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## Report of the Assistant Chief Executive (Corporate Governance)

### *Report to the Licensing Sub Committee: Review of a Premises Licence.*

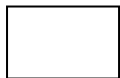
Date: 27<sup>th</sup> April 2009.

Subject: The George, 69 Gt George Street, Leeds LS1 3DL

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#### Electoral Wards Affected:

City & Hunslet



Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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## Executive Summary

This report informs Members of an application for a review of the Premises Licence made in respect of The George, 69, Great George Street, Leeds LS1 3DL 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 George.

### 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 An application for the conversion and variation of the Justice's Licence, and Public Entertainment Licence in accordance with the Licensing Act 2003 was submitted in July 2005 by Punch Taverns Plc.

There were no objections to the conversion application and therefore a premise licence was granted for the existing activities and hours.

Objections were received to the variation application from Leeds City Council Health and Safety Department and no agreements having been reached the matter was referred to the Licensing Sub Committee at their hearing being held on the 26<sup>th</sup> August 2005.

At the hearing the Sub Committee resolved to grant the application to vary the Premise Licence for the hours and activities as requested, noting the conditions already agreed with other responsible authorities (which would now form part of the OPerating Schedule at the premises) but to impose, in the interests of public safety, the following conditions on the new Premise Licence:-

- a) A suitably trained First Aider or appointed person will be provided when the premises are open.
- b) Adequate and appropriate First Aid equipment and materials will be available on the premises.

A Premise Licence was duly issued under the Licensing Act 2003 for the following activities/hours:

Sale by Retail of Alcohol.  
Provision of Facilities for Dancing.  
Performance of Live Music  
Performance of Recorded Music

Monday to Thursday 10:00 to 00:30.  
Friday & Saturday 10:00 to 02:30  
Sunday 10:00 to 23:30

Opening Hours of the Premises

Monday to Thursday 10:00 to 01:00  
Friday & Saturday 10:00 to 03:00  
Sunday 10:00 to 00:00

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend.

In July 2006 Punch Taverns Plc in accordance with section 34 of the Licensing Act 2003 submitted an application for a variation of the premise licence.

The application was to extend the hours for the sale of alcohol, live and recorded music and dancing for the downstairs bar only and would not be applicable to the upstairs bar, whose licensed hours would remain as per the existing premise licence.

The proposed hours being Monday to Saturday 10:00 to 05:00. – downstairs bar only.

Agreements were reached with Responsible Authorities and there being no further representations the variation application was granted as applied for, subject to agreements reached.

- 2.2 The premises currently have the benefit of a Premises Licence issued under the Licensing Act 2003 for the following activities:

Sale by Retail of Alcohol.  
Provision of Facilities for Dancing.  
Performance of Live Music  
Performance of Recorded Music

Monday to Thursday 10:00 to 00:30. – Upstairs Bar  
Friday & Saturday 10:00 to 02:30 – Upstairs Bar  
Sunday 10:00 to 23:30 - Upstairs Bar

Monday to Saturday 10:00 to 05:00 - Downstairs Bar Only

Opening Hours of the Premises

Monday to Saturday 10:00 to 05:30  
Sunday 10:00 to 00:00

A copy of the current premise licence is attached for the benefit of members See **Appendix “A”**

- 2.3 At the time the conversion/variation application was submitted the proposed Designated Premise Supervisor was Martyn Glover.
- 2.4 In July 2005 Punch Taverns Plc notified Leeds City Council that it was change the proposed Designated Premise Supervisor from Martyn Glover to Kwong Keung Chow
- 2.5 A map detailing the location of the premises is attached at **Appendix “B”**
- 2.6 This review is being sought by West Yorkshire Police on the grounds as listed at **Appendix “C”**

As part of the review procedure details of the review and an outline of the grounds on which the review was requested must be displayed at the premises for a period of 28 days commencing the day after the application was received, this being the 4<sup>th</sup> March 2009, by the Licensing Authority.

Two notices providing details of the review were duly placed on posts around the premises on the 5<sup>th</sup> March 2009 which are then checked on a regular basis. The notices were removed at the end of the 28 day period.

- 2.7 Section 51 of the Act places the Licensing Authority under a duty to review the premises Licence in respect of The George. The Licensing Authority must then follow a procedure set out in the Act. A summary of this procedure is attached to this report by way of a flow chart at **Appendix “D”**

### 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 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 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