

## Licensing Sub-Committee

Tuesday, 25th August, 2015

**PRESENT:** Councillor B Gettings in the Chair

Councillors R Downes and M Ingham

### **44 Election of the Chair**

**RESOLVED** – That Councillor Gettings be elected as Chair for the duration of the meeting.

### **45 Appeals Against Refusal of Inspection of Documents**

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

### **46 Exempt Information - Possible Exclusion of the Press and Public**

**RESOLVED** – 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, E and F of the report referred to in minute 49 both in terms of Regulation 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 contents as the information therein pertains to individuals and that people would not reasonably expect their personal information or discussions thereon to be in the public domain; and

(b) The Sub Committee also noted that the press and public would also be excluded from that part of the hearing where Members deliberate the application as it is in the public interest to allow the Members to have full and frank debate on the matter, as allowed under the provisions of the Licensing Procedure Rules.

### **47 Late Items**

There were no late items submitted to the agenda for consideration. However supplementary information was published and circulated to all parties prior to the meeting in relation to Agenda Item 6 “Review of the Premises Licence for Wykebeck Arms, Selby Road, Leeds, LS9 0EW” (Minute No 49 refers).

### **48 Declarations of Disclosable Pecuniary Interests**

No declarations were made.

### **49 Review of the Premises Licence for Wykebeck Arms, Selby Road, Leeds, LS9 0EW**

The Sub-Committee considered a Review of a Premises Licence held at the premises known as “The Wykebeck Arms” Selby Road, Leeds LS9. The Review was considered under the provisions of Section 51 of the Licensing Act 2003 at the request of West Yorkshire Police. The Licensing Authority was therefore required to review the Premises Licence having regard to guidance issued under Section 182 of the Act.

Present at the hearing:

- West Yorkshire Police (WYP) – the applicant, represented by Ms Checa-Dover and PC Dobson;
- Mr R Taylor of Gosschlaks Solicitors, Hull, representing Enterprise Inns; and

- Mr I Brown Area Manager of Enterprise Inns.

Mr Dean Walker, the previous Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) for the premises was not in attendance.

The Sub-Committee heard from the Police who provided information leading up to the application to review the premises licence. The history of the premises and the Police's involvement was explained to the Sub Committee as follows:

It was established that Enterprise Inns owned the premises and that there had been a history of non-compliance with authorities by the previous licence holder. The Sub Committee were informed that there had been 10 meetings with the licence holder prior to the application to the review the licence and that there had been no effort to co-operate with the Police. It was established that Mr Walker had been removed and that Angela Spencer had been appointed as the DPS (Designated Premises Supervisor) and PLH (Premises Licence Holder), a local person with experience of managing other licensed premises.

The Sub Committee then heard from Mr Taylor representing Enterprise Inns who responded to the submissions of the Police.

Mr Taylor explained that Mr Brown worked alongside PC Dobson. The Sub Committee heard that when the Police issued proceedings, this allowed Enterprise Inns to issue proceedings against Mr Walker who had a lease that did not expire until 2022. Enterprise Inns accepted that they needed to work closely with the Police and provide support for the new DPS and that the premises needed to establish a good track record.

Mr Taylor explained that he felt that no action should be taken in terms of putting in further conditions on the licence as the effect of this would be to punish the new DPS who was not at fault. The cause of the problems at the premises had been removed.

Enterprise Inns acknowledged that if there were more problems with the premises it would be them that was liable for prosecution and they were anxious to avoid this.

The Sub Committee went on to discuss the conditions of the licence, the CCTV provision at the premises and the issue of children being served at the premises and how this could be dealt with in the future.

**RESOLVED** – That, following careful consideration of the application, the supplementary information and the submissions made, no action was necessary and that the circumstance of the review did not require the Committee to take any steps to promote the licensing objectives.

**50 Application to vary a premises licence held by The Griffin 31 Boar Lane, Leeds, LS1 5DF**

This item was withdrawn prior to the meeting commencing.