



LICENSING SUB-COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
TUESDAY, 27TH AUGUST, 2019 AT 10.00 AM

MEMBERSHIP

Councillors

Members TBC

Enquiries specific to
Entertainment Licensing:

Matthew Nelson
Tel No: 0113 37 85337

Agenda compiled by:
Governance and Scrutiny
Support
Civic Hall
LEEDS LS1 1UR
Tel No: 0113 37 88662

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 style="text-align: center;"><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 PARADISE BAR, SHEEPSCAR STREET SOUTH, SHEEPSCAR, LEEDS, LS7 1AD</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 Paradise Bar, Sheepscar Street South, Sheepscar, Leeds, LS7 1AD.</p> <p>(Report attached)</p> <p><u>Third Party Recording</u></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties – code of practice</p> <ol style="list-style-type: none"> a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete. 	1 - 40

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Report Author: Mrs Victoria Radford

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 27th August 2019

Subject: Summary Review of the Premises Licence for Paradise Bar, 3 Sheepscar Street South, Sheepscar, Leeds, LS7 1AD.

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Little London & Woodhouse	
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 Paradise Bar, 3 Sheepscar Street South, Sheepscar, Leeds, LS7 1AD.

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 1st August 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 Paradise Bar, 3 Sheepscar Street South, Sheepscar, Leeds, LS7 1AD. 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 Dudley Bassue.

2.0 History of the Premises

- 2.1 On the 4th December 2018 a premises licence was applied for in the name of Mr Dudley Bassue. During the consultation period a written representation was made by West Yorkshire Police and an agreement was reached between both parties and as such the licence was granted subject to the agreed terms on the 5th February 2019.
- 2.2 On the 30th July 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.
- 2.3 An interim steps hearing took place on the 1st August 2019 where the Licensing Sub Committee resolved to suspend the premises licence, pending this review hearing.
- 2.4 On the 10th August written notification was received from the designated premises supervisor Mr Kelvin Garvey withdrawing his authorisation for alcohol sales with immediate effect.

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 30th July 2019.
- 3.4 The licensing authority can confirm that the statutory requirements to advertise the review application have been followed.

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 Mr Dudley Bassue.
- 4.2 A copy of the premises licence can be found at **Appendix D** of this report.

4.0 Designated Premises Supervisor

- 5.1 The designated premises supervisor at the time the summary review application was made was Mr Kelvin Garvey. He has since removed his authorisation.

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 provided 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.

9.0 Options Available to Members

Determination of Summary Review

- 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 from the scope of the licence; and
 - To revoke the licence.

Review of the Interim steps

- 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. Should the premises licence holder or applicant appeal the decision, the interim steps decision will remain in place until the appeal is decided or dispensed with. 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 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 Home Office
- 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.

Part 1 – Premises details

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

PARADISE BAR, 3 SHEEPSCAR STREET SOUTH, SHEEPSCAR

Town/City: LEEDS

Postcode: LS7 1AD

Part 2 – Premises licence details

Name of premises licence holder (if known):

MR.DUDLEY BASSUE

Number of premises licence (if known): PREM/04258/001

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 04:34hrs on Sunday 28th July 2019 West Yorkshire Police received a call regarding a stabbing connected with the Paradise Club, Sheepscar Street South, Leeds, LS7 1AD. On arrival officers discovered two victims with stab/slash wounds in the street. Four persons were arrested at the scene but were later released.

The two victims were transported to hospital where they remain – one has a punctured lung from stab wounds to his back, and the other has lacerations to chest and neck, which exposed a main artery and his lung. Two crimes have been recorded and the incident is being treated as attempt murder on both males.

There is an initial incident seen on CCTV inside the club where there is an altercation between one of the injured males and a female. Two males leave or are ejected, and it is when they are outside on the street that another altercation takes place between these two and persons unknown, and serious injuries are sustained.

It is thought that possibly a knife and a broken bottle have been used to inflict the injuries on the two victims. There is also mention of people picking up pieces of loose concrete from the roadside and using these to assault people or as a means of self-defence.

The suspects are still outstanding.

One of the victims is 17 years old (chest and neck injuries). One of the four arrested at the scene is also only 17 years old. Both have been in Paradise Bar and the injured teenager is described as intoxicated.

The initial incident inside is said to have occurred around 04:15hrs – the bar only has authorisation to open until

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02:30hrs. There was no Temporary Event Notice in place.

The Premises Licence Holder cannot work his CCTV system, contrary to a licence condition which states he must be able to do so, and this has hampered the investigation and the hard drive has been seized by police.

This licence was only granted on 5th Feb 2019.

Given the severity of the injuries sustained, the ongoing investigation to trace the suspects, the ages of at least two of those involved and the offences under the Licensing Act 2003, West Yorkshire Police ask the Licensing Authority for an immediate suspension of the premises licence in the interests of public safety, the prevention of crime and disorder and the protection of children from harm.

Signature of applicant: 

Date: 30th July 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 18 and has no previous convictions, could reasonably be expected to be sentenced to imprisonment for a term of three years or more'; or
- 'Conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose;
- Serious disorder is not defined in legislation and so bears its ordinary English meaning.

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

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**CERTIFICATE**

Under Section 53a(1)(b) of the Licensing Act 2003

Delete as applicable

I hereby certify that in my opinion the premises described below are associated with serious crime**Premises details**

Premises (include business name and address and any other relevant identifying details)

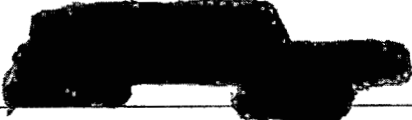
PARADISE BAR, 3, SHEEPSCAR STREET SOUTH, LEEDS LS7 1AD
 PREM/04258/001

I am a (insert rank of officer giving the certificate which must be superintendent or above)

SUPERINTENDENT

*in the West Yorkshire Police Force***Optional***I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because**(Give brief description of why other procedures such as a standard review process are thought to be inappropriate e.g. the degree of seriousness of the crime and/or disorder the past history of compliance in relation to the premises concerned)*

The severity and seriousness of two woundings involving the use of weapons or adapted weapons which is being treated as attempted murder 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		Superintendent	Date	30.7.19
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Notice of Decision
of the Licensing Sub Committee



Leeds
CITY COUNCIL

Appendix C

Date of Hearing:	1st August 2019
Determination Date:	1st August 2019
Notice of Decision:	1st August 2019
Members:	Councillor Hannah Bithell (Chair) Councillor Pat Latty Councillor Paul Wray
Legal Officer:	Robert Brown
Committee Clerk:	Harriet Speight
Licensing Officer:	Susan Holden
Review application made by:	PC Catherine Arkle
Premises review relates to:	Paradise Bar Ltd, 3 Sheepscar Street South, Sheepscar, Leeds, LS7 1AD,
Premises Licence Holder:	Mr Dudley Bassue,
Attendees:	PC Catherine Arkle, PC Andrew Clifford, Sarah Bleckhorn (WYP)

The Licensing Sub Committee considered:

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

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

In the Matter of an Application for a Summary Review of a Premises Licence under Section 53A of the Licensing Act 2003 sought by West Yorkshire Police in respect of Paradise Bar, 3 Sheepscar Street South, Sheepscar, Leeds, LS7 1AD - Interim Steps Hearing

West Yorkshire Police having made an application for summary review of the licence pursuant to s.53A of the Licensing Act 2003, the Licensing Sub-Committee ("the Sub-Committee") convened to consider whether it was necessary to take interim steps pending the determination of the substantive application.

West Yorkshire Police ("WYP") was represented by PC Catherine Arkle, who was accompanied by P.C. Andrew Clifford and Sarah Blenkhorn. The Premises Licence Holder, Mr Bassue, attended in person.

At the outset, Mr Bassue said that he wanted the hearing postponed to enable him to obtain legal advice. After hearing the reasons for his request and from PC Arkle opposing it, the Sub-Committee refused Mr Bassue's request on the basis that s.53A (2) of the Licensing Act 2003 stipulates that the licensing authority must, within 48 hours of receipt of the application, consider whether it is necessary to take interim steps, and because if such steps were found to be necessary it may be that they would also have to be taken immediately.

PC Arkle addressed the Sub-Committee in relation to the issue of interim steps and referred to the application itself. She said that WYP would not usually apply for a summary review of a premises licence for a single incident of crime and/or disorder. She said that in this case the incident had been so serious as to warrant the application. She also said that there had been apparent breaches of licensing law in relation to sales to under 18s and the carrying out of licensable activities beyond the hours permitted under the licence. PC Arkle also said that WYP suspected that the glass bottle(s) possibly used as a weapon(s) to inflict injuries in the incident may have originated from the premises - which would mean a breach of conditions 32 and 36 of the licence. The application also alleged a breach of the conditions relating to CCTV.

After referring to the options available to the Sub-Committee, PC Arkle said that WYP was urging the Sub-Committee to suspend the licence, a request which she said WYP did not take lightly. There was concern of retribution and the premises could be the focus of this. By suspending the licence, the premises would be closed and the tension given time to subside. This would give WYP time to work with Mr Bassue regarding the breaches of the licence. She said she was asking for suspension in furtherance of the objectives of the prevention of crime and disorder and the protection of children from harm.

In response, Mr Bassue told the Sub-Committee that there had been a private party in progress on the premises at the time. He said that the victims had initially been turned away but had subsequently gained entry without permission through a side door. Mr Bassue said that drinks on the premises were always served in plastic containers, not glass. He said he had nothing further to say at this time.

PC Arkle suggested that if it had been the case that a private party had been taking place, it took place after the licensed hours and no Temporary Event Notice had been served in respect of it.

Decision

The Sub-Committee took time to consider the matter before reaching its decision which was given at the end of the meeting. PC Arkle and her colleagues were present but Mr Bassue had not returned to the room and the Committee was informed that he had left the building.

Having carefully considered the contents of the Report of the Chief Officer, Elections and Regulatory - in particular the information contained within the application and the superintendent's certificate dated 30 July 2019 - and the submissions made by PC Arkle and Mr Bassue respectively, the Sub-Committee resolved to take the interim step of **suspending** the premises licence (with immediate effect).

The reasons for the Sub-Committee's decision was that it believed the premises to have been associated with an incident of serious crime (which the Sub-Committee also considered to have been an incident of serious disorder). The Sub-Committee took into account the potential for the incident

to lead to reprisals which could be facilitated by, and focused on, the premises if they remained open pending the full hearing. Nothing that Mr Bassue had said gave the Sub-Committee any assurance that steps had been (or would be) taken to alleviate that risk.

The Sub-Committee would not have been persuaded to suspend the licence on the basis of the other alleged breaches of the Licensing Act alone and it made no specific findings either way in relation to them. They remained issues on which the parties may wish to address the Sub-Committee at the hearing of the summary review application itself.

Right to make Representation

Under section 53B (^) 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 is it appropriate for the promotion of the licensing objects for the steps to remain in place, or if they should be modified or withdrawn.

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Premises Licence

Part A Schedule 12 Licensing Act 2003

Part 1 – Premises Details

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

Paradise Bar Ltd, 3 Sheepscar Street South, Sheepscar, Leeds, LS7 1AD

Licensable activities authorised by this licence

Sale by retail of alcohol, Provision of late night refreshment, Performance of recorded music, Entertainment similar to live music, recorded music or dance,

Times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol

Monday to Thursday	18:00 - 23:00
Friday & Saturday	19:00 - 02:00
Sunday	18:00 - 00:00

Non standard timings:

All Bank Holidays we will be closing at 2am. New Years Eve, Boxing Day and August Bank Holiday we will be closing at 4am.

Provision of late night refreshment

Friday & Saturday	23:00 - 02:00
Sunday	23:00 - 00:00

Location of activity: Indoors

Non standard timings:

All Bank Holidays we will be closing at 2am. New Years Eve, Boxing Day and August Bank Holiday we will be closing at 4am.

Performance of recorded music

Monday to Thursday	18:00 - 23:00
Friday & Saturday	19:00 - 02:00
Sunday	18:00 - 00:00

Location of activity: Indoors

Further details: The recorded music being played will be amplified and will be provided by various DJ's.

Non standard timings:

All Bank Holidays we will be closing at 2am. New Years Eve, Boxing Day and August Bank Holiday we will be closing at 4am.

Entertainment similar to live music, recorded music or dance

Monday to Thursday	18:00 - 23:00
Friday & Saturday	19:00 - 02:00
Sunday	18:00 - 00:00

Location of activity: Indoors

Further details: The recorded music provided will not be amplified Monday to Thursday, however it will be amplified on Friday to Sunday.

Non standard timings:

All Bank Holidays we will be closing at 2am. New Years Eve, Boxing Day and August Bank Holiday we will be closing at 4am.

Opening hours of the premises

Monday to Thursday	18:00 - 23:30
Friday & Saturday	19:00 - 02:30
Sunday	18:00 - 00:30

Alcohol is sold for consumption on the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Dudley Bassue

[Redacted address]

Daytime Contact Telephone Number: [Redacted]

Current Email Address: [Redacted]

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

Mr Kelvin Garvey

[Redacted address]

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: LEEDS/PERL/05122/09

Licensing authority: Leeds City Council

Licence issued under the authority of Leeds City Council



Mrs Emma White
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.

Annex 2 – Conditions consistent with the operating schedule

The prevention of crime and disorder

9. A Suitable Closed-Circuit Television CCTV system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises.
10. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence , including corridors and stairways (excluding WCs and changing rooms).
11. The CCTV System will cover the main entrance/s and exit/s and designated emergency egress routes from the premises.
12. The CCTV system will be of satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.
13. The CCTV system will contain the correct time and date stamp information.
14. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days continuous footage which will be of good quality.
15. The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has accessed the system , the reason why and when.
16. A designated member/members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied , on the request , to an authorised officer of the Licensing Authority or Responsible Authority.
17. The CCTV system will be capable of securing relevant pictures for review or export at a later date.
18. The CCTV system will be adequately maintained and be capable of transporting recorded material onto removable media
19. The CCTV system replay software must allow an authorised officer of the Licensing Authority or Responsible Authority to search the picture footage effectively and see all the information contained in the picture footage.
20. The minimum number of door supervisors for the premises is 2 from 2100 hrs every Fri and Sat evening and Sundays before Bank Holidays and those days where the premises is open on the Bank Holiday and the day after Bank Holiday until 0200 hrs , Boxing Day, New Years Eve and August Bank Holiday until 0400 as specified in the application).
21. The Premises Licence Holder (PLH) /Designated Premises Supervisor (DPS) will ensure that a Daily Record Register is maintained on the premises by the door staff.

22. The Daily Record Register will contain consecutively numbered pages, the full name and registration number of each person on duty , the employer of that person and the date and time he/she commenced duty and finished duty (verified by the individuals signature).
23. The Daily Record Register will be retained on the premises for a period of twelve months from the date of the last entry.
24. Security Staff/Designated Supervisors will be familiar with the premises policy concerning the admission , exclusion and safeguarding of customers whilst in the premises.
25. The PLH/DPS will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti social behaviour, admission refusals and ejections from the premises.
26. 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 staff involved or to whom the incident was reported, the names and numbers of any police officers attending, the police incident and/or crime number, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident. The Incident Report Register will be produced for inspection immediately on the request of an authorised officer.
27. The Incident Report Register will be produced for inspection immediately on the request of an authorised officer.
28. In relation to alcohol, the outside yard smoking area shown on the plan to be used for consumption of alcohol only at all times the licence has effect.
29. A policy for searching patrons at the entrance to the premises will be adopted and prominently displayed on the premises.
30. A suitable purpose-made receptacle for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with West Yorkshire Police or British Transport Police.
31. The PLH/DPS staff will ask for proof of age from any person appearing to be under the age of 25 who attempts to purchase alcohol at the premises.
32. Drinks,open bottles and glasses will not be taken form 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.
33. The PLH/DPS will prominently display notices which informs customers that open bottles or glasses may not be taken off the premises.
34. The PLH/DPS will belong to a recognised trade body or Pub Watch Scheme where one exists, whose aims include the promotion of the licensing objectives.

Public Safety

35. The amount of customers inside the premises will be heavily monitored by all members to insure the capacity is not exceeded and customers are not in danger.
36. Most beverages are served in plastic cups and bottles to prevent the possibility of them being used to harm, in addition to the few beverages served in glass bottles not being allowed to leave the premises to insure public safety.

Protection of children from harm

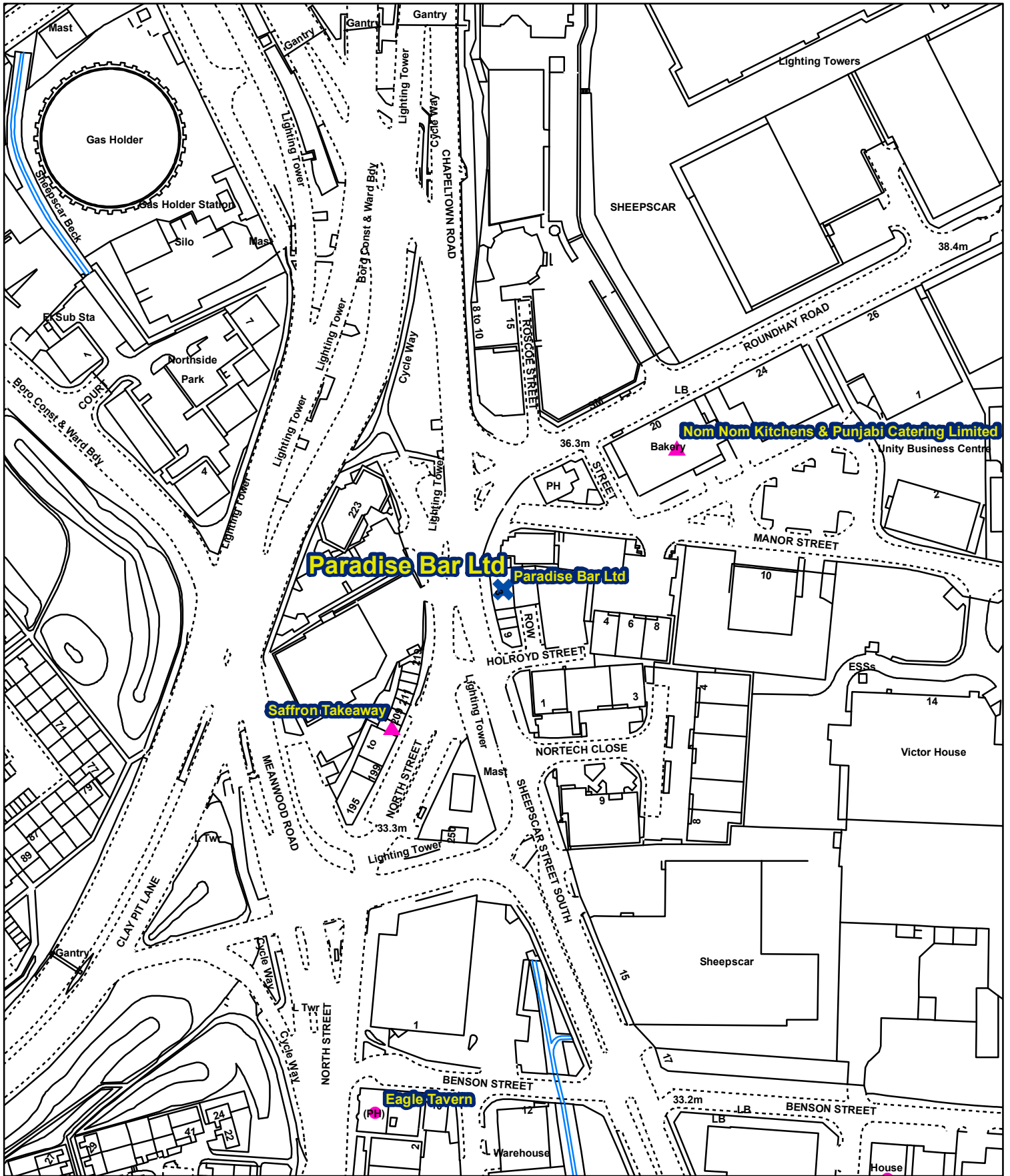
37. Prevention of individuals under the age of 18 inside the premises unless Paradise Bar Ltd is being used for private hire.

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

None

Annex 4 – Plans

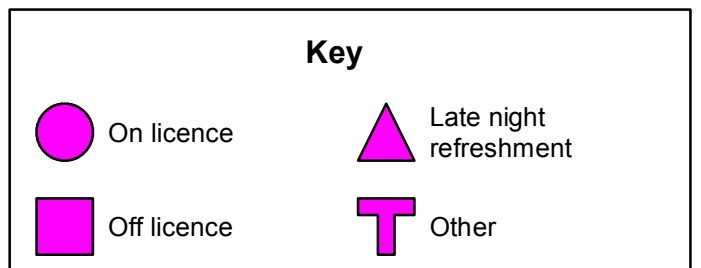
The plans for these premises are as those submitted with the application. A copy of which is held by Leeds City Council licensing authority.



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

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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.

(Signed)

(Date)

Statutory Form For Applying For A Summary Licence Review

Annex B

[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:

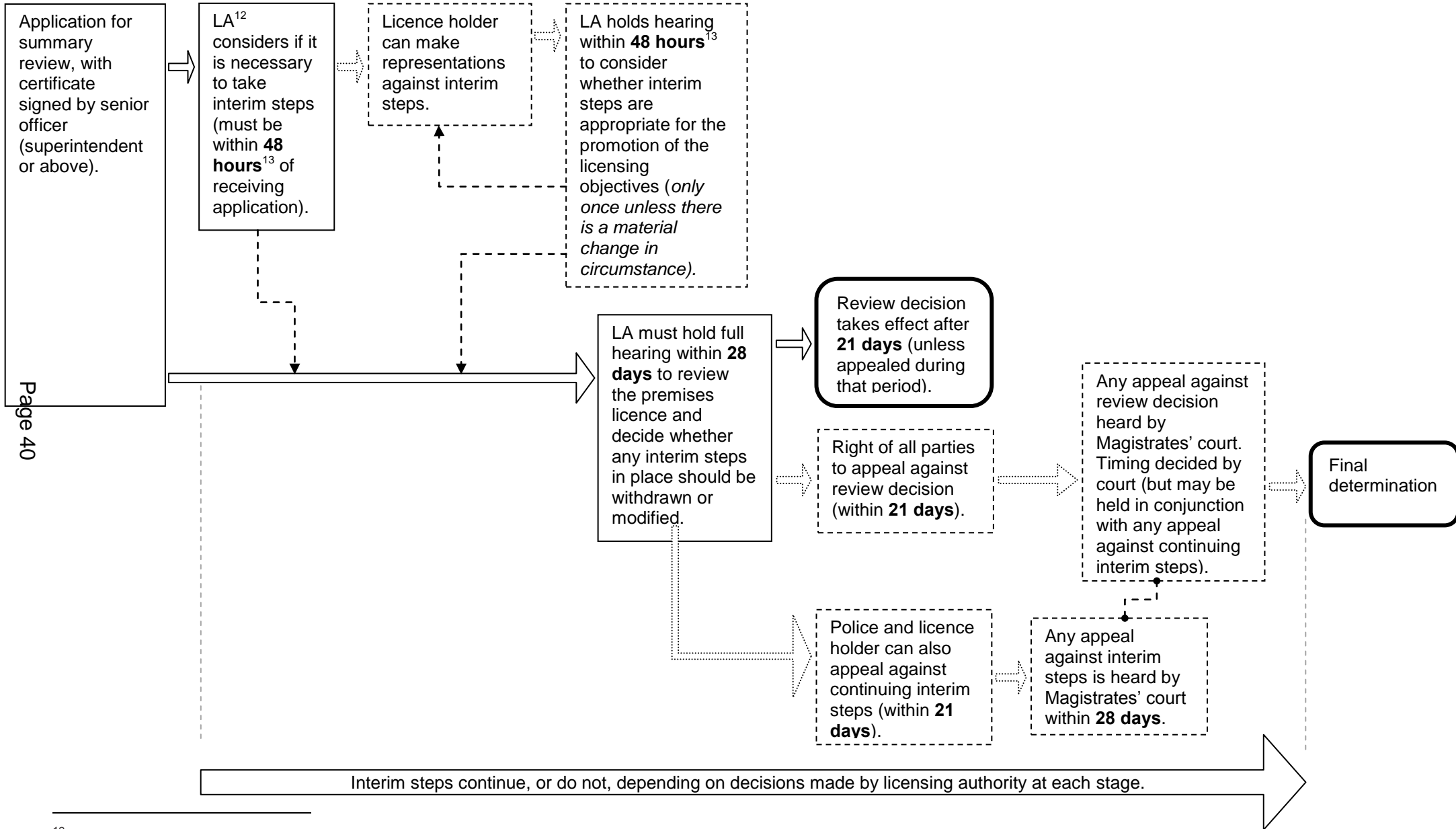
- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and 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.

ISBN: 978-1-84987-918-7
Published by the Home Office

Summary review flowchart



¹² Licensing authority

¹³ Only working days count