

Licensing Sub-Committee

Wednesday, 5th October, 2016

PRESENT: Councillor R Downes in the Chair

Councillors M Coulson and G Wilkinson

1 Election of the Chair

RESOLVED – Councillor R Downes was elected as Chair for the meeting.

2 Appeals Against Refusal of Inspection of Documents

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

3 Exempt Information - Possible Exclusion of the Press and Public

No exempt information was contained within the agenda.

4 Late Items

No formal late items of business were added to the agenda; however Members received a copy of the letter of objection to the Temporary Event Notice application submitted by West Yorkshire Police just prior to the hearing. The letter had previously been properly served on the Licensing Authority and the applicant.

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

6 Temporary event notice for Church (formerly Halo And The Joint) 177 - 179 Woodhouse Lane, Leeds, LS2 3AR

The Head of Elections, Licensing and Registration submitted a report on a Temporary Event Notice (TEN) served under Section 100 of the Licensing Act 2003 in respect of Church, 177-179 Woodhouse Lane, Leeds, LS2 3AR. The premises had formerly been known as “Halo” and “The Joint”.

The TEN sought the supply of alcohol; regulated entertainment and Late Night Refreshment on Sunday 9th October 2016 from 03:00 until 06:00 hours. The proposed event would have a maximum capacity of 499 persons. Mr Robert Halliday was indicated as the proposed premises user.

The Sub Committee was required to consider this application due to receipt of an objection notice from West Yorkshire Police.

Present at the hearing were:

The applicant – Tokyo Industries
Mr A Woods – solicitor
Mr R Halliday
Mr A Mellor

The objector – West Yorkshire Police
C Sanderson Licensing Officer
Sgt D Shaw

Mr A Woods, for the applicant, provided a brief overview of the licensable history of the premises under Mr Mellor’s management and the experience of the management company. He described the former operational style of the venue as “low-cost and

appealing to students” which Mr Mellor had inherited from the previous operator. Mr Woods explained that as the Sub Committee could see from the Police representation, there had been Police involvement with the premises which had led to action plans, which he informed the Sub Committee his client had complied with. Mr Woods explained that Mr Mellor had wanted to take stock before deciding what to do with the premises - Mr Mellor closed the nightclub element of the venue in December 2014 but continued to operate half of the premises as a restaurant/bar. Mr Woods explained that Mr Mellor operates over 30 businesses throughout the country. The owners had recently invested £0.5million to refurbish the venue with the intention of operating it under the existing Premises Licence, but in a completely different way as an events-based venue, with live entertainment where specific acts/DJs/performers would appear. Mr Woods assured the Sub Committee that Church would not be a Monday to Saturday low cost nightclub. Mr Woods made reference to the Albert Hall in Manchester and that Church will have a similar operating style.

Mr Woods explained that the venue would be re-launched on Saturday 8th October 2016 with a specific “opening event” and guest DJs. The guest DJ to play at the event would not arrive at Church until 2-2.30am before starting his set. The TEN was required in order to facilitate an “after-party” which would be open to invited guests, corporate guests and patrons who had purchased tickets. Mr Woods stated the ticket price as £12 - £15; he also added that drinks would be in the £4 to £5 bracket, reinforcing his suggestion that the venue would attract very different clientele than previously. He added that several other events were planned until Christmas under the provisions of the existing Premises Licence.

Mr Woods suggested that the WYP objection related to concerns over previous style of operation, however the proposals for the re-launched venue were very different. He referred to the 95 conditions on the existing Premises Licence and stated that the applicant would adhere to them during the operation of the TEN, should the application be granted. Mr Woods requested that Members consider granting the TEN application with those conditions and identified another premises in the City, Wire, which ran similar events without incident. This is a new start for these premises and the way it was to operate was not comparable to the way it operated in 2014. He explained that his partner, Mr P Whurr usually dealt with this client, and that he understood that Mr Whurr had approached WYP over measures but that a proposed meeting had not happened. Finally, Mr Woods explained that Church would be a welcome addition to Leeds but his clients appreciated people would be watching closely.

Ms C Sanderson of WYP then addressed the Sub Committee and clarified that the Premise Licence Holder (PLH) had held this premise licence since the end of September 2013. Due to WYP concerns over incidents of anti-social behaviour, lack of crowd control and serious assaults including sexual assaults all associated with the premises, WYP had implemented Action Planning meetings with the operators at that time. In December 2014, the PLH took the decision to close the premises following a serious incident and in the knowledge that a Review of the premises licence was likely. Ms Sanderson stated that at that time, the PLH had informed WYP that a new style of operation would be introduced. WYP were not convinced by the PLH statement that there would, again, be a new style of operation at the venue.

In respect of incidents, Ms Sanderson stated that during the 15 months the premises were open; over 100 calls for WYP service had been made. 17 of these incidents were recorded as occurring between 03.00 and 06.00 hours. She felt that the management team had struggled previously to keep their house in order and queried how they would do so now. In response to a query, it was clarified that the incidents took place during 2013-2014 when the venue operated as a nightclub. Ms Sanderson noted that the Designated Premises Supervisor had been operating the restaurant element of the venue with no incidents; however there was no evidence that the DPS could operate a nightclub successfully. Additionally, Ms Sanderson stated that at the last Action Plan meeting, the PLH had undertaken to keep in contact with WYP, operate a day-time use at the premises and inform WYP of any future plans to re-open the premises; however no pre-meetings or information had been forthcoming prior to the TEN application being made. She concluded that the information provided by the applicant did not alleviate her concerns as the same management team and PLH were still in place.

Ms Sanderson confirmed that WYP will be objecting to the application to vary the licence. In respect of the request to meet the operator before the hearing, Ms Sanderson explained it was only yesterday that she had been approached by Woods Whur and she had been unable to meet.

Sgt Shaw emphasised the question for WYP was whether the operator could be trusted to operate the venue without a repeat of the previous incidents. He expressed his concern that the venue proposed to operate its usual hours again when the patrons would be new students, who he classed as a vulnerable group of customers. He was not happy to allow the TEN or any extension of hours until WYP could trust the operator again. WYP would look again at any variation application in the future, once the operators had proved and could evidence that they could operate the venue without incident. Sgt Shaw did not have faith in the operator at present and thought they should foster an element of trust in their ability to run the premises safely at present. Sgt Shaw's view was that there was no evidence that the DPS could manage a nightclub and there was too much risk at present.

Mr Woods responded to WYP comments, highlighting that Mr Mellor's company was a well-established leading operator with a good reputation, with 32 premises nationwide and 'Best Bar None' industry awards. Since December 2014, Mr Mellor had invested in the venue in order to change the style of business and to address previous concerns. Mr Woods suggested that it was both difficult and speculative to compare the previous and proposed styles of operation. He reiterated that this would be a one-off, ticketed event operated to the highest standard and with total compliance to the existing conditions on the premises licence.

The Sub Committee then asked questions of both parties on the following matters:

- The events leading up to the decision to close the club venue in 2014 and whether the PLH could have made the decision to close sooner. Mr Woods suggested that at that time, Mr Mellor felt he could turn the nightclub around and make it successful if he kept it open.
- Mr Mellor, the PLH, explained that when he took over the premises, he initially retained the existing management team and student night focus; however

incidents around the end of student exam period led to him changing the management team by January 2014. During March-April 2014 the premises were closed with the intention of undertaking a refurbishment as stated by WYP. However, as the premises was a Listed Building and the special consent process was lengthy, it did not reopen until September 2014 when again, the venue attracted new “fresher’s” students. An incident in December 2014 led to the decision to close the nightclub. Previously the venue operated Mondays, Fridays and Saturday nights. Now it will only open when there is a specific event space, and operate in a similar style to Albert Hall, Manchester.

- Door Supervisors – 12 door staff were scheduled to be on duty for the Saturday 8th/Sunday 9th October re-launch event until 06:00 hours
- Lack of communication between the applicant and WYP. Mr Mellor stated he thought that Mr Whurr, his usual legal representative, had made contact with WYP who had refused a meeting. Furthermore, Mr Whurr and WYP had been at meetings in respect of another Leeds venue run by the company – Townhouse – but the issue of Church had not been raised
- The current operation of the premises. Mr Mellor clarified that part of the venue currently operates under the existing premises licence as a restaurant, had operated until 03:00 hours and had held club type events during the last academic year without incident. The largest part of the premise – the former “Halo” venue – would be a “blank space” for events and would only open for specific events, such as a Cinema Club event booked to be held before Christmas 2016. In response to a question, Mr Mellor confirmed that the restaurant business would continue in its current location within the premises.

During their deliberations; Members identified matters for clarification and invited the parties back into the hearing to discuss the following:

- Condition No.91 of the existing Premises Licence which stated no admission after 02:00 hours and how this would be managed for the event. The Sub Committee noted the explanation that there would be no admittance to the venue after 02.00 hours. Corporate and invited guests would be in the venue throughout the evening and into the event – plus patrons who bought-in to attend either to 03:00 hours or to 06:00 hours party. Mr Mellor confirmed that the different ticket types will be identified by different wristbands of which there will be 400.
- The number of doorstaff throughout the event. Mr Woods confirmed that 12 doorstaff would be contracted and that the applicant would accept a condition to ensure 12 doorstaff were employed until closing.

The Sub Committee adjourned once again to deliberate and consider the options available to them, noting that no additional conditions could be attached to the TEN if they were not already on the existing Premises Licence.

The Sub Committee carefully considered the application before them, including the issues presented to them and the timings and management of the proposed one-off event.

Members had regard to the representations made by WYP in respect of the history of incidents associated with the premises when it previously operated as a nightclub and the comments made regarding confidence in the management team. The Sub

Committee also noted that the applicant had made an application to vary the existing Premises Licence along the terms of this TEN and that WYP expressed their intention to object to that application.

Members also had regard to the representation of the applicant over the management and intended style of this venue once re-launched and their intention to continue to operate the restaurant facility within the building. Members were also of the view that the venue would be under very close scrutiny in the future whilst operating under the terms of the existing premises licence.

In conclusion, having balanced the representations and considered the options available to them in determining the application, the Sub Committee:

RESOLVED – Not to issue a counter notice. The event may now go ahead as proposed.

In making their decision, Members encouraged the operators to enter into dialogue with WYP over their future proposals for the venue. Members, having reminded themselves that they could not add extra conditions in respect of the 12 doorstaff offered by the applicant for this event, expressed their anticipation that the operator would make good on this undertaking.