



LICENSING SUB-COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
MONDAY, 9TH DECEMBER, 2013 AT 10.00 AM

MEMBERSHIP

Councillors

T Hanley - Bramley and Stanningley;
P Latty - Guiseley and Rawdon;
G Wilkinson - Wetherby;

Agenda compiled by:
Tel No:
Governance Services
Civic Hall
LEEDS LS1 1UR

Helen Gray
247 4355

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<u>PRELIMINARY PROCEDURES</u> ELECTION OF THE CHAIR	
2			APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS 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) (*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)	

Item No	Ward	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	Item Not Open		Page No
5			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p> <p><u>HEARINGS</u></p>	
6	City and Hunslet		<p>APPLICATION FOR THE REVIEW OF THE PREMISES LICENCE HELD BY THE MEZZ CLUB, UNIT 2, WATERLOO HOUSE, ASSEMBLY STREET, LEEDS, LS2 7DE</p> <p>To consider the report of the Head of Licensing and Registration on an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003, sought by West Yorkshire Police in respect of The Mezz Club, Unit 2, Waterloo House, Assembly Street, Leeds, LS2 7DE.</p> <p>The licensing authority is now under a duty to review the premises licence held by these premises.</p>	1 - 296



Report Author: Mr Matthew Nelson
 Tel: 0113 247 4095

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Monday 9th December 2013

Subject: Review of the Premises Licence held by The Mezz Club, Unit 2, Waterloo House, Assembly Street, Leeds, LS2 7DE

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

This report informs Members of an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003, sought by West Yorkshire Police in respect of The Mezz Club, Unit 2, Waterloo House, Assembly Street, Leeds, LS2 7DE. The licensing authority is now under a duty to review the premises licence held by these premises.

1.0 Purpose of this Report

1.1 This report provides Members with the background and history to the making of the review application made by West Yorkshire Police (**Appendix A**). The report sets out the relevant law when reviewing licences under the Licensing Act 2003 (“the Act”), and informs members of the options available to them when reviewing a premises licence.

2.0 Background Information

- 2.1 The licence which these premises benefit from was granted by way of an application to convert and vary the existing Justices' On Licence, Public Entertainment Licence and Special Hours Certificate on the 24th November 2005. It was at this time that the premises were trading under the name 'Rehab'.
- 2.2 The only responsible authority to make representation to this application was West Yorkshire Police who suggested measures regarding no entry to the premises beyond 5am, alcohol to not be served after 6am, to allow for a 30 minute 'cooling off' period at close of business, the implementation of a dispersal policy and the promotion of transport options. These conditions were agreed by the applicant and the licence then subsequently granted.
- 2.3 On the 28th August 2007, a closure order was issued under Section 161 of the Licensing Act 2003 at 01:00 hours. This was issued on the grounds that the Designated Premises Supervisor was unable to control the premises as the capacity of the premises had been reached and a further crowd of approximately 150 persons were trying to gain access. This crowd was aggressive towards the police on arrival which became more hostile when the police ordered the premises to close.
- 2.4 As a result of the closure notice a review of the premises licence was automatically triggered. The Licensing Sub-Committee convened on the 26th September 2007 to consider the review and the evidence in support of it. The Members considered that the premises acted appropriately in calling the police and that the police were justified in the actions they took, including the issuing of the closure order.
- 2.5 The decision of the sub-committee was neither to revoke the licence nor suspend it for a further period, but to add a new condition requiring the premises licence holder to provide at least 10 clear working days written notice to West Yorkshire Police of any planned event or promotion. This conditions remains on the licence to this date.
- 2.6 An application to vary the Designated Premises Supervisor was received by the Licensing Authority on the 22nd September 2008. It was via this application that premises became known by its current name; The Mezz Club.
- 2.7 On the 29th September 2008, an application was made to vary the premises licence for these premises. The application proposed to extend the hours for all permitted licensable activities on Saturday evening/Sunday morning from 06:00 hours until 10:00 hours. The application also proposed to remove all embedded restrictions apart from those relating to New Year's Eve trading hours, CCTV, SIA registered doormen and the venue capacity. Any existing conditions with time limitations such as no entry beyond 5am etc were to be revised to reflect the change of hours if granted.
- 2.8 The application attracted representation from West Yorkshire Police and following discussions with the applicant it was agreed that the condition in relation to an incident book be retained on the licence. The licence was duly granted on 28th October 2008.

2.9 Although there have been numerous applications to change the Designated Premises Supervisor over the years, it should be noted that the current Premises Licence Holder (Shalport Limited), have held this position throughout the duration of the premises licence since November 2005.

3.0 Premises Licence

3.1 The premises licence holder is Shalport Limited.

3.2 A copy of the premises licence can be found at **Appendix B** of this report. In summary, the premises licence permits the following:

3.2.1 Sale by Retail of Alcohol
Performance of Live Music
Entertainment Similar to Live Music, Recorded Music and Dance
Facilities for Anything Similar to Making Music or Dancing
11:00 until 06:00 hours Sunday to Friday
11:00 until 10:00 hours Saturday

3.2.2 Performance of Recorded Music
Facilities for Dancing
11:00 until 06:30 hours Sunday to Friday
11:00 until 10:30 hours Saturday

3.2.3 Non Standard Timings:
The licence does not hold any non standard timings for Bank Holidays or other special occasions.

3.3 Members should note that above provisions that provide facilities are no longer licensable. This is following the deregulation of such activities under the Live Music Act 2012.

4.0 Designated Premises Supervisor

4.1 The Designated Premises Supervisor for the premises is Mr Kenneth Dolecki.

5.0 Location

5.1 A map which identifies the location of the premises is attached at **Appendix C**.

6.0 Main Issues

6.1 The grounds for review centre principally on Crime & Disorder and Public Safety, which are linked to highly inappropriate and sexually suggestive advertising campaigns used by a promotion's company and endorsed by the DPS.

6.2 There is evidence, through such promotion approved by the management, that young males are being encouraged to engage in violent sexual acts against females, together with prohibited licensable activities such as the free pouring of alcohol from bottles directly in to other's mouths.

- 6.3 Evidence shows that the DPS and management support these promotions and permit overtly sexually-themed events to take place at the premises, which are likely to lead to an increase in associated offences and pose a real threat to public safety.
- 6.4 In addition to the review application (Appendix A), West Yorkshire Police have also provided supplementary evidence which is attached at **Appendix D** for Members consideration. This includes witness statements from police officers and an ex-employee of the premises, screen shots taken from the Tequila UK website undermining the licensing aims and breaching conditions, an e-mail on behalf of West Yorkshire Fire & Rescue Service detailing the history of enforcement activity due non-compliance at the premises and several news articles of the reaction to the current events at the premises.
- 6.5 The above supplementary information has also been accompanied by three DVDs. These will be available for viewing on the day of the hearing.

7.0 Relevant Representations/Letters of Support

- 7.1 Under the Act representations/support can be received from responsible authorities and or other persons. Representations must be relevant and, in the case of other people, must not be frivolous or vexatious.
- 7.2 The application has attracted a formal representation from the Licensing Authority in its capacity as a Responsible Authority. A copy of that representation including the accompanying evidence is attached at **Appendix E** of this report.
- 7.3 Further representations to the premises have been received on behalf of a local ward councillor and an organisation concerned with women's issues. There has also been letters received from members of the public expressing support for the review application sought by West Yorkshire Police. Member's attention is drawn to the background papers provided.

8.0 Matters Relevant to the Application

- 8.1 Members of the Licensing Sub Committee must make decisions which are appropriate to the promotion of the licensing objectives which are:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 8.2 In making their decision Members are obliged to have regard to guidance issued under Section 182 of the Act. A copy of the relevant section is attached at **Appendix F**. Members must also have regard to the Council's licensing policy, the relevant representations made and evidence they hear.

9.0 Implications for Council Policy and Government

- 9.1 It is the stated licensing policy of the Council that when considering a review the authority will take into account all relevant circumstances, but will view the matters listed in paragraph 13.15 of the policy with particular seriousness.

10.0 Legal and Resource Implications

- 10.1 There are no resource implications in determining the review.
- 10.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrate's Court.

11.0 Recommendations

- 11.1 Members are requested to determine this review. The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- to modify the conditions of the licence (which includes adding new conditions or any alteration or omission of an existing condition);
 - exclude any licensable activities to which the application relates;
 - to remove the Designated Premises Supervisor;
 - to suspend the licence for a period not exceeding 3 months; and/or
 - to revoke the licence.
- 11.2 Members may decide that no action is necessary and that the circumstance of the review does not require the Committee to take any steps to promote the licensing objectives.
- 11.3 Members should note the guidance also suggests it is open to Members to issue an informal warning to the licence holder or to recommend improvement within a particular time. However the Guidance further provides that where responsible authorities have already issued such warnings, the issuing of another warning should not be repeated.
- 11.4 Where the Committee decide that a modification of conditions or exclusion of licensable activities may be imposed, this can either be permanently or for a temporary period of up to three months.
- 11.5 Members are directed to paragraphs 11.25 to 11.31 of the Statutory Guidance which related to reviews arising in connection with crime.
- 11.6 Members of the Licensing Committee are asked to note that they may not take any of the steps outlined above merely because they consider it desirable to do so. It must be appropriate for the promotion of the licensing objectives.

12.0 Background Papers

- 12.1 Guidance issued under s182 Licensing Act 2003
- 12.2 Leeds City Council Statement of Licensing Policy
- 12.3 Background papers – Representations from a local ward councillor, organisation concerned with women's issues and members of the public.

Appendices

Appendix A	Review Application
Appendix B	Premises Licence
Appendix C	Location Map
Appendix D	WYP Supplementary Information
Appendix E	Licensing Authority Representation
Appendix F	Extract from the S182 Guidance

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**WEST YORKSHIRE
POLICE**

Leeds District Licensing Department

Licensing Department

Millgarth Police Station
Millgarth Street
Leeds
LS2 7HX

Tel: 0113-2413067

Fax: 0113-2413123

Email: david.shaw1@westyorkshire.pnn.police.uk

Your ref:

Our ref:

Date 18th October 2013

**Leeds City Council
Entertainment Licensing Section
Civic Hall
Leeds
LS1 1UR**

Private & Confidential



RE: APPLICATION FOR REVIEW OF PREMISES LICENCE:

PREMISES:

The Mezz Club,
Unit 2, Waterloo House,
Assembly Street,
Leeds
LS2 7DE

In accordance with Section 51 Licensing Act 2003, I hereby serve the application on the following-:

PREMISES LICENCE HOLDER:

Shalport Ltd (c/o Poundworld Retail Ltd)
Axis 62, Foxbridge Way,
Normanton,
WF6 1TN

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EACH RESPONSIBLE AUTHORITY – please take note:

Supplied to each Responsible Authority at this stage is the Review application only.

Should any authority wish to be supplied with any of the additional supporting documents referred to in the application, the documents will be forwarded to the authority but only if a request is put in writing to West Yorkshire Police at the above address. Emails will be acceptable.

In addition, as this is an application made by West Yorkshire Police, each Responsible Authority is entitled to make relevant representations about this review, based on any of the four licensing objectives. If any of the Responsible Authorities listed below intend to do this, could they please contact West Yorkshire Police as soon as possible.

West Yorkshire Fire & Rescue Service:

Leeds Fire Station
Kirkstall Road
Leeds
LS3 1NF

Leeds City Council:

Health & Environmental Action Service:

Millshaw Office
Millshaw Park Way
Churwell
Leeds LS11 0LS

Leeds City Council – Health & Safety Team.

Health & Environmental Action Service
Millshaw Office
Millshaw Park Way
Churwell
Leeds
LS11 0LS

Health & Safety Executive

Principal Inspector
Marshalls Mill
Marshall Street
Leeds
LS11 9YJ

Leeds Safeguarding Children's Board

Leeds City Council
7th Floor East
Merrion House
Leeds LS2 8DT

Leeds City Council

City Development Department
Planning & Compliance Department
The Leonardo Building
2 Rossington Street
Leeds LS2 8HD

West Yorkshire Trading Standards Service

Licensing Team
PO Box 5
Nepshaw Lane South
Morley
Leeds LS27 0QP

The Office Of The Director Of Public Health

Leeds City Council
Floor 4
Merrion House
Leeds LS2 8BB

Further and in accordance with Section 52(1)(b) / 88(1)(b) Licensing Act 2003, I hereby give notice, that the holder of the premises licence / the club and any responsible authority, may make representations to the licensing authority about this review application, any time between the dates indicated on the notice

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which has to be displayed by the licensing authority, at or near the site of the premises to which the application relates, for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority – “The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005” (S/I 2005/No.42).

Yours Faithfully,

David Shaw
Sergeant 285
Leeds District Licensing

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

**Application for a review of a premises licence or club premises certificate
under the Licensing Act 2003**

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 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, **Sergeant 285 David Shaw,**

Apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below:

Part 1 – Premises or club premises details

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

The Mezz Club
Unit 2, Waterloo House,
Assembly Street

Post town

Leeds

Post code

LS2 7DE

Name of premises licence holder or club holding club premises certificate (if known)

Shalport Ltd (c/o Poundworld Retail Ltd)
Axis 62, Foxbridge Way,
Normanton,
WF6 1TN

Number of premises licence or club premises certificate (if known)

PREM/00736/003

Part 2 – Applicant details

I am

Please tick ✓ yes

- | | | |
|---|---|-------------------------------------|
| 1 | An individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below) | <input type="checkbox"/> |
| 2 | A responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3 | A member of the club to which this application relates (please complete (A) below) | <input type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname First names

I am 18 years old or over Please tick ✓ Yes

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

(B) DETAILS OF OTHER APPLICANT

Name
Address
Telephone number (if any)
E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name Sergeant David Shaw
Address West Yorkshire Police Leeds District Licensing Millgarth Police Station Millgarth Street Leeds LS2 7HX
Telephone number (if any) 0113 2413067
E-mail (optional) david.shaw1@westyorkshire.pnn.police.uk

This application to review relates to the following licensing objectives(s)

Please tick one or more boxes ✓

- | | | |
|----|--------------------------------------|---|
| 1. | the prevention of crime and disorder | X |
| 2. | public safety | X |
| 3. | the prevention of public nuisance | X |
| 4. | the protection of children from harm | X |

Please state the ground(s) for review (please read guidance note 2)

The grounds for this review centre principally on crime and disorder and public safety. These are linked to highly inappropriate and sexually suggestive advertising campaigns used by a promotions company, and endorsed by the Designated Premises Supervisor (DPS), to attract young adults to the premises.

There is evidence, through such promotions approved by the DPS and the management, that young males are being encouraged to engage in violent sexual acts against females, together with unauthorised licensable activities such as the free pouring of alcohol from bottles directly into others' mouths.

Evidence shows that the designated premises supervisor and the management support the promotions and permit overtly sexually-themed events to take place at the premises, which are likely to lead to an increase in associated offences over time, and pose a real threat to the public safety of young people who attend the venue.

The police have no faith in the management's ability to engage in the risk assessment process, designed to identify and minimise practices that are likely to put customers at increased risk of harm.

Please provide as much information as possible to support the application (please read guidance note 3)

The Mezz Club is a nightclub situated on Assembly Street, Leeds. The designated premises supervisor is Mr. Kenneth Alan Dolecki who has held this position latterly since 10th November 2011. The manager of the premises is Mr. Gary Cole.

Thursday night events held at Mezz are run in conjunction with a promoter, Tequila UK, whose owner is Mr. Sam Welpy. Tequila organises themed nights, usually with strong sexual connotations; the one on 3rd October was named "Freshers' Violation". This event had been promoted on YouTube with video footage centred on an interview with various drunken customers inside and outside the club itself. There were images of males being asked how they were going to violate their fresher, and answers included references to rape and other violent sexual acts. Females were asked how they were going to avoid being 'violated'. In addition to this, footage of alcoholic beverages being poured from bottles directly into others' mouths was prevalent (breach of a mandatory licence condition). The night included the provision of cages in the club, with notices on them depicting "Jailbait", a term generally associated with females too young to legally consent to sex. There were females displaying cards with sexually explicit wording on them.

Officers from West Yorkshire Police Licensing Department made contact with Mr. Dolecki and Mr. Cole on 9th October and advised them to cancel the next Tequila event to be held on Thursday 10th due to the continuing nature of the promotions and their propensity to encourage sexual violence and unlawful acts. They were informed at this point that considerable negative publicity was being generated from the local authority, from Students' Union representatives and from the Support After Rape & Sexual Violence Leeds group towards Tequila promotions and the running of these events at Mezz. In addition to the above objections, an e-petition had been created with approximately 2,500 signatures, and the Yorkshire Evening Post had published an article concerning "Freshers' Violation". Despite police advice, and widespread public condemnation, the management decided to continue with Tequila promoted events at Mezz.

The DPS at Mezz has displayed an unconcerned attitude. He has taken no responsibility for the events in question, simply choosing to blame the Tequila brand itself for the bad publicity caused, despite promotional videos being **filmed** inside and outside Mezz. He has failed to supervise the premises in a responsible manner and in accordance with the licensing objectives, in that he has allowed the filming of a video in his premises that:

- Encourages violent sex, contrary to prevention of crime and disorder legislation
- Presents violent sexual acts as acceptable (crime and disorder)
- Degrades women (Public safety)
- Promotes unauthorised and unlawful licensable activities – free pouring –as far higher levels of inebriation are likely to follow such activities (Public Safety).
- Encourages customers to become very drunk, and so more vulnerable (Public Safety).

Following strong objections on the above grounds being raised by the police and the licensing authority, the management has chosen to continue with Tequila promotional events, which indicates their intention to continue operating premises that are run contrary to the licensing objectives. This in turn shows clearly that this DPS's priorities lie in the maximising of profits, with little if any consideration being afforded to the prevention of crime and disorder and public safety.

A sizeable public demonstration is to take place outside Mezz on Thursday 17th October. Some national newspapers are now showing an interest in this 'story'. Extra police resources have had to be drafted in to police this protest and maintain public safety.

The police have experienced issues with this club for a number of years whilst under the same ownership. A premises licence review was instigated in September 2007, following a Section 161 Closure Order, where the management failed to supervise and control its customers on 28th August of that year.

Since that time there has been a history of police having to intervene and direct the club in relation to public safety and serious crime associated with risky events held at the premises.

There are definite indications that police and other responsible authorities' requirements always come second to the club's ownership and management policies designed to maximise profits.

Please tick ✓ yes

Have you made an application for review relating to this premises before?

X

If yes please state the date of that application

Day		Month		Year			
2	6	0	9	2	0	0	7

If you have made representations before relating to this premises please state what they were and when you made them

A Review of the Licensed premises was heard by the Licensing Sub-Committee on 26th September 2007. The premises were at that time called Rehab Nightclub, and the Designated Premises Supervisor was Kenneth Alan Dolecki.

The Review followed the service of a Section 161 Closure Notice issued by a senior police officer at 0100hrs on 28th August 2007. The closure notice was issued due to the management being unable to control the volume of customers inside and outside the nightclub. The senior officer who closed the club stated that there was a lack of control, no clarity of roles and responsibilities, extreme use of cannabis in the premises and that it would risk serious harm to the public if the premises were to remain open, due to a failure to supervise the premises effectively and in accordance with the licensing objectives.

Please tick ✓ Yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate X
- I understand that if I do not comply with the above requirements my application will be rejected X

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (See guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date: 18th October
2013.....

CapacityLicensing Sergeant.....
.....

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 6)	
Robert Patterson West Yorkshire Police Leeds District Licensing Millgarth Police Station Millgarth Street	
Post town	Post code
Leeds	LS2 7HX
Telephone number (if any) 0113 2414023	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) robert.patterson@westyorkshire.pnn.police.uk	

Notes for guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Premises Licence

Part A

Schedule 12 Licensing Act 2003

Initial licence from:

27th August 2005

Current Licence effective from:

10th November 2011

Part 1 – Premises details

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

The Mezz Club, Unit 2, Waterloo House, Assembly Street, Leeds, LS2 7DE

Telephone number: 0113 243 9909

Licensable activities authorised by this licence

Sale by retail of alcohol, Performance of live music, Performance of recorded music, Entertainment similar to live music, recorded music or dance, Provision of facilities for dancing, Provision of facilities for anything similar to making music or dancing

Times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol

Saturday	11:00 - 10:00
Sunday to Friday	11:00 - 06:00

Performance of live music

Saturday	11:00 - 10:00
Sunday to Friday	11:00 - 06:00

Performance of recorded music

Saturday	11:00 - 10:30
Sunday to Friday	11:00 - 06:30

Entertainment similar to live music, recorded music or dance

Saturday	11:00 - 10:00
Sunday to Friday	11:00 - 06:00

Provision of facilities for dancing

Saturday	11:00 - 10:30
Sunday to Friday	11:00 - 06:30

Provision of facilities for anything similar to making music or dancing

Saturday	11:00 - 10:00
Sunday to Friday	11:00 - 06:00

The opening hours of the premises

Sunday to Friday	11:00 - 06:30
Saturday	11:00 - 10:30

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

Shalport Limited
C/o Poundworld Retail Limited
Axis 62
Foxbridge Way
Normanton Industrial Est
Normanton
WF6 1TN

Email Address: kendolecki@hotmail.com

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

Registered business number: 04246544

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

Kenneth Alan Dolecki
36A Oakdale Grove
Shipley
BD18 1NX

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: BD/PER0142

Licensing authority: City Of Bradford
Metropolitan District Council

Licence issued under the authority of Leeds City Council



Mr Matthew Nelson
Licensing Officer
Entertainment Licensing
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 responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- a. games or 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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- 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;
- d. provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
 - i. the outcome of a race, competition or other event or process, or
 - ii. the likelihood of anything occurring or not occurring;
- e. 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 glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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 a holographic mark.

8. The responsible person shall 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. 1/2 pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass:125 ml; and
 - b. customers are made aware of the availability of these measures

Embedded Restrictions

9. In relation to the morning on which summer time begins, paragraph (2) of this condition shall have effect with the substitution of references to three o'clock in the morning for references to two o'clock in the morning [or on hour following the hour actually specified in the certificate where the certificate currently requires closure between 1 am and 2 am.
10. On New Year's Eve the permitted hours shall extend through from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, to midnight on 31st December).
11. The Licensee shall not permit persons in excess of 500 to enter or occupy any portion of the licensed premises.
12. All members of staff shall be instructed in the safety precautions to be observed in the premises as far as those precautions relate to their duties and to the action to be taken by them in the event of fire or emergency.
13. All exits, passages, landings and stairways shall be kept free from obstruction at all times when the premises are used for licensed purposes.
14. A clear unobstructed route leading from each fire exit to a place of safety outside the premises shall be provided and maintained available for use at all times.
15. The Licensee shall ensure that no nuisance is caused by noise or vibration emanating from the licensed premises resulting from the use of this Licence. The Licensee shall provide urgent attention to any reports of noise nuisance, and act upon direction of the Licensing Authority.
16. Licensees are reminded that unauthorised flyposting is an offence under the Town & Country Planning Act 1990, as amended, Section 224.

17. In the case of an audience consisting of persons under 16 years of age, the minimum number of staff shall increase to a ratio of one per 100 occupancy.
18. At any licensed function no child shall be permitted to occupy any seat in the front row of the balcony, gallery or tier unless accompanied by, or in the charge of a person who appears to have attained the age of 16 years.
19. The Licensee shall ensure that any persons employed on the premises to work in the capacity as a door supervisor, hold current registration with the SIA and comply with all relevant rules and regulations laid down by that body.
20. Door Staff Daily Record Register

The Licensee shall maintain a Daily Record Register which is to be completed on a daily basis by the door staff when they commence and finish duty.
21. The Daily Record Register must be retained on the premises for a period of one year, taken from the date of the last entry, and include the following:
 - a) consecutively number pages;
 - b) the registration number and full name of each registered person on duty;
 - c) the date and time that he/she commenced that period of duty with a signed acknowledgement by that person;
 - d) the time at which he/she finished duty with a signed acknowledgement by that person.
22. Daily Record Registers shall be produced for immediate inspection on request by any official of the SIA, Police or Licensing Authority.
23. Licence holders must have a written search policy for those entering the premises.

All members of staff must be acquainted with this policy.
24. Sufficient number of staff of both sexes shall be on duty to undertake any searches of the public.
25. Clear and visible notices should be displayed to those entering the premises detailing the establishments search policy. These signs should state that the police will be informed if anyone is found in possession of controlled substances or weapons.
26. Secure receptacles, to the standard as required by the West Yorkshire Police, must be provided in a restricted part of the building for staff to deposit drugs and weapons.
27. Any seizure of controlled substances and weapons must be recorded in the Incident Report Register and reported to the police at the earliest possible time.
28. The licensee shall ensure that drinks glasses and any other glass receptacles are prevented from being taken off the premises accepting off-sales and their legitimate sale.
29. A suitable CCTV system operated in accordance with guidelines from the West Yorkshire Police shall be provided.
30. Any exemption to this condition must be agreed by the West Yorkshire Police and Licensing Authority.
31. All venues located within the Millgarth Division of the West Yorkshire Police which have the benefit of a Special Hours Certificate shall be a member of the Leeds Nightwatch Safer City Initiative. Each venue will operate with the benefit of a radio supplied through the L.N.S.C.I. and will adhere to the operating rules and guidelines laid down within the scheme.

32. No persons under the age of 18 years shall be admitted to the premises.

Annex 2 – Conditions consistent with the operating schedule

Additional details in respect of licensable activities authorised by this licence

Performance of live music

Location of activity: Indoors
Further details: Amplified music

Performance of recorded music

Location of activity: Indoors
Further details: Amplified music

Entertainment similar to live music, recorded music or dance

Location of activity: Indoors
Description of entertainment: Amplified music
Further details: DJ

Provision of facilities for dancing

Location of activity: Indoors
Further details: DJ

Provision of facilities for anything similar to making music or dancing

Location of activity: Indoors
Description of entertainment: Amplified music
Further details: DJ's

Conditions consistent with the operating schedule relating to the licensing objectives

The prevention of crime and disorder

33. The venue will stop serving alcohol at 10:00am (this applies to Sunday's only - all other days being 06:00am) and have a cooling off period to 10:30am (This applies to Sunday's only - all other days being 06:30am) at which time the venue will close for business.
34. Changing the music to relaxed mood, only where the theme is generally loud or high impact dance music.
35. Occasional public address or overt advertisement encouraging the sale of soft drinks and water.
36. Promote transport options (by advertising taxi numbers and having signs which allow the public to book taxis at reception), agree protocols and call priorities with local taxi firms and ensure transport options are suitably advertised at the venue and staff are aware.
37. The Licensee shall maintain an Incident Report Register within which staff must record any incident which has occurred on the premises.

38. The Incident Report Register must be retained on the premises for a period of one year, taken from the date of the last entry, and include the following:
 - a) Consecutive numbered pages
 - b) The date and time of the incident
 - c) The nature of the incident
 - d) The full name/s of staff involved including the registration number of any doorstaff, and whom the incident was reported, including the names of any police officers who attended the scene of the incident and details of any witness/es;
 - e) Any notes relative to the incident
39. Incident report registers shall be produced for immediate inspection on request by any Official of the Licensing Authority or Police Authority.
40. A suitable CCTV system will be maintained and be operational on the premises at all times when licensed activities are being carried out.
41. The siting and standard of the CCTV system will be agreed with WYP prior to installation and will comply with that agreement at all times.
42. Changes to the siting and standard of CCTV systems may only be made with the written consent of West Yorkshire Police.
43. Security footage will be made secure and retained for a period of time to the satisfaction of WYP.
44. A Supervisors 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.
45. The Supervisors Register will state the name of the person who is in overall charge of the premises at each time that licensed activities are carried out, and this information will be retained for a period of twelve months and produced for inspection on request to an authorised officer.
46. The minimum number of door supervisors for the premises is 2.
47. The Licensee will ensure that a 'Daily Record Register' is maintained on the premises by the door staff.
48. 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 (verified by the individual's signature).
49. The Daily Record Register will be retained for a period of twelve months from the date of the last entry.
50. Security staff/designated supervisors will be familiar with the premises policy concerning the admission, exclusion and safeguarding of customers whilst in the premises.
51. The Licensee will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti social behaviour, and ejections from the premises.
52. The Incident Report Register will contain consecutively numbered pages, the date, time and location of the incident, details of the nature of the incident, the names and registration numbers of any door staff involved or to whom the incident was reported, the names and personal licence numbers, if any, of any other staff involved or to whom the incident was reported, the names and numbers of any police officers attending, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident.
53. The Incident Report Register will be produced for inspection immediately on the request of an authorised officer.

54. The Licensee will inform West Yorkshire Police of any search resulting in a seizure of drugs or offensive weapons.
55. A suitable 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.
56. Notice will be displayed at the entrances of the premises which state:
 - A search will be conducted as a condition of entry to premises;
 - Incidents of crime and disorder will be reported to the police;
 - Incidents of crime and disorder will be reported to the police;
 - Entry to the premises will be refused to any person who appears to be drunk, acting in a threatening manner or is violent;
 - Entry will be refused to any person who has been convicted of an offence of drunkenness, violent or threatening behaviour or the use or distribution of illegal substances.
57. The premises will be linked to West Yorkshire Police (and other venues in the Leeds area/scheme) by means of Nite Net.
58. Such communication link will be kept in working order at all times.
59. The communication link will be available to the Designated Premises Supervisor or other nominated supervisor and be monitored by that person at all times that licensed activities are being carried out.
60. Any police instructions or directions given via the link will be complied with whenever given.
61. All incidents of crime or disorder will be reported via the link to an agreed police contact point.
62. The Licensee will adopt a proof of age scheme which is approved by WYP and West Yorkshire Trading Standards (WYTS).
63. The Licensee's staff will ask for proof of age from any person appearing to be under the age of 21 who attempts to purchase alcohol at the premises.
64. Drinks, open bottles and glasses will not be taken from the premises at any time. Empty bottles and glasses will be collected regularly and promptly. Glass and other sharp objects will be stored and disposed of safely using suitable receptacles. Receptacles will be secured and not accessible to the customers.
65. The Licensee will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises.
66. Plastic or toughened glasses/bottles will be used when requested by West Yorkshire Police (e.g. football match days).
67. Notices indicating the existence and effect of an Alcohol Designated Public Places Order will be displayed at the exits to the premises.
68. The Licensee will belong to a recognised trade body or Pub Watch Scheme, whose aims include the promotion of the licensing objectives.
69. The Licensee will ensure that customers who commit acts of anti-social behaviour are removed from the premises. Such customers will be excluded from the premises if further incidents occur.

70. The Licensee will comply with the agreed protocols of the local pubwatch scheme(s) or trade body where unilateral banning orders are implemented.
71. The Licensee will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The policy will be agreed with WYP. The Licensee or DPS will ensure that staff receive training on the policy.
72. At least thirty minutes will be allowed between the final sales of alcohol and closing the premises. The DPS will permit customers to finish their drinks and leave the premises in an orderly manner.

Public safety

73. A written risk assessment will be kept which covers all activities which affect the health and safety of members of the public. This will include the noise levels to which the public are to be exposed and information will be provided for the public via signage at the entrance. The assessment will be produced for inspection at the request of an authorised officer.
74. The Licensee will adopt at the premises written policies and procedures on:
 - " Entry and egress to the premises (including monitoring of any capacity limit).
 - " Evacuation of the premises.
75. The Licensee will ensure staff are trained on these measures, and all other matters relating to the safety of the public.
76. Appropriately trained staff will be provided to oversee general safety within the premises, and these will be provided to a minimum number of one member of staff per 250 occupancy or part thereof, in accordance with the occupancy figure.
77. Where the licensable activities are held on floors other than the ground floor level, the ratio of supervisors will increase to 1 per 100 occupancy or part thereof on those levels.
78. The Licensee will have a written procedure for crowd control and management. All staff will be instructed in the operation of the procedure. The policy will be available for inspection at the request of an authorised officer.
79. All exit doors will be accessible, open easily, and exit routes will be maintained.
80. Safety checks, including doors, will be undertaken before opening to the public and a record kept of inspections.
81. Before opening to the public, checks will be undertaken to ensure all access to the premises are clear for emergency vehicles. Regular checks will be undertaken when the premises is open.
82. Written records of all accidents and safety incidents involving members of the public will be kept. These will be made available at the request of an authorised officer.
83. All equipment, with which the public may have contact, will be maintained, stored and operated in a safe manner. Appropriate maintenance and test records will be kept and be available for inspection by an authorised officer.
84. Empty bottles and glasses will be collected regularly paying attention to balcony areas and raised levels.
85. Electrical installations will be inspected on a periodic basis (at least every 5 years) 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.

86. Portable electrical appliances including those brought in temporarily onto the premises will be checked on a regular basis by a suitably trained and competent person to ensure they are in a safe condition. Records will be kept of these checks. These will be made available at the request of an authorised officer.
87. Temporary electrical wiring and distributions will be inspected by a suitably qualified and competent person before they are put into use. An inspection record/certificate will be retained by an authorised officer.
88. The Licensee will maintain an electrical manually operated fire alarm system that can be clearly heard in all parts of the premises to the satisfaction of WYFRS.
89. The Licensee will maintain a fire alarm system with automatic heat and smoke detectors. The systems requirements, testing and operation will be to the satisfaction of WYFRS.
90. The positioning of the electrical fire alarm system, smoke and heat detectors will be agreed with WYFRS.
91. Fire alarm tests will be carried out daily and recorded in a suitable log book. The log book will be made available for inspection by an authorised officer.
92. All staff will be trained in operating the alarm system and be familiar with the fire and escape routes and action to be taken in the event of fire.
93. The Licensee will install and maintain electrical emergency lighting. The source of supply for this lighting will be separate from that for the general lighting. The emergency lighting will be positioned in areas agreed with the WYFRS. These areas will include passages, corridors, ramps and stair cases. The emergency lighting will allow individuals to see their way out of the premises without the aid of general lighting. The emergency lighting will illuminate all the provided exit notices.
94. The emergency lighting will perform on a complete failure of the normal lighting in a manner agreed with WYFRS. The emergency lighting will meet the British safety standards stipulated by WYFRS.
95. The Licensee will provide to the satisfaction of WYFRS exit sign boxes lit by both primary and emergency lighting. These exit sign boxes will be placed in positions agreed with WYFRS. The size, illumination and design of the sign(s) will be agreed with WYFRS.
96. Exit doors will be provided with external primary and emergency lighting points to the satisfaction of the WYFRS. The design of external fire escape route will be to the satisfaction of WYFRS.
97. The location, number, fire rating and standard of fire extinguishers will be agreed with WYFRS prior to installation and will comply with that agreement at all times.
98. The emergency lighting system will be tested in a manner which satisfies WYFRS. The test results will be kept a suitable log book and will be available for inspection by an authorised officer.
99. The Licensee will provide any kitchen on the premises with a fire blanket which meets the standards recommended by WYFRS. The fire blanket will be installed and maintained to the satisfaction of the WYFRS.
100. All curtains and drapes in the premises will be fire retardant and to the satisfaction of WYFRS. Certificates of compliance to the relevant British Standards will be available for inspection by an authorised officer.
101. Fabric, foliage and decorations will be constructed from materials to the satisfaction of the WYFRS. Certificates of compliance to the relevant British Standards will be available for inspection by an authorised officer.

102. The filling materials used in the furnishings will be combustion modified foam or other material to the satisfaction of WYFRS. Evidence of compliance to the relevant British Standards will be available for inspection by an authorised officer.
103. Any wall coverings at the premises or on escape routes will be to the satisfaction of the WYFRS. Evidence of compliance to the relevant British Standards will be available for inspection by an authorised officer.
104. Floor coverings at the premises will comply with those safety standards as stipulated by WYFRS. Evidence of compliance to the relevant British Standards will be available for inspection by an authorised officer.
105. At the request of an authorised, the Licensee will produce certification of any building works carried out at the premises. (This will be in the form of a building regulations completion certificate issued by the local authority or an approved inspector).
106. Regular safety checks of decorative and functional fixtures that could fall causing injury to the public or may cause a risk of fire, will be undertaken.
107. Regular safety checks of guardings to stairs, balconies, landings and ramps will be undertaken and a supervision policy will be maintained to prevent people from inappropriate behaviour, including climbing which may lead to a fall from height.
108. All floor surfaces will be suitably slip resistant, kept in good condition and free of obstructions to prevent slips, trips and falls.
109. Safety glass that is impact resistant or shielded to protect it from impact will be used in all areas where the public may come into contact with it.
110. Safety checks will be recorded and made available for inspection at the request of an authorised officer.
111. A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner.
112. Suitably trained First Aid staff will be provided at all times when the premises are open.
113. Adequate and appropriate First Aid equipment and materials will be available on the premises.
114. A written procedure for dealing with unwell members of the public will be in place including those who appear to be affected by alcohol or drugs. Staff will be appropriately trained in such procedures.
115. A written health and safety policy covering all aspects of the safe use of strobes, lasers, smoke machines or any other special effects, will be provided and staff will be appropriately trained.
116. No strobes, lasers or smoke machines will be used at the premises unless there is a clearly displayed warning at the entrance to the premises that such equipment is in use.
117. Fireworks or pyrotechnics will not be used without prior written notification to WYFRS.

The prevention of public nuisance

118. No nuisance will be caused by noise or vibration emanating from the premises. Licensable activities will be conducted and the facilities for licensed activities will be designed and operated so to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties.
119. Noise will be inaudible at the nearest noise sensitive premises (where entertainment takes place on a regular basis).

120. Noise will be inaudible at the nearest noise sensitive premises between 23:00 hours and 07:00 hours the following day (where entertainment takes place less frequently).
121. There will be no external loudspeakers.
122. Empty bottles will be stored in suitable receptacles immediately outside of the premises prior to collection.
123. Receptacles will be used in a manner to minimise noise disturbance to adjoining properties.
124. Bottles will not be placed in the external receptacle after 23:00 hours to minimise noise disturbance to adjoining properties.
125. Deliveries, collections of refuse and bottles, and operational servicing will be carried out to minimise noise disturbance to adjoining premises. Instructions will be provided to drivers requiring them to switch off engines during deliveries, collections and servicing and to minimise other noise caused by their activities. Deliveries will be carried out between 07:00 and 19:00 except where unavoidable.
126. No nuisance will be caused by noise or vibration emanating from the premises from external plant or equipment.
127. The rating level of noise from plant and machinery will be no higher than 5dB below the lowest background level at the most affected noise sensitive premises during the operation of the plant. Plant and machinery will be regularly serviced and maintained to continue to meet the rating level.
128. If required, a noise report will be provided to Environmental Health Services. The premises supervisor will also identify in conjunction with Environmental Health Services any noise sensitive premises in the location.
129. The premises supervisor will liaise with Environmental Health Services and where necessary, install noise limiting devices, electrical cut-outs and door warning devices.
130. The premises supervisor will ensure that lobby doors at the premises are closed at all times except for access and egress to the premises unless required otherwise by WYFRS.
131. The Licensee will adopt a "cooling down" period where music volume is reduced towards the closing time of the premises.
132. The Licensee will ensure all lighting in the premises is of a suitable intensity and positioning. All lighting on or at the premises will be operated in a manner which will not cause a nuisance to nearby properties.
133. The premises will be operated in a manner which will prevent unwanted odours causing a nuisance to persons in the immediate area or nearby properties.
134. The premises will operate a suitable ventilation and extraction system. The system will be cleaned and maintained to the manufacturer's instructions to prevent unwanted odours occurring.
135. The licensed premises will store and dispose of business waste correctly and legally. The premises supervisor will ensure that the waste is prevented from seeping or spilling from where it is stored.
136. The Licensee will ensure all materials used to promote or market the premises are displayed lawfully. The Licensee will take measures to encourage agents, servants, employees or any party acting on his/her behalf to display promotional materials lawfully.

(E.g. by way of contractual agreement).

137. The Licensee will take reasonable steps to ensure that activities promoting or publicising his/her premises do not cause littering. The Licensee will take measures to remove such litter as and when it occurs.
138. Registered door staff will be employed and used where queues are likely to form to manage the queues and ensure:
Queues are restricted to cordoned areas to prevent them obstructing footpaths and spilling out onto roads, and to keep noise and obstructions away from residential property.
139. The premises supervisor and any door supervisors will monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.

Protection of children from harm

140. People under 18 (including staff) will not be admitted to the premises at any time when entertainment of an sexual or adult nature is being provided.
141. Measures will be put in place for ensuring non-admission to persons under 18 years of age when entertainment of an adult nature is taking place, such as door supervision and age checks (including staff).
142. The Licensee will not display outside the premises photographs or other images which indicate and suggest that striptease or similar entertainment takes place on the premises.
143. Any person on the premises who can be observed from outside the premises will be properly and decently dressed.
144. Signs will be provided informing customers that sales will not be made to under 18's and the age identification may be required.

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

The prevention of crime and disorder

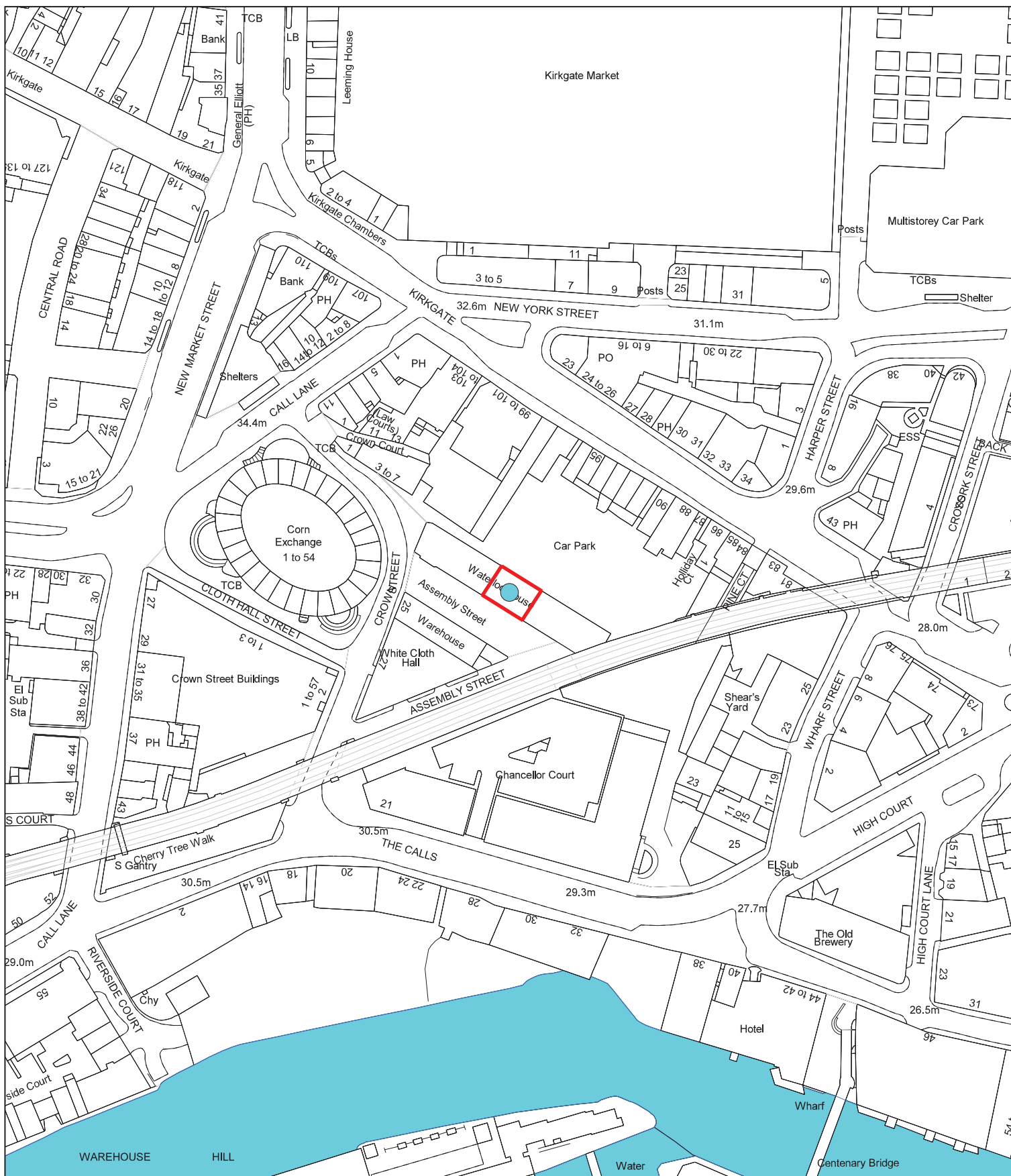
145. Conditions attached after a review hearing

A notice in writing must be given to West Yorkshire Police licensing department of any planned event or promotion no less than 10 working days before the event is to take place. The notice must include details of the promoter, type of event planned, expected numbers attending and proposed security measures.

Annex 4 – Plans

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

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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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11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;

- suspend the licence for a period not exceeding three months;
 - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;
 - for the organisation of racist activity or the promotion of racist attacks;
 - for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
 - for unlawful gambling; and
 - for the sale of smuggled tobacco and alcohol.
- 11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order

- 11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:
- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;

- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.