



Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Monday 9th December 2013

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

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

Executive Summary

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

1.0 Purpose of this Report

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

2.0 Background Information

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

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

3.0 Premises Licence

3.1 The premises licence holder is Shalport Limited.

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

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

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

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

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

4.0 Designated Premises Supervisor

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

5.0 Location

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

6.0 Main Issues

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

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

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

7.0 Relevant Representations/Letters of Support

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

8.0 Matters Relevant to the Application

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

9.0 Implications for Council Policy and Government

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

10.0 Legal and Resource Implications

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

11.0 Recommendations

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

12.0 Background Papers

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

Appendices

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