatest Hits!).

When I reported this to Paul Rix and he contacted the owner Mrs Shaw, she averred that she had no responsibility for what people did in the car park as it was a public one, and the person had probably left his car there and gone over the road to the bookmakers (for 30 mins, with the window open and the ignition on, in a pub car park??? I think NOT.

[REDACTED]

As you can see, we have had various serious problems of noise and anti-social behaviour from this pub over the past 3 months, much more than I ever experienced in the previous 30-odd years. Mrs Shaw seems to absolve herself from any responsibility for this noise,

[REDACTED]

[REDACTED]

The fact that the Barley Mow does not have a public telephone number with which to contact them makes it very hard to solve noise nuisance problems immediately, hence the number of complaints to the Environmental Health Department. However, judging by the responses received from Mrs Shaw, it would appear that such complaints would have been dealt with derisively in any case. My husband and I are not the only ones affected by this noise, and our neighbours have also complained to the Environmental Protection department, but most of them say that there's no point in taking it further because nothing will be done. I hope that their scepticism is unfounded.

[REDACTED]

she is the Licensee and the Designated Premises Supervisor so it is incumbent on her to train her staff in how to deal with noise and unruly customers. She is also the licensee and DPS of a number of other licensed premises in

Leeds and Bradford, so she is well aware of the rules and regulations and how her staff should be trained.

We believe that Mrs Shaw, as owner of the Barley Mow, is an unsuitable person to hold a licence for such premises, as she is totally unconcerned about the sort of customer she allows into the premises and whether the noise from her □entertainment□ is disturbing her many residential neighbours, and we would like the licence to be reviewed taking into account all of the above.

I should be obliged if my name is not divulged to Mrs Shaw and/or her representatives, and removed from any publication of this representation, as due to the nature of the police action it is obvious that some patrons of the Barley Mow may not take kindly to my intervention, and my home and my family are vulnerable to reprisals.

Yours faithfully

████████████████████

████████████████

████████

██████

██████████



From [REDACTED]
Sent: 4 Aug 2021 11:28:50 +0100
To: Deighton, Charlotte
Cc: Ritchie, Cllr Kevin; Rix, Paul
Subject: RE: Barley Mow, Bramley, LS13 - [REDACTED]

Dear Charlotte

Thanks for sending me a copy of the Decision Notice, which makes interesting reading. I wondered why the pub had suddenly started trading again yesterday.

May I make the following comments in regard to this document:

- the Barley Mow was closed in December 2018 and was bought by Mrs Shaw in 2020 and had therefore not been empty for five years as stated.

- the suggested measures set out in the document are in fact mainly Conditions of the Premises Licence which already pertain (as per the Leeds City Council Planning Portal):
 2. To maintain the existing CCTV system, to keep tapes for 31 days and to provide tapes to the Police on request.

 3. Maintain a daily incident register and signing on/off sheet in accordance with Police guidelines for all staff employed at the venue in the capacity of security, control or regulation of customers and those registered by the Security Industry Authority.

 5. ditto

7. ditto

8. Where there are reasonably held concerns about crime and/or disorder at a venue, consult with the Police regarding initiatives or action plans at addressing such issues.

9. To provide a suitable receptacle in accordance with Police guidance for the safe retention of illegal substances and inform the Police to arrange appropriate dispersal.

11. Mandatory Condition 9: 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.

It would therefore appear that Mrs Shaw is either ignorant of the Conditions attached to her Premises Licence, or prefers to ignore them. In either case I would contend that she is not a suitable Licence holder.

I should like the above notes to be read as an Addendum to my substantive representation dated 2nd August 2021, at the Hearing on 16th August.

Kind regards



Requested to remain anonymous
throughout the full process

[REDACTED]
Sent: 23 Jul 2021 15:24:34 +0100

To: Entertainment Licensing

Subject: Fwd: Representation Barley Mow lower Town street

Sent from my iPad

Begin forwarded message:

From: [REDACTED]

Date: 23 July 2021 at 14:59:26 BST

To: entertainment.licencing@leeds.gov.uk

Subject: Representation Barley Mow lower Town street

[REDACTED] near the premises and unfortunately have had to report the pub operating whilst in lockdown as well as a number of vehicles parking near our premises waiting for individuals to nip out of the public house and do a transaction (which appears to be drug dealing) .

Given the short period of time the premises have been open I would consider it more beneficial for the community for the pub to remain closed.

Regards

[REDACTED]

Sent from my iPad



Home Office

Section 53A-C Licensing Act 2003

Summary Review Guidance

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- 1. Introduction**
- 2. The Steps – Summary Review**
- 3. The Licensing Authority and the Interim Steps**
- 4. Making representations against the Interim Steps**
- 5. The Review of the Premises Licence**
- 6. Right of Appeal**

ANNEX A

Certificate Under section 53A(1)(b) of the Licensing Act 2003

ANNEX B

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

1. INTRODUCTION

1.1 This guidance explains how to use the provisions in the Licensing Act 2003 (“the 2003 Act”), inserted by section 21 of the Violent Crime Reduction Act 2006, which allow a quick process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both).

1.2 This guidance has no statutory basis but is intended to assist police forces and licensing authorities when considering using the procedures.

1.3 The powers are set out in sections 53A to 53C of the 2003 Act and 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 purpose of these powers is to complement existing procedures in the 2003 Act for tackling crime and disorder associated with licensed premises. Existing 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) and the consequent review of premises licences by the licensing authority. The powers under sections 53A to 53C of the 2003 Act, are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives.

1.4 The powers allow:

- the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with **serious** crime or **serious** disorder (or both); and
- the licensing authority to respond by taking interim steps quickly, **where it considers this is necessary**, pending a full review.

1.5 In summary, the process is:

- the chief officer of police for the area in which the premises are situated may apply to the licensing authority for an expedited review of a premises licence where a senior police officer has issued a certificate stating that in his/her opinion the premises are associated with serious crime or serious disorder (or both);
- on receipt of the application and the certificate, the licensing authority must within 48 hours of the time of its receipt consider whether it is necessary to take interim steps pending determination of the review of the premises licence – the authority must in any event undertake a review within 28 days after the day of receipt of the application.

1.6 The options open to the licensing authority at the interim steps stage include:

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

1.7 Following the full licence review, the licensing authority may do any of the above or may revoke the licence.

1.8 The purpose of this guidance is to:

- set out the circumstances where the power can be used; and
- outline the process and the steps at each stage.

2. THE STEPS

Triggering the expedited review

2.1 Section 53A of the Licensing Act 2003 sets out who may apply for an expedited review and the circumstances in which it can be used.

Application for expedited review

2.2 The chief officer of police for the area in which the premises are situated may apply to the relevant licensing authority for an expedited licence review if a **senior member** of the force has issued a **certificate** that in his/her opinion a licensed premises is associated with **serious crime or serious disorder (or both)**.

2.3 The key definitions used above are:

- **Senior member of the force:** This must be an officer of the rank of superintendent or above.
- **Certificate:** This is a formal note which identifies the licensed premises and includes a signed statement by a senior officer that he believes the premises is 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 attached at annex A to this guidance.**
- **Serious crime:** The tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) (a) and (b) 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 conduct by a large number of persons in pursuit of a common purpose.
- **Serious disorder:** 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.
- **The application for a summary or expedited review:** this is an application made by, or on behalf of, the Chief Officer of Police under section 53A of the 2003 Act. **The application 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). The completed application must be accompanied by the certificate issued by a senior officer. The form which must be used is reproduced in annex B of this guidance.

2.4 In deciding whether to sign a certificate, the senior officer will want to 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.
- 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 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?

2.5 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.

2.6 In triggering the process, the police will wish to take into account the fact that an intended use of the power is to tackle the use of dangerous weapons and the violence they fuel. For example, 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 53C, this could be done on an interim basis pending a full hearing of the issues within the prescribed 28-day timeframe.

2.7 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 3.6 and 3.7 below).

2.8 However, it should continue to be borne in mind that these are selective measures. It is not the aim to require all licensed premises to undertake these searches or use toughened glass. Rather, the policy aim is to provide a selective tool, to be used proportionately, to limit this condition to those pubs that are at risk either because police intelligence shows there is a risk of knives/guns being carried or because crime and disorder has occurred on the premises.

3. The Licensing Authority and the interim steps

3.1 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and responsible authorities 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. When calculating the 48 hour period any non-working day can be disregarded¹.

3.2 The licensing authority may want to consult the police about the steps that it thinks are appropriate, 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.

3.3 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. 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.

3.4 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.

3.5 If the licensing authority decides to take steps at the 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

¹ 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.

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.

3.6 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.

3.7 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. In some circumstances, it might be better to seek suspension of the licence pending the full review, rather than imposing a range of costly conditions or permanent adjustments.

4. Making representations against the interim steps

4.1 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.

4.2 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 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 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.

4.3 At the hearing 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.

4.4 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.

4.5 There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

5. The review of the premises licence

5.1 The licensing authority must hold a review of the premises licence within 28 days after the day of receipt of the chief officer's application. This must take place even if the chief officer asks to withdraw his application or representations. At the hearing, the licensing authority must:

- consider what steps it considers appropriate for the promotion of the licensing objectives; and
- decide which interim steps (if there are any) cease to have effect altogether or become the subject of any steps which it considers are appropriate when making its determination on the review.

5.2 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.

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. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the amended guidance under section 182 of the 2003 Act.

5.3 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 made by the premises licence holder, responsible authority and any other persons 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 authority².

5.4 A party shall give to the 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.

5.5 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 4.2 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.

5.6 The licensing authority must take into account any relevant representations made. Relevant representations are those that:

- relate to one or more of the licensing objectives;
- have not been withdrawn; and
- are made by the premises licence holder, a responsible authority or any other person (who is not also a responsible authority).

5.7 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.

² Responsible authorities are defined under sections 13(4) and 69(4) of the 2003 Act.

6. Right of Appeal

6.1 An appeal may be made to the magistrates' court within 21 days of the licence holder 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.

6.2 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.

[insert name and address of police force]

Example Form

Annex A

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder³.

*Premises*⁴:

Premises licence number (if known):

Name of premises supervisor (if known):

I am a _____⁵ in the
police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁶:

.....

³ Delete as applicable.

⁴ Include business name and address and any other relevant identifying details.

⁵ Insert rank of officer giving the certificate, which must be superintendent or above.

⁶ Give a 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.

(Signed)

(Date)

Statutory Form For Applying For A Summary Licence Review

Annex B

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

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 the 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.**

I _____ [on behalf of] the chief officer of police for
the _____ police area apply for the review
of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

Post town:

Post code (if known):

2. Premises licence details:

Name of premises licence holder (if known):

Number of premises licence holder (if known):

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 opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

Signature of applicant:

Date:

Capacity:

Contact details for matters concerning this application:

Address:

Telephone number(s):

Email:

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:

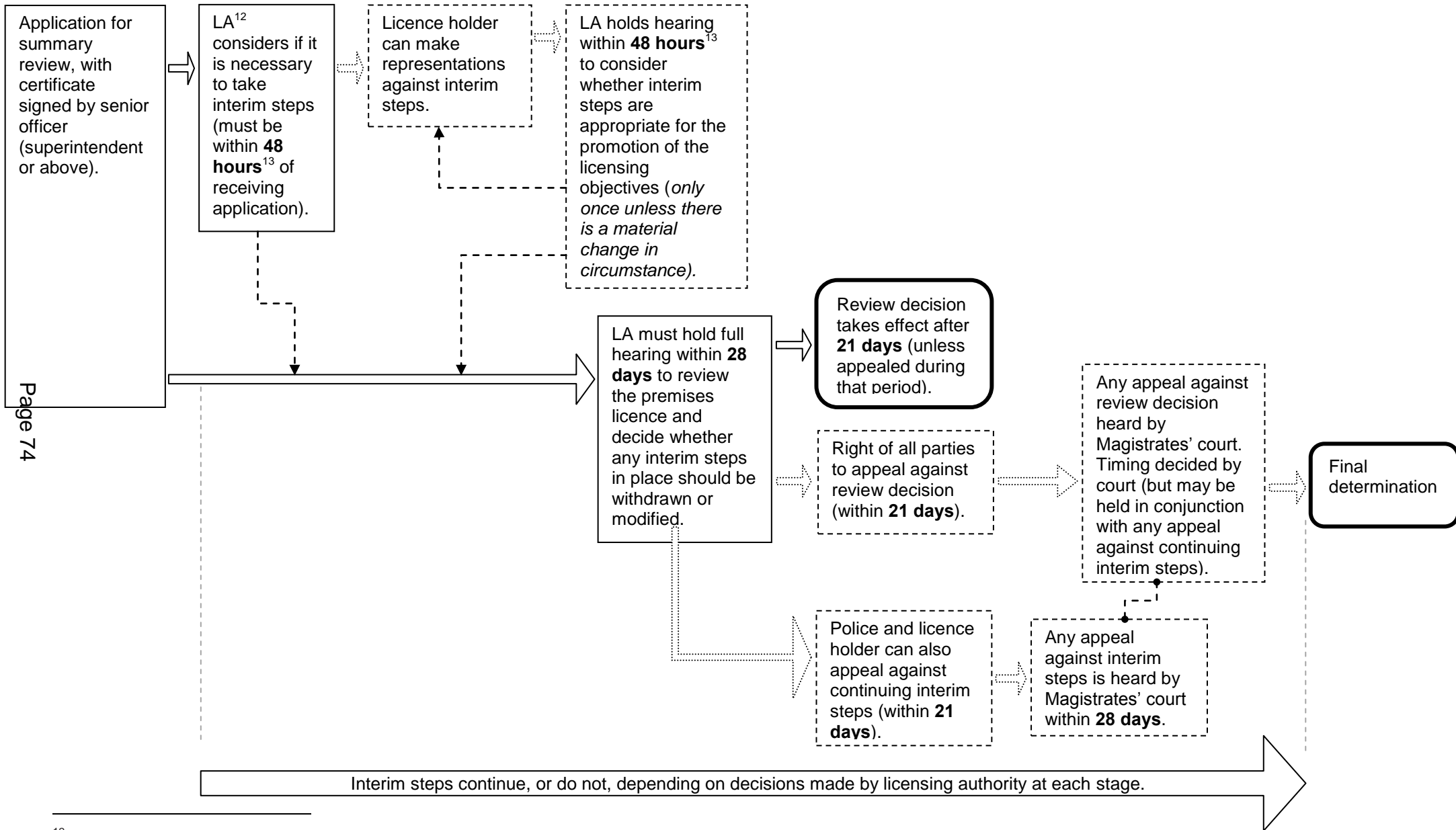
- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and 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.

ISBN: 978-1-84987-918-7
Published by the Home Office

Summary review flowchart



¹² Licensing authority

¹³ Only working days count

All attending the meeting must adhere to the guidance that has been set by the government and the council to keep all attending any meetings within a council building safe

- All attending LCC employees are encouraged to undertake a lateral flow test when attending a face to face meeting.
- All attending any meeting must sign in at the main reception.
- Stay in your designated seat during the meeting.
- You must wear a face covering whenever you are not in your seat and walking around the building(unless exempt).
- Do not stand and talk in walk ways.
- You must adhere to the one way system that is in place.
- Use the hand sanitizer that is placed at the entrance and the exit of the meeting room.
- Bring your own refreshments.
- You are to ensure you clean the seat, Table or mic you are allocated before and after use.
- Where possible windows should be opened to allow a flow of fresh air.

Note:

The 90 Minute rule has been removed but it would be good practice that if the room gets to a temperature that makes staff and visitors uncomfortable then a welfare break may be needed to allow the room to ventilate.

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