



LICENSING SUB-COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON

WEDNESDAY, 17TH APRIL, 2019 AT 10.00 AM

MEMBERSHIP

Councillors

M Harland - Kippax and Methley;
J Heselwood - Bramley and Stanningley;
Third Member TBC

**Enquiries specific to
Entertainment Licensing:**

**Matthew Nelson
Tel No: 0113 3785337**

**Agenda compiled by:
Governance and Scrutiny
Support
Civic Hall
LEEDS LS1 1UR
Tel No: 0113 3788662**

CONFIDENTIAL AND EXEMPT ITEMS

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

9.0 Confidential information – requirement to exclude public access

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

9.2 Confidential information means

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

10.0 Exempt information – discretion to exclude public access

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

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

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

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

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

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p><u>PRELIMINARY PROCEDURES</u></p> <p>ELECTION OF THE CHAIR</p> <p>To seek nominations for the election for the position of Chair.</p>	
2			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance and Scrutiny Support at least 24 hours before the meeting)</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1) To highlight reports or appendices which:</p> <p>a) Officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>b) To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>c) If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p> <p>2) To note that under the Licensing Procedure rules, the press and the public will be excluded from that part of the hearing where Members will deliberate on each application as it is in the public interest to allow the Members to have a full and frank debate on the matter before them.</p>	
4			<p>LATE ITEMS</p> <p>To identify any applications as late items of business which have been admitted to the agenda for consideration</p> <p>(the special circumstances shall be identified in the minutes)</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
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			<p>SUMMARY REVIEW OF THE PREMISES LICENCE FOR NORMAN, 36 CALL LANE, LEEDS, LS1 6DT</p> <p>To consider the report of the Chief Officer (Elections and Regulatory) including an application for a summary review, made by West Yorkshire Police for Norman, 36 Call Lane, Leeds, LS1 6DT.</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> <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. 	1 - 56

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Report Author: Mrs Emma White
 Tel: 0113 378 5029

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 17th April 2019

Subject: Summary Review of the Premises Licence for Norman, 36 Call Lane, Leeds, LS1 6DT

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Hunslet & Riverside		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		

Executive Summary

West Yorkshire Police have made an application under section 53A of the Licensing Act 2003, for the summary review of the premises licence in respect of Norman, 36 Call Lane Leeds, LS1 6DT.

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 28th March 2019 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 Members. 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 Norman, 36 Call Lane, Leeds, LS1 6DT. 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 Owen Deane Wilson at the time the review was submitted. There is currently a transfer application pending in the name of Miss Leonna Taylor.

2.0 History of the Premises

- 2.1 On the 26th July 2005 a premises licence was applied for which was granted on the 24th November 2005.
- 2.2 On the 11th March 2014 a minor variation application was applied for in respect to structural changes and to remove a condition in relation to food being served throughout the opening times. West Yorkshire Police objected to the condition removal. The condition part of the application was withdrawn by the applicant and the minor variation was accepted for the structural changes.
- 2.3 On the 14th April 2014 a minor variation application was submitted to remove a condition relating to the search policy. This was accepted and the condition removed.
- 2.4 The licensing authority has received a number of applications to change the DPS and to transfer the premises licence.
- 2.5 On the 26th March 2019, 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 recent events which has 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.
- 2.6 An interim steps hearing took place on the 28th March 2019 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 premises licence has been brought by West Yorkshire Police. A copy of this application is attached at **Appendix A**. The licensing authority 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 is in line with requirements of the Licensing Act 2003 and took place on 26th March 2019.
- 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 27th March to 5th April 2019 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 subcommittee 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 Miss Leona Taylor, pending the current Transfer application.
- 4.2 A copy of the premises licence can be found at **Appendix D** of this report. In summary, the premises licence permits the following:

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

Monday	11:00 - 02:30
Tuesday to Thursday	11:00 - 03:00
Friday & Saturday	11:00 - 04:00
Sunday	12:00 - 04:00

Provision of late night refreshment

Monday	23:00 - 02:30
Tuesday to Thursday	23:00 - 03:00
Friday to Sunday	23:00 - 04:00

Performance of live music

Monday	11:00 - 02:30
Tuesday to Thursday	11:00 - 03:00
Friday & Saturday	11:00 - 04:00
Sunday	12:00 - 04:00

Performance of recorded music

Monday	11:00 - 02:30
Tuesday to Thursday	11:00 - 03:00
Friday & Saturday	11:00 - 04:00
Sunday	12:00 - 04:00

4.0 Designated Premises Supervisor

5.1 The designated premises supervisor for the premises is Miss Leona Taylor.

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 have 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 Home Office 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 needs 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 licensing subcommittee are required to take any of the following steps as it considers necessary for the promotion of the licensing objectives:
- To modify the conditions of the licence which includes adding new conditions or the alteration or omission of an existing conditions;
 - To remove the designated premises supervisor;
 - To suspend the licence for a period not exceeding three months;
 - To exclude any licensable activity form the scope of the licence; and
 - To revoke the licence.
- 9.2 The licensing authority’s determination does not have effect until the end of the 21 day period given for appealing the decision, or until the disposal of any appeal that is lodged. To ensure that there are appropriate and proportionate safeguards in place at all times, the licensing authority is required to review any interim steps that it has taken that are in place on the state of the hearing and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place or if they should be modified or withdrawn. The review of the interim steps should take place immediately after the determination under 53C has been reached. In making its decision the licensing authority must consider any relevant representations made. Members are directed to paragraphs 12.29 and 12.30 of the Section 182 Guidance.
- 9.3 In conducting the review under this section, the Members must –
- (a) Consider whether the interim steps are appropriate for the promotion of the licensing objectives;
 - (b) Consider any relevant representations; and
 - (c) Determine whether to withdraw or modify the interim steps taken.
- 9.4 Members may alternatively decide that no action is necessary and that the circumstances of review do not require the licensing subcommittee to take any steps to promote the licensing objectives.

9.5 Members of the licensing subcommittee are asked to note that they may not take any steps outlined above merely because they consider it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

10.0 Background Papers

- Guidance issued by the 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, PC 5548 Catherine Arkle (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.
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Part 1 – Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description:

NORMAN BAR, 36 CALL LANE

Town/City: **LEEDS**

Postcode: **LS1 6DT**

Part 2 – Premises licence details

Name of premises licence holder (if known):

OWEN WILSON

Number of premises licence (if known): **PREM/00661/007**

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)

At 03:10 on 24th March 2019 West Yorkshire Police were alerted to largescale disorder both in and outside Norman Bar, 36, Call Lane, Leeds. Attending officers were overwhelmed by the numbers involved and asked for urgent assistance, a Code Zero, which resulted in officers from across the force attending in support.

An altercation had occurred inside the bar after two females were assaulted by a male. The ensuing fighting soon spiralled out of control and door staff could not cope, and defended themselves and tried to disperse the offenders by using fire extinguishers. Glasses, bottles, tables and chairs were also thrown in the venue and extensive damage has been caused to the premises. There is now an ongoing investigation in to this crime of violent disorder and numerous victims and suspects are yet to be traced.

The chronology of events, included with this application, leading up to the violent disorder on 24th March 2019 reflect the increase in knife crime in the city centre from May 2018 onwards. This was not a problem specific to Norman Bar but more the area, including the alleyways running from the bottom of Briggate through to Call Lane. What is mentioned, on more than one occasion, is that people involved as either victims or perpetrators of knife crime had frequented Norman Bar immediately prior to the assaults.

The new DPS, appointed in August 2018, was very keen to address the bad reputation which Norman Bar had acquired, and worked closely with Licensing to try and promote the licensing objectives. In January 2019 he notified West Yorkshire Police he was leaving, and his core door staff soon followed. The venue is now left with new management and new door staff who, given the violent disorder on 24th March, appear out of their depth managing the clientele they attract who appear to have a propensity towards violence.

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West Yorkshire Police currently have no confidence that public safety can be maintained whilst these premises are operating and would ask that the Licensing Sub-Committee consider an immediate suspension of the premises licence until the Review proper.

Signature of applicant: 

Date: 26/03/2019

Capacity: Police Licensing Officer

Contact details for matters concerning this application:

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

Telephone numbers: 0113 3859414

E-mail address: catherine.arkle@westyorkshire.pnn.police.uk

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 ~~21~~ 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.

**NORMAN BAR
CALL LANE**

Chronology

Date	Action/Offence/Intelligence	Outcome/Involved
27/01/2018 02:50 Assault by beating	Doorstaff removing group from inside after an altercation. One member of doorstaff is punched by male suspect to the side of the head three times causing reddening. Police flagged down on the street and suspect arrested.	Suspect well known to the police.
29/04/2018 01:00 Section 47 assault	5 females are ejected from the premises, enter in to an argument with 2 other females on the street and punch one of them several times causing bruising and swelling. Very vague description given of the 5 females	Victims do not wish to give statements or go to court.
28/05/2018 04:00 Section 18 wounding & Affray	Suspects involved in a stabbing incident, where male victim is stabbed 12 times at the junction of Boar Lane and Albion Street, had been in Norman Bar prior to the offence being committed.	Section 18 wounding & Affray
01/07/2018 03:10 Section 47 assault	Victim has tried to break up a fight inside the premises and is punched in the mouth causing broken tooth.	No witnesses, no CCTV and suspect not known.
29/07/2018 04:05 Section 18 wounding	CCTV monitoring males in balaclavas holding spades and knife chasing others on Call Lane. Results in at least one victim being stabbed and attending hospital. Victim had been in Norman Bar prior to assault - will not co-operate with police.	Victim states he fell on glass and will not co-operate with police.
03/08/2018	Licence transferred into name of [REDACTED] [REDACTED] also named as Designated Premises Supervisor – taking over from [REDACTED]	
16/08/2018 13:30	Police and Council Licensing meeting with new manager [REDACTED] at Norman Bar to discuss recent violence in the area and measures to be put in place over Aug BH weekend.	Manager stated he has cancelled DJs for Aug BH weekend due to perceived connection between

		music genre and recent spate of violence. Advised re early intervention and vigilance over Aug BH weekend.
27/08/2018 03:45 Affray	Manager reporting ongoing brawl involving around 60. Fight has spilled out on to the pavement. Two suspects seen to kick male on the floor and pick up metal barrier to throw.	Two arrested for affray.
24/09/2018 10:30	Meeting with DPS [REDACTED] to discuss licensing issues. [REDACTED] stated he was trying to attract a different crowd by changing the music policy but this had affected takings and pressure was on him to revert back.	
07/10/2018 00:50 Section 47 assault	Male found with puncture wound to lower abdomen after fight with male. There had been an altercation inside Norman Bar between suspect and victim's friend. When victim and friends left Norman Bar the suspect was waiting for them nearby and wound inflicted.	Victim and friends unwilling to co-operate with police.
02/12/2018 03:00 Attempt Section 18 wounding	Female has altercation inside with another female who throws drink over her and then smashed her glass on her head.	Victim has head glued at hospital. No named suspect.
15/12/2018 02:30	Male ejected due to smoking cannabis on premises. Male then threatens to shoot door staff and is restrained by them. During the restraint he sustains a fractured jaw.	Male arrested.
01/01/2019 02:37	Bar reported to be shutting early and officers needing assistance with 200/300 people on the street. Male being treated on street by medics has been assaulted by 3 males.	No complaint to police.
05/01/2019	Notification that [REDACTED] is leaving the business.	

<p>20/01/2019 00:20</p>	<p>Altercation on the door after a male has been ejected and then allowed back in to get his coat where he grabs bottle of vodka and began drinking from it. Ejected again and in fracas falls to ground hitting head and sustaining possible brain injury.</p>	<p>Filed as male appears to have fallen over something, and injury appears accidental.</p>
<p>13/02/2019</p>	<p>Met with proposed new DPS, [REDACTED] and head doorman, [REDACTED]</p>	<p>[REDACTED] sacked the day after.</p>
<p>24/03/2019 03:10 Violent disorder</p>	<p>Altercation begins inside and spills in to the street. Fighting and throwing missiles. Urgent call for assistance from other police officers. Units from other districts attend to help restore public order.</p>	<p>Numerous suspects and potential victims to be traced. Ongoing enquiry.</p>

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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
<i>Premises (include business name and address and any other relevant identifying details):</i>
NORMAN BAR, 36, CALL LANE, LEEDS, LS1 6DT PREM/00661/007
<i>I am a (insert rank of officer giving the certificate, which must be superintendent or above):</i>
SUPERINTENDENT JONNIE MORGAN
<i>In the West Yorkshire Police Force.</i>

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 recent largescale violence 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: 	S J M	Date: 26.3.19
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Notice of Decision

of the Licensing Sub Committee



Date of Interim Steps Meeting:	28th March 2019
Notice of Decision:	1st April 2019
Members:	Councillor Billy Flynn (Chair) Councillor Gerald Harper Councillor Mary Harland
Legal Officer:	Rob Brown
Committee Clerk:	Natasha Prosser
Licensing Officer:	Matthew Nelson/Robert Stirk
Review application made by:	PC Catherine Arkle
Premises review relates to:	Norman, 36 Call Lane, Leeds, LS1 6DT
Premises Licence Holder:	Mr Owen Deane Wilson (at the time of the review was submitted). The premises licence holder is now Leonna Taylor.
Attendees:	PC Arkle, West Yorkshire Police Leonna Taylor (premises licence holder and DPS) Mr Paddy Whur (premises licence holder representative)

The licensing subcommittee 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

Having taken all these matters into account the licensing subcommittee have made the following decision:

West Yorkshire Police having made an application for summary review of the licence pursuant to s.53A of the Licensing Act 2003, the licensing subcommittee (herein referred to as “the committee”) convened to consider whether it was necessary to take interim steps pending the determination of the substantive application.

West Yorkshire Police was represented by PC Catherine Arkle, who was accompanied by PC Andrew Clifford and Mr Bob Patterson, Leeds District Licensing Officer.

The premises was represented by Mr Paddy Whur of Woods Whur 2014 Limited, who was accompanied by Mr Scott Wellings, an owner of the business, and Ms Leona Taylor, Manager.

PC Arkle referred the committee to the contents of the application and the accompanying chronology document. She explained that the basis for the issuing of the certificate of Superintendent Joanne Morgan – and for the application itself – was that the premises were associated with both serious crime and serious disorder. She reiterated the contents of the Superintendent's Certificate; that it was the view of the Police that the severity and seriousness of recent large scale violence led to the conclusion that it would pose a risk to public safety if the premises were to remain in operation.

PC Arkle explained that there is an ongoing investigation and victims and suspects were being traced. She said that it was the view of the Police that there was a possibility of repercussions, which might centre on the premises were they to remain open. Immediate suspension of the licence would, she said, allow tensions to subside. PC Arkle also said that concerns as to public safety also related to earlier incidents of crime and disorder which the Police believe were associated with the premises. PC Arkle asked the licensing subcommittee to suspend the premises licence as an interim step.

Mr Whur then addressed the committee and said that he had only been instructed the day before the hearing and this was not an operator for whom he had previously acted. He explained that his clients were very concerned, they agreed that it would not be right to continue to trade at present and had accepted his advice not to challenge the Police's request that the committee should suspend the licence at this time, even though that would result in commercial loss to the business. Mr Whur said his clients wanted to work with the Police and would be looking to consult with them as a priority.

The committee decided to view the available video evidence and to consider the issues before deciding whether to take interim steps.

Decision

Having carefully considered the contents of the Report of the Chief Officer Elections and Regulatory; the submissions made by PC Arkle on behalf of West Yorkshire Police; the helpful information provided by Mr Whur on behalf of the licence holder and owners; and having considered the written and video evidence presented, the committee resolved to suspend the premises licence with immediate effect.

The committee noted that Mr Whur's clients did not contest the application and also noted that his clients are intending to consult with West Yorkshire Police and wish to work with them. Mr Whur indicated that he is yet to take full instructions from his clients and will have done so by the time that this matter comes back to the committee.

Right to make Representation

Under section 53B(6) of the Licensing Act 2003 the applicant has the right to make representation against the Interim Steps. The Licensing Authority must hold a hearing within 48hrs to consider this representation.

In any case the committee will review the interim steps immediately after the determination under section 53C has been reached to ensure that there are appropriate and proportionate safeguards in place at all times. The committee will consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

Premises Licence

Appendix D

Part A Schedule 12 Licensing Act 2003

Part 1 – Premises Details

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

Norman, 36 Call Lane, Leeds, LS1 6DT

Licensable activities authorised by this licence

Sale by retail of alcohol, Provision of late night refreshment, Performance of live music, Performance of recorded music

Times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol

Monday	11:00 - 02:30
Tuesday to Thursday	11:00 - 03:00
Friday & Saturday	11:00 - 04:00
Sunday	12:00 - 04:00

Provision of late night refreshment

Monday	23:00 - 02:30
Tuesday to Thursday	23:00 - 03:00
Friday to Sunday	23:00 - 04:00

Location of activity: Indoors

Performance of live music

Monday	11:00 - 02:30
Tuesday to Thursday	11:00 - 03:00
Friday & Saturday	11:00 - 04:00
Sunday	12:00 - 04:00

Location of activity: Indoors

Performance of recorded music

Monday	11:00 - 02:30
Tuesday to Thursday	11:00 - 03:00
Friday & Saturday	11:00 - 04:00
Sunday	12:00 - 04:00

Location of activity: Indoors

Details relating to all activities

Non standard timings:

Bank Holiday Sunday from 12:00 to 04:00 the next morning.

Opening hours of the premises

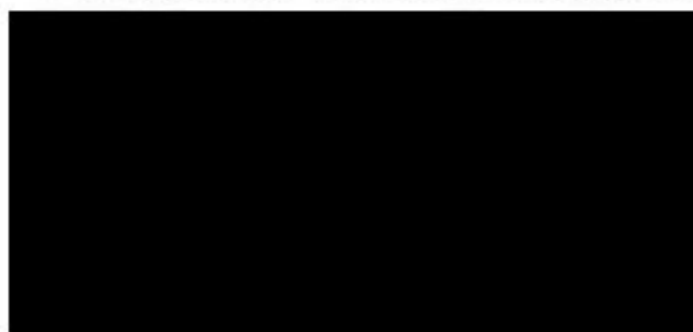
Monday	11:00 - 03:00
Tuesday to Thursday	11:00 - 03:30
Friday & Saturday	11:00 - 04:30
Sunday	12:00 - 04:30

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

Mr Owen Deane Wilson



Current Email Address:

owen@normanbar.co.uk

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

Mr Owen Deane Wilson



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

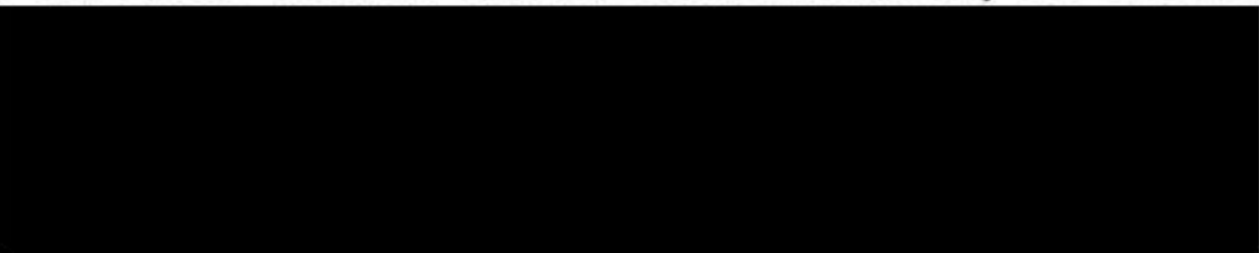
Personal licence number:



Licensing authority:



Licence issued under the authority of Leeds City Council



Mr Shaam Amin
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 responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

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

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

Embedded restrictions

9. Alcohol shall not be sold or supplied except during the hours stated on this licence and:
- a. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- b. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
10. The above restrictions do not prohibit:
- a. the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first thirty minutes after above hours;
- b. the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals.
- c. consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;
- d. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
- e. the sale of alcohol to a trader or club for the purposes of the trade or club;
- f. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's Naval, Military or Air Forces;
- g. the taking of alcohol from the premises by a person residing there; or
- h. the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- i. the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

11. Where the number of children attending the entertainment exceeds 100 the licensee shall ensure that the provisions of Section 12 of the Children and Young Persons Act 1933 are complied with.
12. The permitted hours shall commence:-
 - On days, other than Sundays and Christmas Day, at 11 am.
 - On Sundays and Christmas Day at noon.
13. Subject to the following paragraphs, the permitted hours on weekdays shall extend until two o'clock the following morning. except that -
 - a. the permitted hours shall end at midnight on any day on which music and dancing is not provided after midnight; and
 - b. on any day that music and dancing end between midnight and two o'clock in the morning the permitted hours shall end when the music and dancing end.
14. In relation to the morning on which summer time begins, paragraph (2) of this condition shall have effect with the substitution of references to three o'clock in the morning for references to two o'clock in the morning [or on hour following the hour actually specified in the certificate where the certificate currently requires closure between 1 am and 2 am.
15. On Sundays immediately before bank holidays other than Easter Sunday, the permitted hours shall extend until 2 am the following morning except that -
 - a. the permitted hours shall end at midnight on any Sunday on which the music or dancing is not provided after midnight;
 - b. where music and dancing end between midnight on any Sunday and 2 am, the permitted hours on that Sunday shall end when the music and dancing end.
16. On New Year's Eve the permitted hours shall extend through from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, to midnight on 31st December).
17. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
18. The above restrictions do not prohibit:
 - a. the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first thirty minutes after above hours;
 - b. the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals.
 - c. consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;
 - d. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
 - e. the sale of alcohol to a trader or club for the purposes of the trade or club;
 - f. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's Naval, Military or Air Forces;

- g. the taking of alcohol from the premises by a person residing there; or
 - h. the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
 - i. the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
19. Where the number of children attending the entertainment exceeds 100 the licensee shall ensure that the provisions of Section 12 of the Children and Young Persons Act 1933 are complied with.
20. Throughout all parts of these conditions the phrase `Licensing Authority' means the Leeds City Council.
21. a) Unless the hours for which the Licence is valid are expressly stated on the Licence there shall be no performance of any nature before 8.00 am or after 11.00pm on any day of the week including Saturdays, or after 10.30pm Sundays, without the prior consent of the Licensing Authority.
- b) There shall be no dancing or performance including dancing on any day appointed by Public Authority as a day of public mourning.
22. The Chief Constable of the West Yorkshire Police, any Police Officer, the Chief Fire Officer, any authorised officer in uniform of the West Yorkshire Fire Authority, any authorised Environmental Health Officer and their equipment and any other person authorised by the Licensing Authority shall have free access to all parts of the licensed premises at all reasonable times for the purpose of supervising the observance and enforcement of these conditions.
23. There shall be affixed and kept in a conspicuous place on the door or entrance of the premises an inscription in large capital letters the words as follows:
24. The Licensee shall be responsible for carrying out the provisions of these Conditions of the Licence. The Licensee shall take due precautions for the safety of the public, employees and performers, shall retain control over all areas of the licensed premises and shall ensure that nothing shall take place on the premises which:
- a) is likely to cause disorder or breach of the peace;
 - b) is likely to be grossly offensive to any person on the premises;
 - c) involves drugs misuse; or
 - d) involves any other unlawful activity.
25. The Licensee, or some other responsible person not less than eighteen years of age *and nominated in writing for the purpose, shall be in charge of, and remain upon the licensed premises whenever they are used for licensed purposes. They shall not be engaged in any duties which prevent them from exercising general supervision and control.
26. Any written nomination of management shall be served on the Licensing Authority and a copy of the same shall also be retained on the premises and kept available for immediate inspection by any Official of the Licensing, Police or Fire Authority.
27. The Licensee shall provide notice of his or her intention to provide any form of entertainment which includes lap dancing, pole dancing, table dancing, striptease or any form of nudity or semi nudity on the part of the performers or the staff employed on the premises. Any entertainment of this nature will be subject to additional standard special conditions of the licence.

28. The person in charge shall be conversant with all licence conditions.
29. Any venue which accommodates external promoters shall maintain a register or a diary system to record all such events. Each entry should contain the specific date of the event, nature/title of the event and the name, address and contact telephone number of the promoter specific to that event. The register must be available for immediate inspection on request by any Official of the Licensing Authority or it's authorised agents.
30. The Licensee shall not permit persons in excess of 250 to enter or occupy any portion of the licensed premises.
31. The Licensee shall ensure that staff are familiar with the maximum capacity of the premises.
32. The Licensee shall display notice containing details as to the maximum capacity figure in a prominent position upon entry to the premises. Where the capacity is divided into separate floors/areas within the premises notice of the appropriate capacity for each floor/area shall also be prominently displayed upon entry to the relevant floor/area.
33. The licensee shall at any time whilst the premises are in use be aware of the precise number of patrons on the premises. Where the licence covers different floors/areas, the licensee shall be aware of the number of patrons in each area at any given time and ensure that the numbers do not exceed those as stipulated on the licence. This information shall immediately be supplied on request to any Official of the Licensing, Police or Fire Authority.
34. Appropriately trained staff shall be provided to oversee general safety within the premises, and these shall be provided to a minimum number of one member of staff per 250 occupancy or part thereof, in accordance with the occupancy figure as stated on the Public Entertainment Licence.
35. Furthermore, in addition to the above the licensee shall ensure that an appropriately trained member of staff is designated to each emergency exit door to assist in the event of an emergency evacuation.
36. All members of staff shall be instructed in the safety precautions to be observed in the premises as far as those precautions relate to their duties and to the action to be taken by them in the event of fire or emergency.
37. All exits, passages, landings and stairways shall be kept free from obstruction at all times when the premises are used for licensed purposes.
38. A clear unobstructed route leading from each fire exit to a place of safety outside the premises shall be provided and maintained available for use at all times.
39. Every door in the building for use by members of the public going from the auditorium to the outside of the building shall open outwards, unless the Licensing Authority shall have been satisfied that this is impracticable to the circumstances of the particular case, and shall be capable of being opened easily and immediately from the inside, without the use of a key, when required.
40. Where, with the prior consent of the Licensing Authority, doors or gates across exits open inwards, they shall be fastened fully opened so as not to form an obstruction.
41. If security is required for outward opening fire exit doors, then they should be secured with panic bolt or panic latch type fastenings only to the satisfaction of the Licensing and Fire Authority. A conspicuous 'PUSH BAR TO OPEN' sign should be provided immediately above the push bars.

42. Any removable fastenings permitted by the Licensing or Fire Authority for securing exit doors when the public are not on the premises shall be removed before the public are admitted to the premises and shall not be replaced until the public have vacated the building.
43. Illuminated fire exit sign boxes lit by both primary and emergency lighting should be provided above all exits. Illuminated boxes incorporating graphic fire exit symbols, e.g. man moving through open door, should have white symbols on a green background. The size of the exit boxes should be appropriate for the maximum viewing distances involved.
44. Doors and openings other than exits to or from parts of the licensed premises to which the public are admitted shall be provided with notices indicating their uses or shall be marked "Private", and wherever practicable shall be kept secured. Where exit doors are fitted with automatic bolts they shall be clearly indicated with the words "PUSH BAR TO OPEN".
45. Where curtains are provided across an exit doorway they shall be divided at the centre and shall not trail the floor.
46. Except with the consent of the Licensing Authority, bars, wire guards or the like shall not be fitted to windows, nor shall the windows be otherwise obstructed in a manner likely to render them unavailable for the purposes of rescue in case of emergency.
47. The closing of collapsible gates or shutters across exit openings shall be prohibited whilst the public are in the premises.
48. The licensed premises shall be provided with fire appliances suitable to the fire risk in the premises and to the satisfaction of the Fire Authority.
49. Fire appliances shall be affixed to wall brackets to the satisfaction of the Fire Authority, and available for instant use at all times.
50. Fire extinguishers should be regularly examined, tested and maintained in accordance with the current British Standard to the satisfaction of the Fire Authority.
51. The licensee and employees should be made fully conversant with the location of fire appliances, method of operation and safe use, and with the action to be taken in case of fire.
52. A manually operated electrical fire alarm system shall be provided to the satisfaction of the Fire Authority. The alarm should be clearly audible in all parts of the building.
53. The Fire alarm system should be tested on a weekly basis in accordance with the current British Standard and to the satisfaction of the Fire Authority. The result of all tests with the exception of the daily inspection should be recorded in a suitable log book provided for the purpose. The log book should be available for immediate inspection upon request of any official of the Licensing or Fire Authority.
54. The licensee and all employees should be made familiar with the method of giving warning of fire and with the escape route available from each part of the premises to which they resort or in which they may work.
55. All fire doors shall be maintained self-closing and shall not be secured in an open position.
56. A system for automatically cutting off the sound system which is linked to the sounding of the fire alarm shall be provided.
57. All scenery, drapes, curtains and decorations within the licensed premises shall be made of such material or shall be treated and maintained so as to be flame retardant in accordance with the current British Standard and to the satisfaction of the Fire Authority.
58. Plastic decorations are not acceptable.

59. Filling materials used in furnishings should be restricted to combustion modified foam or other materials having at least the same standard of fire performance. Upholstered furniture and floor coverings should comply with the current British Standard to the satisfaction of the Fire Authority.
60. Flues from kitchens and serveries and over grills and all ventilating shafts shall be maintained in a clean condition.
61. Smoking shall be strictly prohibited within the stage risk area and in dressing rooms. Notices bearing the words "NO SMOKING" in red letters on a white background shall be conspicuously displayed in these areas.
62. Where any open fireplaces, high temperature heating appliances or naked flames are used they shall be adequately protected by a suitable guard.
63. In the event of the heating being by a central heating system the heating apparatus shall be placed in a separate room from the auditorium. The door between this room and the auditorium should be self-closing and fire-resistant to a one hour standard.
64. Explosives, inflammable liquids or high inflammable articles shall not be brought into or used within any portion of the licensed premises.
65. No exhibition, demonstration or display of pyrotechnics or displays involving the use of fire shall be given in the licensed premises without the prior consent of the Licensing and Fire Authority. At least fourteen days written notice of application must be supplied in such circumstances.
66. No exhibition, demonstration or display of laser equipment shall be given by any person in the licensed premises and no laser equipment shall be used by such person in the said premises unless the Director of the Leeds Environment Department has been given not less than 14 days previous written notice.
67. At entrances to venues where strobe lighting is in use warnings should be posted that stroboscopic lighting is in use and the possibility that susceptible people may be affected.
68. Flicker rates from stroboscopic lighting should be set at 4 or less flickers per second. This frequency shall apply to the combined flicker rates on any group of lights which can be directly gazed at.
69. In all parts of the building to which the public are admitted and in all passages, corridors, ramps and stairways to which the public have access and which lead from the auditorium to the outside of the building, there shall provided adequate illumination by general lighting to the satisfaction of the Licensing Authority.
70. In addition to the general lighting, adequate illumination to enable the public to see their way out of the building, without the assistance of the general lighting, shall be provided in the auditorium and all other parts of the building to which the public are admitted and in all passages, corridors, ramps and stairways, which lead from the auditorium to the outside of the building. This lighting shall be referred to as the safety lighting.
71. The safety lighting shall be provided from a source other than that of the general lighting.
72. All notices and exit indications shall be illuminated by both general and safety lighting.
73. The safety lighting shall be kept on at all times when the public are on the premises except in those parts of the building which are lit equally well by daylight.
74. Any battery supplying safety lighting shall be fully charged before the public are admitted to the premises and shall be of such capacity and so maintained as to be capable of supplying at normal voltage, the full load of the safety lighting during the whole time that the public are on the premises.

75. If there is a failure of the general lighting and the lighting is not restored within one hour, the public in the licensed premises shall be instructed to leave the building.
76. If there is a failure of the safety lighting, all parts of the building required to be illuminated by the safety lighting shall be immediately illuminated by the general lighting and the public in the licensed premises shall be instructed to leave the building forthwith.
77. Electrical apparatus and equipment within the building shall not be used for such purpose, or in such a manner, or when it is such a condition, as to cause danger of electric shock, fire or explosion.
78. Where gas is used for the lighting all gas burners within reach of the public shall be protected by glass or wire gloves and all gas taps shall be guarded in such a manner as to prevent unauthorised interference.
79. Electrical installation (including the fire alarm and emergency lighting systems) shall be in the charge of a competent electrician whose name is published on the Roll of National Inspection Council for Electrical Installation Contracting, or a member of Electrical Contractors' Association.
80. 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.
 - b) Each individual socket-outlet shall be protected by an integral residual current device having a rated residual operating current not exceeding 30mA.
81. 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.
82. The Licensee shall ensure that the electrical installation to the whole of the premises carries a recent safety certificate issued by a competent electrician whose name is published on the Roll of National Inspection Council for Electrical Installation Contracting, or a member of the Electrical Contractors' Association.
83. The inspection shall include ALL electrical appliances and fire alarm and emergency lighting systems.
84. The licensee shall ensure that the electrical installation is checked on an annual basis and on renewal of the Public Entertainment Licence shall furnish the Licensing Authority with a copy of an Electrical Safety Certificate valid for the period of the licence.
85. Suitable and sufficient sanitary accommodation must be provided and maintained to the satisfaction of the Chief Environmental Health Officer.
86. The premises shall at all times be maintained in a clean, sanitary and safe condition and shall be open during the continuance of this licence to an inspection by the Licensing Authority or their authorised agents.
87. Any seating in the licensed premises shall be so arranged as to allow free access to all exits there from.

88. For a closely seated audience chairs shall be either securely fixed to the floor or alternatively shall be battened securely together in units of not less than four seats. Adequate gangways, not less than 42" (1100mm) wide, unless otherwise approved by the Licensing Authority, shall be provided. The gangways shall lead directly to each exit door and shall be kept free from obstruction. No seat shall be more than twelve feet (4.0m) from any gangway.
89. Seating in invalid chairs other than engine driven chairs will be permitted subject to any condition imposed by the Licensing and Fire Authority.
90. Means of access, egress and emergency egress shall be provided and maintained in accordance with any recommendations of the Licensing and Fire Authority.
91. Alterations or additions, whether permanent or temporary, to the structure, the lighting, electrical heating, ventilating, mechanical, or installations, or to the seating, gangways or other arrangements in building in which the licensed premises are situated shall not be made except with the consent of the Licensing Authority and in accordance with any conditions of such consent.
92. The Licensee shall maintain a first aid box on the premises in accordance with the Health and Safety (First Aid) Regulations 1981 and make sure that:
- it is accessible at all times
 - items are replaced as they are used
93. Any person who appears unwell, including those affected by drugs or alcohol, must be seen by a trained first aider, who shall:
- give first aid
 - if necessary, seek medical assistance
94. The licensee shall maintain an Incident Report Register within which staff must record any incident which has occurred on the premises.
95. The Incident Report Register must be retained on the premises for a period of one year, taken from the date of the last entry, and include the following:
- a) consecutively numbered pages;
 - b) the date and time of incident;
 - c) the nature of incident;
 - d) the full name/s of staff involved including the registration number of any door staff, and to whom the incident was reported, including the names and numbers of any police officers who attended the scene of the incident and details of any witness/es;
 - e) Any notes relative to the incident.
96. Incident Report Registers shall be produced for immediate inspection on request by any Official of the Licensing or Police Authority.
97. The premises must be effectively ventilated when the public are present. Any mechanical ventilation system must be properly maintained.
98. Drinking water provision must be clearly available, free of charge, at all times whilst the Entertainment Licence is operative.
99. This facility must be kept in a clean condition.

100. No exhibition, demonstration or performance of hypnotism shall be given on any person in the premises except with the express consent of the Licensing Authority and subject to such conditions as the Licensing Authority may attach to such consent. Any notification of intention to stage a hypnotist should be made in writing providing at least fourteen days notice.
101. The Licensee shall ensure that no nuisance is caused by noise or vibration emanating from the licensed premises resulting from the use of this Licence. The Licensee shall provide urgent attention to any reports of noise nuisance, and act upon direction of the Licensing Authority.
102. Licensees are reminded that unauthorised flyposting is an offence under the Town & Country Planning Act 1990, as amended, Section 224.
103. In the case of an audience consisting of persons under 16 years of age, the minimum number of staff shall increase to a ratio of one per 100 occupancy.
104. At any licensed function no child shall be permitted to occupy any seat in the front row of the balcony, gallery or tier unless accompanied by, or in the charge of a person who appears to have attained the age of 16 years.
105. The Daily Record Register must be retained on the premises for a period of one year, taken from the date of the last entry, and include the following:
- a) consecutively number pages;
 - b) the registration number and full name of each registered person on duty;
 - c) the date and time that he/she commenced that period of duty with a signed acknowledgement by that person;
 - d) the time at which he/she finished duty with a signed acknowledgement by that person.
106. The Licensee shall ensure that any persons employed on the premises to work in the capacity as a door supervisor, hold current registration with the SIA and comply with all relevant rules and regulations laid down by that body.
107. Door Staff Daily Record Register
- The Licensee shall maintain a Daily Record Register which is to be completed on a daily basis by the door staff when they commence and finish duty.
108. Daily Record Registers shall be produced for immediate inspection on request by any official of the SIA, Police or Licensing Authority.
109. Licence holders must have a written search policy for those entering the premises.
- All members of staff must be acquainted with this policy.
110. Clear and visible notices should be displayed to those entering the premises detailing the establishments search policy. These signs should state that the police will be informed if anyone is found in possession of controlled substances or weapons.
111. Secure receptacles, to the standard as required by the West Yorkshire Police, must be provided in a restricted part of the building for staff to deposit drugs and weapons.
112. Any seizure of controlled substances and weapons must be recorded in the Incident Report Register and reported to the police at the earliest possible time.
113. The licensee shall ensure that drinks glasses and any other glass receptacles are prevented from being taken off the premises accepting off-sales and their legitimate sale.

- 114. A suitable CCTV system operated in accordance with guidelines from the West Yorkshire Police shall be provided.
- 115. Any exemption to this condition must be agreed by the West Yorkshire Police and Licensing Authority.
- 116. All venues located within the Millgarth Division of the West Yorkshire Police which have the benefit of a Special Hours Certificate shall be a member of the Leeds Nightwatch Safer City Initiative. Each venue will operate with the benefit of a radio supplied through the L.N.S.C.I and will adhere to the operating rules and guidelines laid down within the scheme.

Annex 2 – Conditions consistent with the operating schedule

The prevention of crime and disorder

- 117. Adopt the Check 21 proof of age scheme in accordance with guidance issued by West Yorkshire Police (or similar 21 proof of age scheme).
- 118. Participate in a local pubwatch scheme or licensing association, (where one exists) that is recognized by West Yorkshire Police.
- 119. Implement a dispersal policy agreed with West Yorkshire Police.
- 120. 30 minutes before close of business where appropriate, change the music to a relaxed mood. Occasional public address encouraging the sale of soft drinks, water and promoting transport options. Agree protocols and call priorities with local taxi firms. Ensure transport options are suitably advertised at the venue and staff are aware.
- 121. Participate in a radio or other communications system in accordance with guidance issued by West Yorkshire Police and the service provider's instructions (currently Nitenet).
- 122. Where Public Entertainment Licence conditions previously granted in accordance with the local Government (Misc Provisions) Act are converted those conditions shall apply to any variation granted in accordance with the Licensing Act 2003.
- 123. When permission is sought for the sale or supply 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 will apply.
 - (I) 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.
 - (II) The non-standard hours shall 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 a maximum of two additional hours in any one day to any other event of national interest.
 - (III) The Applicant must have made no more than 12 applications relating to either an event of national interest in any one calendar year.
 - (IV) If after the 5th working day commencing the day after the request is received, West Yorkshire Police do not respond, then consent will be deemed granted.
 - (V) 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 and disorder objective.
- 124. Maintain the existing CCTV system in effective working order, recording during all operating hours.

125. The siting and standard of the CCTV system will be agreed with WYP prior to installation and will comply with that agreement at all times.
126. Changes to the siting and standard of CCTV systems may only be made with the written consent of West Yorkshire Police.
127. Security footage will be made secure and retained for a period of time to the satisfaction of WYP.
128. A Supervisors Register will be maintained at the licensed premises, showing the names, addresses and up-to-date contact details for the DPS and all personal licence holders.
129. The Supervisors Register will state the name of the person who is in overall charge of the premises at each time that licensed activities are carried out, and this information will be retained for a period of twelve months and produced for inspection on request to an authorised officer.
130. The minimum number of door supervisors for the premises is 1.
131. The Licensee will ensure that a 'Daily Record Register' is maintained on the premises by the door staff.
132. 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).
133. The Daily Record Register will be retained for a period of twelve months from the date of the last entry.
134. Security staff/designated supervisors will be familiar with the premises policy concerning the admission, exclusion and safeguarding of customers whilst in the premises.
135. 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.
136. The Incident Report Register will contain consecutively numbered pages, the date time and location of the incident, details of the nature of the incident, the names and registration numbers of any door staff involved or to whom the incident was reported, the names and personal licence numbers (if any) of any other staff involved or to whom the incident was reported, the names and numbers of any police officers attending, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident.
137. The Incident Report Register will be produced for inspection immediately on the request of an authorised officer.
138. The Licensee will inform West Yorkshire Police of any search resulting in a seizure of drugs or offensive weapons.
139. A suitable receptacle for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with West Yorkshire Police.
140. Notices will be displayed at the entrances of the premises which state:
 - a search will be conducted as a condition of entry to premises;
 - incidents of crime and disorder will be reported to the police;
 - entry to the premises will be refused to any person who appears to be drunk, acting in a threatening manner or is violent;
 - entry will be refused to any person who has been convicted of an offence of drunkenness, violent or threatening behaviour or the use or distribution of illegal substances.

141. Such communication link will be kept in working order at all times.
142. The communication link will be available to the Designated Premises Supervisor or other nominated supervisor and be monitored by that person at all times that licensed activities are being carried out.
143. Any police instructions or directions given via the link will be complied with whenever given.
144. All incidents of crime or disorder will be reported via the link to an agreed police contact point.
145. The Licensee will adopt a proof of age scheme which is approved by WYP and West Yorkshire Trading Standards (WYTS).
146. The Licensee's staff will ask for proof of age from any person appearing to be under the age of 21 who attempts to purchase alcohol at the premises.
147. 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.
148. Plastic or toughened glasses/bottles will be used when requested by West Yorkshire Police (e.g. football match days)
149. 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.
150. CCTV shall be installed to standard acceptable to Police.
151. All door staff employed to be registered with SIA.
152. That suitable beverage other than other intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise ancillary to meals served in the licensed premises.
153. There shall be no application under this licence for Amusement with Prizes machines (AWP) permits pursuant to section 34 of the Gaming Act 1968.
154. Substantial food will be available for purchase at all times that the premises are open for business.

Public Safety

155. The capacity of the premises is 250 and at all times the number of persons on the premises will not exceed that figure.
156. 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.
157. Appropriately trained staff will be provided to oversee general safety within the premises, and these will be provided to a minimum number of one member of staff per 250 occupancy or part thereof, in accordance with the occupancy figure.

158. The Licensee will have a written procedure for crowd control and management. All staff will be instructed in the operation of the procedure. The policy will be available for inspection at the request of an authorised officer.
159. All exit doors will be accessible, open easily, and exit routes will be maintained.
160. 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.
161. 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.
162. Electrical installations will be inspected on a periodic basis (at least every 5 years) by a suitably qualified and competent person. Inspection records/certificates will be kept. These will be made available at the request of an authorised officer.
163. 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.
164. The Licensee will maintain an electrical manually operated fire alarm system that can be clearly heard in all parts of the premises to the satisfaction WYFRS.
165. 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.
166. The positioning of the electrical fire alarm system, smoke and heat detectors will be agreed with WYFRS.
167. Fire alarm tests will be carried out daily and recorded in a suitable log book. The log book will be made available for inspection by an authorised officer.
168. 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.
169. 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.
170. 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.
171. 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.
172. The location, number, fire rating and standard of fire extinguishers will be agreed with WYFRS prior to installation and will comply with that agreement at all times.
173. 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.

174. 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.
175. Fabric, foliage and decorations will be constructed from materials to the satisfaction of the WYFRS. Certificates of compliance to the relevant British Standards will be available for inspection by an authorised officer.
176. 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.
177. 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.
178. 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.
179. 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.
180. 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).
181. 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.
182. Regular safety checks of guarding to stairs, balconies, landings and ramps will be undertaken, and a supervision policy will be maintained to prevent people from inappropriate behaviour, including climbing which may lead to a fall from height.
183. All floor surfaces will be suitably slip resistant, kept in good condition and free of obstructions to prevent slips, trips and falls.
184. 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.
185. Safety checks will be recorded and made available for inspection at the request of an authorised officer.
186. A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner.
187. The risk of scald and burns to the public from hot food and drink preparation will be assessed and a procedure implemented.
188. Hot food and drink preparation will be isolated or shielded from members of the public to prevent risk of scalds or burns to them.
189. Adequate and appropriate First Aid equipment and materials will be available on the premises.
190. 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.
191. Fireworks or pyrotechnics will not be used without prior written notification to WYFRS.

192. The Licensee will ensure that there is a procedure for the safe evacuation of disabled persons.

The prevention of public nuisance

193. There will be no external loudspeakers.

194. 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.

195. The premises will be operated in a manner which will prevent unwanted odours causing a nuisance to persons in the immediate area or nearby properties.

196. The premises will operate a suitable ventilation and extraction system. The system will be cleaned and maintained to the manufacture's instructions to prevent unwanted odours occurring.

197. 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.

198. Registered door staff will be employed and used where queues are likely to form to manage the queues and ensure:
Queues are restricted to cordoned areas to prevent them obstructing footpaths and spilling out onto roads, and to keep noise and obstructions away from residential property.

199. 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.

200. Noise shall be inaudible at the nearest noise sensitive premises after 23:00 hours and when entertainment takes place at all times.

201. The fire doors must be kept closed after 23:00 hours except for an emergency.

202. A cooling down period with reduced music volume shall be operated before the premises close.

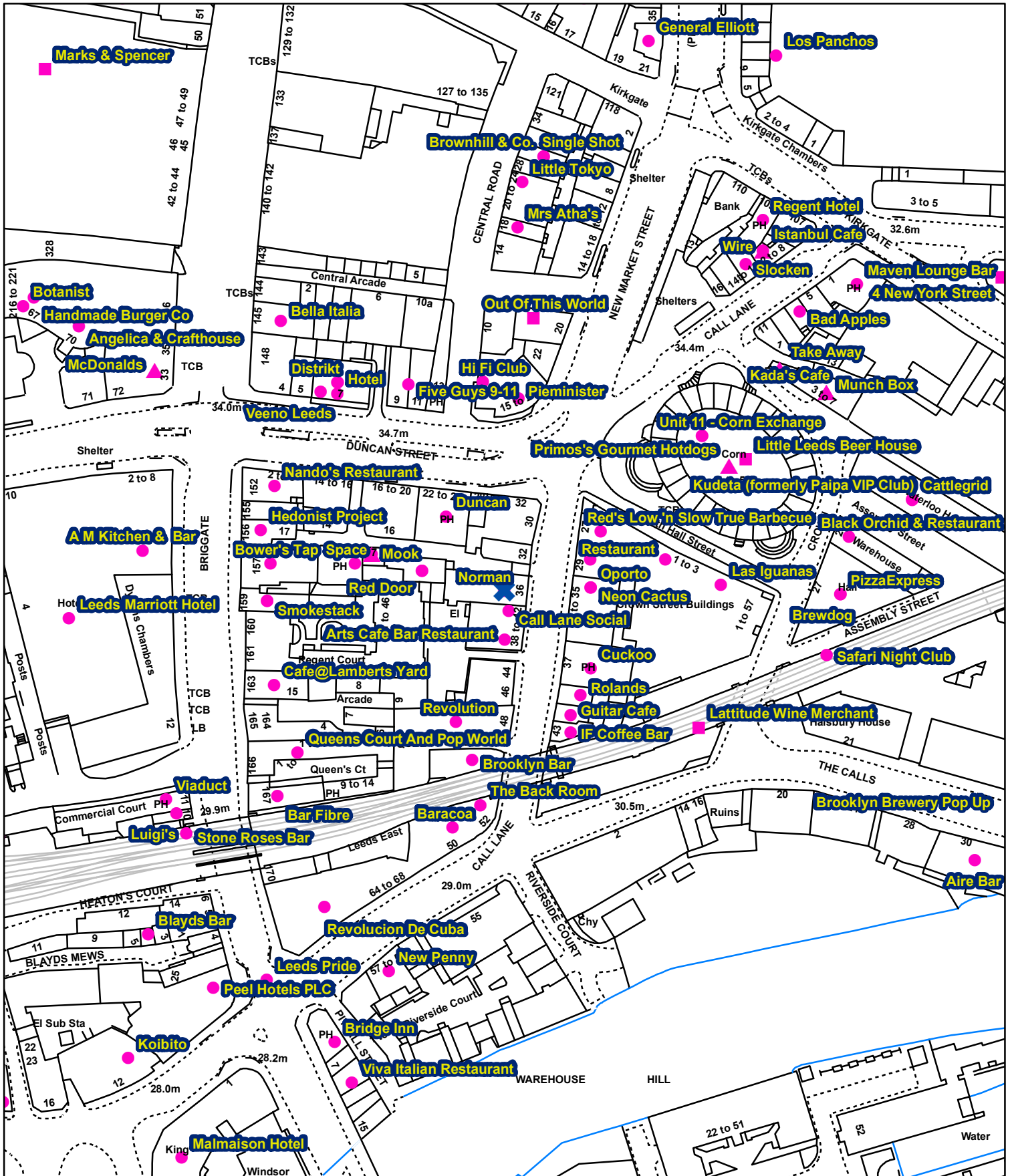
Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

The plans for these premises are as those revised by the most recent minor variation dated 10th March 2014. A copy of which is held by Leeds City Council licensing authority.





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	Off licence
	Late night refreshment
	Other

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Home Office

Section 53A-C Licensing Act 2003

Summary Review Guidance

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ANNEX A

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

ANNEX B

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

1. INTRODUCTION

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

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

1.3 The powers are set out in sections 53A to 53C of the 2003 Act and apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The purpose of these powers is to complement existing procedures in the 2003 Act for tackling crime and disorder associated with licensed premises. Existing powers in the Anti-social Behaviour, Crime and Policing Act 2014 provide for the instant closure of premises by the police in some circumstances (in essence, disorder or nuisance) and the consequent review of premises licences by the licensing authority. The powers under sections 53A to 53C of the 2003 Act, are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives.

1.4 The powers allow:

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

1.5 In summary, the process is:

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

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

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

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

1.8 The purpose of this guidance is to:

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

2. THE STEPS

Triggering the expedited review

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

Application for expedited review

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

2.3 The key definitions used above are:

- **Senior member of the force:** This must be an officer of the rank of superintendent or above.
- **Certificate:** This is a formal note which identifies the licensed premises and includes a signed statement by a senior officer that he believes the premises is associated with serious crime, serious disorder or both. **This form is not prescribed in legislation. However, a sample form which forces may wish to adopt is attached at annex A to this guidance.**
- **Serious crime:** The tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) (a) and (b) of the Regulation of Investigatory Powers Act 2000. Those tests are that the conduct:
 - (a) constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; or
 - (b) involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
- **Serious disorder:** There is no definitive list of behaviours that constitute serious disorder, and the matter is one for judgment by the local police. The phrase should be given its plain, ordinary meaning, as is the case under section 12 of the Public Order Act 1986 in which it is also used.
- **The application for a summary or expedited review:** this is an application made by, or on behalf of, the Chief Officer of Police under section 53A of the 2003 Act. **The application must be made in the form which is set out in Schedule 8A to the**

Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42). The completed application must be accompanied by the certificate issued by a senior officer. The form which must be used is reproduced in annex B of this guidance.

2.4 In deciding whether to sign a certificate, the senior officer will want to consider the following (as applicable):

- The track record of the licensed premises concerned and whether the police have previously had cause to give advice about serious criminal or disorderly conduct (or the likelihood of such conduct) attributable to activities taking place on the premises – it is not expected that this power will be used as a first response to a problem.
- The nature of the likely crime and/or disorder – is the potential incident sufficiently serious to warrant using this power?
- Should an alternative power be deployed? Is the incident sufficiently serious to warrant use of the powers in Part 4, Chapter 3 of the Anti-social Behaviour, Crime and Policing Act 2014 to close the premises? Or could the police trigger a standard licence review to address the problem? Alternatively, could expedited reviews be used in conjunction with other powers (for example, modifying licence conditions following the use of a closure power).
- What added value will use of the expedited process bring? How would any interim steps that the licensing authority might take effectively address the problem?

2.5 It is recommended that these points are addressed in the chief officer's application to the licensing authority. In particular, it is important to explain why other powers or actions are not considered to be appropriate. It is up to the police to decide whether to include this information in the certificate or in section 4 of the application for summary review. The police will also have an opportunity later to make representations in relation to the full review.

2.6 In triggering the process, the police will wish to take into account the fact that an intended use of the power is to tackle the use of dangerous weapons and the violence they fuel. For example, in appropriate circumstances the police might want to make representations to the licensing authority suggesting that they modify the conditions of the premises licence to require searches of customers for offensive weapons upon entry. Under the powers in sections 53A to 53C, this could be done on an interim basis pending a full hearing of the issues within the prescribed 28-day timeframe.

2.7 Similarly, the power could, **where appropriate**, be used to reduce the risk of injury caused by glass by requiring the adoption of a safer alternative (but see paragraphs 3.6 and 3.7 below).

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

3. The Licensing Authority and the interim steps

3.1 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and responsible authorities a copy of the application for review and a copy of the certificate, and must also consider whether it is necessary to take interim steps. When calculating the 48 hour period any non-working day can be disregarded¹.

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

3.3 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions are likely to be taken by a licensing sub-committee. It should also be noted that there is no requirement for a formal hearing in order to take interim steps. This means that the relevant sub committee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.

3.4 The interim steps that the licensing authority must consider taking are:

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

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

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

- the decision takes effect immediately, or as soon after it as the licensing authority directs; but
- the licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application. The 2003 Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect. In such a case, the decision and the reasons for it should be explained clearly and in full to the licence-holder (or someone who may

¹ This means that, for example, if the application was received at 3pm on a Friday, the 48 hour period would cover the remaining 9 hours on that Friday and the remaining 39 hours starting on the Monday morning (provided it was not a bank holiday). In this case the licensing authority would have to decide on interim steps by 3pm on the Tuesday.

properly act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example, by email or fax) which is identical to, or not significantly different from, the version given by telephone.

3.6 The licensing authority, in deciding when its decision on interim steps should take effect, should consider the practical implications of compliance in relation to the premises. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.

3.7 In addition, very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw or modify those steps. For example, making structural changes, installing additional CCTV or replacing all glassware with safer alternatives may be valid steps, but might be disproportionate if they are not likely to be deemed necessary following the full review (or any subsequent appeal). The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring. In some circumstances, it might be better to seek suspension of the licence pending the full review, rather than imposing a range of costly conditions or permanent adjustments.

4. Making representations against the interim steps

4.1 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded.

4.2 The licensing authority must give advance notice of the hearing to the premises licence holder and the chief officer of police. Given that these measures are designed to deal with serious crime and serious disorder on an interim basis only, the process is designed to avoid delay and, as such, significant portions of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44) (which set out the usual processes governing the conduct of licensing authority hearings) do not apply in order to streamline the hearing process. One result of this is that licensing authority cannot adjourn the hearing to a later date if the licence holder fails to attend at the scheduled time, as is the case under the normal review procedure. And as is the case with that procedure, the licence holder does not have to be present for the hearing to take place. In addition, there is no timescale for notifying the licence holder of the hearing under the modified process, providing the notification takes place before the hearing is held. However, it is imperative that the licence holder be given as much notice as is possible in the circumstances to afford the holder a maximum practicable opportunity to prepare for and attend the hearing. Licensing authorities should bear in mind that the usual principles of public law decision-making will apply to interim determinations, in a form that has regard to the statutory context of an expedited process.

4.3 At the hearing the licensing authority must:

- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and

- determine whether to withdraw or modify the steps taken.

4.4 When considering the case the licensing authority must take into account:

- the senior officer's certificate that accompanied the application;
- the chief officer's representations (if any); and
- any representations made by the premises licence holder.

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

5. The review of the premises licence

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

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

5.2 The steps the licensing authority can take are:

- the modification of the conditions of the premises licence;
- the exclusion of a licensable activity from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the amended guidance under section 182 of the 2003 Act.

5.3 The licensing authority must:

- advertise the review inviting representations from any persons for no less than seven consecutive days, by notice as described in regulation 38 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42) and, if applicable, on the licensing authority's website (see regulation 38(1)(b) of the above). The relevant notices should be published on the day after the day of receipt of the chief officer's application.

- advertise that any representations made by the premises licence holder, responsible authority and any other persons should be submitted to the licensing authority within 10 working days of the advertisement of the review appearing.
- give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority².

5.4 A party shall give to the authority a notice no later than two working days before the day or the first day on which the hearing is to be held stating –

- whether he intends to attend or be represented at the hearing;
- whether he considers a hearing to be unnecessary.
- whether he would like permission for any other person (other than the person he intends to represent him at the hearing) to appear at the hearing and, if so, explain on which points that person will be able to contribute.

5.5 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44). They apply to final hearings under the section 53A(2)(b) in a similar way to hearings following closure orders under section 167 of the 2003 Act (it should be emphasised that the truncated version of the hearings regulations described in paragraph 4.2 above applies to interim hearings only). The issues they address include who can make representations and what those representations can be about. It is therefore possible for responsible authorities or any other persons to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly, where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.

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

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

5.7 The licensing authority must notify its decision and the reasons for making it to:

- the holder of the premises licence;
- any person who made relevant representations; and
- the chief officer of police who made the original application.

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

6. Right of Appeal

6.1 An appeal may be made to the magistrates' court within 21 days of the licence holder being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

6.2 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.

[insert name and address of police force]

Example Form

Annex A

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

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

*Premises*⁴:

Premises licence number (if known):

Name of premises supervisor (if known):

I am a ⁵ in the police force.

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

.....

³ Delete as applicable.

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

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

⁶ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:
Post town:
Post code (if known):

2. Premises licence details:

Name of premises licence holder (if known):
Number of premises licence holder (if known):

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

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

[Please read guidance note 2]

Signature of applicant:

Date:

Capacity:

Contact details for matters concerning this application:

Address:

Telephone number(s):

Email:

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both. Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000.

In summary, it means:

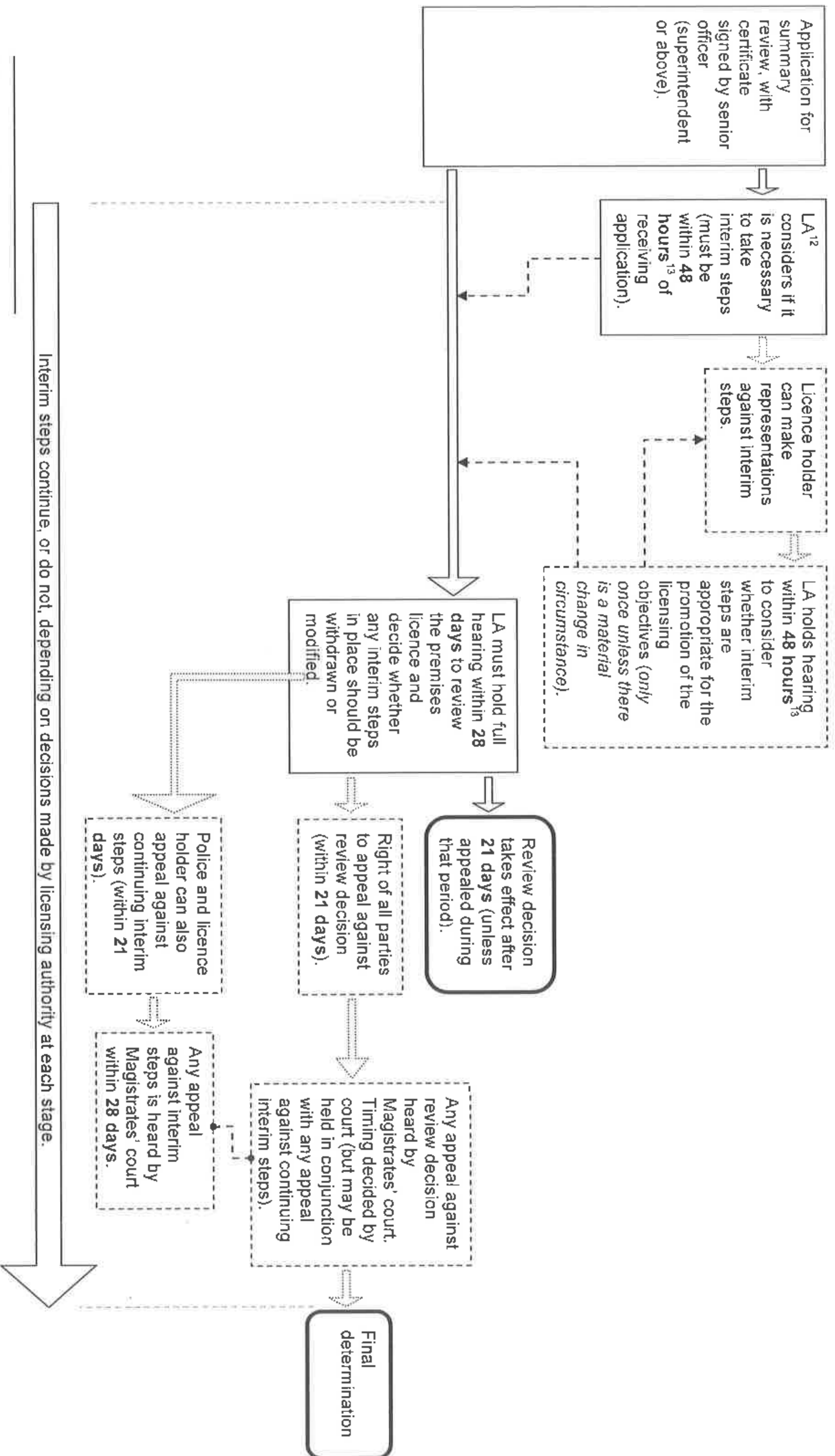
- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

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

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Summary review flowchart



¹² Licensing authority

¹³ Only working days count

