

## **Licensing Sub-Committee**

**Monday, 31st March, 2014**

**PRESENT:** Councillor G Hyde in the Chair

Councillors N Buckley and M Harland

**215 Election of the Chair**

**RESOLVED** – That Councillor Hyde was elected Chair for the duration of the meeting.

**216 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal of inspection of documents.

**217 Exempt Information - Possible Exclusion of the Press and Public**

There was no exempt information.

**218 Late Items**

There were no late items.

**219 Declarations of Disclosable Pecuniary Interests**

No declarations were made.

**220 Review of the Premises Licence for Horsforth Manor, Calverley Lane, Horsforth, Leeds, LS13 1NP**

The report of the Head of Licensing and Registration informed Members of an application for the review of a premises licence under Section 51 of the Licensing Act, sought by West Yorkshire Police in respect of Horsforth Manor, Calverley Lane, Horsforth, Leeds, LS13 1NP.

The Legal Services Officer explained the procedure to the attendees at the hearing.

Members were given a brief summary of the application by the Principal Licensing Officer outlining the history of the premises to the current licence holder.

Mr Jason Flynn acquired the current licence on 12<sup>th</sup> December 2012 at that time West Yorkshire Police did not make any representation to the transfer application which was therefore granted as requested.

On 22<sup>nd</sup> August 2013 the licence holder made a Minor Variation application to remove a condition on the licence which read 'Patrons shall not be allowed to use the beer garden, marquee or any external area after 23:00 hours'. The variation attracted a representation from Environmental Protection Team due to a number of complaints that had been received from the residential properties in the vicinity of the premises. That application was refused entirely as it was the view that to allow patrons to use the external area without measures in place there would be noise breakout and would undermine the prevention of public nuisance objective.

On the 20<sup>th</sup> December 2013 there was an application to specify Mr Christopher Swales as the Designated Premises Supervisor. No representations were received for this application which was granted.

The premises had been brought to the attention of West Yorkshire Police due to the increased frequency and types of incidents that had occurred since the current licence holder took over in December 2012.

Catherine Sanderson, Licensing Officer, West Yorkshire Police (WYP) presented Members with the representation brought by WYP.

Mr Flynn took over the premises licence in December 2012. The premises opened up a couple of months after Mr Flynn took over the premises licence advertising the venue as 'Horsforth's newest nightclub'. Advertisements were found on social media linked to a promoter who had been hosting under 18 events, which had resulted in anti-social behaviour, under age youths in drink, and disorder. The Licensing Officer (WYP) informed the Licencing Sub-Committee that 'hordes' of youths were in attendance at these events which had also advertised 'Champagne facials' which breach the mandatory conditions these were subsequently stopped and Mr Flynn was told to break contact with the promoter.

The Licensing Officer (WYP) highlighted the minutes on page 106-107 of the submitted report, of a meeting which had taken place with LCC Enforcement Officer, Mr Flynn and herself present. At the meeting a number of issues relating to the premises licence were discussed, the operation of the CCTV which Mr Flynn admitted to be unable to operate, door staff employed at the venue, customers using the external areas of the premises, several reports to the police of assault and after hours drinking.

The number of incidents reported by customers increased during September and October 2013.

The Panel were informed that on 12<sup>th</sup> October 2013 Mr Flynn's son had contacted the police saying that 15 people were fighting using wooden planks and bottles. The police were called in as tensions were high. When Mr Flynn was asked about the incident he was shocked to hear about the incident, even though he had been working in the venue that night.

The Licensing Sub-Committee were told that a Section 19 Closure Notice had been sent for use of laser lighting and the external areas still being used by customers.

An action plan meeting had taken place on 27<sup>th</sup> November 2013 which is detailed at pages 110-123 of the submitted report. The Licensing Officer (WYP) drew Members attention to issues raised at the meeting:

- Number of door staff employed, due to the size of the premises;
- Issues in relation to CCTV, not used, blind spots, not stored for 30 days, or system not working;

The Panel were informed of one complainant who had been in hospital for a week after being attacked while at the bar with a friend. The doctor who dealt with the

incident believed that a knuckle–duster may have been used. However, there was no evidence of this incident as there was no CCTV coverage as there was a blind spot. The panel were also told of an incident involving a 15 year old suspect who had assaulted someone with a bottle.

In January 2014 there was an assault took place again there was an issue with CCTV footage not being available. This is detailed on page 30 of the submitted report.

The Members were informed that bar staff are reporting incidents anonymously within the venue reporting up to 2-3 fights on Saturday nights. Only one incident had been reported since the Action Plan meeting of a female who had collapsed into a diabetic coma.

Members were told that Mr Flynn had been in contact with WYP to find out about any incidents.

Members were told that there had been an assault on 1<sup>st</sup> March 2014 again there was a lack of CCTV footage. They were also made aware that Mr Flynn had employed Protech door staff for a number of months but sometimes there was only one door staff working. The WYP had suggested to Mr Flynn that the premises should have at least 3 door staff one inside the venue, one on the gate and one on the main door.

A Police Officer who asked about the use of external areas of the premises when he was attending was told by Mr Flynn that he had a variation to the licence Mr Flynn had lied about this.

Protech had informed WYP that they had withdrawn their services to the premises on 7<sup>th</sup> March 2014. WYP were aware of a male who had been employed as door staff for the venue who had a history of serious criminal offences and should not have been employed in this role. WYP were concerned that Mr Flynn was self-employing door staff.

The Licensing Officer (WYP) informed the Members only SIA registered door supervisors should be used on the door of licensed premises. Mr Flynn's son who was SIA registered had been employed by Mr Flynn as door staff.

Complaints had been received in relation to drugs been used and sold at the venue. Drugs wipes had shown cocaine in the toilets area of the premises and there was an underlying smell on the premises of cannabis.

Members' attention was drawn to page 31 of the submitted report last paragraph. It details an interview with Mr Flynn where the Police attending believed that Mr Flynn was under the influence of drugs. Page 32 details a warrant under section 23 Misuse of Drugs Act 1971 at the Horsforth Manor. Drugs were found in the private quarters where Mr Flynn lives. This investigation is still ongoing.

The Licensing Officer in drawing the WYP representation to a close listed the events leading to the representation being brought to a hearing as follows:

- 18 incidents had been called in to WYP only one listed as being from a member staff
- 6 serious assaults
- Use of unregistered door staff
- CCTV not available
- Misleading Police Officers
- No applications for Temporary Events Notice to use external areas
- Drugs used by the premises holder
- Drugs on the premises

WYP were of the view that if conditions were applied to the premises licence they would not be upheld as Mr Flynn was unable to uphold the conditions currently imposed.

Members were given clarification as to the location of the premises on a secluded lane close to where a major development of new build is underway.

When requested Members were informed that there had been 4 incidents since January 2014, 8 since the Action Plan meeting held in November 2013.

Mr Flynn informed the Licensing Sub-Committee that he had lived in Bradford and had been a DJ for a number of years, music played in the venue was 'House Music' he said that he was aware this type of music can sometimes cause problems.

In explanation of the incidents that WYP had presented to the Sub-Committee Mr Flynn informed the Members of the following:

- He was of the view that Protech had not provided him with information as to how many door men he should employ or the use of a head door man until the incidents started to occur.
- Some of the incidents happened outside the premises.
- The incident with the 15 year old assaulting someone with a bottle the suspect had been the daughter of a woman who was holding a private party. The woman had been told that her daughter would have to leave the party at 10pm and was not to drink alcohol. The 15 year old left at 10pm returning later to get house keys from her mum.
- In relation to the incident where he was thought to be under the influence of drugs he informed the Members that he had been at a wake for a friend the day before and had been drinking heavily. On the following day he had attended another wake he had, had no food a few more drinks he had been under the influence of drink not drugs.
- He said that taxis' were a major problem and he had tried to secure deals with SRJ Taxis and Amber Taxis. Smoking bins carried numbers of local taxi firms.
- That the nearest house was approximately 1000 metres across a field from the venue and the music system was directed towards the Ring Road.
- He was unable to afford legal representation as the premises was not doing so well on the last few nights only about 20 people had been in the premises.

- He had used his son as a doorman his son had a licence and had worked for Protech. He had now gone back to using West Yorkshire Security which was the firm that he used prior to Protech.
- In relation to the use of the laser light he said that this had been brought by the company who was holding the Halloween event.
- He now employs a toilet attendant to check the toilets.
- In relation to the drugs found on the premises he said that they belonged to the DJ's who was occupying the room. He (Mr Flynn) had taken the 'wrap' for the drugs as at the time he had thought they belonged to his son who had just turned 18.
- That the incident involving a male whose eye socket was fractured wanted to go home with his wife in a taxi, he had not wanted an ambulance called.
- That this was the first time he had held a premises licence and he had been naïve in what this involved.
- He had tried to get taxi wardens.
- In relation to the incident of 15 people fighting with planks of wood he informed Members it was in fact an aluminium chair.
- One of the females involved in one of the incidents now works as a cleaner at the Horsforth Manor.
- Mr Flynn claimed that he had he had not been informed that he was required to display notice. In response to this the Principal Licensing Officer (LCC) informed the Licensing Sub-Committee that guidance was sent will all licence applications requesting that notices were displayed.
- In relation to the CCTV, this system had been inherited. He gave a drawing to Members in explanation as to the location of the cameras.
- He said that he had also purchased a hand held scanner for detecting metal to scan over customers entering the venue.
- He had been speaking to WYP and incidents had been less since January 2014.
- In relation to the premises been open to 4:00am he said that it was staff going home after cleaning up.

In response to Members questions Mr Flynn informed the Members that the toilet attendant started at midnight until closing time, bar staff checked the toilet area up to midnight.

When Members queried the choice of 'House Music' played at the venue given that Mr Flynn had mentioned concerns that this type of music was problematic at some venues. His response was that he had been of the view that the location of the premises in Horsforth which he thought of a 'nice area' would invite customers from the 'prosecco drinking crowd of Horsforth' but, in fact customers were from Hawksworth and Bramley.

In summing up The Licensing Officer (WYP) told the Sub-Committee that they still had concerns Mr Flynn was still not taking his responsibilities as a Premises Licence Holder seriously, they were concerned that a death would occur.

The Licensing Sub-Committee carefully considered the report and all the evidence presented to them. The Sub-Committee was of the view that Mr Flynn did not

understand his responsibilities in relation to a Premises Licence Holder and modifying imposed conditions on the premises licence would not be adhered to.

**RESOLVED** – It was the decision of the Licensing Sub-Committee that the licence be revoked.