

Licensing Sub-Committee

Wednesday, 25th April, 2012

PRESENT: Councillor Townsley in the Chair

Councillors P Latty, C Townsley and
G Wilkinson

255 Election of the Chair

RESOLVED – Councillor Townsley was elected Chair for the meeting.

256 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents.

257 Exempt Information - Possible Exclusion of the Press and Public

There were no resolutions to exclude the public.

258 Late Items

No formal late items of business were added to the agenda for the meeting. However in respect of Agenda item 6 (Minute No. 260 refers) the Sub Committee received supplementary Information which is referred to at Appendix D of the report.

259 Declarations of Interest

There were no declarations of interest.

260 "La Liga" - Application for the Review of the Premises Licence held at La Liga, Dick Lane, Thornbury, Bradford

The Sub – Committee considered a review of a premises licence held at the premises known as “La Liga”, Dick Lane, Thornbury, Bradford, BD3 7AT. The review was considered under the provisions of Section 51 of the Licensing Act 2003 following a request by West Yorkshire Police at the premises on 14th March 2012. The Licensing Authority was therefore required to review the Premise Licence under section 51 of the Licensing Act 2003. Notices had been displayed at the premises advertising the review in accordance with the relevant regulations.

Present at the hearing:

- West Yorkshire Police – the applicant, represented by Mr Patterson, PC Dobson, Inspector Calkwell (WYP);
- Sergeant Rob Fulliove, PCSO Michael Cox, PC Chris Davy (observers);
- Leeds City Council (Entertainment Licensing Enforcement), represented by Paul Rix
- Robert Blackburn ‘La Liga’ – Premise Licence Holder (PLH) represented by John Cordingly (Licensing Consultant);
- Simon Baker, Manager at ‘La Liga’; and
- Kevin Hainsworth – Joint Owner of ‘La Liga’

The Sub - Committee first considered representations from WYP who provided the background to events leading up to the placement of notices providing details of the review being placed on prominent display at the premises, the following was highlighted:

- The premises have repeatedly come to the attention of West Yorkshire Police and there has been an element of underage drinking that was particularly worrying and had brought the matter to review earlier than might otherwise have been the case;
- Three meetings have been held with the PLH but there has been no improvement to the position. Promises had been made at those meetings that have still not been fulfilled and the Police consider that they were no further forward at this time in resolving the problems than they had been in 2010 at the time of the first meeting;
- Also raised by the Police were additional problems in relation to the absence or incorrect deployment of door staff. The Police put forward their beliefs that young people may also be concealing alcohol outside the premises and leaving the venue to drink and coming back in, which a better provision of door staff would help to address;
- The Police particularly made reference to what they considered to be the dismissive attitude of the management in that parties for sixteenth and eighteenth birthdays had been continuing even after the owners of the premises told the staff to stop holding them, furthermore that there had been no attendance at Pubwatch;
- The assault outlined in the papers at Agenda item 6, in August 2011, had been very serious. Further, the Halloween party in October 2011 featured underage individuals as both victims and perpetrators of assaults and there was clear evidence of the problems being alcohol related. In the Police's view, the management of the premises did not have a grip, resulting in police facing the baying mob of underage drinkers in January 2012. Inspector Calkwell highlighted that this took his police staff away from their core work of policing the streets of West Leeds and that was causing concern to the Police, to local councillors and to residents;
- That it was the Police's view that the premises had been alerted to all these problems but either didn't consider them to be their responsibility or had failed to address them.

The Sub Committee then heard from the PLH who responded to the submissions of WYP in detail. Evidence was called from Robert Blackburn. Joint owner of La Liga and the PLH, Kevin Hainsworth, joint owner of La Liga and Simon Baker the current manager at La Liga. John Cordingley, the licensing consultant representing the PLH, highlighted the following points which the Sub Committee gave careful consideration to.

- Mr Cordingley sought to put the history of La Liga into context as follows:

In 2007 the site had been acquired in a derelict condition and refurbished with a considerable amount of money being spent on it, and it was now a thriving supporter of local football. During this process, an issue had come to light relating to a discrepancy with a

planning condition which had been resolved. In 2010, there had been noise issues and issues with the floodlights at the venue, but they had also been dealt with promptly. There were no objections raised on the review from the Environmental Protection Service, local residents or indeed any other responsible authority or interested party which was significant;

- Management were willing to work with the Police and address the issues raised, but equally would not accept unfair criticism where it was harsh and unwarranted;
- That procedures were in existence to prevent underage sales. The Sub Committee was also informed there was no proof of underage sales at the venue and no prosecution of the venue or any individuals;
- Since a meeting on 15 February with the Police where the problems with sixteenth and eighteenth birthday parties were highlighted there had been only one additional eighteenth birthday party, and this had been held because a contractual obligation had been entered into but such parties were now a thing of the past;
- The premises would be re-branded from Club Estark/La Liga to Phoenix Park Sports Bar. A new DPS would be appointed who would take over management of the premises and this would not be either Robert Blackburn or Kevin Hainsworth;
- The venue always checked for proxy sales from the bar. This was horseshoe shaped bar and allowed staff to see the whole venue and furthermore proof of age was always requested in line with policy;

In summing up for WYP PC Lynn Dobson made the following key points:

- Concerns that concerns raised would not be fully addressed due to previous experience of issues in the past having not been dealt with promptly ;
- The premises may be re-branded but the same management team and the same staff would be involved; and
- The Police were asking for the licence to be revoked and that in their view no other measures would be sufficient to address the problems in this area.

In summing up on behalf of the PLH John Cordingley made the following points:

- That no other responsible authority or interested party had made a representation;
- The issues discussed today were being taken seriously by the PLH and re-branding will be taking place;
- A request for Members to consider that no prosecutions had taken place at the incidents complained about by the Police; and
- That the PLH strictly adhered to the proof of age scheme, CCTV was present and the PLH was sure that the four licensing objectives could be complied with and promoted.

Following full and lengthy consideration of the options open to the Sub Committee in the determination of review applications Members made the following decision:

RESOLVED – The Licensing Sub Committee resolved that the premises licence should not be revoked but that the following conditions be applied to the existing licence:

- That there be no 16th or 18th birthday parties at the venue;
- That the proof of age scheme be implemented by the following condition:

The PLH / DPS staff will ask for acceptable evidence as agreed by West Yorkshire Police from any person appearing to be under the age of 25 who attempts to purchase alcohol at the premises.

- the side door to be secured in a safe manner to prevent access to and egress from the venue other than in the case of emergency;
- designated member/s of staff at the premises will be authorised to access the CCTV footage and be conversant with operating a CCTV system. At the request of an authorised officer of the licensing authority or a responsible authority (under the Licensing Act 2003), any CCTV footage, as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage will be supplied on request to an authorised officer of the licensing authority or a responsible authority;
- The CCTV system will be capable of securing relevant pictures for review or export at a later date;
- The CCTV system will be adequately maintained and be capable of transporting recorded material onto a removable media;
- A supervisor's register will be maintained at the licensed premises, showing the name, address and up to date contact details for the DPS and all personal licence holders;
- The supervisors register will state the name of the person who is in overall charge of the premises at each time that licensed activities are carried out, and this information will be retained for a period of 12 months and produced for inspection on request to an authorised officer;
- Where the premises are holding 21st birthdays parties, the following conditions will also apply:

A bar staff ratio of 1 member of staff to 30 customers must be maintained throughout the event.

The minimum number of door supervisors for the premises at 21st birthday parties is three. These door staff must also be deployed solely as door staff and not asked to undertake any other duties. The door staff company must be members of the SIA approved contractor scheme as well as being SIA registered.

The premises licence holder or DPS must ensure that a daily record register is maintained on the premises by the door staff when they are on duty.

The daily record register will contain consecutively numbered pages, the full name and registration number of each person on duty, the employer of that

person and the date and time he / she commenced duty and finished duty (verified by the individual's signature).

The daily record register will be retained on the premises for a period of 12 months from the date of the last entry.

Security staff / designated supervisors will be familiar with the premises policy concerning the admission, exclusion and safeguarding of customers whilst in the premises.

The PLH / DPS will ensure that an incident report register is maintained at the premises to record incidents such as antisocial behaviour, admission refusals and ejections from the premises.

The incident report register will contain consecutively numbered pages, the date, time and location of the incident, details of the nature of the incident, the names and registration numbers of any door staff involved or to whom the incident is reported, the names and personal licence numbers (if any) of any other staff involved or to whom the incident was reported, the names and numbers of any police officers attending, the police incident and / or crime number, the names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident.

The incident report register will be produced for inspection immediately upon the request of an authorised officer.

- for all other events (i.e. not 21st birthday parties) the premises licence holder must assess the event and ensure that there is adequate door and bar supervision; and
- current Condition 23 to be replaced with a condition that plastic or toughened polycarbonate or similar glasses must be used for drinks consumed outside the premises. The premises licence holder must ensure that glass receptacles are not taken from the premises.

For the avoidance of doubt, the conditions imposed on review have the following effect on the existing licence conditions:-

Condition 20 required CCTV to be installed, and footage to be kept for a minimum of 31 days. The CCTV conditions imposed are in addition to that condition not in substitution.

Condition 21 requires the DPS to maintain an incident report register. This condition is maintained though there are further requirements in relation to door staff incident registers at 21st birthday parties.

Condition 22 regarding a door staff register is superseded by the conditions imposed on the review.

Condition 23, the removal of alcohol from the venue is superseded by the conditions imposed on the review.

Condition 25 and the check 21 proof of age scheme in Condition 42 on the challenge 21 scheme are superseded by the conditions imposed on the review.

(The meeting concluded at 1:20pm)