

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.