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

**Report to the Licensing Sub Committee**

**Date: Thursday, 7 March 2024**

**Subject: Summary Review of the Premises Licence for the Three Legs Hotel,  
9 The Headrow, Leeds, LS1 6PU**

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:		

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**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 the Three Legs Hotel, 9 The Headrow, Leeds, LS1 6PU.

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 the consideration of interim steps on the 13 February 2024. Members unanimously resolved to modify the conditions of the licence with immediate effect pending the substantive hearing of the review application.

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.

Members must also have regard to reviewing the interim steps pending the appeal period to ensure there are appropriate and proportionate safeguards in place at all times.

## **1.0 Purpose of this Report**

- 1.1 This report informs Members of the Licensing Sub Committee of an application by the West Yorkshire Police for the summary review of the licence in respect of the Three Legs Hotel, 9 The Headrow, Leeds, LS1 6PU. The application is made 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 Greene King Brewing & Retailing Limited.

## **2.0 History of the Premises**

- 2.1 An application was received by the Licensing Authority to convert the existing Justices' On Licence and Public Entertainment Licence during the transitional period. The applicant at the time was Spirit Group Limited and the licence was granted as applied for when the Licensing Act 2003 came into effect on 24 November 2005.
- 2.2 On 24 December 2010 an application was made to vary the licence proposing to extend the start times of existing licensable activities, the opening hours of the premises and to remove/amend a number of the existing conditions attached to the licence. The application attracted a representation offering suggested measures from West Yorkshire Police and proceeded to a hearing as no agreement was reached. The Licensing Sub Committee resolved to grant the earlier start times as applied for, whilst modifying the amended conditions in part and imposing the measures suggested by the police in their representation.
- 2.3 On 3 March 2020 an application was served on the Licensing Authority to transfer the licence to the current holder, Greene King Brewing and Retailing Limited. With no objection from West Yorkshire Police, the licence was granted as applied for.
- 2.4 A minor variation application was received on the 3 June 2021 suggesting an amendment to the licence condition requiring the use of door staff on the premises every Thursday, Friday and Saturday, from 20:00 hours until close. The amendment was to remove the need for door staff on a Thursday only (Friday and Saturday to remain as existing) and West Yorkshire Police made comments recommending the use of a minimum of two door staff from 19:00 hours until close on Friday and Saturday evenings. The applicant agreed to accept the police's suggestion, and the licence was granted as per the agreement reached.
- 2.5 On 9 November 2022 an application was made to appoint the current Designated Premises Supervisor, Deborah Fountain. The application did not attract a police objection and the licence was issued as requested.
- 2.6 A copy of the premises licence details can be found at **Appendix A** of this report.

## **3.0 Main Issues**

### Application

- 3.1 An application for a summary review of the premises licence has been sought by West Yorkshire Police. A redacted version of the application is attached at **Appendix B**.
- 3.2 Members will note that a certificate under section 53(1B) of the Act confirms that a Senior Officer of West Yorkshire Police is satisfied that these premises are associated

with serious crime or serious disorder or both. A redacted version of the certificate can be found at **Appendix C**.

3.3 Officers confirm that a copy of the application and certificate were served by e-mail on the Responsible Authorities and the licence holder's representative on the 9 February 2024. A hard copy of the application and certificate were hand delivered directly to the premises and posted to the licence holder's head office on the 12 February 2024.

3.4 The licence review was advertised by way of a notice displayed prominently at the premises from 12 February 2024 to 23 February 2024. The notice was checked periodically and removed at the end of the consultation period.

#### The Interim Steps

3.5 At the meeting to consider interim steps the measures available to the Members were:

- The modification 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 The Licensing Sub Committee unanimously resolved, with immediate effect, to modify the conditions of the licence to incorporate the conditions offered by the licence holder and set out below, subject to the amendment of Condition C:

- A. The premises to cease the sale of alcohol at 22:30 and close to the public at 23:00;
- B. A serious incident and crime scene preservation policy to be implemented and all staff trained in the policy. A copy of the policy to be available to officers and staff members behind the bar at all times. Door supervisors to be made aware of and agree to abide by the policies prior to working;
- C. A search policy in accordance with the policy attached at Appendix 3 of the licence holder's submission and modified as set out below to be implemented and all door supervisors to be trained in the policy (as amended by the Licensing Sub Committee);
- D. Staff and door supervisors to receive refresher training in relation to the law around serving intoxicated customers;
- E. Police to be notified immediately of any incident involving violence at the premises  
Three door supervisors to be on the premises from 18:00 Friday and Saturday until the premises are closed to the public; and
- F. The DPS will be on site at all times between 19:00 and close of business every day, except Monday and Tuesday.

3.7 And the inclusion of the following:

- That no alcohol shall be served before 10:00am (as per the opening hours currently being operated); and
- The first bullet point of the search policy to read; "*All persons entering the premises are to be searched for weapons*", resulting in the third bullet point of the search policy (regarding random searching) being rendered superfluous and removed.

3.8 Further information on the interim steps taken is contained within a copy of the decision notice at **Appendix D** of this report.

## Representation

3.9 A premises licence holder may submit a representation to the interim steps taken and any representation would be in accordance with Section 53B of the Licensing Act 2003. In this instance, the licence holder has not made any representation to the interim steps.

### **4.0 Premises Licence**

4.1 The premises licence holder is Greene King Brewing and Retailing Limited.

### **5.0 Designated Premises Supervisor**

5.1 The Designated Premises Supervisor is Deborah Fountain.

### **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 other persons, must not be frivolous or vexatious.

#### Representations from Responsible Authorities

7.2 There have been no representations on behalf of the Responsible Authorities.

#### Other Representations

7.3 In this instance the Licensing Authority has received an individual representation from for the Designated Premises Supervisor for the premises, Deborah Fountain. Members' attention is drawn to **Appendix F** of the report.

### **8.0 Matters Relevant to the Application**

8.1 In making their decision, Members may take into account the guidance issued under Section 182 of the Act. The section of this guidance specific to Summary Reviews is available at **Appendix G**.

### **9.0 Options Available to Members**

#### Determination of Summary Review

9.1 In the determination of this review the Licensing Sub Committee 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 from the scope of the licence; or
- To revoke the licence.

## Review of the Interim steps

- 9.2 The Licensing Authority's determination does not have effect until the end of the 21 day period for appealing the decision, or until the disposal of any appeal that is lodged. Should the premises licence holder or applicant appeal the decision, the interim steps decision will remain in place until the appeal is decided or dispensed with.
- 9.3 To ensure that there are appropriate and proportionate safeguards in place at all times the Licensing Authority is required to review the interim steps 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 s53C of the Licensing Act 2003 has been reached. In making its decision the Licensing Authority must consider any relevant representations made and Members are directed to paragraphs 12.29 and 12.30 of the Section 182 Guidance.
- 9.4 In conducting the review under this section, Members must:
- Consider whether the interim steps are appropriate for the promotion of the licensing objectives;
  - Consider any relevant representations; and
  - Determine whether to withdraw or modify the interim steps taken.
- 9.5 Members may alternatively decide that no action is necessary and that the circumstances of review do not require the Licensing Sub Committee to take any steps to promote the licensing objectives.
- 9.6 Members of the Licensing Sub Committee 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 under S182 of the Licensing Act 2003
- Leeds City Council Licensing Policy

## **Appendices**

Appendix A	Premises Licence Details
Appendix B	Signed Application
Appendix C	Signed Certificate
Appendix D	Interim Steps Decision Notice
Appendix E	Map
Appendix F	DPS Representation
Appendix G	s182 Guidance