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SI. 2005 No. 44 – Parts of Appendix 1 Only

Report of the Assistant Chief Executive (Corporate Governance)

Report to the Licensing Sub Committee: Review of a Premises Licence Interim Steps Hearing

Date: Wednesday 23rd June 2010

Subject: Streets of Leeds, Street Lane, Roundhay, Leeds, LS8 1BW

Electoral Wards Affected:

Roundhay



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

This report advises Members that West Yorkshire Police have served an application under section 53A of the Licensing Act 2003, for the Summary Review of a Premises Licence. The application was received on the 21st June 2010. West Yorkshire Police are of the opinion that Streets of Leeds, Street Lane, Roundhay, Leeds, LS8 1BW, is a premises associated with serious crime and serious disorder. A Summary Review hearing will be heard within 28 days. Before then an Interim Steps hearing must be held. Members are asked to consider if it is necessary to take interim measures pending the Review Hearing. A recommendation is made that Members undertake this consideration.

Purpose of this Report

- 1.1 This report informs Members of an application for a Summary Premises Licence Review in respect of Streets of Leeds, Street Lane, Roundhay, Leeds, LS8 1BW. West Yorkshire Police make this application on the grounds of serious crime and serious disorder.
- 1.2 The Licensing Authority is now under a duty to review the Premises Licence within 28 days of this application. Mr Darren Rothwell is the holder of the Premises Licence. A copy of this is attached at **Appendix A**.
- 1.3 An Interim Step Hearing must be held prior to the Summary Review Hearing. This report sets out the relevant procedure, considerations and guidance for the Interim Hearing.

2.0 Background Information

The Licensing Authority and Interim Steps

- 2.1 Under section 53A of the Licensing Act 2003 (“the Act”) the Chief Officer of Police for the Leeds area may apply to the Council for a review of the Premises Licence if:
 - (a) The premises are licensed for the sale of alcohol by retail; and
 - (b) A senior member of that force has given a certificate that it is of the opinion that the premises are associated with serious crime or serious disorder or both and that certificate must accompany the application.
- 2.2 Within 48 hours of receipt of the application the Licensing Authority must give the Premises Licence Holder and Responsible Authorities a copy of the application for review and a copy of the Certificate. The Licensing Authority must also, within this period, consider whether it is necessary to take interim steps.

The Interim Steps

- 2.3 The interim steps the Sub Committee must consider taking are:
 - The modifications 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.
- 2.4 Members will note that the conditions of a Premises Licence are modified if any of them are altered or omitted or any new condition is added. Unless specified otherwise, any step taken, will have immediate affect.
- 2.5 The Act does not provide a right to appeal in relation to a decision reached at the Interim Steps hearing. The Premises Licence holder can make representations about any decision reached at the interim hearing. If representations are made, then

the Licensing Authority must hold a hearing within 48 hours of receiving these representations.

The application for Summary Review

- 2.6 An application for Summary Review of a Premises Licence has been brought by West Yorkshire Police. A copy of this application is attached to this report at **Appendix B**.
- 2.7 Members will also note that attached to the application of West Yorkshire Police is a certificate made under Section 53(1B) of the Act, that confirms that a senior member of West Yorkshire Police is of the opinion that the premises are associated with serious crime or serious disorder. The certificate is attached to this report at **Appendix C**.
- 2.8 Officers confirm that the application and certificate have been served on the Premises Licence holder and Responsible Authorities. This was done on the 21st June 2010 in line with the requirement under the Act. Officers have also advertised the Summary Review by way of a notice displayed prominently at the relevant premises. This notice will remain from 22nd June 2010 until 5th July 2010. Representations can be made in relation to the Summary Review with 9 working days from the display of the notice. The notices will be removed at the end of this period.

3.0 Main Issues

Considering the Interim Steps

- 3.1 Members are now requested to consider whether it is necessary to take Interim Steps pending the determination of the review of this Premises Licence. This consideration may take place without the holder of the Premises Licence, Mr George Brisbane, in attendance.
- 3.2
- 3.3 In reaching a conclusion on which interim steps, if any, are necessary pending the review determination. Members are invited to take into account not only the application, but those matters raised by West Yorkshire Police at the hearing.
- 3.4 Members are asked to consider what steps, if any, are necessary to address the immediate problems at the premises identified by the Police. In particular, Members should consider any steps that will address the likelihood of serious crime and/or serious disorder at the premises.

4.0 Matters Relevant to the Application

Government Guidance

- 4.1 In making their decision, Members may take into account the guidance issued by the Department of Culture, Media & Sport in relation to Summary Licence Reviews. Although this guidance is not issued under Section 182 of the Act, it will be of some assistance in reaching a conclusion in this matter. A copy of this guidance is attached at **Appendix D** of this report.

- (a) Government guidance suggests that the practical implications of compliance in relation to the premises, be taken into account. For example, to comply with the modification of the conditions of the licence that required the employment of Door Supervisors, those running at the premises may need some time to recruit appropriately qualified and accredited staff.
- (b) Government guidance also suggests careful consideration need to be given to interim steps which require significant costs of permanent or semi permanent adjustments to the premises. This would be difficult to remove if the outcome of the subsequent Summary Review Hearing, was to withdraw or modify those steps. For example, making structural changes, installing additional CCTV or replacing all glassware with safer alternatives, may be disproportionate if they are not likely to be deemed necessary following the full review. The focus for interim steps should be in the immediate measures that are necessary to prevent serious crime or serious disorder occurring.
- (c) Finally the guidance provides that in some circumstances, it may be better to seek suspension of the licence pending the Summary Review, rather than imposing a range of costly conditions or permanent adjustments. It is open to Members having considered the application and representations made, that no steps pending the review should be taken.

5.0 Implications for Council Policy and Governance

- 5.1 There are no significant implications identified.

6.0 Legal and Resources Implications

- 6.1 There were no resource implications in determining the interim steps.
- 6.2 The Act does not provide a right to appeal in relation to a decision at Interim Steps hearing. The Premise Licence holder can make representations about any decision reached at the interim Steps Hearing. If representations are made, then the Licensing Authority must hold a hearing within 48 hours of receiving these representations to consider them.

7.0 Recommendations

- 7.1 Members are requested to consider those interim steps, if any, that are necessary pending the Summary Review. The interim steps the Sub Committee must consider taking are:
 - The modifications of the conditions of the Premises Licence.
 - The exclusion of the sale of alcohol by retail from the scope of the Licence.
 - The removal of the Designated Premises Supervisor from the Licence.
 - The suspension of the Licence.
- 7.2 Members will note that the conditions of a Premises Licence are modified if any of them are altered or omitted or any new conditions is added.

7.3 Members are then requested if they determine an interim step(s) should be taken, when that those steps should take effect.

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code


Streets Of Leeds
Street Lane
Roundhay
Leeds
LS8 1BW

Telephone number 0113 - 2698438

Licensable activities authorised by the licence

Sale by retail of alcohol
Provision of late night refreshment
Exhibition of a film
Indoor sporting events
Performance of live Music
Performance of recorded music
Entertainment similar to live music, recorded music or dance
Provision of facilities for making music
Provision of facilities for dancing

Licence Issued under the authority of:

N
25 Jackson: 

T N Jackson
Assistant Chief Executive
(Corporate Governance)

Licence produced on 10/11/2009



Leeds
CITY COUNCIL

Times the licence authorises the carrying out of licensable activities

<i>Sale by retail of alcohol</i>	
Monday to Thursday	10:00 - 23:30
Friday & Saturday	10:00 - 00:00
Sunday	10:00 - 23:30
<i>Provision of late night refreshment</i>	
Monday to Thursday	23:00 - 23:30
Friday & Saturday	23:00 - 00:00
Sunday	23:00 - 23:30
<i>Exhibition of a film</i>	
Monday to Thursday	10:00 - 23:30
Friday & Saturday	10:00 - 00:00
Sunday	10:00 - 23:30
<i>Indoor sporting events</i>	
Monday to Thursday	10:00 - 23:30
Friday & Saturday	10:00 - 00:00
Sunday	10:00 - 23:30
<i>Performance of live Music</i>	
Monday to Thursday	10:00 - 00:00
Friday & Saturday	10:00 - 00:30
Sunday	10:00 - 00:00
<i>Performance of recorded music</i>	
Monday to Thursday	10:00 - 00:00
Friday & Saturday	10:00 - 00:30
Sunday	10:00 - 00:00
<i>Entertainment similar to live music, recorded music or dance</i>	
Monday to Thursday	10:00 - 23:30
Friday & Saturday	10:00 - 00:00
Sunday	10:00 - 23:30
<i>Provision of facilities for making music</i>	
Monday to Thursday	10:00 - 00:00
Friday & Saturday	10:00 - 00:30
Sunday	10:00 - 00:00
<i>Provision of facilities for dancing</i>	
Monday to Thursday	10:00 - 23:30
Friday & Saturday	10:00 - 00:00
Sunday	10:00 - 23:30

The opening hours of the premises

Monday to Thursday	10:00 - 00:00
Friday & Saturday	10:00 - 00:30
Sunday	10:00 - 00:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is sold for consumption on the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Thomas George Brisbane
6 Bridge Court
Wetherby
Leeds
LS22 5GZ

Email Address: tombrisbane@aol.com

Premises Licence Holder Telephone Number: 07798 903960

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Nicola Brisbane
Streets Of Leeds
Street Lane
Leeds
LS8 1AP

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number: LEEDS/PERL/04934/09

Licensing Authority: Leeds City Council

Annex 1 – Mandatory conditions

1. Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-
 - a. unauthorised access or occupation (e.g. through door supervision), or
 - b. outbreaks of disorder, or
 - c. damage
2. No supply of alcohol may be made under this licence
 - a. At a time when there is no designated premises supervisor in respect of the premises licence, or
 - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made
 - a. By the British Board of Film Classification (BBFC,) Where the film has been classified by the Board, or
 - b. By the Licensing Authority where no classification certificate has been granted by the BBFC, or,
 - c. where the licensing authority has notified the licence holder that section 20 (3) (b) (74 (3) (b) for clubs) of the Licensing Act 2003 applies to the film.

Embedded restrictions attached to the licence by virtue of grandfather rights.

5. Alcohol shall not be sold or supplied except during the hours stated on this licence and:
 - a. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
 - b. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
6. The above restrictions do not prohibit:
 - a. the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first thirty minutes after above hours;
 - b. the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals.
 - c. consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;
 - d. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
 - e. the sale of alcohol to a trader or club for the purposes of the trade or club;

- f. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's Naval, Military or Air Forces;
 - g. the taking of alcohol from the premises by a person residing there; or
 - h. the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
 - i. the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
7. Where the number of children attending the entertainment exceeds 100 the licensee shall ensure that the provisions of Section 12 of the Children and Young Persons Act 1933 are complied with.

Annex 2 – Conditions consistent with the Operating Schedule

Additional details in respect of Licensable Activities authorised by this licence

1. Sale by retail of alcohol

Seasonal Variations:

None

Non Standard Timings:

Please see all activities section below.

2. Provision of late night refreshment

Location where activity will take place:

This activity will take place both indoors and outdoors.

Activity Details:

None defined

Seasonal Variations:

None

Non Standard Timings:

Please see all activities section below.

3. Exhibition of a film

Location where activity will take place:

This activity will take place indoors.

Activity Details:

Video entertainment on TV screens and amusement machines

Seasonal Variations:

None

Non Standard Timings:

Please see all activities section below.

4. **Indoor sporting events**

Activity Details:

To permit pub games that attract an audience whether by advertisement or spontaneously.

Seasonal Variations:

None

Non Standard Timings:

Please see all activities section below.

5. **Performance of live Music**

Location where activity will take place:

This activity will take place indoors.

Activity Details:

Live music/amplified music and amplified voice. All performances will be limited to end at 00:00 to minimise nuisance except on New Years Eve

Seasonal Variations:

None

Non Standard Timings:

Please see all activities section below.

6. **Performance of recorded music**

Location where activity will take place:

This activity will take place indoors.

Activity Details:

Recorded music including karaoke with or without DJ during normal business or as part of functions including audience participation.

Seasonal Variations:

None

Non Standard Timings:

Please see all activities section below.

7. **Entertainment similar to live music, recorded music or dance**

Type of entertainment taking place:

None defined

Location where activity will take place:

This activity will take place indoors.

Activity Details:

Comperes for quizzes aand similar events, comedians and similar performances using amplified voice.

Seasonal Variations:

None

Non Standard Timings:

Please see all activities section below.

8. **Provision of facilities for making music**

Facilities provided:

None defined

Location where activity will take place:

This activity will take place indoors.

Activity Details:

Such areas in the bar that may be set aside for dancing

Seasonal Variations:

None

Non Standard Timings:

Please see all activities section below.

9. **Provision of facilities for dancing**

Facilities provided:

None defined

Location where activity will take place:

This activity will take place indoors.

Activity Details:

Such areas in the bar that may be set aside for dancing

Seasonal Variations:

None

Non Standard Timings:

Please see all activities section below.

10. All Licensable Activities

Non Standard Timings

10:00am on New Year's Eve to 00:00New Year's Day.

10:00am to 01:00 on Friday, Saturday, Sunday and Bank Holiday Monday's.

10:00am to 01:00 on no more than 12 occasions per year. The applicant must give 10 clear working days written notice to the police.

11. Concerns in respect of children

None defined

Conditions consistent with the operating schedule relating to the licensing objectives

General – All four licensing objectives

None

The prevention of crime and disorder

12. When permission is sought for the sale of supply of alcohol during non standard hours or for any Bank Holiday period or an event of national interest one hour before, during, and one hour after the event, on no more than twelve occasions per year and the police have not provided evidence of crime and disorder to oppose the application then this should be granted subject to the consent of West Yorkshire Police.
13. The applicant must give ten days clear working days written notice to the police, and if after the fifth day, commencing with the day after the request is received, the police do not respond, consent will be deemed granted. In all other cases a Temporary Event Notice or Premises should apply.
14. Provide receptacles for the disposal of glass and other sharp objects, ensure any receptacle is situated in an area to which the public may gain or have access is secure.
15. Consult with the police at the earliest opportunity when planning an event which is unusual in character to one normally held at the licensed venue in any other case where the event is likely to cause increased impact on public safety, traffic or police resources.
16. Discourage criminal conduct in particular the use of illegal substances by displaying notices in and at entrances to licensed venues which clearly state that:-

"Entry will be refused to any person, who is drunk, threatening or violent. Entry may be refused to any person who has been convicted of an offence of drunkenness, violence or threatening behaviour, or the use or distribution of illegal substances at the licensed venue. Evidence may be recorded on imaging equipment or CCTV and offences will be reported to the police."
17. Discourage offences outside the venue in particular the use and distribution of illegal substances, persons engaged in soliciting for the purposes of prostitution and inform the police at the earliest opportunity.

18. Install an efficient and effective CCTV system in accordance with guidance issued by and acceptable to the West Yorkshire Police.
19. To become a member of a Licensees Association (Pubwatch) or to other licensee's representative body one of whose principle aims is to reduce crime, disorder and anti social behaviour in partnership with other agencies.
20. Where the ere are reasonably held concerns about crime and disorder at a venue consult with the police regarding initiatives or action plans aimed at addressing such issues.
21. Record full details of the circumstances surrounding any seizure of drugs or articles taken as a consequence of criminal offence or other incident. Retain the items where they may be required as evidence and inform the police as to their existence.
22. Operating hours specified in the licence will be utilised as often as possible so as not to undermine the policing plan for the district or the crime prevention objective.
23. Where licensees wish to hold a special event for children under the age of 18 years, they are expected to consult with the police at the earliest opportunity. In particular children's disco in town or city centres.
24. Adopt an appropriate proof of age scheme in accordance with guidance issued by West Yorkshire Police and Trading Standards.

Public safety

25. Before opening to the public, checks will be undertaken to ensure all access to the premises are clear for emergency vehicles. Regular safety checks will be undertaken when the premises is open.
26. Written records of all accidents and safety incidents involving members of the public will be kept. These will be made available at the request of an authorised officer.
27. Regular safety checks of the premises including decorative and functional fixtures, floor surfaces and equipment (including electrical appliances) to which the public may come into contact, must be undertaken. Records of these safety checks must be kept and made available for inspection by an authorised officer.
28. Empty bottles and glasses will be collected regularly paying particular attention to balcony area and raised levels.
29. Electrical installations will be inspected on a periodic basis (at least every 3 years or at a frequency specified in writing) by a suitably qualified and competent person. Inspection records/certificates will be kept. These will be made available at the request of an authorised officer.
30. Regular safety checks of guarding's to stairs, balconies, landings and ramps will be undertaken, and a supervision policy will be maintained to prevent people from inappropriate behaviour including climbing which may lead to a fall from height.
31. Safety glass that is impact resistant or shielded to protect it from impact will be used in all areas where the public may come into contact with it.
32. All floor surfaces will be suitably slip resistant, kept in good condition and free of obstruction to prevent, slips, trips and falls.
33. A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner.

34. Members of the public will be prevented from accessing hot food and drink preparation areas to prevent risk of scalds or burns to them.
35. A suitably trained first aider or appointed person will be provided at all times when the premises are open.
36. Adequate and appropriate First Aid Equipment and materials will be available on the premises.
37. A procedure for dealing with unwell members of the public will be in place including those who appear to be affected by alcohol or drugs. Staff will be appropriately trained in such procedures.
38. Where strobes, lasers, smoke machines or any other special effects equipment may be used, a written health and safety policy covering all aspects of their use will be provided and staff will be appropriately trained.
39. No strobes, lasers, smoke machines or any other special effects equipment may be used, a written health and safety policy covering all aspects of their use will be provided and staff will be appropriately trained.

The prevention of public nuisance

40. Ensure that no nuisance is caused by noise or vibration emanating from the premises.
41. Noise shall be inaudible at the nearest noise sensitive premises after 23:00 hours and when entertainment takes place on a regular basis at all times.
42. No bottles shall be placed in the external receptacle after 23:00 hours to minimise noise nuisance to adjoining properties.
43. Ensure that the rating level of noise from plant and machinery is no higher than 5dB below the lowest background level at the most noise affected sensitive premises during the operation of the plant.
44. Plant and machinery shall be regularly serviced and maintained to continue to meet the rating level.
45. Clear and legible notices shall be displayed at exits and other circulatory areas requesting patrons to leave the premises having regards to the needs of other local residents, in particular emphasising the need to refrain from shouting, slamming car doors, sounding car horns and loud use of vehicle stereos and anti social behaviour. The activity of persons leaving the premises shall be monitored and they shall be reminded to leave quietly where necessary.
46. A facility shall be provided for customers to order taxis and telephone numbers for taxi firms shall be displayed in a prominent location. Where possible these should be liaison with a local taxi firm to ensure a ready supply of transport and thereby reduce noise disturbance. To prevent disturbance a waiting area within the premises shall be provided.

The protection of children from harm

47. None

Annex 3 – Conditions attached after a hearing by the licensing authority

General – all four licensing objectives

None

The prevention of crime and disorder

None

Public safety

None

The prevention of public nuisance

That during the half hour between the last sale of alcohol and the closure of the premises, the volume of music will be reduced and the level of lighting be increased to allow for a cooling down period.

The protection of children from harm

None

Annex 4 - Plans

) The plans for these premises are as those submitted with the application. A copy of which is held by Leeds City Council Licensing Authority.

RESTRICTED**APPLYING FOR A SUMMARY LICENCE REVIEW**

Application for the review of a Premises Licence under
Section 53a of the Licensing Act 2003

(Premises associated with serious crime or serious disorder or both)

Insert name and address of relevant Licensing Authority and its reference number (optional):

Please read the following instructions first

Before completing this form, please read the guidance notes at the end of the form. If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I, PC 5783 Dobson

(on behalf of) the Chief Officer of Police for the West Yorkshire Police area apply for the review of a premises licence under Section 53a of the Licensing Act 2003.

Part 1 – Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description:

The Streets of Leeds, Street Lane, Roundhay

Town/City: Leeds

Postcode: LS8 1BW

Part 2 – Premises licence details

Name of premises licence holder (if known):

Thomas George Brisbane

Number of premises licence (if known): PREM/00315

Part 3 – Certificate under Section 53a(1)(b) of the Licensing Act 2003 (please read Guidance note 1)

I confirm that a certificate has been given by a senior member of the police force for the police area above, that in his/her opinion the above premises associated with serious crime or serious disorder or both, and the certificate accompanies this application. (Please 'check' the box to confirm)

**Part 4 – Details of association of the above premises with serious crime, serious disorder or both (please read Guidance note 2)**

The premises licence holder for The Streets of Leeds is Mr Thomas George Brisbane. He has a twenty year lease of the premises from Enterprise Inns which is approximately four years into the twenty year period. His daughter, Nicola Brisbane, is the designated premises supervisor at the premises having held this position since 28 August 2009. Nicola Brisbane is linked to the premises for approximately eighteen months prior to her taking on the role as DPS.

On 24 May 2010 Officers in a marked police vehicle stopped white Audi A3 convertible, registration number [REDACTED], on Harehills Lane Leeds. This vehicle was being driven by a male called [REDACTED] and the front seat passenger was [REDACTED]. Officers could smell cannabis and suspected drugs to be in the vehicle and a search was conducted. This search resulted in drugs being located in the vehicle and a large amount of cash being seized. Both occupants of the vehicle were arrested and transported to the Police Station where their detention was authorised.

This vehicle is a lease vehicle and is leased in the name of Mr Brisbane. However we are told that this is his daughter's vehicle and it is Nicola Brisbane that drives the vehicle on a regular basis.

Whilst in custody [REDACTED] gave his home address as The Streets of Leeds. As a result of this The Streets of Leeds were searched by Officers and a quantity of drugs was seized from the premises. As a result of this search Nicola Brisbane was arrested for possession with intent to supply and transported to the Police Station.

The drugs found are suspected of being both class A and class B drugs and will be forensically examined. The drugs found include a quantity of cream coloured rocks believed to be crack cocaine. Separately packaged

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'dealer bags' of green vegetable matter believed to be cannabis. Separately packaged cream coloured rocks in 'dealer bags' believed to be crack cocaine. Separately packaged brown/yellow crystalline substance in 'dealer bags'. White crystalline powder found in folded paper and items of drugs paraphernalia. The street value of the drugs found has not been established at the time of this application.

██████████ home address was also searched, once the location was established, and further items were seized from this location, including a large quantity of what is believed to be cannabis and other prohibited items.

All three suspects have been bailed to return to the Police Station following the forensic examination of the drugs. They are due to return on 22 September 2010.

From speaking to the persons arrested and from an interrogation of the Police systems it is clear that Brisbane and ██████████ are boyfriend and girlfriend and have been so for some considerable time. There are entries on Police computer systems linking him to The Street of Leeds for over two years, but this is the only occasion that I am aware of where The Streets of Leeds have been searched following arrest.

When speaking to Nicola Brisbane and her father it is clear that this is along standing relationship. One that commenced before ██████████ was sentenced to a lengthy term in prison and has continued since his release. It is also clear that this relationship is not going to come to an end any time in the near future and even when faced with an expedited review and the possibility of suspension or revocation, Nicola Brisbane is steadfast in her defence of ██████████. She stated that ██████████ does have a 'habit', but does not take drugs on the premises. She asked where the help was for ██████████ to help him with addiction, I would say from the drugs found and the quantities involved are for more than personal use.

██████████ has a string on convictions dating back to 2001. However it is his more recent convictions which are a cause for concern. On 090306 ██████████ was convicted at Birmingham Magistrates' Court for possession of a controlled drug, and received a six week term of imprisonment. On 080808 ██████████ was convicted by Great Grimsby Crown Court for being concerned in the supply of crack cocaine, being concerned in the supply of heroin and failing to surrender to custody for this he was sentenced to a two year term of imprisonment. And on the 120908 he was sentenced by Liverpool Crown Court for the production of cannabis and failing to surrender to custody for this he received a nine month custodial sentence to be served consecutively. During this time he has been linked to Nicola Brisbane.

Over the same time frame West Yorkshire Police have had concerns in relation to drugs and The Streets of Leeds. In an effort to try and overcome the problems and support the DPS, drugs operations have been conducted in which a drugs dog and Officers have visited the premises and conducted searches. These searches have resulted in the arrests of a number of people for being in possession of controlled drugs. Officers have also visited and conducted random drug swabs at the premises where there has been a clear indication of cocaine in both the ladies and gents toilets. Information has also been received that drug taking does take place at The Streets of Leeds with ladies going into the men's toilets and men going into the ladies toilets. They then come out quite clearly under the influence of drugs.

When this was put to Nicola Brisbane and her father they disputed vehemently what they were being told. Mr Brisbane said he would not be able to tell if someone had taken drugs. When speaking to Leeds City Council Mr Brisbane was spoken to when he first leased The Streets of Leeds and was not prepared to display drugs posters in the premises and was adamant that they would resolve their own problems.

Following the arrest of Nicola Brisbane a meeting was arranged to discuss the concerns with the PLH and Enterprise Inns. Mr Brisbane was very angry about the way that this had been done and although concerned about what he was being told appeared to find it difficult to differentiate between his personal relationship with his daughter and his professional responsibility as a PLH. There had also been two positive test purchases conducted at the premises in a six month period, which Mr Brisbane saw as 'a sting' and entrapment and was not at all happy about.

West Yorkshire Police made it very clear at this meeting what their concerns are and that there is a conflict of interests between his daughter and her partner. One is a DPS with a clear responsibility to uphold the licensing objectives and run the premises correctly, the other is a convicted drug dealer with very recent custodial history living on the premises and drugs have now been found on the premises leading to the arrest of the DPS.

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The test purchase operations were discussed and were not a 'sting' or entrapment but a proper process to see if the premises are doing all that they could to prevent under age sales. It was clear that they were not as Mr Brisbane was unable to produce any training manuals saying that his staff did not need regular training as they know not to sell to anyone under age.

A follow up meeting was requested by Mr Brisbane and took place at The Streets of Leeds on Tuesday 15 June 2010. This meeting was also attended by Nicola Brisbane. It was made clear at this meeting that a review or an expedited review would be applied for. There was disbelief that this could happen to them and The Streets of Leeds, believing that the premises were being picked on and targeted unnecessarily.

In terms of [REDACTED] and his links to Nicola Brisbane and The Streets of Leeds it was hard to separate the three. There was a reluctance to accept what they were being told or to acknowledge that this was a serious problem for the business. Both Mr Brisbane and Nicola Brisbane want to continue to run the premises and Mr Brisbane made it clear that there he had an awful lot of money invested in the business referring to his profits on a number of occasions. Whilst we can appreciate the financial commitment he has to the premises there is a bigger commitment required, which does not involve money, and it clearly is one step too far.

An expedited review has been requested on this occasion because of the seriousness of the offences. Further interrogation of Police systems shows [REDACTED] as linked to other very well known nominals with links to drugs and violence. He is living on the premises and has been for some time. Nicola Brisbane and he are partners and this is not going to change. The Streets of Leeds is her home but still there is a reluctance to accept or believe the evidence. Nicola Brisbane's position is seriously compromised and I would suggest she would find it difficult to deal with drugs issues front of house, when drugs are a part of her life. They have been located on the premises and her boyfriend has been convicted for dealing and there is every suggestion that this is still the case. Her personal life and professional responsibilities are inseparable and the reluctance to address the issues is very worrying. How a DPS can turn a blind eye or even be concerned in drug supply on one hand and then challenge drug related behaviour on the other is beyond comprehension.

It is for this reason I request that the premises licence be suspended for a period to be determined by the Licensing Sub-Committee. To reduce the hours or remove the DPS is not considered appropriate as the times are not the issue. If the DPS was removed from this role, she will still live on the premises with [REDACTED] and work in the premises. Staff will look to her as their DPS and as her father is the PLH this could potentially undermine any new DPS.

Signature of applicant:..... Date: ...180610.....

Capacity: Licensing Officer

Contact details for matters concerning this application:

Address: Leeds District Licensing, Millgarth Police Station Leeds

Telephone numbers: 0113 2414111

E-mail address: lynn.dobson@westyorkshire.pnn.police.uk

Notes for Guidance

1. A certificate of the kind mentioned in the form, must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder, or both.

Serious crime is defined by reference to Section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- 'Conduct that amounts to one or more criminal offences for which a person who has attained the age of 18 and has no previous convictions, could reasonably be expected to be sentenced to imprisonment for a term of three years or more'; or
- 'Conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose;
- Serious disorder is not defined in legislation and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

RESTRICTED



CERTIFICATE

Under Section 53a(1)(b) of the Licensing Act 2003

*Delete as applicable.

I hereby certify that in my opinion the premises described below are associated with *serious crime .

Premises details
Premises (include business name and address and any other relevant identifying details):
The Streets of Leeds, Street Lane, Roundhay, Leeds LS8 1BW
<i>I am a</i> Superintendent <i>in the West Yorkshire Police Force.</i>

Optional

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because:

(Give brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned).

I have reviewed the evidence and circumstances in this case.

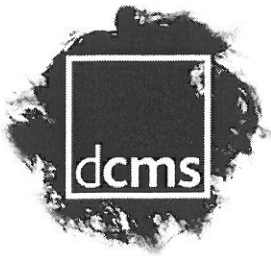
There is an obvious need for action to be taken against these premises in the short term. Suspension of the premises licence is requested to ensure this matter is dealt with expeditiously to prevent further serious crime or serious disorder. This cannot be achieved through the lengthier process of a normal premises licence review. The seriousness of the crime is reflected in the prison sentences such offences attract for those convicted, The fact that the person arrested for the offence has an overwhelming control of the premises cannot be ignored. Drugs were found on the premises and the quantities involved are believed significant enough to justify the request for an expedited review.

The offence of possession with intent to supply is an offence under the Misuse of Drugs Act 1971 and can be tried in either Magistrate's Court or Crown Court. Upon indictment the maximum sentence is seven years imprisonment. This application for expedited review of the premises licence meets the criteria required

All other avenues have been explored to address the outstanding issues within these premises without success. I am satisfied that there has been an escalation in matters and that the most recent offence has brought matters to a head. Every effort has been made to try and address the issues before this review was thought necessary. But it is now felt necessary to proceed with an expedited review following unproductive discussions with the PLH, DPS and interested party.

The premises are under the control of a person arrested for PWITs who inseparably linked to a convicted drug dealer. Her personal life and professional responsibilities and the links to the licensed premises are in serious question. WYP would question how much control her partner has over the DPS thereby having a degree of control over the licensed business.

Signed:	
Superintendent.....	Date:.....
.....



department for
culture, media
and sport

LICENSING ACT 2003

(as amended by the Violent Crime
Reduction Act 2006)

EXPEDITED/SUMMARY LICENCE REVIEWS GUIDANCE

October 2007

improving
the quality
of life for all

Our aim is to improve the quality of life for all through cultural and sporting activities, support the pursuit of excellence, and champion the tourism, creative and leisure industries.

INTRODUCTION

1.1 This Guidance explains how to use new provisions in the Licensing Act 2003 (the 2003 Act) which allow a quick process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both). These provisions were inserted at section 53A of the 2003 Act by the Violent Crime Reduction Act 2006 and came into force on 1 October 2007. This guidance has no statutory basis but is intended to assist police forces and licensing authorities when considering using the new procedures.

1.2 The new powers apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, nor to those operating under a club premises certificate. The purpose of the new powers is to complement existing procedures in the Licensing Act 2003 for tackling crime and disorder associated with licensed premises. The existing powers, in Part 8 of the 2003 Act, provide for the instant closure of premises by the police in some circumstances, and the review of premises' licences by the licensing authority. The new powers, which are in Part 3, are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives.

1.3 The new powers will allow:

- the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with **serious** crime or **serious** disorder (or both); and
- the licensing authority to respond by taking interim steps quickly, **where appropriate**, pending a full review.

1.4 In summary, the process is:

- a local chief officer of police may apply to the licensing authority for an expedited review of a premises licence where a senior police officer has issued a certificate stating that in his/her opinion the premises are associated with serious crime or serious disorder (or both);
- on receipt of the application and the certificate the licensing authority must within 48 hours consider whether it is necessary to take interim steps pending determination of the review of the premises licence – the authority must in any event undertake a review within 28 days of receipt of the application.

1.5 The range of options open to the licensing authority at the interim steps stage are:

- modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
- removal of the designated premises supervisor from the licence; and
- suspension of the licence.

1.6 Following the full licence review the Licensing Authority may do any of the above or may revoke the licence.

1.7 The purpose of this guidance is to:

- set out the circumstances where the power might be used; and
- outline the process and the steps at each stage.

1.8 The process is set out in the diagram at Annex A.

THE STEPS

2. Triggering the expedited review

2.1 Section 53A of the Licensing Act 2003 determines who may apply for an expedited review and the circumstances where it might be used.

Application for expedited review

2.2 The chief officer of police for the local area may apply to the relevant licensing authority for an expedited licence review if a **senior member** of the force has issued a **certificate** that in his/her opinion a licensed premises is associated with **serious crime or serious disorder (or both)**.

2.3 The key definitions used above are:

- **Senior member of the force:** this must be an officer of the rank of superintendent or above.
- **Certificate:** this is a formal note which identifies the licensed premises and includes a signed statement by a senior officer that he believes the premises is associated with serious crime, serious disorder or both. **This form is not prescribed in legislation. However, a sample form which forces may wish to adopt is attached at annex B to this guidance.**
- **Serious crime:** The tests to determine the kinds of conduct that amount to serious crime are set out in Section 81(3)(a) and (b) of the Regulation of Investigatory Powers Act (2000). Those tests are: (a) that the conduct constitutes an offence for which a person 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 or more years or (b) that the conduct involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
- **Serious Disorder:** There is no definitive list of behaviours that constitute serious disorder, and the matter is one for judgment by the local police. The phrase should be understood in its ordinary English sense, as is the case under section 12 of the Public Order Act 1986, where it is also used.
- **The Application for a summary or expedited review:** this is an application made by, or on behalf of, the Chief Officer of Police under s.53A of the Licensing Act 2003. The application must be made on a form prescribed by Schedule 8A to the

Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42). Schedule 8A was inserted by the Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007 (SI 2007/2502), and must be accompanied by the certificate issued by a senior officer. The form which must be used is reproduced in annex C of this guidance.

2.4 In deciding whether to sign a certificate the senior officer will want to consider the following (as applicable):

- the track record of the licensed premises concerned and whether the police have previously had cause to give advice about serious criminal or disorderly conduct (or the likelihood of such conduct) attributable to activities taking place on the premises – it is not expected that this power will be used as a first response to a problem;
- the nature of the likely crime and/or disorder – is the potential incident sufficiently serious to warrant using this power?
- should an alternative power be deployed? Is the incident sufficiently serious to warrant use of the powers in Sections 161 – 165 in Part 8 of the Licensing Act 2003 to close the premises? Or could the police trigger a standard licence review to address the problem? Alternatively, could expedited reviews be used in conjunction with other powers? For example modifying licence conditions following the use of a closure power.
- what added value will use of the expedited process bring? How would any interim steps that the licensing authority might take effectively address the problem?

2.5 It is recommended that these points are addressed in the Chief Officer's application to the licensing authority. In particular, it is important to explain why other powers or actions are not felt to be appropriate. It is up to the police to decide whether to include this information in the certificate or in section 4 of the application for summary review. The police will also have an opportunity later to make representations in relation to the full review.

2.6 In triggering the process, the police will wish to take into account the fact that an intended use of the power is to tackle the use of dangerous weapons and the violence they fuel. For example, in appropriate circumstances the police might wish to make representations to the licensing authority suggesting that they modify the conditions of premises' licence to require searches of customers for offensive weapons upon entry. Under the new power this could be done on an interim basis, pending a full hearing of the issues within the prescribed 28-day timeframe.

2.7 Similarly, the power could, **where appropriate**, be used to reduce the risk of injury caused by glass by requiring the adoption of a safer alternative (but see paras 3.6 and 3.7 below).

2.8 However, as the explanatory notes that accompanied the Violent Crime Reduction Act state: 'These are selective measures. It is not the aim to require all licensed premises to undertake these searches or use toughened glass. Rather, the policy aim is to provide a selective tool, to be used proportionately, to limit this condition to those pubs that are at

risk either because police intelligence shows there is a risk of knives/guns being carried or because crime and disorder has occurred on the premises’.

3. The Licensing Authority and the interim steps

3.1 Within 48 hours of receipt of the chief officer’s application, the Licensing Authority must give the premises licence holder and responsible authorities a copy of the application for review and a copy of the certificate, and must also consider whether it is necessary to take interim steps. When calculating the 48 hour period any non-working day can be disregarded.¹

3.2 The licensing authority may wish to consult the police about the steps that it thinks necessary, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder. The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. (This does not, of course mean that the authority *cannot* afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances).

3.3 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions must be taken by the relevant licensing sub-committee, or by the authority acting as a whole (see new section 10(4)(via) of the 2003 Act). It should also be noted that there is no requirement for a formal hearing in order to take interim steps. This means that the relevant sub committee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.

3.4 The interim steps that the licensing authority must consider taking are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
- the removal of the designated premises supervisor from the licence; and
- the suspension of the licence.

Modification of the conditions of the premises licence can include altering or modifying existing conditions or adding any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the Guidance to Licensing Authorities issued by the Secretary of State under section 182 of the Licensing Act 2003.

3.5 If the licensing authority decides to take steps at the interim stage then:

¹ This means that, for example, if the application was received at 3pm on a Friday, the 48 hour period would cover the remaining 9 hours on that Friday and the remaining 39 hours starting on the Monday morning (provided it was not a bank holiday). In this case the licensing authority would have to decide on interim steps by 3pm on the Tuesday.

- the decision takes effect immediately, or as soon after then as the licensing authority directs; but
- the licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application. The Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect. In such a case, the decision and the reasons for it should be explained clearly and in full to the licence-holder (or someone who is empowered to act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example by email or fax) which is identical, or not significantly different from the version given by phone.

3.6 The licensing authority in deciding when its decision on interim steps should take effect should consider the practical implications of compliance in relation to the premises. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.

3.7 In addition, very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to a premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw or modify those steps. For example, making structural changes, installing additional CCTV or replacing all glassware with safer alternatives may be valid steps, but might be disproportionate if they are not likely to be deemed necessary following the full review (or any subsequent appeal). The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring. In some circumstances, it might be better to seek suspension of the licence pending the full review, rather than imposing a range of costly conditions or permanent adjustments.

4. Making representations against the interim steps

4.1 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of the representations the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of receipt. When calculating the 48 hour period any non-working day can be disregarded.

4.2 The licensing authority must give advance notice of the hearing to the premises licence holder and the chief officer of police. Given that these measures are designed to deal with serious crime and serious disorder on an interim basis only, the process is designed to avoid delay and, as such, significant portions of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44) are disapplied in order to streamline the hearing process. One result of this is that licensing authority cannot adjourn the hearing to a later date if the licence holder fails to attend at the scheduled time, as is the case under the

normal review procedure. And as is the case with that procedure, the licence holder does not have to be present for the hearing to take place. In addition, there is no timescale for notifying the licence holder of the hearing under the modified Hearings regulations, providing the notification takes place before the hearing is held. However, it is imperative that the licence holder be given as much notice as is possible in the circumstances to afford him or her the maximum practicable opportunity to attend the hearing. Licensing authorities should bear in mind that the usual principles of public law decision-making will apply to interim determinations, in a form that has regard to the statutory context of an expedited process.

4.3 At the hearing the licensing authority must:

- consider whether the interim steps are necessary for the promotion of the licensing objectives; and
- determine whether to withdraw or modify the steps taken.

4.4 When considering the case the licensing authority must take into account:

- the senior officer's certificate that accompanied the application;
- the chief officer's representations (if any); and
- any representations made by the premises licence holder.

4.5 There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

5. The review of the premises licence

5.1 The licensing authority must hold a review of the premises licence within 28 days of receipt of the chief officer's application. This must take place even if the chief officer asks to withdraw his application or representations. At the hearing, the licensing authority must consider:

- what steps it considers necessary for the promotion of the licensing objectives; and
- consider what steps should be taken to secure the promotion of the licensing objectives including whether the interim steps should be made permanent.

5.2 The steps the licensing authority can take are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

Modification of the conditions of the premises licence can include altering or modifying existing conditions or adding any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the Guidance to Licensing Authorities issued by the Secretary of State under section 182 of the Licensing Act 2003.

5.3 The licensing authority must:

- advertise the review inviting representations from interested parties² for no less than seven consecutive days, by notice as described in regulation 38 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42), and, if applicable, on the authority's website (see regulation 38(1)(b) of the above Regulations). The relevant notices should be published on the day after the day of receipt of the chief officer's application.
- advertise that any representations made by the premises licence holder, responsible authority and interested parties should be submitted to the licensing authority within 10 working days of the advertisement of the review appearing.
- give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority³.

5.4 A party shall give to the authority a notice no later than two working days before the day or the first day on which the hearing is to be held stating –

- whether he intends to attend or be represented at the hearing;
- whether he considers a hearing to be unnecessary.
- whether he would like permission for any other person (other than the person he intends to represent him at the hearing) to appear at the hearing and, if so, explain on which points that person will be able to contribute.

5.5 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44). These Regulations apply to final hearings under the new power in a similar way to hearings following closure orders under section 167 of the Licensing Act (it should be emphasised that the truncated version of the Regulations described in paragraph 4.2 above applies to interim hearings only). The issues dealt with by the Regulations include who can make representations and what those representations can be about. It is therefore possible for interested parties or responsible authorities to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly, where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.

5.6 The licensing authority must take into account any relevant representations made. Relevant representations are those that:

² Interested parties are defined under section 13 (3) of the Licensing Act 2003.

³ Responsible authorities are defined under section 13(4) of the Licensing Act 2003.

- relate to one or more of the licensing objectives;
- have not been withdrawn; and
- are made by the premises licence holder, a responsible authority or an interested party (who is not also a responsible authority).

5.7 The licensing authority must notify its decision and the reasons for making it to:

- the holder of the premises licence;
- any person who made relevant representations; and
- the chief officer of police who made the original application.

6. Right of Appeal

6.1 An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

6.2 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of. Any interim steps taken will remain in force over these periods.



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