

Report of the Assistant Director Corporate Services to a Hearing before the Bradford Area Licensing Panel to be held on 26 October 2009.

Subject:

Application for a Review of a Premises Licence for The Fleece, Clayton Lane, Clayton, Bradford.

Summary statement:

Application for review of a Premises Licence authorising the sale of alcohol and the provision of regulated entertainment and late night refreshment.

Suzan Hemingway
Assistant Director Corporate Services
(City Solicitor)

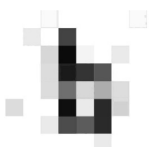
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Portfolio:

Corporate

Improvement Committee Area:

**Corporate Improvement Committee
Safer and Stronger Communities**



2006-2007
Improving Rural Services
Empowering Communities



INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



Ward: Clayton & Fairweather Green

1. **Summary**

1.1 **Premises Licence Holder**

Punch Taverns PLC.

1.2 **Designated Premises Supervisor**

Terence Howard Cooney

A copy of the Licence is included at Appendix 1.

1.3 **The Premises**

The Fleece, Clayton Lane, Clayton, Bradford, BD14 6RE

1.4 **The Current Licence**

The premises have a Premises Licence allowing the sale by retail of alcohol for consumption on and off the premises and the provision of regulated entertainment (exhibition of films, performance of live music, playing of recorded music, performance of dance, entertainment of a similar description, facilities for making music and dancing and facilities for entertainment of a similar description) and late night refreshment from 23.00.

Hours of licensable activities:

Sunday to Thursday:	10.00 to 23.00 (late night refreshment until 23.30)
Friday and Saturday:	10.00 to 02.00
St Georges Day:	10.00 to midnight*
St Patricks Day:	10.00 to midnight*

* Excludes performance of dance, provision of facilities for making music & entertainment of a similar description

New Years Eve (Alcohol only): 10.00 hours until start of permitted hours the following day

1.5 **Steps agreed in the Operating Schedule by the Licensee to address the Licensing Objectives**

a) Prevention of crime and disorder

The Licensee shall establish the use of approved door supervisors in the premises in accordance with any central government approved implementation plan.

The Licensee shall at all times maintain a “zero tolerance” policy with regard to illegal drugs (including appropriate staff training in detection and prevention); and shall co-operate with the West Yorkshire Police’s “Drugs Watch” initiative or any similar scheme.

The Licensee shall ensure that disc jockeys or other similar announcers employed at the premises shall at appropriate intervals request customers when leaving the premises to do so in a quiet and orderly manner.

The Licensee shall ensure that all instances of crime and disorder are recorded in an incident log book that is made available to West Yorkshire Police on request. West Yorkshire Police shall also receive regular reports of such incidents from the Licensee.

Any CCTV System installed at the premises shall be maintained in good working order and used at all times the premises remain open to the public for licensable activities. Any CCTV footage shall be kept for at least 28 days and available to the Licensing Authority or a Responsible Authority on request.

b) Public Safety

The Licensee shall ensure that the designated premises supervisor and all management and staff employed are properly trained in the stated health and safety policy of the Licensee.

Free drinking water will be available at all times on request from patrons.

c) Prevention of public nuisance

The Licensee will instruct all staff (including temporary staff) are to conduct regular internal and external patrols of the premises in order to monitor and eliminate any noise nuisance during regulated entertainment.

The Licensee shall ensure that existing text and/or radio pagers, where already used are used at all times in order to address the licensing objectives.

d) Protection of children from harm

No entertainment of an adult or sexual nature shall be provided at any time in the licensed premises.

The licensed premises shall have defined within it a separate clearly marked no smoking area for children accompanied by adults.

The Licensee shall enforce a recognised and effective proof of age policy in the premises in order to ensure unaccompanied under aged children are not allowed access when alcohol sales are taking place in the premises.

e) General – all four licensing objectives

None.

1.6 Conditions Attached after Hearing

A Notice shall be displayed in a prominent position near the exits reminding patrons to leave in a quiet and orderly manner.

The Designated Premises Supervisor will ensure close liaison with other licensees in the area and will co-operate with any local "Pub Watch" scheme or similar schemes being promoted by West Yorkshire Police or other local Licensees.

The external controlled smoking area shall be patrolled every 15 minutes from 22.00 until the premises is closed in order to ensure patrons do not cause a disturbance for neighbouring residents.

The use of the external controlled smoking area be restricted to the licensable activity operating hours of the premises only.

The consumption of alcohol and food in the external areas of the licensed premises shall not be allowed after 22.00 hours.

Appropriate signage shall be displayed to ensure smoking customers only use the outside area to the satisfaction of the Licensing Authority.

2. Applications Received asking for a Review of the Licence

2.1 Interested Parties

Two local residents have jointly asked for a review of the licence on the grounds of noise and disturbance caused by patrons leaving the premises late at night and anti-social behaviour and criminal damage caused by patrons of the premises. Concern is also raised about bottles and glasses being left on window sills and the noise from staff emptying bottles into the bin in the car park over the road late at night.

A copy of the application for review is attached at Appendix 2.

3. Representations

3.1 Interested Parties

A petition and 2 letters in support of the way the premises are run have been received.

Members may wish to consider the issue of vicinity in respect of some of the addresses given on the petition.

The petition and letters are attached at Appendix 3.

4. Legal Appraisal

4.1 The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of public nuisance
- d) the protection of children from harm

- 4.2 The Council must also have regard to the Guidance issued by the Department of Culture Media and Sport under Section 182 of the Licensing Act 2003. Regard must also be taken of the Council's statement of Licensing Policy for the District. Paragraph 5.99 to 5.111 of the Guidance specifically details how applications for review of licences should be determined.

An extract of the Guidance is attached to this report at Appendix 4.

- 4.3 Where it is decided it is necessary to depart from the statutory guidance or the Licensing Policy on the merits of a particular case; then special reasons justifying this must be given that can be sustained.
- 4.4 Only "relevant representations" by or expressly on behalf of a defined "interested party" or "responsible authority" can be taken into account. In order to be "relevant" a representation must fairly relate to achieving a licensing objective. If it does not, it must be discounted.
- 4.5 Any licensing conditions that Members may propose attaching must also relate to achieving one of the licensing objectives; be tailored to the actual premises and style of licensable activity; must be reasonably achievable by the applicant and in his/her control.

5. **Statement of Policy Issues**

- 5.1 The following parts of the Licensing Policy are of particular importance; Part 4 (prevention of Crime & Disorder) & Part 6 (prevention of Public Nuisance).
- 5.2 The Annexes to the Policy sets out various types of model condition that could be considered.

6. **Legal Options**

- 6.1 Members may:
- (a) Refuse the application for review of the licence; or
 - (b) Decide not to impose any further restrictions on the licence; or
 - (c) Decide to impose additional restrictions or remove any licensable activities on the licence, where necessary in order to address the licensing objectives; or
 - (d) Suspend the licence for a period not exceeding 3 months; or
 - (e) Revoke the premises licence; or
 - (f) Remove the named Designated Premises Supervisor from the Licence.

6.2 Should the licensee or any other party to the hearing feel aggrieved at any decision with regard to the licence or to any conditions or restrictions attached by Members they may appeal to the Magistrates Court within 21 days of being notified of the decision.

7. **Financial and resource appraisal**

7.1 There are no apparent finance or resource implications.

8. **Other implications**

8.1 **Equal Rights**

There are no apparent equal rights implications.

8.2 **Community safety implications**

There are no apparent community safety implications.

8.3 **Human Rights Act**

The following rights are applicable:

Article 1 First Protocol to the Convention – Right to peaceful enjoyment of possessions subject to the state’s right to control the use of property in accordance with the general interest.

The Council’s powers set out in the recommendations fall within the states right. A fair balance must be struck between public safety and the applicant’s rights.

Article 6 – A procedural right to a fair hearing. As refusal of the application is an option, adherence to the Panels’ usual procedure of affording a hearing to the applicant is very important. If the decision is to refuse then reasons should be given.

9. **Not for publication documents**

None

10. **The Role of the Panel**

Members are invited to consider the information and documents referred to in this report and, after hearing interested parties, determine the related application for review of the premises licence.

11. **Appendices**

1. Premises Licence.
2. Application for Review.
3. Petition and letters
4. Extract from the Government Guidance.

12. **Background documents**

Licence, representations etc

Licensing Act 2003
Premises Licence

BD/PRA0397

Date Issued: 18/09/2009

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

Fleece

Clayton Lane, Clayton, Bradford, West Yorkshire, BD14 6RE.

Telephone 01274 880217

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Sunday to Thursday	10:00am	11:00pm
	Friday and Saturday	10:00am	2:00am
	St George's Day	10:00am	Midnight
	St Patrick's Day	10:00am	Midnight
E. Performance of live music (Indoors)	Sunday to Thursday	10:00am	11:00pm
	Friday and Saturday	10:00am	2:00am
	St George's Day	10:00am	Midnight
	St Patrick's Day	10:00am	Midnight
F. Playing of recorded music (Indoors)	Sunday to Thursday	10:00am	11:00pm
	Friday and Saturday	10:00am	2:00am
	St George's Day	10:00am	Midnight
	St Patrick's Day	10:00am	Midnight
G. Performance of dance (Indoors)	Sunday to Thursday	10:00am	11:00pm
	Friday and Saturday	10:00am	2:00am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Sunday to Thursday	10:00am	11:00pm
	Friday and Saturday	10:00am	2:00am
	St George's Day	10:00am	Midnight
	St Patrick's Day	10:00am	Midnight

Licensing Act 2003 Premises Licence

BD/PRA0397

Date Issued: 18/09/2009

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
I. Provision of facilities for making music (Indoors)	Sunday to Thursday	10:00am	11:00pm
	Friday and Saturday	10:00am	2:00am
J. Provision of facilities for dancing (Indoors)	Sunday to Thursday	10:00am	11:00pm
	Friday and Saturday	10:00am	2:00am
	St George's Day	10:00am	Midnight
	St Patrick's Day	10:00am	Midnight
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)	Sunday to Thursday	10:00am	11:00pm
	Friday and Saturday	10:00am	2:00am
L. Late night refreshment (Indoors)	Sunday to Thursday	11:00pm	11:30pm
	Friday and Saturday	11:00pm	2:00am
	St George's Day	11:00pm	Midnight
	St Patrick's Day	11:00pm	Midnight
M. The sale by retail of alcohol for consumption ON and OFF the premises	Sunday to Thursday	10:00am	11:00pm
	Friday and Saturday	10:00am	2:00am
	St George's Day	10:00am	Midnight
	St Patrick's Day	10:00am	Midnight
	New Years Eve	10:00 hours until the start of permitted hours the following day.	

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Thursday	10:00am	11:30pm
Friday and Saturday	10:00am	2:30am
St George's Day	10:00am	12:30am
St Patrick's Day	10:00am	12:30am
New Years Eve	10:00 hours until the start of permitted hours the following day.	

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL, WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Punch Taverns PLC
Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire, DE14 2WF.
Telephone 01283 501600

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Punch Taverns PLC 0375264

Licensing Act 2003 Premises Licence

BD/PRA0397

Date Issued: 18/09/2009

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Terence Howard COONEY

17 Aireworth Grove, Stockbridge, Keighley, West Yorkshire, BD21 4DL.
Telephone 01535 601411 or 07939981080

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. BD/PER1807

Issued by Bradford

ANNEXES

Annex 1 - Mandatory Conditions

1. No supply of alcohol may be made under the premises 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.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The Licensee must ensure that any film which has received a Classification Certificate from the British Board of Film Classification is viewed only by persons as specified in the suitability category of this Certificate.
4. Films which have not received a Classification Certificate from the British Board of Film Classification must not be exhibited (subject to the proviso in Condition 5 below) unless, if taken as a whole, they are exempted works within Section 2 of the Video Recordings Act, 1984 or are:
 - (a) an event of local interest; or
 - (b) a programme lawfully recorded for public viewing from a television broadcast exhibited by the television broadcasting authorities;
 - (c) have been specifically approved by the Licensing Authority in writing.
5. Notwithstanding the conditions above, a film may be exhibited, or person, or any class of persons, may be admitted thereto if the permission in writing of the Licensing Authority is first obtained and any conditions of any such permission are complied with.
6. No advertisement displayed at the premises of a film to be exhibited at the premises shall depict as a scene or incident in the film any scene or incident which is not included in the film as certified by the British Board of Film Classification or approved for exhibition by the Licensing Authority, as the case may be.

Annex 2 - Conditions Consistent with Operating Schedule

All four Licensing Objectives:

None

The Prevention of Crime & Disorder:

Date First Granted: 12/08/2005

(Annual Fee Date - Statutory Instrument 2005 No. 79 - Licensing Act 2003 (Fees) Regulations 2005)

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Licensing Act 2003 Premises Licence

BD/PRA0397

Date Issued: 18/09/2009

ANNEXES continued...

7. The Licensee shall establish the use of approved door supervisors in the premises in accordance with any central government approved implementation plan.
8. The Licensee shall at all times maintain a "zero tolerance" policy with regard to illegal drugs (including appropriate staff training in detection and prevention); and shall co-operate with the West Yorkshire Police's "Drugs Watch" initiative or any similar scheme.
9. The Licensee shall ensure that disc jockeys or other similar announcers employed at the premises shall at appropriate intervals request customers when leaving the premises to do so in a quiet and orderly manner.
10. The Licensee shall ensure that all instances of crime and disorder are recorded in an incident log book that is made available to West Yorkshire Police on request. West Yorkshire Police shall also receive regular reports of such incidents from the Licensee.
11. Any CCTV System installed at the premises shall be maintained in good working order and used at all times the premises remain open to the public for licensable activities. Any CCTV footage shall be kept for at least 28 days and available to the Licensing Authority or a Responsible Authority on request.

Public Safety:

12. The Licensee shall ensure that the designated premises supervisor and all management and staff employed are properly trained in the stated health and safety policy of the Licensee.
13. Free drinking water will be available at all times on request from patrons.

The Prevention of Public Nuisance:

14. The Licensee will instruct all staff (including temporary staff) are to conduct regular internal and external patrols of the premises in order to monitor and eliminate any noise nuisance during regulated entertainment.
15. The Licensee shall ensure that existing text and/or radio pagers, where already used are used at all times in order to address the licensing objectives.

The Protection of Children from Harm:

16. No entertainment of an adult or sexual nature shall be provided at any time in the licensed premises.
17. The licensed premises shall have defined within it a separate clearly marked no smoking area for children accompanied by adults.
18. The Licensee shall enforce a recognised and effective proof of age policy in the premises in order to ensure unaccompanied under aged children are not allowed access when alcohol sales are taking place in the premises.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

19. A Notice shall be displayed in a prominent position near the exits reminding patrons to leave in a quiet and orderly manner.
20. The Designated Premises Supervisor will ensure close liaison with other licensees in the area and will co-operate with any local "Pub Watch" scheme or similar schemes being promoted by West Yorkshire Police or other local Licensees.
21. The external controlled smoking area shall be patrolled every 15 minutes from 22.00 until the premises is

Licensing Act 2003
Premises Licence

BD/PRA0397

Date Issued: 18/09/2009

ANNEXES continued ...

closed in order to ensure patrons do not cause a disturbance for neighbouring residents.

22. The use of the external controlled smoking area be restricted to the licensable activity operating hours of the premises only.
23. The consumption of alcohol and food in the external areas of the licensed premises shall not be allowed after 22.00 hours.
24. Appropriate signage shall be displayed to ensure smoking customers only use the outside area to the satisfaction of the Licensing Authority.

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Licensing Act 2003 Premises Licence Summary

BD/PRA0397

Date Issued: 18/09/2009

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Date First Granted: 12/08/2005

(Annual Fee Date - Statutory Instrument 2005 No. 79 - Licensing Act 2003 (Fees) Regulations 2005)

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Licensing Act 2003 Premises Licence Summary

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Punch Taverns PLC Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire, DE14 2WF.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Punch Taverns PLC 0375264

Licensing Act 2003
Premises Licence Summary

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NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL














Terence Howard COONEY

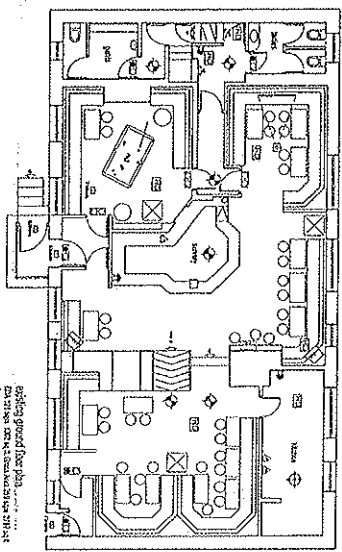
STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

No restrictions

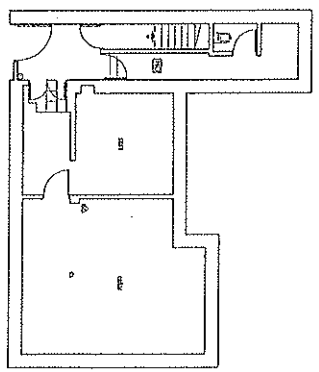
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LEGEND :-

-  Emergency Exit Sign
-  Break Glass Fire Alarm Call Point
-  Exempt Fire Alarm Sounder (FAS) (DO)
-  Exempt Fire Alarm Sounder (FAS) (DO)
-  Exempt Fire Alarm Sounder (FAS) (DO)
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office ground floor plan
 showing desks, chairs, and other office furniture
 as per the contract documents

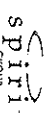


office ground floor plan

NO.	DESCRIPTION	QTY
101	Office furniture (desks, chairs, etc.)	100
102	Office equipment (computers, printers, etc.)	50
103	Office supplies (paper, pens, etc.)	200
104	Office furniture (desks, chairs, etc.)	100
105	Office equipment (computers, printers, etc.)	50
106	Office supplies (paper, pens, etc.)	200

NOTES

- All works shall be in accordance with the contract documents.
- The Contractor shall be responsible for obtaining all necessary permits and approvals.
- The Contractor shall be responsible for the safety of all workers and the public.
- The Contractor shall be responsible for the protection of all existing services and structures.
- The Contractor shall be responsible for the disposal of all waste materials.
- The Contractor shall be responsible for the completion of all works within the specified time frame.
- The Contractor shall be responsible for the maintenance of all works until the final handover.
- The Contractor shall be responsible for the payment of all bills and invoices.
- The Contractor shall be responsible for the insurance of all works and materials.
- The Contractor shall be responsible for the compliance with all relevant laws and regulations.



The Heas Company
 ARCHITECTURAL &
 INTERIOR DESIGN CONSULTANTS

Unit 10, The Heas Building, Clayton Lane, Bradford, BD14 4JL
 T: 0113 274 5577 F: 0113 274 6588

Project No: M6341
 Drawing No: M6341
 Date: 15/09/2023

0m 1m 2m 3m 4m 5m 6m 7m 8m

All internal doors to raised areas will comply with BS 8447:2015 (BS 8447:2015) and be constructed with a minimum fire rating of 15 minutes.

Licensing Team, Room 402, City Hall, Bradford, BD1 1HY

Application for a review of a premises licence or club premises certificate under the Licensing Act 2003

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 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/We (insert name(s) of applicant) apply for the review of a premises licence under section 51/apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description FLEECE PUBLIC HOUSE 15/17 CLAYTON LANE CLAYTON	
Post town BRADFORD	Post code (if known) BD14 6RE?

Name of premises licence holder or club holding club premises certificate (if known) NOT DISPLAYED

Number of premises licence or club premises certificate (if known) NOT DISPLAYED

LICENSING UNIT
10 SEP 2005
LEGAL

Part 2 – Applicant details

I am

Please tick ✓

- 1) An interested party:
 - a) A person living in the vicinity of the premises please complete (A) or (B) below
 - b) A body representing persons living in the vicinity of the premises please complete (A) or (B) below
 - c) A person involved in business in the vicinity of the premises please complete (A) or (B) below
 - d) A body representing persons involved in business in the vicinity of the premises please complete (A) or (B) below
- 2) A responsible authority please complete (C) below
- 3) A member of the club to which this application relates please complete (A) below

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Please tick

I am over 18 years old or over

Current address

CLAYTON LANE
CLAYTON

Post Town

BRADFORD

Postcode

BD14 6RE

Daytime contact telephone number

01274

Email address (optional)

(B) DETAILS OF OTHER APPLICANT

Name	
Address	CLAYTON LANE CLAYTON BRADFORD BD14 6RE
Telephone number (if any)	01274
E-mail (optional)	

DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name	
Address	CLAYTON LANE CLAYTON BRADFORD BD14 6RE
Telephone number (if any)	01274
E-mail (optional)	

This application to review relates to the following licensing objectives(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

Please tick ✓

Have you made an application for review relating to this premises before?

If yes please state the date of that application:

Day		Month		Year			

If you have made representations before relating to this premises please state what they were and when you made them

Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date 8/9/09

Capacity NEIGHBOUR LIVING NEAR PREMISES IN QUESTION

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)

Post town

BRADFORD

Post code

BD 14 6RE

Telephone number (if any)

01274

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Notes for guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Information on the Licensing Act 2003 is available on the website of the Department of Culture, Media and Sport (http://www.culture.gov.uk/alcohol_and_entertainment) or from Bradford Metropolitan District Council (<http://www.bradford.gov.uk/council/licensing>), your local licensing authority.

Please provide as much information as possible to support the application (please read guidance note 2)

THE FLEECE PUBLIC HOUSE IS A VILLAGE PUB WHY DO THEY NEED A LICENCE TO STAY OPEN UNTIL 0200 HRS. IT IS ALSO IN A RESIDENTIAL AREA AND RESIDENTS IN THE AREA HAVE NO KNOWLEDGE OF THIS CHANGE BEING APPLIED FOR. WE LIVE 3 DOORS AWAY FROM THE FLEECE AND ON REGULAR OCCASIONS HAVE HAD TO CONTACT THE POLICE, SOMEONE CAME OUT OF THE PUB AND WALKED OVER MY CAR, LAST WEEKEND THEY DID THE SAME TO A NEIGHBOUR'S 4x4 THEY KNOCK ON THE DOORS OF ALL THE HOUSES AS THEY MOVE FROM PUB TO PUB, LEAVE GLASSES AND BOTTLES ON WINDOW SILLS SIT ON MY CAR (WHICH HAS A DENT IN THE SIDE AND IS GOING TO COST ME £150 TO GET REPAIRED) I KNOW IT IS SOMEONE FROM THE PUB AS IT HAPPENED WHILE WE WERE ON HOLIDAY OUT OF THE COUNTRY THEY LEAVE THE PUB SHOUTING DOWN THE LANE UNABLE TO HAVE A NORMAL CONVERSATION A NEIGHBOUR CAUGHT A COUPLE HAVING LEFT THE FLEECE HAVING INTERCOURSE ON HER GARDEN WALL ANOTHER NEIGHBOUR HAS HAD TO TAPE HER LETTER BOX AS THEY HAVE URINATED THROUGH IT THEY ALSO URINATE IN THE PASSAGE BETWEEN (No 9 and 11) THEY OPEN THE GATE BETWEEN (No 5 and 7) BANGING IT AGAINST THE HOUSE WALL

THE STAFF AT THE PUB PUTTING BOTTLES IN THE BIN AT MIDNIGHT AND WATER (THIS BIN IS IN

G:\LEGAL SERVICES\LLC & LICENSING\LICENSING\DEV\TEMPLATE\LIC.STD\PREMISE-REVIEW01 (First Version January 2005)

THE CAR PARK OPPOSITE SIDE OF THE ROAD) (PTO)

WE HAD A BADGE TAKEN OFF OUR CAR AND SAW THEM WHO WERE DOING IT AND WHEN ASKED WHY THEY HAD TAKEN IT THE REPLY WAS "THATS WHAT YOU GET WHEN YOU BUY A HOUSE NEAR A PUBLIC HOUSE" WE HAVE LIVED HERE 24 YEAR LONGER THAN THEY HAD BEEN ALIVE.

WE ALL HAVE TO EARN A LIVING BUT NOT AT THE EXPENSE OF OTHERS, WE WORK AND ONE OF US WORKS 24 HOUR ROTATING SHIFTS WORKING WEEKENDS AS WELL SO HAVING TO GET UP AT 0500 HOURS WHEN THE PUB IS NOT CLEARED UNTILL 0300 HOURS IS NO FUN, DRINKS FROM THE 3 OTHER PUBS WILL BE COMING UP WHEN ~~THE~~ THE OTHERS CLOSE CAUSING MORE NOISE, THE TIME IS A CLUB TIME NOT A VILLAGE PUB TIME AND WE STRONGLY OBJECT TO THIS APPLICATION AS DO ALL OUR NEIGHBOURS YOU WILL BE GETTING FORMS FROM THEM IN DUE COURSE.

THIS JUST CAUSES PUBLIC NUISANCE AND DISTURBANCE TO LOCAL PEOPLE

CLAYTON LANE

CLAYTON

BRADFORD

02 OCT 2011 BD14 6RE

REFERENCE FLEECE

I live with my family at the above address which is right next door to the fleece public house and I have never had any problems with excessive noise or misbehaviour or misbehaviour from patrons of the ~~pubs~~ patrons of the pub.

I am a 66yr old grandmother and there are three boys live here too ages 3. 8. 10yrs old who sleep at the front of the house and have never been disturbed during the evening hours at all.

Believe me I would definitely complain if there had been any reason to.

Since moving here I have had family visitors staying here who have commented on how quiet it is

considering we live next door to a pub.

MR & MRS COBREY have asked me if I have any problems with noise or disturbances and I have honestly and truthfully said no.

Yours Sincerely

LM13

The Fleece
Clayton Lane,
Clayton,
Bradford,
West Yorkshire
BD14 6RE

8 OCT 2009

CC/LC

(Secretary)
Royal FC
Bourn View Rd
Netherton
Huddersfield
HD4 7JY

Tel: 01484 219400

04/10/09

To Whom It May Concern:

Please accept the following as a letter of support for Terry & Gillian, the Landlord and Landlady of The Fleece pub in Clayton.

As Secretary of a Sunday League football club which is based from The Fleece, I would like to draw attention to the great work that Terry & Gillian do in providing a warm, safe and friendly atmosphere in their pub.

The majority of the members of the club are from the local area and Terry & Gillian are helping to support the local community by providing a great base, food after matches and help with pitch fees for a local team which has been running for over 30 years.

Members of the club regularly use the pub after matches on weekends, weekday evenings after training and on weekend evenings, often until closing time.
I can speak for myself and the team in saying that we have never experienced any trouble at the pub, nor seen any fighting or anti-social behaviour inside or out whilst Terry has been the Landlord.

The team formerly ran from the Royal Hotel in Clayton for many years but moved to the Fleece because the pub had a better, safer atmosphere and was willing to be more supportive to the club.

In my opinion it would adversely effect the local community if Terry & Gillian were no longer running the pub.

Yours Sincerely,

Secretary – Royal FC.

To Bradford Council Licensing Authority

We the undersigned are in full support of Terry & Gillian Licensees of the Fleece at Clayton and for the licensing hours to stay as is due to their total dedication and management skills in the running of this public house.

We have never had any cause to say they are running this pub irresponsibly nor have ever witnessed any of the serious allegations made such as criminal behaviour criminal disorder ect and cannot understand where these allegations have derived from other than a malicious vendetta directed at them. We would be amazed if it could be proved that these problems have actually come from the fleece and not from any of the other public houses in the area.

We feel comfortable and safe both inside and outside and have seen for our selves that they do not tolerate any kind of misbehaviour or abuse at any time, if anything it is well known the Fleece has more rules and regulations regarding drinks & smoking outside than all the other pubs put together.

We feel very strongly that the licensing hours should stay as is, we would rather be here than be vulnerable in the town centre.

NAME

ADDRESS

TEL.NO.

DUNNIBIDE CRESCENT, ALLERTON		
DUNNIBIDE ROAD, ALLERTON		
127 West Road		
FERNDALE AVE, CLAYTON		
REANWOOD LANE, CLAYTON		
WILSON ST CLAYTON		
PEWELANA AVE CLAYTON		
WESTFIELD TERRACE CLAYTON		
UTRAE PLACE, CLAYTON		
Thirkleby Road clayton		
WILSON ROAD CLAYTON		
ACKMANE CLAYTON BRADFORD		
Darleigh Close, Clayton		
Irving Terr, Clayton		
DELPH DRIVE CLAYTON		
VICTORIA ST, CLAYTON		
DAKLEIGH TERR CLAYTON		
FIELDWAY CLAYTON		
Irving Terr, Clayton		
Westfield Terr		
Reevy Rd		
REEVY ROAD		
OXFORD CRESC		
The Avenue		
Lavinia Terrace		
Station road		
Fieldway		
Westminster Drive		
Westminster Drive		
Broadfields, Clayton		

NAME

ADDRESS

TEL. NO

TANNERHILL RD

2 ALTH FIELD, IDLE,
VICTORIA STREET, CLAYTON

VICTORIA STREET CLAYTON
30 YFORD ST CLAYTON

1 FLOECE CLAYTON

11 BARNBURY RD

1 SHARK LANE CLAYTON
EAKONSFIELD RD, CLAYTON

1 ASHTON AVE, LIDGE GREEN
CORBEN ST CLAYTON

1 HAWORTH ROAD, HEATH
0 OAKLEIGH RD CLAYTON

1 WESTMINSTER DR CLAYTON
CLAYTON LANE

CLAYTON LANE

CLAYTON LANE

SCHOLMOOR AVE

SCHOLMOOR AVE
CLAYTON LANE

1 WASTBY Rise Queensbury
11 WASTBY Rise Queensbury

SCHOLMOOR ROAD

MIDBROOK CRESENT
Avenue Terrace Alton

3 CLAYTON LANE
Cannonville Coo

Widdlers Hill
WESTMINSTER GONGS

4 DEUIDS ST
3 SPRINGHEAD RD

LANE END
ST PENTLAND AV

HEARTBEAR HOTEL
Clayton Road

NORTH SIDE TERRACE
1 VERA JEMMETT RD

1 CHABEL RD
4 SYRONGA AVE

11
UPPER FARM DOWN GREEN
CLAYTON WALK

1 GEORGE ST, TON
DANSON CT, CLAYTON
5 EXETER CRESCENT CLAYTON

M
Q
A
T

(IX)

NAME

ADDRESS

TEL. NO.

LANSIDE QUEENSBURY
Ascot Drive, BANK TOP
Greenacres GROVE
ACACIA PINE, ALLESTON
SOUTHWELL DRIVE
WOODTHORPE, BD15 4VN
nelton Court, Denholme
NEW VIEW RD, HUDDERSFIELD, HD4 7JY
FRENHAM DRIVE BD7 4HL
CLECKHEATON ROAD BD12 7AD
"IA SYKE" CLAYTON, BD14 6QY
BIERLEY LANE BRADFORD BD4
Diamond AVE BD13 2L1
OXFORD ST CLAYTON BD14 6
MORRIS Close, ALLESTON, BRADFORD
HIGHGATE RD, CLAYTON HIGHGATE
DERBY ST CLAYTON BRADFORD
DERBY ST CLAYTON -u-
BROOMCROFT CLAYTON
LAVINIA TERRACE
GREENHOLME PARK CLAYTON
VICTORIA STREET CLAYTON
CLAYTON LANE
CLAYTON LANE
FERNDALE CLAYTON
SANTA MONICA GROVE, IDLE
THROXEBY WAY CLAYTON
DWP DWP
WESTMINSTER CRESCENT, CLAYTON
WESTMINSTER CRESCENT, CLAYTON
Moorside Street, low Moa
THE ROSSOE CLAYTON
Westminster Gardens Clifton
4 Bradley Road Huddersfield
Alexander SQ
Valentine Court Thorton
GROUSE MOOR LANE
CARD STREET
WINDERMERE DRIVE
Avenue A
CAPP TERRACE
6 Poplar Grove
Julian Drive
Belmont Gardens, BD12 0HJ
LEST LANE, QUEENSBURY, BD3 2H
1966 ST, SILSDEN BD20 9N

To Bradford Council Licensing Authority

We the undersigned are in full support of Terry & Gillian Licensees of the Fleece at Clayton and for the licensing hours to stay as is due to their total dedication and management skills in the running of this public house.

We have never had any cause to say they are running this pub irresponsibly nor have ever witnessed any of the serious allegations made such as criminal behaviour criminal disorder ect and cannot understand where these allegations have derived from other than a malicious vendetta directed at them. We would be amazed if it could be proved that these problems have actually come from the fleece and not from any of the other public houses in the area.

We feel comfortable and safe both inside and outside and have seen for our selves that they do not tolerate any kind of misbehaviour or abuse at any time, if anything it is well known the Fleece has more rules and regulations regarding drinks & smoking outside than all the other pubs put together.

We feel very strongly that the licensing hours should stay as is, we would rather be here than be vulnerable in the town centre.

NAME

ADDRESS

TEL.NO.

DELPH TERRACE CLAYTON
WILFRED ST CLAYTON
NAVY HOTEL CLAYTON
GRANVILLE ST CLAYTON
CRANBROOK ST CLAYTON
OAKLEIGH CLOSE, CLAYTON
CLAYTON LANE CLAYTON
S. PASTURE LANE CLAYTON
Delph Crescent Clayton
Derby Street Clayton
WATHOUSE COURT CLAYTON
DELPH CRES, CLAYTON
MAYFIELD TERRIER CLAYTON.
BD 11 + 6.6.6.6
" "
JESMINSTER DRIVE CLAYTON.
Derby Street Clayton, Bradford
A RUWA SYKE RD, CLAYTON.
Delph Crescent Clayton.
DELPH CRES. "
DERBY ST CLAYTON
DELPH CRES.
THORNABY DRIVE
TORIA STREET CLAYTON
THE AVENUE CLAYTON BD11
WASYLE ROAD CLAYTON
GARLEIGH RD
BEACON RD WILBESY
NURSERY AVE CLAYTON
OAKLEIGH GARDENS CLAYTON
PRINCETON RD. Thornton

OCT 2009

JA
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To Bradford Council Licensing Authority

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NAME

ADDRESS

TEL.NO.

Jessy Rd Clayton
NURSERY RD CLAYTON
THE AVENUE CLAYTON
The Avenue Clayton
The Maltings
SHEPHERD COTTAGES
OXFORD ST
REVA SYLVE ROAD
Reva Sylve Road
VARDUN RD

070

070

To Bradford Council Licensing Authority

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We feel comfortable and safe both inside and outside and have seen for our selves that they do not tolerate any form of disorder at any time, if anything it is well known the Fleece has more rules and discipline inside than all the other pubs put together.

Licensees should stay as is, we would rather be here than be vulnerable

ADDRESS

Scyllon Drive, Allerton, Bradford

22 Wetherill Road, Clayton

Apns Drive, Oadby, Bradford

BARBURY LANE, THORNTON

BARGATE VILLA, UNDERCLIFF

12 THE OG DEN, OADBY

22 Wetherill Road, Clayton

To Bradford Council Licensing Authority

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NAME ADDRESS TEL.NO.

<u>NAME</u>	<u>ADDRESS</u>	<u>TEL.NO.</u>
R	THROXTON WAY CLAYTON	
G	Clayton Lane	
J	11 Black Ave Wibsey	
B	Wardale Ave, Allerton	
M	Winston Close Giggleswick	
A	SANDBERSON AVENUE	
J	WINGNUT DRIVE	
B	LIMEFIELD HILL	
R	Sunningdale BDR6L7	
	LET TOP LANE BOIS 7LT	
	College Terrace TX 1 3UX	
	Queenbury	
	Queenbury	
	Clayton 12 Cranbrook St	
	Clayton 12 Cranbrook St	
	WALL TOLE CLAYTON	
	PASTORS WALK CLAYTON	
	1 THE KILBY ROAD	
	COLLEGE JACKSON HILL RD	
	ERY ROAD, CLAYTON	
	ERY ROAD, CLAYTON	
	124 GUYNE CLAY	
	Central Place CL	
	WEYMOUTH AVENUE ALLERTON KI	
	QUEENSBORN 32 HURST LN	
	32 WINSOR AVE BOB 3UX	

Y. A. L. K. N. E. Y. R. D. B. J. M. A. J. B. R. G. R. S. I.

To Bradford Council Licensing Authority

06 OCT 2009

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We feel very strongly that the licensing hours should stay as is, we would rather be here than be vulnerable in the town centre.

NAME ADDRESS TEL.NO.

COOPER LANE
 Beech Grove
 The Avenue
 W. Lees (off Bradford
 OAKLEIGH TERRACE
 Westfield Terrace
 " "
 7 MILLER
 HROXENBY WAY, BD14 6EU
 HROXENBY WAY - Clayton
 HROXENBY WAY, CLAYTON
 CLAYTON
 CLAYTON
 School, Clayton,
 CLAYTON LANE C
 WERNLEY Hill, Thurston
 Wernley Hill, Thurston
 Fleet Lane, Queens
 The Grove, Clayton
 Wernley Clayton

11. Reviews

THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.
- 11.2 At any stage, following the grant of a premises licence, a responsible authority, or an interested party, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 In addition, a review of the licence will normally follow any action by the police to close down the premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a notice of magistrates' court's determination sent to the licensing authority.
- 11.4 Licensing authorities may not initiate their own reviews of premises licences. Officers of the local authority who are specified as responsible authorities under the 2003 Act, such as environmental health officers, may however request reviews on any matter which relates to the promotion of one or more of the licensing objectives.
- 11.5 Representations made by a department of the local authority which is a responsible authority should be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual.
- 11.6 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.7 Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.
- 11.8 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. It is good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review.
- 11.9 Where the request originates with an interested party – e.g. a local resident, residents' association, local business or trade association – the licensing authority must first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.

11.10 Further information for interested parties about the review process is available in "Guidance for interested parties: applying for a review" which can be found on the DCMS website.

REPETITIOUS REPRESENTATIONS

11.11 Relevance, vexation and frivolousness were dealt with in paragraphs 9.8 – 9.13 above. A repetitious representation is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence which has already been determined; or
- representations considered by the licensing authority when the premises licence was first granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement;

and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of the licence.

11.12 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a second bite of the cherry following the failure of representations to persuade the licensing authority on earlier occasions. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, the Secretary of State recommends that more than one review originating from an interested party should not be permitted within a period of twelve months on similar grounds save in compelling circumstances or where it arises following a closure order.

11.13 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one request for a review of a premises within a 12 month period.

11.14 When a licensing authority receives a request for a review from a responsible authority or an interested party or in accordance with the closure procedures described in Part 8 of the 2003 Act, it must arrange a hearing. The arrangements for the hearing must follow the provisions set out by the Secretary of State in regulations. The details may be viewed on the DCMS website. The Secretary of State considers it particularly important that the premises licence holder is fully aware of the representations made in respect of the premises, any evidence supporting the representations and that they or their legal representatives have therefore been able to prepare a response.

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

11.15 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

11.16 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing

objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

11.17 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

11.18 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

11.19 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.20 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

11.21 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.22 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.
- 11.23 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.
- 11.24 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.
- 11.25 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;

- for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

11.26 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

11.27 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

REVIEW OF A PREMISES LICENCE FOLLOWING CLOSURE ORDER

11.28 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review: The determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within 10 working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than 5 working days before the first hearing day. There must be five clear working days between the giving of the notice and the start of the hearing.