

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 both serious crime and serious disorder.

Premises details

Premises (include business name and address and any other relevant identifying details):

Bar PHONO

174 Lower Briggate

LEEDS LS1 6DT

PREMISES LICENCE NUMBER: PREM/02363/VO1

I am a (insert rank of officer giving the certificate, which must be superintendent or above):

Police Superintendent

*in the West Yorkshire Police Force.***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 am the Operations Commander from West Yorkshire Police's City & Holbeck Division.

In July 2012 I instructed my Licensing Department to instigate a standard premises licence review against Phono under Section 51 Licensing Act 2003 following instances of crime and disorder associated with the club, and continually long-standing and unacceptable management actions and interventions. Two of these incidents consisted of serious sexual allegations against separate door staff members on differing dates. Police concerns included the failure of the venue to provide evidential CCTV footage in respect of several incidents, some of which were of a serious nature, namely large disturbances and assaults.

The club was allowed a three month period between having review papers served on it and the licence review proper on 4 December 2012. This was in order to give it a chance to make changes in management and procedures in order to allow the licensing objectives to be upheld and for it to operate in a manner satisfactory to the police and other responsible authorities with whom we work in partnership.

At the licence review only one minor change was made to the venue's premises licence – a condition that stipulated last customer entry at 0400hrs.

Just after 7.30am on Saturday 22 December 2012 a large street fight occurred on Call Lane, Leeds, involving 15- 20 customers who had just left Phono. This lasted around twenty minutes. Police enquiries show that the fight started inside Bar Phono. Evidential footage has been obtained from Leeds City Council Leedswatch cameras – this being the only visual depiction of the incident as Phono's CCTV was found to be "not working" at the time of the incident. Affray is a serious crime which fits the criteria for this summary review procedure. The violence in nature and duration as depicted in the Leedswatch footage is serious disorder. The fact that it occurred on a Saturday morning when shoppers and workers were arriving into the city centre on one of, if not the busiest retail day of the year, exacerbated an already serious incident.

Six adult males were arrested for Affray and other offences by attending police officers who had to use baton strikes and empty hand self defence skills against some of the arrested participants and other participants due to the level of force and violence being used against them.

RESTRICTED

This incident started and partially took place at the edge of a sterile crime scene, put in place to protect a public area where a male received fatal injuries from an on-street disturbance unconnected with Phono earlier that evening.

All previous police engagement with the venue to allow them to operate in a safe and legal fashion, either on a voluntary basis or by way of formal proceedings as described above, have failed.

A fuller picture of events leading to the application for Summary Review to which this certificate relates is given on the application accompanying this certificate.

I endorse the Summary/ Expedited Review procedure as opposed to the other alternatives available due to the urgent and immediate need to have Phono's activities mandatorily regulated. The normal review timeframe parameters including time needed for preparation of case papers, 28-day representation period, interim period awaiting a hearing date being set, plus any subsequent appeals procedures would render expediency impossible when trying to achieve this objective and this matter now requires the urgent action and attention set out by the legislation to which this certificate relates.

I am happy that the available evidence meets the criteria required for initiating a review of this type.

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