

## Licensing Sub-Committee

Thursday, 1st March, 2012

**PRESENT:** Councillor J Dunn in the Chair

Councillors C Townsley and G Wilkinson

### 213 Election of the Chair

**RESOLVED** – That Councillor Dunn be elected Chair for the meeting

### 214 Late Items

No formal late items of business were added to the agenda; however Members and all parties had received the following supplementary documents prior to the hearing:

- Copies of representations submitted by local ward Councillor Dawson and a local resident, both of which had been submitted in time but had been omitted from the report
- Copy of a revised officer's report

### 215 Declarations of Interest

There were no declarations of interest

### 216 "Slip Inn" - Review of a Premises Licence for The Slip Inn, Albion Street, Morley Leeds LS27 8DT

The Sub-Committee considered an application made by West Yorkshire Police under Section 51 of the Licensing Act 2003 for the Review of a Premises Licence in respect of The Slip Inn, Albion Street, Morley.

The following were present at the meeting

The applicant - West Yorkshire Police (WYP)	The Premises – The Slip Inn
Sergeant Robert Fullilove – WYP Licensing Team	Karen Hughes – solicitor for the PLH
PC Matthew Sedgely	Terence Benson – Premise Licence Holder
Bob Patterson – WYP Licensing Team	Gerald Lennon – Designated Premises Supervisor (DPS)
Paul Rix – LCC Entertainment Licensing Enforcement Section	Donna Seed – bar manager
	Elizabeth Brown
	Gary Hall

Councillor Robert Finnigan

Councillor Judith Elliott (observing)

The Sub Committee first viewed DVD evidence marked RGF2 containing CCTV footage of an incident which occurred at the premises on 26/11/11 taken from the CCTV system at the premises, submitted by WYP in support of the application for the Review.

The Sub Committee then heard from Sgt Fullilove who provided details of the growing number and nature of incidents at the premises and WYP concerns regarding the management of the premises which led up to the application for the Review. WYP identified concerns regarding the management team not being in

control of the premises, serving patrons already intoxicated, children in the premises, smoking in the premises, serving alcohol after the end of licensable hours, violent incidents at the premises and the general attitude of the management team towards WYP.

The Sub Committee heard that WYP had met with the premise management team on 20/10/11 where those concerns were discussed. Sgt Fullilove highlighted particularly a follow up visit he made to the premises on 3/11/11 and his findings of that visit with regards to the DPS. Members discussed WYP submission that the violent incident on 26/11/11 had been badly managed.

PC Sedgely reported that the Slip Inn accounted for more calls for police service within the Morley Neighbourhood Policing Team than any other licensing establishment in the area. He stated the clientele often appeared to be intoxicated at all times of the day. Following the incident on 26/11/11 he reported on the difficulty he had had obtaining CCTV footage; witness statements from the Bar Manager and from patrons. He believed some patrons would not respond due to fear of reprisals. Tellingly, of the 5 persons arrested for affray following the incident, none could remember the incident or account for their actions due to the amount of alcohol consumed but had stated that they had been drinking since about lunch time. PC Sedgely stated his belief that there were other incidents at the premises that had not been reported to police.

Sgt Fullilove reiterated WYP concern that the management team had not taken any steps to address the concerns highlighted to them in October 2011; had not taken up the offer of support from WYP and incidents had continued at the premises since then. He noted that the premises had been on an Action Plan prior to 2011 instigated by Morley NPT for issues relating to anti social behaviour, consumption of excessive alcohol and drugs.

Sgt Fullilove addressed the statement submitted by Insp Sullivan of Morley NPT who had suggested attaching further conditions to the Premise Licence as an appropriate course of action. However, WYP were now of the opinion that conditions would not be a successful remedy on this case - given the lack of positive action by the premises management; the fact that incidents occurred throughout licensable hours and the increasing number of incidents.

Local ward Councillor R Finnigan then presented the concerns expressed to him by Morley Town Council, Morley Town Centre Management Board and local residents in terms of public nuisance attributed to the Slip Inn and the impact of the premises on the neighbourhood in general. This included littering of broken glass/bottles and anti social behaviour. He reported anecdotal evidence of drug dealing and violence at the premises and that some local residents felt intimidated walking past the premises at night time due to the patrons congregating on Albion Street. Finally he reported it was well known that patrons who had been banned from other Morley licensed premises attended the Slip Inn.

The Sub Committee then heard from Mrs Hughes on behalf of the PLH who responded to each of the concerns raised by WYP directly relating to the authenticity of the letters of support for the PLH; littering of glasses/bottles; dancing on the

premises; children on the premises; patrons in the bar “after hours”; the CCTV system and the attitude of the staff towards WYP. In particular she dealt in detail with the incidents recorded at the premises on 23/7/11; 30/10/11; 26/11/11; 2/12/11; 4/1/12; 23/1/12 and 5/2/12 and responded to WYP interpretation of those events.

Mrs Hughes confirmed that there had been an incident on 26/11/11 involving two men who were not normally patrons of the pub. They had only been served two drinks at most and there had been no indication of the trouble to follow. As the fight continued, staff were seen on the CCTV to tidy furniture and glasses away. Mrs Hughes stated they had been trained to do so in order to clear the area of any objects which may do harm. Mrs Hughes stated that the bar manager had told her she had been under the impression that two undercover police officers were in the premises at the time and so the police had not been called. At the hearing the bar manager stated the man seen to be administering first aid to the first assailant had told her his wife was a police officer.

In conclusion, Mrs Hughes reported the PLH believed the premises received a “bad press” based on rumours and that although there had been incidents at the premises; the PLH felt there was a different interpretation of those events. Mrs Hughes reported on the difficulties encountered with the CCTV system, but sought to reassure Members that action was being taken to address this. Mrs Hughes highlighted the following: no drugs had been found on the premises following the execution of 5 search warrants at the premises, two managers were now employed at the premises as well as the DPS and the PLH; a member of staff already had a Security Industry Authority badge to act as doorstaff, the bar manager was undertaking the Personal Licence Holder’s qualification, two first aiders were employed at the premises and two more members of staff were being trained.

Mrs Hughes responded to Inspector Sullivan’s submission regarding conditions, and stated no objection would be raised if conditions regarding the CCTV system were imposed, however she did not believe the number/nature of incidents warranted doorstaff at the premises all the time.

During questions to the PLH, Members clarified the following:

- The bar manager’s statement to WYP over her whereabouts on 26/11/11
- Signage reminding patrons that smoking was only permitted in the beer garden
- No glasses/bottles were allowed off the premises
- The SIA registered member of staff was not on duty on 26/11/11
- The statement of WYP that drugs paraphernalia and traces of drugs had been found on the premises and the response that any public building could have trace amounts
- The response to what staff regarded as acceptable behaviour
- That there was no specific response from the PLH addressing the role of the DPS even when advised that removal of the DPS was an option available to Members

Members considered the options open to them in the determination of Review applications and had regard to the Guidance issued under Section 182 of the Licensing Act 2003. The Sub-Committee considered the representations made at the

hearing and the considerable amount of evidence from WYP, local ward Councillors and the PLH.

Members noted the dispute over much of the evidence in relation to the interpretation of the incidents.

On the basis of the CCTV footage (which Members viewed again during their deliberations) the Sub Committee found that the Bar Manager was not in the bar when the incident started but did enter the bar shortly after.

In relation to the other disputes of evidence between WYP and the PLH, the Sub Committee preferred the evidence of WYP. In particular, Members found that

- the minutes of the meeting held 20/10/11 between WYP and the PLH and the DPS and the subsequent email exchange gave clear warnings of the issues and need for change at the premises. The Sub Committee did not accept the PLH submission that the meeting was merely a warning to the PLH that customers were “helping themselves” to alcohol after hours.
- the unchallenged evidence of Sgt Fullilove that the DPS did not recognise him whilst in uniform two and a half weeks after the meeting on 20/10/11 to be compelling.
- that there were a series of problems at the premises including: the sale of alcohol to persons already intoxicated, smoking in the premises and after hours sales
- that the incident of 26/11/11 was not well managed

The Sub-Committee accepted and adopted the submission by WYP that the cause of the problems was weak management at all levels and that this undermined all four licensing objectives.

Members considered that action was required and that previous warnings had been given but ignored by the management.

The Sub Committee carefully considered imposing conditions on the Premises Licence, but had no confidence that this management team would comply with any conditions. Members noted that the conditions they would have imposed would have been extremely onerous in order to promote the licensing objectives with no guarantee that they would work.

The Sub Committee noted that WYP suggested a review of the management team was required. That had not been offered to the Sub Committee as a solution. Members considered a change of the DPS was necessary to promote the licensing objectives, but did not believe that any of the current management team would be an appropriate replacement.

In the circumstances, Members felt there was no option but to revoke the licence in order to promote the licensing objectives

**RESOLVED** - That the Premises Licence held at The Slip Inn be revoked