



Report of the Assistant Chief Executive (Corporate Governance)

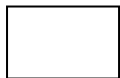
Report to the Licensing Sub Committee: *Review of a Premises Licence*

Date: Tuesday 19th May 2009

Subject: The Skinners Arms, Scott Hall Road, Leeds, LS7 2AT

Electoral Wards Affected:

Chapel Allerton



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

This report informs Members of an application for the review of a Premises Licence made in respect of The Skinners Arms, Scott Hall Road, Leeds, LS7 2AT, 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 Skinners Arms.

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 Justices' 'On' Licence in accordance with the Licensing Act 2003 was submitted in August 2005 by Trust Inns Limited (The Premises Licence holder).

No objections were received to the conversion application, therefore a premise licence was granted for the existing licensable activities and hours.

Representations from West Yorkshire Police, Leeds City Council Health & Safety Department and Environmental Health Team were received against the variation application, but agreed prior to the hearing. The remaining public objections required the matter to be referred to the Licensing Sub Committee; the hearing being held on the 26th September 2005.

At the hearing, the Sub-Committee decided to grant the variation application subject to certain modifications. Such modifications were to reduce the terminal time of all regulated entertainment by 30 minutes everyday, and to impose conditions to promote the Prevention of Crime & Disorder and Public Safety licensing objectives.

Such conditions and the reduction in hours would now form part of the operating schedule of the new Premises Licence.

Furthermore, the proposed Designated Premise Supervisor at the time that the conversion/variation application was submitted, was Mr. John Jerome.

These premises were subject to closure under 'Crack House Closure' legislation in November 2007. This closure was for a total period of 3 consecutive months and was a result of a lengthy investigation by West Yorkshire Police.

In December 2008 an application proposing Mrs. Icyclma Jerome as the Designated Premises Supervisor(DPS) was submitted, and the amendment was duly granted.

An application to hold a Temporary Event Notice was submitted and proposed to take place on Friday 27th March 2009. Due to the receipt of a representation from West Yorkshire Police the matter was referred to the licensing sub-committee on Monday 23rd March. The hearing resulted in the application being refused and a counter notice issued.

A letter received by the Licensing Authority on 27th April 2009 to remove the current DPS - Mrs. Icyclma Jerome - was submitted with immediate effect. Without a qualified individual acting as DPS, the premises closed as no authorization to trade is in place.

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

- **Performance of Dance**
Exhibition of a Film
Indoor Sporting Event
Performance of Live Music
Performance of Recorded Music
Provision of Facilities for dancing
Provisions of Facilities for Making Music

Monday to Sunday 10:00 to 23:30 hours

- **Late Night Refreshment**

Monday to Sunday 23:00 to 00:00 hours

- **Sale by Retail of Alcohol**

Monday to Sunday 10:00 to 00:00 hours

Opening Hours of the Premises

Monday to Sunday 10:00 to 00:30 hours

The sale and supply of alcohol and such regulated entertainment as authorised hereunder until 00:00 hours on Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve and Boxing Day. Also to open to the same hour on up to 12 occasions per annum upon 10 clear working days written notice to West Yorkshire Police.

New Year's Eve: 10:00 hours to New Year's Day – terminal hour as proposed.

A copy of the current premise licence is attached at **Appendix 'A'** for the benefit of members.

2.3 A map detailing the location of the premises is attached at **Appendix 'B'**.

2.4 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 21st March 2009.

Notices providing details of the review were duly placed on prominent display at the premises on the 21st March 2009, which are then checked on a regular basis. The notices were removed at the end of the 28 day consultation period.

2.5 Section 51. of the Act places the Licensing Authority under a duty to review the premises Licence in respect of The Skinners Arms. The Licensing Authority must then follow a procedure set out in the Licensing Act 2003. 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.

4.0 Matters Relevant to the Application

4.2 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

4.3 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.

4.4 The Guidance deals with reviews at paragraphs 5.99 to 5.117.

5.0 Implications for Council Policy and Government

5.1 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.

6.0 Legal and Resource Implications

6.1 There are no resource implications in determining the review.

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

7.0 Recommendations

7.1 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

7.2 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.

7.3 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.

7.4 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