

**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 disorder)

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

Leeds City Council, Civic Hall, LEEDS LS1 1UR

**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, Police Sergeant 4581 Robert Geoffrey FULLILOVE, West Yorkshire Police

(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:

Bar PHONO  
174 Lower Briggate

Town/City: LEEDS

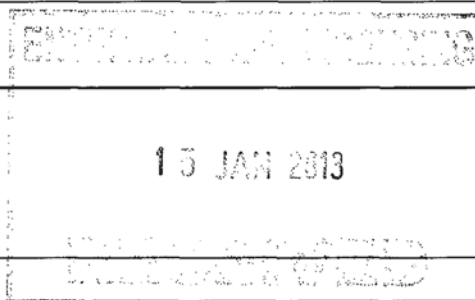
Postcode: LS1 6DT

**Part 2 – Premises licence details**

Name of premises licence holder (if known):

Ravenpine Ltd  
4 Harewood Yard  
The North Range  
Harewood  
LEEDS LS17 9LF

Number of premises licence (if known): PREM/02363/VO1



**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 are associated with serious crime or 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)**

Bar Phono is a small, independent nightclub in Leeds City Centre owned and operated by Ravenpine Limited.

Phono was subject of a standard premises licence review initiated in July 2012 following approximately twelve months of issues at the club revolving around excessive crime and disorder rates, predominantly assaults. Two of these assaults were alleged sexual offences committed on separate dates by different door staff members.

Added to the unacceptable crime levels, investigating police officers repeatedly encountered instances where the club's CCTV footage of crimes committed was unavailable or not provided without repeated requests having to be made for it. In addition, management attitude to police was generally hostile and uncooperative. Immediately prior to the premises licence review being instigated a member of management tipped off the potential suspect for the second sexual offence to the fact that the police were going to arrest him. There were clear indications that members of the door team were connected to a number of the crimes and that efforts were being made by them to allow offenders from amongst their own numbers and for their associates to evade justice.

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Two additional factors that contributed to the review proceedings being implemented were the problematic client base being attracted to the club, and its operating hours. Evidence showed that the aggressive, criminal types frequenting Phono were not being satisfactorily managed inside and that disorder then spilled out into the public arena. The time that Phono ceases licensable activities and closes its doors has directly led to repeated disturbances and violent confrontations between its customers in the streets immediately outside and near the club after 4am and as late as 7-8am. These were being witnessed and reported by concerned commuters heading into the city for work and creating an adverse impression of the night time economy and also damaging the Safer Leeds ethos.

At review in August 2012, and with police approval, a three month adjournment of proceedings was made to allow Phono to be given time to re-brand and change its management and operating style and to become a safe and lawful establishment.

At the review hearing on 4 December 2012, based on the times of incidents reported at the club in the described three-month period and calls for police service there, a vast proportion of which occurred after 4am, I asked that two conditions be imposed on the premises licence; (1) Last admission to the premises to be at 3am, and (2) Licensable activities to cease there at 4am and doors closed by 4.30am. This was reasonable and proportionate to protect public safety.

The licensing sub-committee imposed one condition, that the last customer should be admitted no later than 4am. There was no alteration to Phono's operating hours.

In my opinion this measure was insufficient to alleviate the issue my original request was meant to solve and brings us to the incident causing the necessity for supplementary action, which in this case is the instigation of summary premises licence review proceedings.

At just after 7.30am on the morning of Saturday 22 December 2012 a large fight involving 15-20 youths was reported outside Phono. Police officers attended in numbers and spent over twenty minutes bringing the incident under control and arrested six adults for offences of Affray and Assault. The incident was of such severity that baton strikes and empty hand self-defence skills had to be used by officers against some of the participants to bring the incident under control. The disorder was captured by Leedswatch cameras and is depicted on footage to be presented to this hearing. It depicts a continuing disturbance involving fights and confrontation between essentially the same participants over an extended period in full view of passersby on both foot and in vehicles. At one point some of the protagonists fighting in the middle of the road are in danger of being struck by passing vehicles. The offence of Affray is a serious crime, and this footage evidences that what is portrayed is serious disorder, and as such qualifies an application for a summary premises licence review under this legislation.

Enquiries into the incident continue and a crime investigation has commenced. The arrested persons were wearing Phono wristbands and gave accounts pre-and during interview of being in Phono, and of the fight starting inside the club.

The need for a summary review is heightened by the fact that yet again the CCTV at Phono was found to be inoperable at the time of the incident. Therefore not only was the club operating in breach of its licence condition relating to CCTV, but also no evidential footage of what happened inside is available to the investigating officers. This is unacceptable and casts serious doubt on the honesty of club management. The Designated Premises Supervisor does not accept that any incident occurred inside Phono or that his customers were responsible, and accuses the police of victimisation.

All the evidence points to the fact that Phono's customers are out of control.

This incident would be viewed as serious enough if it occurred during the acknowledged night-time economy trading period but was amplified by two other facts;

(1) This was, on the incident's conclusion, around 8am on a Saturday morning in daylight in a city centre on one of the busiest trading days of the year with people on their way into the city to work and Christmas shop.

(2) It started within a short distance and sight of a cordoned off police crime scene set up the previous

evening to secure the scene where another public disturbance had taken place at which a male received fatal injuries following a fist fight– albeit nothing whatsoever to do with Phono.

This matter is serious. Immediate steps are required to prevent Phono causing further adverse effects on members of public using Leeds City Centre, and to prevent further serious violent crime.

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

Capacity: Police Sergeant - Leeds District Licensing Office

**Contact details for matters concerning this application:**

Address: Millgarth Police Station, Millgarth Street, LEEDS LS2 7HX

Telephone numbers: 01132 413067

E-mail address: robert.fullilove@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.