



Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Wednesday 23rd January 2013

Subject: Review of the Premises Licence for The Slip Inn, Albion Street, Morley, Leeds, LS27 8DT

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Morley South	
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:		

Executive Summary

This report informs Members of an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003, sought by West Yorkshire Police in respect of The Slip Inn, Albion Street, Morley, Leeds, LS27 8DT. The licensing authority is now under a duty to review the premises licence held by these premises.

1.0 Purpose of this Report

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

2.0 Background Information

2.1 The licence which these premises benefit from was granted by way of an application to convert and vary the existing Justices' On Licence, issued on 28th August 2005.

The application attracted representations from West Yorkshire Police, Environmental Health and Health and Safety. Measures suggested by the responsible authorities and agreed by the premises management negated a hearing and the licence was granted accordingly.

On 12th July 2006, an application to transfer the premises licence holder to a Mr Terence Benson was received by the Licensing Authority. Members should note that Mr. Benson was in a tenancy agreement with the owners of the premises; Scottish and Newcastle Pub Company Limited, and is referred to extensively throughout both review applications (Appendixes A & D).

Throughout the Spring/Summer of 2011, West Yorkshire Police began to see incidents of crime and disorder increasing, some of which involved extreme violence and were unaided by apathetic management.

As a consequence, West Yorkshire Police submitted an application to review the premises licence under Section 51 of the Licensing Act 2003, in order to establish mandatory remedial action at the premises to uphold the licensing objectives. A copy of the initial review application is attached at **Appendix A** for Member's perusal.

Numerous representations were received throughout the consultation period. These included Environmental Health, Ward Councillors and members of the public expressing their support for the review application, whilst further letters written by patrons declared their wish for the premises to remain open.

The application was subsequently brought before Members of the Licensing Sub Committee on 1st March 2012. After careful deliberation of the evidence put before them, the committee felt that they had no option but to revoke the premises licence. A copy of the decision notice in relation to this hearing is attached at **Appendix B**.

Shortly after, an appeal was lodged with the Magistrates' Court as the licence holder considered the steps taken by the Sub Committee to be neither necessary nor proportionate in promoting the licensing objectives.

Negotiations took place between the police, licensing authority and solicitors acting on behalf Scottish and Newcastle Pub Company Limited to try and find some way to prevent the necessity of the completion of the revocation, should this have been upheld at the Magistrates' Court.

On 19th March 2012, an application to transfer the premises licence holder was made. The application proposed Scottish and Newcastle Pub Company (Management) Limited (now known as Star Pubs & Bars Limited) as the holder therefore replacing Mr. Benson. The application was granted as requested.

It was around this time that the Designated Premises Supervisor passed away.

In light of the above and the change of management, West Yorkshire Police made an offer for the matter to be referred back to the Licensing Sub Committee with a view to further measures being imposed as opposed to revocation of the licence. It was requested that new management be installed and the premises be run to a satisfactory standard and that Mr Benson must not have any control of the running of the premises. This was accepted as per the consent order attached at **Appendix C**.

The same members who initially considered the review assembled again on the 6th August 2012. Having dispensed with a hearing by mutual agreement, the Sub Committee considered the matter on the papers. Having regard to the report and the views of all parties, Members considered it was necessary and appropriate to

reinstate the premises licence whilst imposing a condition requiring SIA registered door staff to be employed at the premises. Further information is contained within the decision notice at **Appendix D** of this report.

Since the last review, the premises have not improved and West Yorkshire Police feel that the current management cannot be allowed to operate the premises in the way that they do, therefore seeking a further application to review the premises licence.

Further information on the history of these premises and the events leading up to this review can be found within the current review application, attached at **Appendix E** of this report.

3.0 Premises Licence

3.1 The premises licence holder is Star Pubs & Bars Ltd (formerly known as Scottish & Newcastle Pub Company (Management) Ltd).

3.2 A copy of the premises licence can be found at **Appendix F** of this report. In summary, the premises licence permits the following:

Sale by Retail of Alcohol (for consumption on and off the premises)
10:00 until 00:00 hours Monday to Sunday

Performance of Recorded Music
10:00 until 00:00 hours Monday to Sunday

Members should note that the Provision of Facilities for Making Music is now deregulated under the Live Music Act 2012.

Non Standard Timings:

As per the Embedded Restrictions attached to the premises licence in respect of Christmas Day and New Year's Eve.

4.0 Designated Premises Supervisor

4.1 The Designated Premises Supervisor for the premises is Mr Mark Smith (appointed 13th December 2012).

5.0 Location

5.1 A map which identifies the location of these premises is attached at **Appendix G**.

6.0 Main Issues

6.1 Since the January 2012 review the premises have not improved and West Yorkshire Police feel that the current management cannot be allowed to operate the Slip Inn in the way that they do.

The level of violence and disorder that continues is unacceptable and the premises have been given more than enough opportunity to rectify the problems at hand.

Further information on the grounds for the review is contained with the review application attached at Appendix D of this report.

7.0 Additional Information

West Yorkshire Police

- 7.1 Additional Information has been submitted by West Yorkshire Police which includes witness statements of several Police Officers, the witness statement of a Senior Liaison & Enforcement Officer, three Section 19 Closure Notices served on the premises for the unauthorised sale of alcohol and a chronology of incidents logged with West Yorkshire Police dating back to 1st January 2012. A copy of this documentation can found at **Appendix H**.
- 7.2 Video footage of a fight that took place at the premises on 3rd November 2012 has also been provided. This will be available for Members to view on the day of the hearing.

Designated Premises Supervisor

- 7.3 The Licensing Authority is in receipt of a letter received on 9th January 2012 from the current Designated Premises Supervisor, Mr Mark Smith. In brief, the letter contains information on how Mr Smith has changed the operation the premises since his appointment on 13th December 2012. Members are invited to consider a copy of this letter, attached at **Appendix I**.

8.0 Relevant Representations/Letters of Support

- 8.1 Under the Act representations/support can be received from responsible authorities and or other persons. Representations must be relevant and, in the case of other people, must not be frivolous or vexatious.
- 8.2 Representations have been received from Ward Councillors expressing their support for the review application brought by West Yorkshire Police. Members are invited to consider **Appendix J**.
- 8.3 Letters in support of the premises remaining open have been received from several members of the public, which will be available to Members on the day of hearing.

9.0 Matters Relevant to the Application

- 9.1 Members of the Licensing Sub Committee must make decisions which are appropriate to the promotion of the licensing objectives which are:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 9.2 In making their decision Members are obliged to have regard to guidance issued under Section 182 of the Act. A copy of the relevant section is attached at **Appendix K**. Members must also have regard to the Council's licensing policy, the relevant representations made and evidence they hear.

10.0 Implications for Council Policy and Government

10.1 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 13.15 of the policy with particular seriousness.

11.0 Legal and Resource Implications

11.1 There are no resource implications in determining the review.

11.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrate's Court.

12.0 Recommendations

12.1 Members are requested to determine this review. The Committee must take such of the following steps as it considers appropriate 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);
- exclude any licensable activities to which the application relates;
- to remove the Designated Premises Supervisor;
- to suspend the licence for a period not exceeding 3 months; and/or
- to revoke the licence.

12.2 Members may 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.

12.3 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.

12.4 Where the Committee decide that a modification of conditions or exclusion of licensable activities may be imposed, this can either be permanently or for a temporary period of up to three months.

12.5 Members are directed to paragraphs 11.25 to 11.31 of the Statutory Guidance which related to reviews arising in connection with crime.

12.6 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 be appropriate for the promotion of the licensing objectives.

13.0 Background Papers

13.1 Guidance issued under s182 Licensing Act 2003

13.2 Leeds City Council Statement of Licensing Policy

Appendices

Appendix A	Previous Review Application (6 th January 2012)
Appendix B	Decision Notice (1 st March 2012)
Appendix C	Consent Order (17 th July 2012)
Appendix D	Decision Notice (6 th August 2012)
Appendix E	Current Review Application (7 th December 2012)
Appendix F	Premises Licence
Appendix G	Location of Premises
Appendix H	WYP Additional Info
Appendix I	DPS Additional Info
Appendix J	Ward Member Representations
Appendix K	Section 182 Guidance