



Notice of Decision

of the Licensing Sub Committee

Interim Steps

Date of Hearing:	22 July 2021
Determination Date:	22 July 2021
Notice of Decision:	22 July 2021
Members:	Cllr A Hutchison (Chair) Cllr J Lennox
Legal Officer(s):	Robert Brown, Principal Legal Officer
Premises:	Barley Mow, Lower Town Street, Bramley, Leeds, LS13 3EN
Summary Review application made by:	West Yorkshire Police
Premises Licence Holder:	Mrs Kelly Shaw

West Yorkshire Police having made an application for summary review of the premises licence of Barley Mow, Lower Town Street, Bramley, Leeds, LS13 3EN pursuant to s.53A of the Licensing Act 2003, two members of the Council's Licensing Sub-Committee (herein referred to as "the Committee") met via remote means to consider whether it was necessary to take interim steps pending the determination of the substantive application. The legal officer and clerk also attended via remote means.

Members of the Licensing Sub-Committee had been provided in advance with a copy of the Report of the Chief Officer Elections and Regulatory. Appended to that Report were copies of the following:

- The premises licence
- The application submitted by West Yorkshire Police ("WYP") for a summary review of the premises licence
- A certificate under s.53A(1)(b) of the Licensing Act 2003 from a senior officer of WYP that in the opinion of that officer the premises are associated with serious crime
- A copy of the Home Office Summary Review Guidance

Only two members of the Licensing Sub Committee were available for the meeting. Many requests for further members had been made by those organising the meeting but to no avail. The meeting therefore proceeded with two members only on the basis that in the absence of agreement no interim steps could be taken.

The Committee noted that there appeared to have been several weeks between the latest of the two alleged incidents (25 June 2021) and the date the application was submitted (20 July 2021). Given that the application stated that "immediate suspension of the premises licence

is necessary to protect public safety” the Committee was of the view that an explanation for the lapse of time was required. David Parker, Licensing Officer with WYP, was contacted and joined the meeting via remote means. He told the Committee that investigations were ongoing and evidence that the 16 year old person had been inside the premises had only been obtained recently.

In response to questions, Mr Parker also told the meeting that the incidents on 4 June 2021 and 25 June 2021 were not linked to each other. He said that there had been other complaints relating to anti-social behaviour and common assaults (including one last weekend), but those were not serious crimes.

Mr Parker said the 16 year old had been drinking alcohol in the premises prior to the incident which led to his injuries, although Mr Parker did not know whether this young person had been served the alcohol.

The Committee noted the reasons for the application for review set out by the West Yorkshire Police and that they seek immediate suspension of the premises licence.

Decision

The Licensing Sub-Committee resolved to suspend the premises licence with immediate effect pending the hearing of the substantive application.

Reasons

The Licensing Sub Committee found that the recent incidents of violence associated with the premises according to the senior officer’s certificate were serious, had led to serious injury and that there was a significant risk that further similar serious violent crimes would take place. The Committee found that interim steps were necessary to avoid the risk that further violent crimes would take place and to promote the prevention of crime licensing objective. The Committee took the view that to modify or add to existing conditions of the licence or to exclude the sale of alcohol by retail from the scope of the licence would not adequately address the risk of further violent offences taking place at the premises and that to remove the designate premises supervisor would have no effect on the commission of violent offences in the future.

Right of Appeal

There is no right of appeal at this stage of the summary review process. However, the premises licence holder may make representations against the interim steps taken by the licensing authority.

On receipt of such representations the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt.

Further information on making representation against the interim measures can be found in the guidance issued under S182 of the Licensing Act 2003.