

From:Patterson, Bob
Sent:7 Jul 2020 17:54:11 +0100
To:Deighton, Charlotte;Entertainment Licensing
Subject:WYP REPRESENTATION - DRIGHLINGTON RL / MEETING HALL - NEW PREMISES LICENCE [OFFICIAL]
Attachments:2018 APR S182 GUIDANCE.pdf

Classification: OFFICIAL

Dear Charlotte,

Please accept this email as a formal representation to the subject premises / application, and refer to chain of emails below.

As you can see for yourself, a dialogue recently commenced between myself and the applicant in this case, with prompt replies to start with but which have since come to a halt, and before questions posed have been fully answered?

Therefore, I have no alternative but to lodge a formal representation today, which I understand is the 28-day statutory cut off in this particular case.

The chain of emails below, have so far has centred on, how the operator intends to use the two areas on the plan deposited with the application, shown as “external seating area / alcohol area”.

The use of these areas alone, is sufficient to justify a representation based on the licensing objectives, especially given the size of one of the areas concerned.

However, when these areas will actually be used, in addition is another very relevant consideration based on the promotion of the licensing objectives.

This particular aspect hasn't to date been mentioned, due to the quick introduction of a Bill last week intended to become law by the 4th July, which concerned amongst other things, the proposed lifting of restrictive conditions in relation to time and completely linked to consumption of alcohol off the premises.

Beer gardens / external drinking areas, would have been directly affected by the proposed changes.

However, this intended Bill becoming law last week, has now been suspended until a later date, so the consideration of when external areas are to be used, is still very much relevant to the promotion of the licensing objectives now, irrespective of any intended changes in the future.

In relation to this particular application and specifically the times applied for (particularly those on Friday and Saturday), and then referring to the plans as they have been submitted, West Yorkshire Police would make the following comments-

1. With regards to activities 'inside' the premises, the hours on Friday and Saturday whilst not widespread, are not totally unheard of either, even in more residential areas.

This makes any outright police objection difficult to justify, particularly with no previous trading history of these particular premises, and with the usual crime prevention measures / conditions offered by the applicant, intended to mitigate the impact on the licensing objectives, which the police would normally accept without raising a formal representation.

However,

2. With regards to activities 'outside' the premises (whatever they are intended to be), the police would say the hours applied for on Friday and Saturday especially, are entirely inappropriate with a view to promoting the licensing objectives.

Further, the attitude of West Yorkshire Police would remain the same in this respect, even if we were in a position of knowing exactly what is intended in these external areas shown with the plans of these premises, which we aren't?

Best regards.

Mr Bob Patterson

Leeds District Licensing Officer

Leeds District Licensing Department

Enterprise House

St. Paul's Street

Leeds LS1 2LE



[REDACTED]

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From: Patterson, Bob

Sent: 03 July 2020 11:02

Subject: RE: DRIGHLINGTON RL / MEETING HALL - NEW PREMISES LICENCE [OFFICIAL]

Classification: OFFICIAL

Good morning Carl,

Sorry I couldn't take your call yesterday, we are not in the building where the phones for the numbers below are located at the moment – so we will have to communicate by email.

I don't want to get too involved in this at this stage, as you have been given advice by Leeds City Council.

West Yorkshire Police have no grounds at present, to insist on things being done in a certain way, but the plan of the premises forms part of the licence, so it is important to know exactly what is going to happen in these outside areas particularly, for any potential future situation.

With respect, I'm not sure you know what you want to do in these areas currently?

So, that may have had a bearing on the advice you have already been given?

In addition, as I pointed out last time, external areas used for activities other than just consumption of alcohol (or if that is the way it is perceived by local residents looking at your application), more often than not, will attract greater attention!

The difference between sale (& consumption) and consumption only as you ask, makes a vast difference.

But, it is a matter entirely about what you want to do in these areas?

For you to decide, I attach a page from the current statutory guidance in relation to plans, to hopefully assist you.

It is from the most current document (despite it being over 2 years old now), and it has stood the ‘test of time’, with the principles being exactly the same now, as they were prior to the implementation of the current legislation, on which this guidance is based.

In very basic terms, the page guides that-

- if you wish to provide only consumption in an outside area, then there is no need for the outside area to form a part of the area covered by the premises licence (nor even to show it on the plan) – consumption is a NOT a licensable activity as covered by the premises licence, but would be regarded as an off-sale, which you have asked for,
- BUT,
- If you wish to do things other than just consumption which constitute a ‘sale’, then the outside areas would need to form a part of the area covered by the premises licence (as an ‘on sale’ even though the area are outside) – bars / dispense points in these areas would be classed as a ‘sale’, but staff / waiter / waitress service wouldn’t (there is no difference between a customer going back and forth for a drink and somebody doing it on their behalf).

So in your particular situation as you have described it so far, **you need to decide exactly what you want to do in these outside areas shown on your plan-**

1. If you want bars / dispense points out there for the majority of the time (to allow ‘sale’ & consumption), then fine, your current plan could be construed in that manner, but don’t be surprised if this attracts extra scrutiny,
2. If you want bars / dispense points out there but only on occasions (“nor very often” as you indicate), then you can apply for Temporary Event Notices (TEN’s) each time instead, to cover such activities when you need them, also to allow ‘sale’ & consumption,

3. If you want to allow only consumption of alcohol in this area, then as per the attached guidance, there is absolutely NO reason to 'licence' these areas. You can operate perfectly legally as a 'beer garden' by using your 'off sales' facility.

I hope this all makes sense, and I look forward to your further reply.

Best regards.

Mr Bob Patterson

Leeds District Licensing Officer

Leeds District Licensing Department

Enterprise House

St. Paul's Street

Leeds LS1 2LE

[REDACTED]

[REDACTED]

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[REDACTED]
[REDACTED]
[REDACTED]
Subject: Re: DRIGHLINGTON RL / MEETING HALL - NEW PREMISES LICENCE [OFFICIAL]

Hi Bob

I was thinking of times like the Drighlington Gala, football festivals for selling alcohol, not very often. Would it be better if we have that area just for consumption of Alcohol rather than the sale or does that not make any difference? Im not sure what you mean by other statutory Licencing applications I'm fairly new to this I'm afraid. We want to create a beer garden, at the back and on sunny days be able to sit outside the cafe with a glass of wine. As you said we drew the plan as we were advised by Licencing.

Your advice would be appreciated.

Regards

Carl

On 2 Jul 2020, at 15:31, Patterson, Bob [REDACTED] > wrote:

Classification: OFFICIAL

Good afternoon Carl,

Thanks for your details and clarification about CCTV.

On the latter point of outside use and setting up bars in those areas highlighted, weather permitting aside, how often do you intend to hold such events?

I realise some may advise you to do things this way, but it is much more difficult for authorities such as the police, to select permanent conditions for temporary occasions, especially when there are other statutory licensing applications, specifically available for such occasions – you know what I am referring to.

In addition, local residents looking at your application and the plans, may not consider things in the way which you have described?

I look forward to your further reply, before I email again with a suggested condition for use of the outside areas.

Best regards.

Mr Bob Patterson

Leeds District Licensing Officer

Leeds District Licensing Department

Enterprise House

St. Paul's Street

Leeds LS1 2LE

[REDACTED]

[REDACTED]

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[REDACTED]
Sent: 02 July 2020 09:04

To: Patterson, Bob [REDACTED]

Subject: Re: DRIGHLINGTON RL / MEETING HALL - NEW PREMISES LICENCE [OFFICIAL]

Morning Bob

My date of birth.....

Sorry for the clerical error, I can confirm that the CCTV will conform to all the required legislation and record 31 days.

The external seating areas are places we would like to consume alcohol predominantly, we also thought we would be able to set up an outside bar if needed for events?

Regards

Carl

Sent from my iPhone

On 1 Jul 2020, at 14:51, Patterson, Bob [REDACTED] > wrote:

Classification: OFFICIAL

Good afternoon Carl,

Thanks for your application a new premises licence in Drighlington.

A few things at this initial stage, if you could possibly reply in due course.

1. Your date and place of birth would be appreciated – purely for police files.
2. With regards to CCTV – you have indicated on your application form image retention will be for 30 days, but on the V8 risk assessment you have also submitted, you have ticked (or rather put a cross) in the CCTV box which requires 31 days.

Just to clarify, the V8 is an official document, and based on Home Officer guidelines with regards to CCTV.

Therefore, West Yorkshire Police will be asking Leeds City Council to use 31 days for the CCTV condition.

3. With regards to the plan you have submitted, which will form an integral part of the licence if it is issued, what do you mean exactly on the plan's legend which stipulates "Alcohol Area", for the areas edged in green particularly the two "external seating areas"?

I look forward to your reply in due course.

Thank you in advance.

Best regards.

Mr Bob Patterson