

Licensing Sub-Committee

Monday, 7th March, 2016

PRESENT: Councillor G Hyde in the Chair

Councillors M Harland and G Wilkinson

158 Election of the Chair

RESOLVED – That Councillor G Hyde be elected as Chair for the meeting.

159 Appeals Against Refusal of Inspection of Documents

There were no appeals.

160 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED - That, in accordance with Regulation 4 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during consideration of that part of the agenda (appendix to agenda item 6 – Summary Review of the Premises Licence in respect of the Aviator, 16 High Street, Yeadon, Leeds) designated as exempt from publication in accordance with paragraph 10.4 (3) of Schedule 12A(3) of the Local Government Act 1972 on the grounds that the information contained within the documents relate to the financial or business affairs of any particular person (including the authority holding that information) and would not ordinarily expect to be in the public domain. It is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, due to the impact that the disclosure of the information would have on the individual. (Minute 163 refers).

161 Late Items

There were no late items. Supplementary information was distributed to all parties prior to the hearing.

162 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

163 Summary Review of the Premises Licence in respect of The Aviator, 16 High Street, Yeadon, Leeds, LS19 7PP

The report of the Head of Elections, Licensing and Registration referred to an application made by West Yorkshire Police for the Summary Review of the Premises Licence in respect of the Aviator, 16 High Street, Yeadon, Leeds.

An interim steps hearing had been held on 11th February 2016 where the Licensing Sub Committee resolved to suspend the Premises Licence pending this hearing.

Prior to the Summary Review, the Sub-Committee considered the applicant's representations against the interim steps.

The Sub-Committee heard from the applicant's representative. He made reference to the fact that the applicant did not wish to challenge the suspension made at the

Interim Steps hearing on 11th February and had required further time to put together a cohesive picture of events at the premises and proposals for the future operation of the premises. Members were informed of the proposals to invest in and re-brand the premises. This included the removal of non-standard timings which would ensure a significant reduction in the opening hours, a move towards becoming a food led premises and replacement of the door staff company. Door staff would be employed from 9.00 p.m. until the close of business on a weekend and also on Bank Holiday Sundays.

The applicant's representative acknowledged the problems that had been associated with the premises and reported that amongst other reasons, this was due to the premises having a poor management team and failings of the door staff on occasions when incidents had occurred. The Sub-Committee were informed of changes to the Designated Premises Supervisor and the success he had with operating other premises.

It was requested that the interim steps be modified and that another four weeks be allowed for the re-branding of the premises.

RESOLVED – That the interim step arrangements as per the conditions set out in the applicant's letter of 3rd March 2016 be approved.

The Licensing Sub-Committee then considered the Summary Review.

A West Yorkshire Police representative outlined reasons for the Summary Review of the Premises Licence. These included the following:

- A series of incidents had occurred at or relating to the premises over the previous eighteen months.
- During a Licensing visit, there had been a concern raised in respect of the poor quality of CCTV at the premises. During this visit there had also been a positive indication of drugs use at the premises and an intoxicated person had been served alcohol in spite of the wishes of the Police Officers present. Following this visit and meetings with the then Area Manager, it had hoped to address these problems with a full refurbishment and change to the style of operation. Following a short closure the Premises reopened and within the next two months there were further requests for police attendance at the premises.
- A serious incident occurred in May 2015 which was connected with the premises and resulted in a fatality. There was a failure to contact the police on that evening and evidence had shown that a customer who was barred under the Pubwatch scheme was drinking at the premises.
- A further licensing visit occurred and the manager who was working was unable to operate the CCTV system correctly or locate the associated paperwork. Following this the Area Manager had informed the police that there would be a change of Designated Premises Supervisor (DPS) and this would hopefully address some of the issues.

- A further licensing visit in December 2015 was overseen with a different manager at the premises and no DPS present. There were positive indications of drug use at the premises.
- Reference was made to incidents at the premises on 31 December 2015 through to January 1 2016. On this occasion there had been incidences of violence after the Door Staff had been allowed to finish early.
- There was the final incident on 6 February 2016 involving a mass brawl. Many officers had been called to the scene to control the situation. The first Police Officer came across three unconscious males prior to event attending the premises. The Police had subsequently had to seize the hard drive containing CCTV footage and an inquiry into the events was still ongoing.
- The conditions to the licence offered by the applicant were similar to those offered in January and prior to the latest incident at the premises for which West Yorkshire Police had sought the review of the licence.
- It was further reported that although the premises was involved with the local Pubwatch scheme, there was rarely representation at the meetings. There was long standing concern regarding the sale of alcohol to intoxicated customers, persistent drug use at the premises and poor management. A previous re-branding of the premises had not worked and there was no confidence that the licensing objectives could be upheld.

The applicant's representative addressed the Sub-Committee. Issues highlighted included the following:

- Reference was made to other premises managed by the operator and the success in re-branding other premises where problems had been encountered.
- It was acknowledged that there had been failings at the Aviator and the problems had occurred as a result of weak management.
- The previous re-branding of the premises had only involved a makeover. It was now proposed, with significant investment, to completely refurbish the premises, employ entirely new staff including the use of a new door supervisor company and get a licence that was fit for purpose and would promote the licensing objectives.

In response to comments and questions from the Sub-Committee, the following was discussed:

- It was anticipated that in line with similar premises operated by the company that turnover would be two thirds food led. There would also be a breakfast menu at the premises.
- Prior to the refurbishment, it was not known how many covers there would be at the premises.
- Training schemes recently provided by the operator which extended to staff across the premises already in operation.
- The proven track record of the DPS at other premises and success in turning problem premises around.
- The success of other premises that had been re-branded by the operator.

- The company was willing to invest a substantial amount in the premises and was keen to re-build trust with the Police. This had been demonstrated by accepting the closure of the premises for two months and not challenging the initial interim steps hearing.

The Licensing Sub-Committee carefully considered the report of the Head of Elections, Licensing and Registration; the statement of Licensing Policy and the application itself. It also considered the representations made by West Yorkshire Police and the applicant's representative, both in writing and at the hearing. Concern was expressed that a further four week suspension of the License as proposed by the applicant was not sufficient to carry out the re-branding of the premises, recruitment and training for staff.

RESOLVED –

- (1) That the License remains suspended until 23:59 hours on 2nd May 2016.
- (2) That the conditions numbered 1 to 10 proposed by the Applicant in the letter dated 3 March 2016 (Appendix D to Supplementary Information) be accepted and that the following conditions also apply:
 - That there shall be no Temporary Event Notices for a period of 12 months.
 - That Licensing Officers inspect the premises before it re-opens.
 - That the premises are two thirds food led.