

Licensing Sub-Committee

Wednesday, 16th January, 2013

PRESENT: Councillors T Hanley, G Hussain and
G Hyde

125 Short Notice

The meeting was called at short notice in order to facilitate consideration of a time limited application submitted to the Licensing Authority at 09:15 hours on Tuesday 15th January 2013. The Authority was duty bound to consider the application within 48 hours, and in order to achieve this, the application was not considered in a formal meeting. The decision of the three Sub Committee Members was given remotely as permitted by the relevant sections of the Licensing Act 2003 and anticipated by the government guidance thereon.

126 Election of the Chair

A Chair was not required as the matter was dealt with outside of a formal meeting setting.

127 Bar Phono - Application for a Summary Review of the Premises Licence - Interim Steps Hearing in respect of Bar Phono, 174 Lower Briggate, Leeds LS1 6DT

The Head of Licensing and Registration submitted a report seeking Members' consideration of whether it was necessary to take interim steps pending a Summary Review of the Premises Licence currently held at the premises known as "Bar Phono", 174 Lower Briggate, Leeds LS1. (formerly known as Oslo, later Religion)

The Licensing Authority was required to consider taking interim steps following receipt of an application served under Section 53A of the Licensing Act 2003 from West Yorkshire Police (WYP) for the Expedited Summary Review of the Premises Licence. WYP believed the premises was associated with serious crime and serious disorder, the details of which were highlighted in the application which was itself accompanied by the relevant Certificate from a senior police officer. In brief, WYP maintained that the measure imposed on the Premise Licence at a previous Review on 4 December 2012 had proved insufficient to alleviate the problems described to that Sub Committee which included:

- Excessive crime and disorder rates, predominantly assaults
- the indications that members of staff were involved in a number of crimes
- instances where the Clubs' CCTV footage of crimes committed was unavailable or not provided
- the problematic client base attracted to the Club

Following that, one particular incident on 22 December 2012 was cited as being the catalyst for seeking an expedited summary review. In brief,

- a large fight occurred outside Bar Phono at 07:30 hours on Saturday 22 December 2012

- Leedswatch CCTV recorded a continuing disturbance involving the same participants over an extended period of time
- Six adults were arrested for the offences of assault and affray. Affray is a serious crime
- The persons arrested were wearing Bar Phono wristbands and their accounts of the incident indicated that they had been in Bar Phono and that the fight had started inside the Club
- The CCTV at Bar Phono was found to be inoperable at the time of the incident – which is a breach of the licensing conditions
- The Designated Premises Supervisor denied that any incident occurred inside the club or that Bar Phono customers were involved in the incident outside the Club
- The serious nature of the incident is further amplified by two additional factors:
 1. The incident concluded at 08:00 hours on a Saturday morning in daylight in a city centre on one of the busiest trading days of the year
 2. The incident occurred in view of the cordoned off site of a fatal incident the previous night

The Sub Committee was in receipt of the Licensing Officers Report containing a copy of WYP application and relevant Certificate signed by Chief Superintendent P Twigg, Operations Commander, City & Holbeck Division, as a senior member of West Yorkshire Police confirming his opinion that the premises were associated with serious crime and serious disorder.

In considering the Interim Steps, the Sub Committee took into account all the written submissions contained within the report. The Sub Committee had regard to the provisions of the Licensing Act 2003, as amended through the Violent Crime Reduction Act 2006 and the guidance on expedited/summary licence reviews issued by the DCMS. Members were also familiar with the Council's own Licensing Policy; in particular Section 13 (Enforcement and Reviews) and Section 11 of the DCMS S182 Statutory Guidance (Reviews).

Members were also provided with an officers account of CCTV footage supplied with the application and details of the premises history.

Members considered the submission by WYP urging immediate steps be taken. Members considered whether Interim Steps were necessary in this case and concluded that they were.

RESOLVED – The Sub Committee concluded that the problems identified by WYP at the premises were so serious that it was appropriate to suspend the Premises Licence with immediate effect as an interim measure, pending the full hearing of the Summary Review. This decision was to take effect at 15:00 hours and this was notified to the premises licence holder who was also informed of the right to make representation against those interim steps.