

**Report of the Chief Officer Elections and Regulatory**

**Report to the Licensing Sub Committee**

**Date: 1st August 2019**

**Subject: Summary Review of the Premises Licence – Interim Steps Hearing  
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**

This report advises Members that West Yorkshire Police have served on the licensing authority an application under Section 53A of the Licensing Act 2003 for a Summary Review of a premises licence. The application was served on the 30<sup>th</sup> July 2019.

The West Yorkshire Police are of the opinion that Paradise Bar, 3 Sheepscar Street South, Sheepscar, Leeds, LS7 1AB is a premises associated with serious crime and disorder.

A subsequent full review hearing will be held within 28 days of the receipt of the application. Before then an interim steps hearing must be held.

Members are asked to consider if it is necessary to take interim steps pending the full review hearing.

**1.0 Purpose of this Report**

- 1.1.1 This report informs the Members of the licensing sub committee of an application for a licence summary review made by the West Yorkshire Police in respect of Paradise Bar, 3 Sheepscar Street South, Sheepscar, Leeds, LS7 1AB. The application is made on the grounds of serious crime and disorder.
- 1.2 The licensing authority is now under a duty to review the premises licence held by Mr Dudley Bassue. A copy of the current premises licence can be found at **Appendix A.**

- 1.3 An interim steps hearing must be held prior to the full review hearing. This report sets out the relevant procedure, considerations and guidance for the interim steps hearing.

## 2.0 Background Information

### The Licensing Authority and Interim Steps

- 2.1 Under section 53A of the Licensing Act 2003 ("the Act") the local chief officer of police may apply to the licensing authority for a summary review of licensed premises licence if:
- (a) The premises are licensed for the sale by retail of alcohol, and
  - (b) A senior member of that force has given a certificate that it is of the opinion that the premises are associated with serious crime or serious disorder or both, and that certificate must accompany the application.
- 2.2 Within 48 hours of receipt of the 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. The licensing authority must also, within this period, consider whether it is necessary to take interim steps.

### The Interim Steps

- 2.3 The Interim steps the Sub Committee must consider taking are:
- The modification of the conditions of the premises licence;
  - The exclusion of the sale by retail of alcohol by retail (or other licensable activities) from the scope of the licence;
  - The removal of the designated premises supervisor from the licence; and
  - The suspension of the licence.
- 2.4 Members will note that the conditions of a premises licence are modified if any are altered or omitted, or any new condition is added. Unless specified otherwise, any step taken will have immediate effect, or as soon as the licensing authority directs.
- 2.5 The Act does not provide a right to appeal in relation to a decision reached at the interim steps hearing. The premises licence holder can make representations about any decision reached at the interim hearing. If representations are made, then the licensing authority must hold a hearing within 48 hours of receiving these representations.

### The application for a Summary Review

- 2.6 An application for summary review of a premises licence has been brought by The West Yorkshire Police. A copy of this application is attached to this report at **Appendix B.**
- 2.7 Members will also note that attached to the application is a certificate made under Section 53(1B) of the Act that confirms that a chief officer of the West Yorkshire Police is of the opinion that the premises are associated with serious crime. The certificate is attached to this report at **Appendix C.**

- 2.8 Officers confirm that the application and certificate were on the 30<sup>th</sup> July 2019 served on the premises licence holder and responsible authorities.
- 2.9 Officers have also advertised the review application by way of a notice displayed prominently at the relevant premises. This notice will be in situ from the 31<sup>st</sup> July 2019 until 13<sup>th</sup> August 2019. Representations can be made by any person in relation to the application within 10 working days from the display of the notice. The notices will be removed at the end of this period

### **3.0 Main Issues**

#### Considering the Interim Steps

- 3.1 Members are now requested to consider whether it is necessary to take interim steps pending the determination of the full review of this premises licence. This consideration may take place without the holder of the premises licence or West Yorkshire Police in attendance.
- 3.2 In reaching a conclusion on which interim steps, if any, are necessary pending the Full review determination, Members are invited to take into account not only the application but any matters raised by the West Yorkshire Police at the hearing.
- 3.3 Members are asked to consider what steps, if any, are necessary to address the immediate problems at the premises identified by the Police. In particular Members should consider any steps that will address the likelihood of serious crime and or serious disorder at the premises.

### **4.0 Matters Relevant to the Application**

#### Government Guidance

- 4.1 In making their decision, Members may take into account the guidance issued by the Department of Culture, Media & Sport in relation to Summary Licence Reviews. Although this guidance is not issued 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 D** of this report.
- (a) 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.
- (b) In addition, very careful consideration needs to be given to interim steps which would require significant costs or permanent or semi permanent adjustments to a 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.

- (c) Finally the guidance provides that 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.

## **5.0 Implications for Council Policy and Governance**

5.1 There are no significant implications identified.

## **6.0 Legal and Resources Implications**

6.1 There were no resource implications in determining the interim steps.

6.2 The Act does not provide a right to appeal in relation to a decision at Interim Steps hearing. The Premise Licence holder can make representations about any decision reached at the interim Steps Hearing. If representations are made, then the Licensing Authority must hold a hearing within 48 hours of receiving these representations to consider them.

## **7.0 Recommendations**

7.1 Members are requested to consider those interim steps, if any, that are necessary pending the full review hearing. The interim steps the Sub Committee must consider taking are:

- The modification of the conditions of the premises licence;
- The exclusion of the sale by retail of alcohol by retail (or other licensable activities) from the scope of the licence;
- The removal of the designated premises supervisor from the licence; and
- The suspension of the licence.

7.2 Members will note that the conditions of a premises licence are modified if any of them are altered or omitted or any new conditions are added.

7.3 Unless specified otherwise, any step taken will have immediate effect, or as soon as the licensing authority directs.

## Appendices

Appendix A Premises Licence  
Appendix B Summary Review Application  
Appendix C Summary Review Certificate  
Appendix D Summary Review Guidance