

**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