



LICENSING SUB-COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
TUESDAY, 21ST FEBRUARY, 2017 AT 10.00 AM

MEMBERSHIP

Councillors

M Harland	Kippax and Methley;
B Selby	Killingbeck and Seacroft;
G Wilkinson	Wetherby;

Agenda compiled by:
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Governance Services
Civic Hall
LEEDS LS1 1UR
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A G E N D A

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2			<p data-bbox="675 324 1134 358"><u>PRELIMINARY PROCEDURES</u></p> <p data-bbox="675 430 1075 463">ELECTION OF THE CHAIR</p> <p data-bbox="675 535 1401 602">APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p data-bbox="675 645 1382 790">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 data-bbox="675 831 1385 976">(*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)</p>	

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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>	

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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>SUMMARY REVIEW OF A PREMISES LICENCE FOR ONE FUSION RESTAURANT, FIRST FLOOR, 58 ROSEVILLE ROAD, LEEDS, LS8 5DR</p> <p>The report of the Head of Elections, Licensing and Registration informs Members of an application for a Summary Review in respect of One Fusion Restaurant First Floor, 58 Roseville Road, Leeds LS8 5DR.</p> <p>(Report attached)</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. 	1 - 32

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Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 21st February 2017

Subject: Summary Review of a Premises Licence

For: One Fusion Restaurant, First Floor, 58 Roseville Road, Leeds, LS8 5DR

Electoral Wards Affected:

City & Hunslet

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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 One Fusion Restaurant, First Floor, 58 Roseville Road, Leeds, LS8 5DR

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 an interim steps hearing which took place on the 2nd February 2017 where the Licensing Sub Committee resolved to suspend the Premises Licence, pending the review hearing.

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

1.0 Purpose of this Report

- 1.1 This report informs Members of an application for a Summary Review in respect of One Fusion Restaurant First Floor, 58 Roseville Road, Leeds LS8 5DR. West Yorkshire Police make this application on the grounds of serious crime and serious disorder.
- 1.2 The Licensing Sub Committee now has the responsibility to review the Premises Licence held by Mr Musse Gereziher.

2.0 History Of the Premises

- 2.1 On the 22nd August 2013 , an application was submitted for a premises licence for the premises known as One Fusion Restaurant. The applicants were a Mr Kemp and Miss Umugiraneza. Representations were received to the application from responsible authorities, but agreements were reached and a premises licence was granted as applied for.
- 2.2 On the 11th February 2015 the premises licence was surrendered.
- 2.3 On the 5th March 2015 an application was received to transfer the premises licence into the name of Mr Mussie Gereziher, which was successful.
- 2.4 On the 10th March 2015 an application was received to vary the Dps to Mr Fabien Dacleu, Which was also successful.
- 2.5 On the 30th March 2016,an application was submitted for a variation to a premises licence. This was to remove two conditions in relation to the amount of covers and sale of alcohol with a substantial meal and extend the alcohol and opening hours . This received a qualified objection from West Yorkshire Police (WYP). While they did not have any objection to the conditions being removed, they did to the extension of hours. The qualified objection was additional conditions that WYP felt were necessary in order to promote the Licensing objectives. These measures were agreed and the premise licence was granted subject to these conditions.
- 2.6 On the 31st January 2017 , an application for a summary review of the premises licence was submitted by West Yorkshire Police. The grounds for review relate to 'The severity and seriousness of two unrelated incidents on consecutive days lead them to believe that public safety is at risk, and that an immediate suspension of the premises licence is necessary to protect public safety.
- 2.7 An interim steps hearing took place on the 2nd February where the Licensing Sub Committee resolved to suspend the Premises Licence, pending this review hearing.

3.0 Main Issues

Application

- 3.1 An application for a Summary Review of the Premise Licence has been bought by West Yorkshire Police. A copy of this application is attached at **Appendix A**. The Licensing Department are in receipt of a signed copy of the application.

- 3.2 Members will also 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. The certificate can be found at **Appendix B** of this report.
- 3.3 Officers can confirm that the application and certificate has been served on the premises licence holder and the Responsible Authorities. This was done in line with requirement of the Licensing Act 2003 on the 31st January 2017.
- 3.4 The Licensing Authority can confirm that the statutory requirements to advertise the review application have been followed. The notice was attached to street furniture directly outside the premises from 1st February to 9th February 2017, and removed upon expiry of that period.

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 suspension of the licence was the most appropriate course of action as to modify conditions, exclude the sale of alcohol or remove the designated premises supervisor, would not, in the opinion of the Licensing Sub-Committee on the evidence provided, resolve the reported serious issues arising from this premises.
- 3.7 Further information on the resolution taken is contained within the notice of decision 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 representation to the interim steps initially taken. In this instance, no such representation has been received.

4.0 Premises Licence

- 4.1 The premises licence holder is Mr Mussie Gerezgiher.
- 4.2 A copy of the premises licence can be found at **Appendix D** of this report. In summary, at the premises licence permits the following :

Sale by retail of Alcohol (for consumption on and off the premises)

12:00 - 02:00 Monday to Thursday
12:00 - 05:00 Friday & Saturday
12:00 - 04:00 Sunday

Performance of recorded Music

12:00 – 23:00 Sunday to Thursday

12:00 - 01:00 Friday

12:00 – 02:00 Saturday

Provision of Late Night Refreshment

23:00 – 02:00 Monday to Thursday

23:00 – 05:00 Friday and Saturday

23:00 – 04:00 Sunday

5.0 Designated Premises Supervisor

5.1 The Designated Premises Supervisor for the premises is Mr Fabien Pompidou Dacleu.

6.0 Location

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

7.0 Representations

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

Representations from Responsible Authorities

7.2 There has been no representations from the Responsible Authorities.

Other representations

7.3 There are no representations on behalf of other persons.

8.0 Matters Relevant to the Application

8.1 In making their decision, Members may take into account the guidance issued by the Department of Culture, Media & Sport in relation to Summary Licence Reviews. Although this guidance is not used 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 F** of this report.

(a) Government guidance suggests that the practical implications of compliance in relation to the premises, be taken into account. For example, to comply with the modification of the conditions of the licence that required the employment of Door Supervisors, those running at the premises may need some time to recruit appropriately qualified and accredited staff.

(b) Government guidance also suggests careful consideration need to be given to interim steps which require significant costs of permanent or semi- permanent adjustments to the premises. This would be difficult to remove if the outcome of the subsequent Summary Review Hearing, was to withdraw or modify those steps. For example, making structural changes, installing additional CCTV or

replacing all glassware with safer alternatives, but may be disproportionate if they are not likely to be deemed necessary following the full review. The focus for interim steps should be in the immediate measures that are necessary to prevent serious crime or serious disorder occurring.

- (c) Finally the guidance provides that in some circumstances, it may be better to seek suspension of the licence pending the Summary Review, rather than imposing a range of costly conditions or permanent adjustments. It is open to Members having considered the application and representations made, that no steps pending the review should be taken.

9.0 Options Available to Members

- 9.1 In the determination of this review the Sub Committee are required to take any of the following steps as it considers necessary for the promotion of the Licensing Objectives:
- To modify the conditions of the licence which includes adding new conditions or the alteration or omission of an existing conditions;
 - To remove the Designated Premises Supervisor;
 - To suspend the licence for a period not exceeding three months;
 - To exclude any licensable activity form the scope of the licence; and
 - To revoke the licence.
- 9.2 In determining this review, Members should also review any interim steps that have been taken under section 53B, that have effect on the date of hearing.
- 9.2.1 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.
- 9.2.2 Any interim steps taken apply until –
- (a) The end of the period given for appealing against a decision made under section 53C,
 - (b) If the decision under section 53C is appealed against, the time the appeal is disposed of, or
 - (c) The end of a period determined by the licensing authority (which may not be longer than the period of time for which such interim steps could apply under paragraph (a) or (b)).
- 9.3 Members may alternatively decide that no action is necessary and that the circumstances of Review do not require the Sub Committee to take any steps to promote the licensing objectives.
- 9.4 Members of the Licensing Sub Committee are asked to note that they may not take any steps outlined above merely because they consider it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

10.0 Background Papers

- Guidance issued by the Department of Culture, Media & Sport
- Leeds City Council Licensing Policy

Appendices

Appendix A	Application Form
Appendix B.	Certificate
Appendix C.	Decision Notice
Appendix D.	Premises Licence
Appendix E	Map
Appendix F	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 City Council, Entertainment Licensing Section, Civic Hall, Leeds LS1 1UR

Please read the following instructions first

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

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

I, [REDACTED]
(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

ONE FUSION FIRST FLOOR 58, ROSEVILLE ROAD

Town/City LEEDS

Postcode LS8 5DR

Part 2 – Premises licence details

Name of premises licence holder (if known)

MR MUSSE GEREZGIHER

Number of premises licence (if known) PREM/03371/004

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)

Between 04 40 and 04 52 on Sunday 29th January 2017 at the above named premises two groups of males have become involved in an altercation inside the venue. Some of the males were ejected but then met up with members from the other group. The suspect and the victim then became involved in an altercation in the street, and the victim was stabbed in the back causing a puncture wound to his lung. He also received a deep cut to the fingers of his left hand. The suspect then made off leaving the victim on the floor.

Between 03 30 and 04 03 on Monday 30th January 2017 at the above named premises, violent disorder took place where persons received serious injuries, including a wound to the neck requiring over 20 stitches (believed to have been inflicted with a broken bottle). From viewing CCTV it is said that over 20 males were seen to be fighting with chairs and tables used as weapons with people being punched, kicked and stamped on. Nine males were arrested from this violent disorder and the main victim's injuries are consistent with a Section 18 Wounding.

The application for the summary review allows for the Licensing Sub-Committee to consider an immediate suspension of the premises licence until the Review proper.

Signature of applicant

[REDACTED]

Date 31/012017

Capacity Police Licensing Officer

Contact details for further enquiries regarding this application

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Address Licensing Dept, Elland Road Police Station, Elland Road, Leeds, LS11 8BU

Telephone numbers [REDACTED]

E-mail address [REDACTED]

Notes for Guidance

1 A certificate of the kind mentioned in the form, must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder, or both

Serious crime is defined by reference to Section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means

- 'Conduct that amounts to one or more criminal offences for which a person who has attained the age of 18 and has no previous convictions, could reasonably be expected to be sentenced to imprisonment for a term of three years or more', or
- Conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose,
- Serious disorder is not defined in legislation and so bears its ordinary English meaning

2 Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both

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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

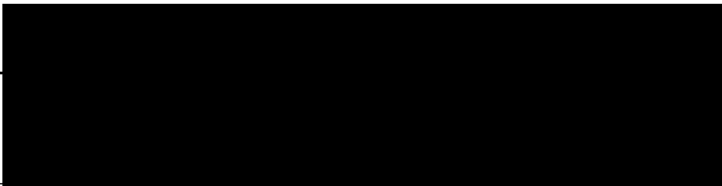
Premises details
Premises (include business name and address and any other relevant identifying details)
ONE FUSION RESTAURANT, FIRST FLOOR, 58, ROSEVILLE ROAD, LEEDS, LS8 5DR PREM/03371/004
I am a (Insert rank of officer giving the certificate which must be superintendent or above): SUPERINTENDENT in the West Yorkshire Police Force

Optional

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

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

The severity and seriousness of the two unrelated incidents on consecutive days leads me to believe that public safety is at risk, and that an immediate suspension of the premises licence is necessary to protect public safety. A standard review process cannot achieve this.

Signed		Date	24/10
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Notice of Decision
of the Licensing Sub Committee



Date of Interim Steps Hearing: 2nd February 2017

Determination Date: 2nd February 2017

Notice of Decision: 3rd February 2017

Members: Councillor M. Harland
 Councillor B. Selby (Chair)
 Councillor G. Wilkinson

Legal Officer: Joy Lounds

Committee Clerk: Andy Booth

Licensing Officer: Stephen Holder

Summary Review application made by: West Yorkshire Police

Premises review relates to: One Fusion Restaurant, First Floor, 58 Roseville Road,
 Leeds, LS8 5DR,

Premises Licence Holder: Mr Musse Gereziher,

Attendees: Pc Cath Arkle (WYP) accompanied by Sergeant Dave
 Shaw , Musse Gereziher (licence holder)

The Licensing Sub Committee considered:

1. The report from the Head of Elections, Licensing and Registration
2. Licensing Act 2003
3. Guidance issued by the Home Office pursuant to Section 182 of the Act
4. Relevant Licensing Objectives
5. The Statement of Licensing Policy 2014 – 2018
6. Representation received from West Yorkshire Police.

Having taken all these matters into account the Licensing Sub Committee have made the following decision:

REVIEW OF A PREMISES LICENCE – INTERIM STEPS HEARING

ONE FUSION RESTAURANT, 1ST FLOOR, 58 ROSEVILLE ROAD, LEEDS, LS8 5DR

The Licensing Sub-Committee considered an application brought by West Yorkshire Police under Section 53a of the Licensing Act 2003 for a summary review of the Premises Licence. The purpose of today's Hearing was to consider whether interim steps should be taken prior to a later Summary Review Hearing.

The application by the Police was based on the opinion that the premises, One Fusion Restaurant, was associated with serious crime and serious disorder. PC Cath Arkle of West Yorkshire Police attended the Hearing to present the application. She was accompanied by Sergeant Dave Shaw.

Mr Musse Gerezgiher, the Premises Licence holder, attended the Hearing. He was accompanied by a friend.

The options open to the Council at an Interim Steps Hearing are to:

- 1) To modify the conditions of the Premises Licence.
- 2) The exclusion of the sale of alcohol by retail from the scope of the licence.
- 3) The removal of the Designated Premises Supervisor from the licence.
- 4) The suspension of the licence.

PC Arkle set out the history of the premises and how there had been few calls for service until the serious incidents on two consecutive nights on 29 and 30 January 2017. Prior to these dates there had been several breaches of the licence in relation to CCTV records and the smoking of shisha pipes inside the premises. The incidents on 29 and 30 January 2017 had resulted in one person being stabbed in the back (which resulted in a punctured lung) and the next night there had been a fight involving 20 people leading to nine arrests (one of whom was so drunk that he could not be read his rights) and one customer requiring 20 stitches to a wound in his neck which was thought to be as a result of a glassing/broken bottle neck being thrust in his neck.

PC Arkle referred to the options available to the Panel, but thought in all the circumstances, suspension was the most appropriate in this case.

Mr Gerezgiher addressed the Panel. He referred to the premises being a draw for the local Eritrean community and also with customers travelling from as far afield as Manchester and Sheffield as well as Leeds. He said that he had banned up to 50 customers and wanted to run a safe operation.

In response to questioning about options available in terms of interim steps, he stated that he could replace the DPS, but offered little of further comfort to the Panel.

Having taking into account the seriousness of the two consecutive nights of crime and disorder, the Panel considered that immediate suspension of the licence was most appropriate.

The Panel considered the other options available to them, but thought that they were inadequate to address the serious crime and disorder that had taken place at the premises and nothing short of immediate suspension would uphold the Licensing Objective of the prevention of crime and disorder.

In the circumstances, the Panel resolved to suspend the licence with immediate effect. The Summary Review is to be considered at a later Hearing on a date to be advised.

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 the representations the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of receipt. When calculating the 48 hour period any non-working day can be disregarded.

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Details of premises licence

For: **One Fusion Restaurant**



Leeds

CITY COUNCIL

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

Licence number: PREM/03371/004

Premises the licence relates to: One Fusion Restaurant, First Floor, 58 Roseville Road, Leeds, LS8 5DR

Date licence first effective: 30th September 2013

Date current version effective from: May 3, 2016

Licensable activities authorised by the licence:

Sale by retail of alcohol

Monday to Thursday	12:00 - 02:00
Friday & Saturday	12:00 - 05:00
Sunday	12:00 - 04:00

Provision of late night refreshment

Monday to Thursday	23:00 - 02:00
Friday & Saturday	23:00 - 05:00
Sunday	23:00 - 04:00

Performance of recorded music

Friday	12:00 - 01:00
Saturday	12:00 - 02:00
Sunday to Thursday	12:00 - 23:00

Opening hours of the premises:

Monday to Thursday	12:00 - 02:30
Friday & Saturday	12:00 - 05:30
Sunday	12:00 - 04:30

Premises licence holder(s):

Mr Musse Gerezgiher

Designated premises supervisor:

Mr Fabien Pompidou Dacleu

Access to the premises by children

Access to the premises by children is restricted

Annex 1 – Mandatory Conditions

1. Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-
 - a. unauthorised access or occupation (e.g. through door supervision), or
 - b. outbreaks of disorder, or
 - c. damage
2. No supply of alcohol may be made under this licence
 - a. At a time when there is no designated premises supervisor in respect of the premises licence, or
 - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

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

- a. games or other activities which require or encourage, or are designed to require or encourage individuals to -
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
 - b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee other public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorize anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e. dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 6. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

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

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

- a. a holographic mark, or
- b. an ultraviolet feature.

7. The responsible person must ensure that -

- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml;
- b. these measures are displayed in a menu; price list or other printed material which is available to customers on the premises; and
- c. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

8. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

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

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

Additional details in respect of licensable activities authorised by this licence

Provision of late night refreshment

Location of activity: Indoors

Performance of recorded music

Location of activity:

Conditions consistent with the operating schedule relating to the licensing objectives

The prevention of crime and disorder

9. A suitable Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises.
10. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors and stairways (excluding WCs and changing rooms).
11. The CCTV system will cover the main entrance/s and exit/s and designated emergency egress routes from the premises.
12. The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.
13. The CCTV system will contain the correct time and date stamp information.
14. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days' continuous footage which will be of good quality.
15. A designated member / members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority.
16. The PLH/DPS 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. It must also record where sales of alcohol have been refused and the reason for the refusal.
17. 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, the police incident and / or

crime number, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident.

18. The Incident Report Register will be produced for inspection immediately on the request of an authorised officer.
19. 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.
20. A minimum of 1 SIA registered security staff will be deployed from 23:00hrs until close of business on every Friday, Saturday and Sunday and will only perform security staff duties.
21. The Premises Licence Holder (PLH/Designated Premises Supervisor (DPS) will ensure that a 'Daily Record Register' is maintained on the premises by the door staff.
22. 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 individuals signature).
23. The Daily Record Register will be retained on the premises for a period of twelve months from the date of the last entry.
24. Security staff/designated supervisors will be familiar with the premises policy concerning the admission, exclusion and safeguarding of customers whilst in the premises.
25. A policy for searching patrons at the entrance to premises to the premises will be adopted and prominently displayed on the premises.
26. 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 or British Transport Police.
27. The PLH/DPS will belong to a recognised trade body or Pub Watch Scheme where one exists, whose aims include the promotion of the licensing objectives.
28. The Premises Licence Holder will not allow the sale or supply of "Legal Highs" on the premises.
29. The premises have a current Fire Risk Assessment.
30. A facility will be provided for customers to order Hackney taxis/private hire vehicles. Telephone numbers for taxi firms/private hire companies will be displayed in a prominent position on the premises.

Public safety

31. 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. If used, any temporary electrical wiring and distributions will also be inspected. Inspection records/certificates will be kept. These will be made available at the request of an authorised officer.
32. One of the following protective measures shall be used for all socket-outlets which may be used for the connection for lighting, video or sound amplification equipment and display models:
 - a) Each socket-outlet circuit shall be protected by a residual current device having a rated residual operating current not exceeding 30mA.
 - or
 - b) Each individual socket-outlet shall be protected by an integral residual current device having a rated residual operating current not exceeding 30mA.

The current operation of all residual current devices shall be checked regularly by pressing the test button. If the device does not switch off the supply, an electrical contractor should be consulted. At the same time action should be taken to prohibit the use of socket outlets associated with a faulty residual current device

33. A suitably trained first aider or appointed person will be provided at all times when the premises are open.
34. Glasses and bottles collected frequently.
35. Record all accidents and safety incidents.
36. Prevent unauthorised access to kitchen, bar area and stores by public.

The prevention of public nuisance

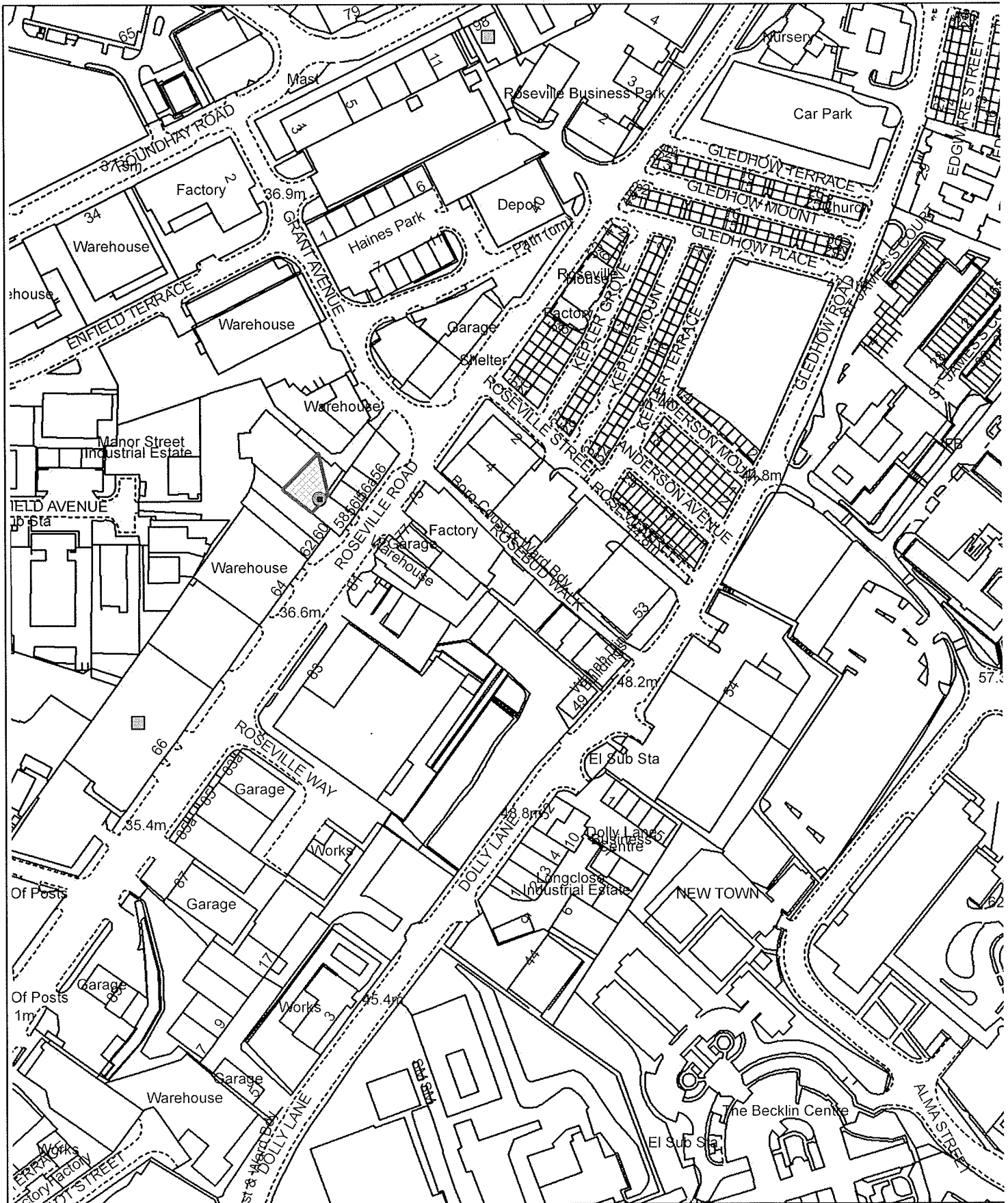
37. Waste disposal will be at appropriate hours (not after 23:00 -07:00).
38. Ensure any litter is cleaned from the street around the premises.

Protection of children from harm

39. Have proof of age 21 policy in place.
40. Have a policy of children U16 being accompanied by an adult.

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

None







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

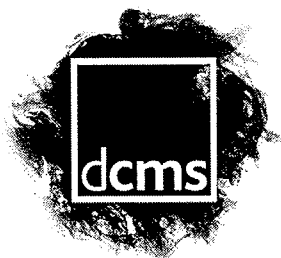
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Key

	On licence		Late night refreshment
	Off licence		Other

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department for
**culture, media
and sport**

LICENSING ACT 2003

(as amended by the Violent Crime Reduction Act 2006)

EXPEDITED/SUMMARY LICENCE REVIEWS GUIDANCE

October 2007

improving
the quality
of life for all

Our aim is to improve the quality of life for all through cultural and sporting activities, support the pursuit of excellence, and champion the tourism, creative and leisure industries.

INTRODUCTION

1.1 This Guidance explains how to use new provisions in the Licensing Act 2003 (the 2003 Act) 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). These provisions were inserted at section 53A of the 2003 Act by the Violent Crime Reduction Act 2006 and came into force on 1 October 2007. This guidance has no statutory basis but is intended to assist police forces and licensing authorities when considering using the new procedures.

1.2 The new powers apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, nor to those operating under a club premises certificate. The purpose of the new powers is to complement existing procedures in the Licensing Act 2003 for tackling crime and disorder associated with licensed premises. The existing powers, in Part 8 of the 2003 Act, provide for the instant closure of premises by the police in some circumstances, and the review of premises' licences by the licensing authority. The new powers, which are in Part 3, are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives.

1.3 The new powers will 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 appropriate**, pending a full review.

1.4 In summary, the process is:

- a local chief officer of police 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 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 of receipt of the application.

1.5 The range of options open to the licensing authority at the interim steps stage are:

- modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
- removal of the designated premises supervisor from the licence; and
- suspension of the licence.

1.6 Following the full licence review the Licensing Authority may do any of the above or may revoke the licence.

1.7 The purpose of this guidance is to:

- set out the circumstances where the power might be used; and

- outline the process and the steps at each stage.

1.8 The process is set out in the diagram at Annex A.

THE STEPS

2. Triggering the expedited review

2.1 Section 53A of the Licensing Act 2003 determines who may apply for an expedited review and the circumstances where it might be used.

Application for expedited review

2.2 The chief officer of police for the local area 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 B to this guidance.**
- **Serious crime:** The tests to determine the kinds of conduct that amount to serious crime are set out in Section 81(3)(a) and (b) of the Regulation of Investigatory Powers Act (2000). Those tests are: (a) that the conduct constitutes an offence for which a person 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 or more years or (b) that the conduct 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 understood in its ordinary English sense, as is the case under section 12 of the Public Order Act 1986, where 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 s.53A of the Licensing Act 2003. The application must be made on a form prescribed by Schedule 8A to the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42). Schedule 8A was inserted by the Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007 (SI 2007/2502), and must be accompanied by the certificate issued by a senior officer. The form which must be used is reproduced in annex C 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 Sections 161 – 165 in Part 8 of the Licensing Act 2003 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 felt 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 wish to make representations to the licensing authority suggesting that they modify the conditions of premises' licence to require searches of customers for offensive weapons upon entry. Under the new power 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 paras 3.6 and 3.7 below).

2.8 However, as the explanatory notes that accompanied the Violent Crime Reduction Act state: '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 disregarded.¹

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

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.

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 must be taken by the relevant licensing sub-committee, or by the authority acting as a whole (see new section 10(4)(via) of the 2003 Act). 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 (or other licensable activities) 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 altering or modifying existing conditions or adding 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 Guidance to Licensing Authorities issued by the Secretary of State under section 182 of the Licensing Act 2003.

3.5 If the licensing authority decides to take steps at the interim stage then:

- the decision takes effect immediately, or as soon after then 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 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 is empowered to 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, or not significantly different from the version given by phone.

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 a 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 the representations the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of 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) are disapplied 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 Hearings regulations, 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 him or her the maximum practicable opportunity to 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 necessary 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 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 necessary for the promotion of the licensing objectives; and
- consider what steps should be taken to secure the promotion of the licensing objectives including whether the interim steps should be made permanent.

5.2 The steps the licensing authority can take are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail (or other licensable activities) 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 altering or modifying existing conditions or adding 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 Guidance to Licensing Authorities issued by the Secretary of State under section 182 of the Licensing Act 2003.

5.3 The licensing authority must:

- advertise the review inviting representations from interested parties² 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 authority's website (see regulation 38(1)(b) of the above Regulations). 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 interested parties 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 authority³.

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). These Regulations apply to final hearings under the new power in a similar way to hearings following closure orders under section 167 of the Licensing Act (it should be emphasised that the truncated version of the Regulations described in paragraph 4.2 above applies to interim hearings only). The issues dealt with by the Regulations include who can make representations and what those representations can be about. It is therefore possible for

² Interested parties are defined under section 13 (3) of the Licensing Act 2003.

³ Responsible authorities are defined under section 13(4) of the Licensing Act 2003.

interested parties or responsible authorities 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 an interested party (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.

6. Right of Appeal

6.1 An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court. 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 appeal is disposed of. Any interim steps taken will remain in force over these periods.

EXPEDITED LICENCE REVIEWS: MAIN STEPS

