

Licensing Sub-Committee

Monday, 3rd September, 2012

PRESENT: Councillor C Townsley in the Chair

Councillors P Latty, G Hyde and
C Townsley

45 Election of the Chair

Councillor Townsley was elected Chair for the meeting.

46 Appeals Against Refusal of Inspection of Documents

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

47 Exempt Information - Possible Exclusion of the Press and Public

That the public be excluded from the meeting during consideration of that part of the agenda designated as exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:

- a) Appendix D, to Agenda item 6, of the report submitted by West Yorkshire Police (Minute 50 refers) under the provisions of Paragraph 14 of the Licensing Act 2003 (Hearing Regulations 2005) and the Licensing Procedure Rules, and on the grounds that it is not in the public interest to disclose the documents as they pertain to an individual and that person would reasonably not expect their personal information or discussions to be in the public domain and there is reference to action taken or to be taken in connection with the prevention, investigation or prosecution of crime;
- b) Written representations received from the public regarding Agenda Item 6, (Minute 50 refers), Paragraph 14 of the Licensing Act 2003 (Hearing Regulations 2005) and the Licensing Procedure Rules, and on the grounds that it is not in the public interest to disclose the documents as they pertain to an individual and that person would reasonably not expect their personal information or discussions to be in the public domain;
- c) Appendix A to Agenda item 8, (Minute 52 refers) under the provisions of Paragraph 14 of the Licensing Act 2003 (Hearing Regulations 2005) and the Licensing Procedure Rules, and on the grounds that it is not in the public interest to disclose the documents as they pertain to an individual and that person would reasonably not expect their personal information or discussions to be in the public domain and there is reference to action taken or to be taken in connection with the prevention, investigation or prosecution of crime
- d) To note that the press and public will also be excluded from that part of the hearing where Members deliberate the application as it is in the

public interest to all the Members to have full and frank debate on the matter, as allowed under the provisions of the Licensing Procedure Rules

48 Late Items

There were no late items added to the agenda. However supplementary information had been received and published in relation to the application for the grant of a personal licence for Mr Sam Donnelly, Agenda item 8, Minute 52 refers.

49 Declarations of Disclosable Pecuniary and Other Interests

There were declarations of interest made at this point or at any point during the meeting.

50 Application for the grant of a Premises Licence for Afro Diaspora, Unit 10, Shaftesbury Parade, Harehills Lane, Harehills, Leeds, LS9 6PJ

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance the Authority's own Statement of Licensing Policy considered an application for the grant of a Premises Licence in respect of Afro Diaspora – Unit 10, Shaftesbury Parade, Harehills Lane, Harehills LS9

Representations had been received from West Yorkshire Police, LCC Environmental Protection Team, ten local residents and from a Ward Member supporting the representations made by his constituents.

Present at the hearing were:

Mr Jean Claude Dooh – the applicant
Mr Graham Hopkins – the applicant's representative
Inspector J Hawks – West Yorkshire Police
PC L Dobson – West Yorkshire Police
Bob Paterson - West Yorkshire Police
Mr B Kenny – LCC Environment Protection Team (EPT)
Mr Myers – Member of the public
Mr Cracknell – Member of the public

The Sub Committee heard from Mr Hopkins who was representing the applicant he outlined the reasons why the application for a licence should be granted, these were as follows:

- The club would be a centre for the African community, where Africans could maintain their cultural identity;
- That there would be no live music; and
- The willingness of the applicant to work with all relevant authorities and the additional conditions his client was willing to accept if the licence were to be granted;

Mr Hopkins also highlighted that the applicant had no criminal convictions and had leave to remain in the UK and that it was unfair that the previous poor reputation of the premises be linked to Mr Dooh.

Members followed this up with specific questions about what the club would be used for and whether alcohol was intended to be sold. Members also established the capacity of the venue.

Members then heard from PC Lynn Dobson of West Yorkshire Police who put forward that the history of these premises could not be ignored and that the Police have knowledge have had difficulties with these premises over a period of years. It was also highlighted that the premises formed part of a residential area and that it was likely that customers would travel from other parts of Leeds to visit these premises due to the low local demand for the facilities being offered by the applicant. PC Lynn Dobson also highlighted recent offences that had involved the club and the fact that events were going ahead at the club despite there being no licence or temporary event notices in place. The state of repair of the building was also brought up with PC Dobson considering that the building was poorly maintained and that requests to improve matters had previously not been carried out despite promises being made to the contrary.

At this point in the meeting Members discussed with the police how a private party was defined and also questioned officers as to when a temporary event notice is required.

The Sub-Committee heard from Mr Kenny of LCC EPT, Mr Kenny informed Members that the premises were in a residential area and that the building was not suitable for the usage proposed by the applicant. It was highlighted that the building was acoustically weak and in poor condition. Mr Kenny also stated that despite Mr Dooh informing the Sub Committee about conditions he would be prepared to adopt, none of these had been with the EPT and that this was a full objection.

The Sub Committee then heard from Mr Myers and Mr Cracknell who highlighted their concerns about the club being granted a licence and the late hours that it would be open until in what is a residential area.

The applicant was asked to sum up. Mr Hokinson proceeded to detail the lengths the applicant would go to obtain a licence including having door supervisors and better co-operation with the police.

At this point Members asked questions about how the proposed alterations to the building would be financed.

The Sub-Committee then carefully considered all the written and verbal submissions and made the following decision:-

RESOLVED – That the application be refused for the reasons that there had been no firm plans put forward or associated costings for works to be carried out, the poor co-operation with West Yorkshire Police, the unsuitability of the premises for the use proposed and the lack of support from local residents.

51 Application to Vary a Premises Licence for the Swillington Hotel, 40 Wakefield Road, Swillington, Leeds, LS26 8JD to Specify an Individual as Designated Premises Supervisor

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance the Authority's own Statement of Licensing Policy considered an application to vary a Premises Licence in respect of The Swillington Hotel – 40 Wakefield Rd , Swillington, Leeds to specify an individual as designated premises supervisor.

Representations had been received from West Yorkshire Police.

Present at the hearing were:

Ms Laura Spaldin – the applicant

Mr Peter Ashcroft – the applicant's representative

PC L Dobson – West Yorkshire Police

Bob Paterson - West Yorkshire Police

The Sub Committee heard from Mr Ashcroft who was representing the applicant who introduced Ms Spaldin as the Business Development Manager for Admiral Taverns Limited and the proposed DPS. Ms Spaldin informed the Sub Committee that she lived in Hartlepool but her area of responsibility for the business was West Yorkshire and that she would be a regular visitor to the Swillington Hotel and would be in regular contact with the manager Mr Sam Donnelly.

Members then heard from PC Lynn Dobson of West Yorkshire Police who informed Members that the Swillington Hotel was very much a local pub for local people and has had problems where it has been managed by people from outside the area. The Sub Committee were informed that a test purchase had taken place at the premises on 12th July 2012 and the sale was a positive sale despite the purchasers being underage. It was also reported that the management of the Swillington Hotel have been un-co-operative with police in advance of a proposed 18th birthday party. A further incident took place on 30th July where an 18 year old was admitted to hospital with alcohol poisoning having been drinking in the Swillington with these incidents in mind PC Lynn Dobson cast doubt over the suitability of the management arrangements at the Swillington.

The applicant was asked to sum up. Mr Ashcroft proceeded to demonstrate the test procedures that the landlord had undertaken using a private company and that these had all been passed. However it was noted that these tests do not use people under the age of 18 whereas tests by the police do. Mr Ashcroft pointed to the experience Ms Spaldin had in the industry and her good record. Mr Ashcroft highlighted to the Sub Committee that under the Licensing Act there was no evidence to give grounds to refuse the application

The Sub-Committee then carefully considered all the written and verbal submissions and made the following decision:-
RESOLVED – That the application be granted.

52 Application for the Grant of a Personal Licence for Mr Sam Donnelly
The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance the Authority's own Statement of Licensing Policy considered an application for the grant of a personal licence for Mr Sam Donnelly.

Representations had been received from West Yorkshire Police.

Present at the hearing were:

Mr Sam Donnelly – the applicant

Ms Rebecca Collings – the applicant's supporter

PC L Dobson – West Yorkshire Police

Bob Paterson - West Yorkshire Police

The Sub Committee heard from Ms Collings who was supporting the applicant, Ms Collings informed the Committee that the applicant had only one relevant unspent conviction. It was also brought to the Sub Committee's attention that the applicant was due to appear in court having been charged with a further relevant offence. Ms Collings confirmed that the applicant was willing to co-operate with the police and all other relevant authorities and to undertake training wherever it was required.

The applicant then addressed the Sub Committee to confirm that he wished to make a successful business of the Swillington Hotel and would work hard to achieve this.

The Sub Committee then heard from PC Lynn Dobson of West Yorkshire Police who informed Members that West Yorkshire Police were objecting to the application on the grounds that the applicant had a relevant unspent conviction. Mr Paterson went on to confirm that the applicant also had been charged with a relevant offence and would be appearing in court for this and that in light of this the Sub Committee might consider deferring the application until after the court appearance.

The applicant summed up by re-iterating his commitment to making the Swillington Hotel a successful business

The Sub-Committee then carefully considered all the written and verbal submissions and made the following decision:-

RESOLVED – That the application be deferred until 24th September 2012.