



LICENSING SUB-COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON

TUESDAY, 13TH JUNE, 2017 AT 10.00 AM

MEMBERSHIP

Councillors

N Buckley – Alwoodley
J Dunn – Ardsley & Robin Hood
C Townsley - Horsforth

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

Item No	Ward	Item Not Open		Page No
2			<p style="text-align: center;"><u>PRELIMINARY PROCEDURES</u></p> <p style="text-align: center;">ELECTION OF THE CHAIR</p> <p style="text-align: center;">APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

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	10.4(1, 2)	<p>REVIEW OF THE PREMISES LICENCE FOR GEORGE IV, GROVE ROAD, HUNSLET, LEEDS, LS10 2QT</p> <p>To receive and consider the attached report of the Head of Licensing and Registration regarding an application for the review of a Premises License held at George IV, Grove Road, Hunslet, Leeds, LS10 2 QT</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> <ul 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. 	3 - 64

CONFIDENTIAL AND EXEMPT ITEMS

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

9.0 Confidential information – requirement to exclude public access

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

9.2 Confidential information means

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

10.0 Exempt information – discretion to exclude public access

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

- 6 Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime



Report Author: Ms Janice Archibald

Tel: 0113 378 5029

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 13th June 2017

Subject: Review of the Premises Licence for George IV, Grove Road, Hunslet, Leeds, LS10 2QT.

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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
<p>NOT FOR PUBLICATION</p> <p>Exempt under Regulation 14 of the Licensing Act 2003 Hearings Regulations 2005 (SI 2005 NO. 44)</p> <p>Appendix A & D</p> <p>Access to Information Rule (10.4(1,2)).</p>		

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 George IV, Grove Road, Hunslet, Leeds, LS10 2QT. 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.

Attached at **Appendix A** is the police review application which is potentially exempt information under Access to Information Procedure Rule 10.4(2) as these include

information relating to individuals. Members are asked to consider exclusion of the press and public from the hearing if these matters contained are to be discussed

2.0 Background Information

2.1 The Licensing Authority received an application for a new premises licence in August 2005. The application received an objection from WYP, but agreements to conditions were reached and the licence was deemed granted.

In August 2006, an application to transfer the licence and change the DPS was received. The application was to be in joint names, but an objection was received from West Yorkshire Police regarding one of the applicants. WYP requested one of the applicants withdraw from the application and they would have no further objection. The applicant withdrew and the transfer and DPS change were deemed granted, to the one applicant.

Several further DPS changes were received.

In June 2011, a transfer was received into the name of Clifton Properties (Yorkshire) Ltd, who is the current licence holder.

In May 2014, a minor variation application was received to remove a condition and slide the hours for the sale of alcohol and opening hours. No objections were received to this application and it was deemed granted.

In February 2016, an allegation of fraud was received from an individual. The individual alleged that she had been named as DPS at the above mentioned premises without her consent. This was dealt with at the time and no further action was taken.

On 23rd May 2016, an application to change the dps was received. When checking the personal licence of the proposed DPS, it came to our attention that the signature on the consent form did not match our records and the signature was also spelt incorrectly. We checked with the proposed DPS and he confirmed that he hadn't signed the document.

This was the second alleged fraud at these premises. A warning letter was sent to the Premises licence holder.

3.0 Premises Licence

3.1 The premises licence holder is Clifton Properties (Yorkshire) Ltd.

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:

Sale of alcohol for consumption on and off the premises
09.00 until 23.30 Sunday to Thursday
09.00 until 00.00 Friday and Saturday

Late night refreshment
23.00 until 00.00 every day

Exhibition of a film, indoor sporting events, live music, recorded music, entertainment similar to live music, recorded music or dance
09.00 until 00.00 every day

4.0 Designated Premises Supervisor

4.1 The Designated Premises Supervisor for the premises is Richard Casling

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 application for review of the premises licence is made on the grounds of the following licensing objectives: The prevention of crime and disorder, Public safety and The Protection of children from harm.

The grounds for this review centre principally on the information concerning drug issues and the resale of stolen goods.

Following a visit to the premises, an action plan meeting was arranged with the PLH and DPS. During this meeting, it was confirmed that the DPS was not in day to day control of the pub. It was agreed that he would attend on a daily basis to assume control and ensure that there were no further issues rather than changing DPS to someone who would be there.

Due to the manner in which the premises are managed, falsely signed official documentation by the PLH, ineffective DPS's, uncooperative staff colluding with aggressive customers, weapons and drugs recently being found on the premises causing serious concerns for children present at the time, and intelligence strongly suggesting regular resale of stolen goods to customers within, WYP feel that there is no alternative but to ask the Sub Committee to give consideration to revoking the premises licence to prevent the commission of further serious offences and to protect both children and the public.

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 Five letters in support of the review application have been received and one petition of support. Member's attention is drawn to **Appendix D** of the report.

Attached at **Appendix D** are the Letters and Petition which are potentially exempt information under Access to Information Procedure Rule 10.4(2) as these include information relating to individuals. Members are asked to consider exclusion of the press and public from the hearing if these matters contained are to be discussed.

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 E**. 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 (Statement of Licensing Policy 2014-2018) that when considering a review the authority will take into account all relevant circumstances, but will view the matters listed in paragraph 11.15 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 11.30 of the Section 182 Statutory Guidance revised in April 2017 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 (as revised April 2017)

12.2 Leeds City Council Statement of Licensing Policy 2014-2018

Appendices

Appendix A	Review application
Appendix B	Premises Licence
Appendix C	Map of premises
Appendix D	Supplementary Evidence
Appendix E	Section 182 Statutory Guidance

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Premises Licence

APPENDIX B

Part A Schedule 12 Licensing Act 2003

Part 1 – Premises Details

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

George IV, Grove Road, Hunslet, Leeds, LS10 2QT

Licensable activities authorised by this licence

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

Times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol

Friday & Saturday	09:00 - 00:00
Sunday to Thursday	09:00 - 23:30

Provision of late night refreshment

Every Day	23:00 - 00:00
Location of activity:	Indoors

Exhibition of a film

Every Day	09:00 - 00:00
Location of activity:	Indoors

Indoor sporting events

Every Day	09:00 - 00:00
Location of activity:	Indoors

Performance of live music

Every Day	09:00 - 00:00
Location of activity:	Indoors

Performance of recorded music

Every Day	09:00 - 00:00
Location of activity:	Indoors

Entertainment similar to live music, recorded music or dance

Every Day 09:00 - 00:00

Location of activity: Indoors

Opening hours of the premises

Everyday 09:00 - 00:30

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

Clifton Properties (Yorkshire) Ltd
351 Bradford Road
Batley
WF17 5PQ

Daytime Contact Telephone Number: 01924 475 647

Email Address: cliftonproperties@btconnect.com

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

Registered business number: 2194746

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

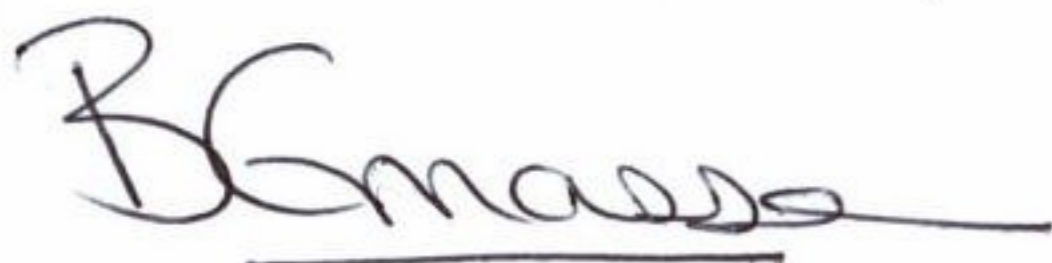
Richard Casling
7 The Close
Saxon Gardens
Leeds
LS9 8HW

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: PERL/05497/10

Licensing authority: Leeds City Council

Licence issued under the authority of Leeds City Council



Mrs Bridget Massey
Licensing Officer
Entertainment Licensing
Elections, Licensing and Registration

Annex 1 – Mandatory Conditions

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

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

- a. games or other activities which require or encourage, or are designed to require or encourage individuals to -
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
- b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee 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).
6. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
7. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

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

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

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

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

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

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

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

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

Annex 2 – Conditions consistent with the operating schedule

The prevention of crime and disorder

- 10. Participate in a local pubwatch scheme or licensing association, (where one exists) that is recognised by West Yorkshire Police.
- 11. When permission is sought for the sale or supply of alcohol during non-standard hours for any Bank Holiday Period, an event of national interest or a televised sporting event of national interest, then the following apply;
 - a. The applicant must give West Yorkshire Police at least 10 clear working days written notice of any Bank Holiday period or any other event of national interest.
 - b. The non-standard hours will only apply to one hour before and one hour after a televised sporting event of national interest and a maximum of two additional hours in any one day to any other event of national interest.
 - c. The applicant must have made no more than 12 such applications relating to either an event of national interest or televised sporting event of national interest in any one calendar year.
 - d. If after the 5th commencing working day after the request is received, West Yorkshire Police do not respond, then consent will be deemed granted.
 - e. In relation to any request for non-standard hours, West Yorkshire Police retain the right to suggest any reasonable variation in promoting the prevention of crime & disorder objective.
- 12. A Supervisors Register will be maintained at the licensed premises, showing the name, addresses and up-to-date contact details for the DPS and all personal licence holders.
- 13. 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 authorized officer.
- 14. 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).

15. Security staff/ designated supervisors will be familiar with the premises policy concerning, admission, exclusion and safeguarding of customers whilst in the premises.
16. 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.
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 numbers of any police officers attending, 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. The licensee's staff will ask for evidence from any person appearing to be under the age of 18 who attempts to purchase alcohol at the premises.
20. 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.
21. The licensee will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises.
22. Plastic or toughened glasses/bottles will be used in all outdoor areas.
23. Plastic or toughened glasses or bottles will be used when requested by West Yorkshire Police (e.g. football match days).
24. 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.
25. The licensee will comply with the agreed protocols of the local pubwatch scheme(s) or trade body where unilateral banning orders are implemented.
26. 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.
27. 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

28. 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

The Licensee will ensure staff are trained on these measures, and all other matters relating to the safety of the public.
29. Appropriately trained staff will be provided to oversee general safety within the premises, and these will be provided to minimum of one member of staff per 250 occupancy or part thereof, in accordance with the occupancy figure.

30. All exit doors will be accessible, open easily, and exit routes will be maintained.
31. Safety checks, including doors, will be undertaken before opening to the public and a record kept of inspections.
32. 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.
33. 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.
34. 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.
35. Empty bottles and glasses will be collected regularly paying particular attention to balcony areas and raised levels.
36. Electrical installations will be inspected on a periodic basis (at least every 5 years) by a suitable qualified and competent person. Inspection records/certificates will be kept. These will be made available at the request of an authorised officer.
37. 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.
38. The Licensee will maintain an electrical manually operated fire alarm system that can be clearly hear in all parts of the premises to the satisfaction WYFRS.
39. 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.
40. The positioning of the electrical fire alarm system, smoke and heat detectors will be agreed with WYFRS.
41. Fire alarm test 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.
42. 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.
43. 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.
44. 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.
45. 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.
46. 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.

47. The siting, 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.
48. The emergency lighting system will be tested in a manner which satisfies WYFRS. The test results will be kept in a suitable log book and will be available for inspection by an authorised officer.
49. 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.
50. 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.
51. Fabric, foliage and decoration 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.
52. 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.
53. 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.
54. 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.
55. The Licensee will make provision for regular inspections of the premises structure. A written record of these inspections will be kept. The records will be made immediately available for inspection at the request of an authorised officer.
56. At the request of an authorised officer 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.)
57. 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.
58. Regular safety checks of guardings to stairs, balconies, landings and ramps will be undertaken, and supervision will be maintained to prevent people from inappropriate behaviour, including climbing which may lead to a fall from height.
59. All floor surfaces will be suitably slip resistant, kept in good condition and free of obstructions to prevent slips. Trips and falls.
60. 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.
61. Regular safety checks of guardings to fires and open flames will be undertaken, and a supervision policy will be maintained to prevent people from inappropriate behaviour.
62. Safety checks will be recorded and made available for inspection at the request of an authorised officer.

63. A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner.
64. Suitably trained First Aid Staff will be provided at all times when the premises are open.
65. Adequate and appropriate First Aid equipment and materials will be available on the premises.
66. 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.
67. 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.
68. The Licensee will ensure that there is a procedure for the safe evacuation of disabled persons.
69. Staff will be trained in the procedure and a record kept of such training.

The prevention of public nuisance

70. 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.
71. Noise will be inaudible at the nearest noise sensitive premises (where entertainment takes place on a regular basis).
72. There will be no external loudspeakers.
73. Empty bottles will be stored in suitable receptacles immediately outside of the premises prior to collection. Receptacles will be used in a manner to minimise noise disturbance to adjoining properties. Bottles will not be placed in the external receptacle after 23:00 hours to minimise noise disturbance to adjoining premises.
74. 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.
75. No nuisance will be caused by noise or vibration emanating from the premises from external plant or equipment.
76. Where the premises is located close to noise sensitive properties adequate ventilation systems will be provided to prevent the need to open windows and doors.
77. 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.
78. The premises supervisor will liaise with Environmental Health Services and where necessary, install noise limiting devices, electrical cut-outs and door warning devices.
79. 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.
80. The Licensee will adopt a "cooling down" period where music volume is reduced towards the closing time of the premises.

81. 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.
82. 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.
83. The premises will have an adequate supply of litter bins. Notices requiring customers to use the litter bins will be displayed prominently at the premises. Litter bins will be emptied regularly.
84. 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.
85. 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.
86. 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.
87. A facility will be provided for customers to order taxis/private hire vehicles. Telephone numbers for taxi firms/private hire companies will be displayed in a prominent location.
88. There will be liaison with local taxi/private hire firms to ensure a ready supply of transport to reduce disturbance.
89. Customers will be provided with a designated area on the premises where they may wait for their transport.
90. The Licensee will ensure patrons use beer gardens external areas and play areas in a manner which does not cause nuisance to nearby residents and business in the vicinity. Patrons will not use such areas after 21:00, except for smoking.

Protection of children from harm

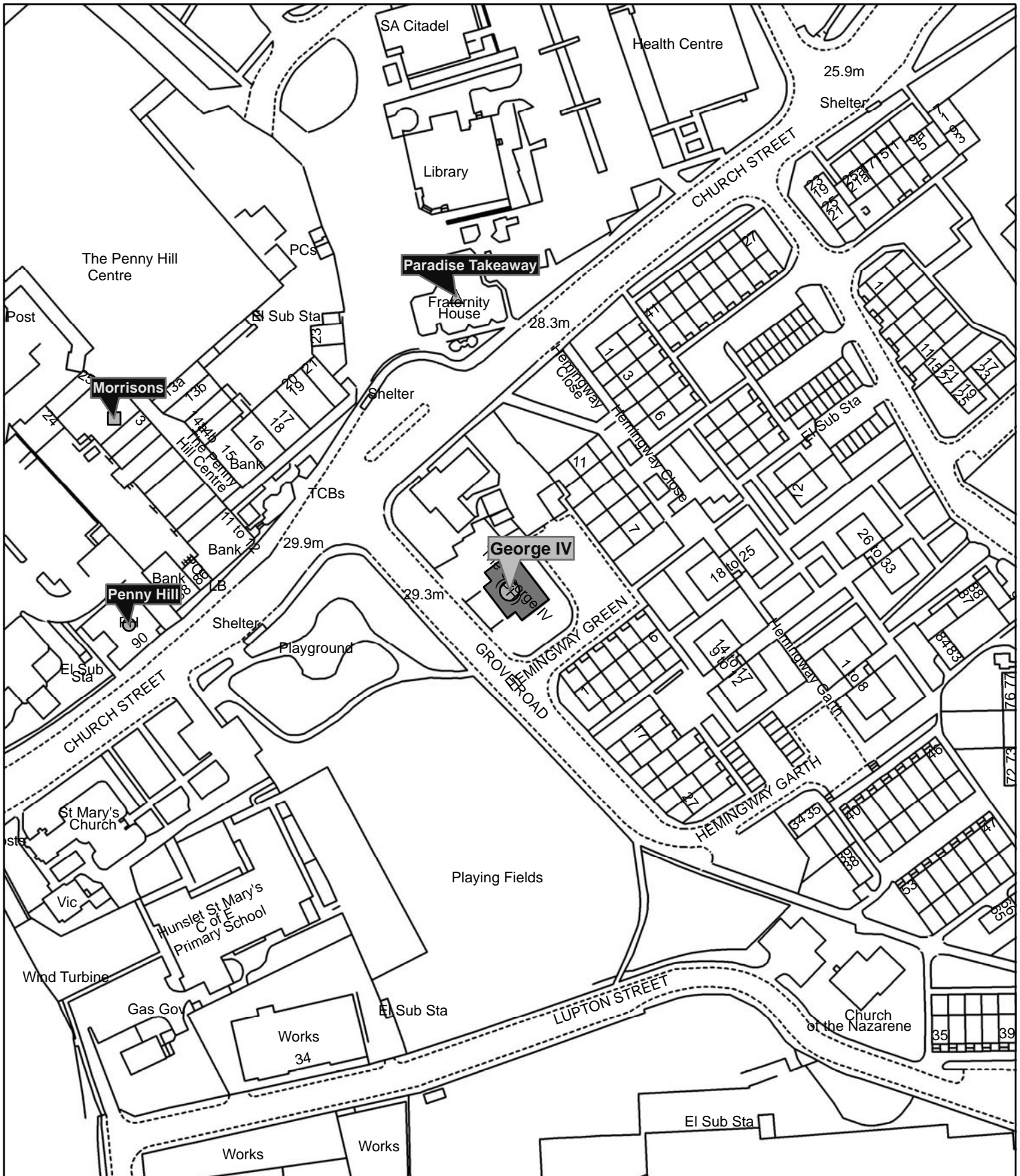
91. People under 18 (including staff) will not be admitted to the premises at any time when entertainment of a sexual or adult nature is being provided.
92. The Licensee will adopt a proof of age scheme which is approved by WYP and West Yorkshire Trading Standards.
93. The Licensee's staff will ask for evidence of age from any person appearing to be under the age of 18 who is attempting to purchase alcohol at the premises.
94. Signs will be provided informing customers that sales will not be made to under 18s, and that age identification may be required.

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

None

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.



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 that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. 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 or the sexual exploitation of children. 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 14 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 hard copy, unless the licensing authority waives this requirement.
- 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 promoting 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. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 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)¹⁰;
- 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 to address the causes of concern that instigated the review.

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 or preventing illegal working. 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 and for the prevention of illegal working in licensed premises. 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.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

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, the sale of firearms, or the sexual exploitation of children. 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 and the prevention of illegal working 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 drugs controlled under the Misuse of Drugs Act 1971 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 employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) 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 under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or section 38 of and Schedule 6 to the Immigration Act 2016. 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;
- notice of the hearing must be given no later than five working days before the first hearing 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 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where 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 appropriate.