



Report of the Director of Legal and Democratic Services

Licensing Committee

Date: 29th September 2006

Subject: Square - Review of Premises Licence.

Electoral wards affected:

City & Hunslet

Specific implications for:

Ethnic minorities

Women

Disabled people

Narrowing the gap

Executive Summary

This report informs Members of an application for a review of the Premises Licence made in respect of the Square 58/63 Boar Lane Leeds LS1 6HW under Section 51 of the Licensing Act 2003. The Licensing Authority is now under a duty to review the premises licence held in respect of the Last Orders.

1.0 Purpose of this report

This report provides Members with the background and history to the making of the review. The report sets out the relevant law when reviewing licences under the Licensing Act 2003 ("the Act"). Finally, this report informs Members of the options available to them when reviewing a premises licence.

2.0 Background Information

2.1 On the 13 September 2005 the premises known as the Square 58-63 Boar lane Leeds LS1 6HW were granted a premises licence. A copy of this licence is attached at **Appendix 1**.

2.2 In summary, the premises have the following Licensing Activities:

Sale by retail of Alcohol, Exhibition of a film, Performance of Live Music, Performance of Recorded Music, Anything of a Similar Description and Provision of Facilities for Dancing between the following hours:

Every Day 10:00hrs and 02:30hrs

Late Night Refreshment

Every Day 23:00hrs to 03:30hrs

Prior to operating under the terms of a premises licence the premises had the benefit of a Justice's Licence, a Public Entertainment Licence, Special Hours Certificate and Cinema Licence

- 2.3 A map detailing the location of the premises is attached at **Appendix 2**.
- 2.4 This review is being sought by West Yorkshire police on the grounds as listed at **Appendix 3**
- 2.5 Section 51 of the Act places the Licensing Authority under a duty to review the premises licence in respect of the Last Orders. The Licensing Authority must then follow a procedure set out in the Act. A summary of this procedure is attached at this report by way of a flow chart at **Appendix 4**.

3.0 Main Issues

3.1 Relevant Representations

Under the Act representations can be received from responsible authorities or interested parties. Representations must be relevant and, in the case of an interested party must not be frivolous, vexatious or repetitious.

- 3.2 Representation has been received from West Yorkshire Police who are a responsible authority this is attached at **Appendix 5**.

Members are of course aware that any decision made in respect of this review must promote the licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

- 3.3 In making their decision Members are obliged to have regard to guidance issued under Section 182 of the Act and the Council's licensing policy. Members must also have regard to the relevant representations made and the evidence they hear.

- 3.4 The Guidance deals with reviews at paragraphs 5.99 to 5.117.

4.0 Implications for Council Policy and Government

- 4.1 It is the stated licensing policy of the Council that when considering a review the authority will take into account all relevant circumstances but will view the matters listed in paragraph 12.13 of the policy with particular seriousness.

5.0 Legal and Resource Implications

- 5.1 There are no resource implications in determining the review.

5.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrates Court.

6.0 Recommendations

6.1 Members are requested to determine this review. The Committee must take such 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 any alteration or omission of an existing condition)
- To exclude a licensable activity from the scope of the licence
- To remove the designated premises supervisor
- To suspend the licence for a period not exceeding 3 months
- To revoke the licence

6.2 Members may alternatively decide that no action is necessary and that the circumstance of the review does not require the Committee to take any steps to promote the licensing objectives.

6.3 Members should note the Guidance also suggests it is open to Members to issue an informal warning to the licence holder or to recommend improvement within a particular time. However the Guidance further provides that where responsible authorities have already issued such warnings, the issuing of another warning should not be repeated.

6.4 Members of the Licensing Committee are asked to note that they may not take any of the steps outlined above merely because they consider it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

BACKGROUND PAPERS

- Guidance issued under section 182 of the Licensing Act 2003.
- Leeds City Council Licensing Policy