

Licensing Sub-Committee

Tuesday, 18th July, 2017

PRESENT: Councillor R Downes in the Chair

Councillors J Pryor and G Wilkinson

1 Election of the Chair

RESOLVED - Cllr. Ryk Downes was elected Chair for the duration of 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

RESOLVED – That the public and the press 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 A, D & E of the report referred to in minute 7 both in terms of Regulation 14 of the Licensing Act 2003 (Hearing Regulations 2005(SI 2005 NO. 44) 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 an individual and that person would not reasonably expect their personal information or discussions thereon to be in the public domain.

(b) 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 allow the Members to have full and frank debate on the matter, as allowed under the provisions of the Licensing Procedure Rules

4 Late Items

There were no formal late items. However, with the agreement of all parties West Yorkshire Police tabled supplementary information. Minute 7 refers

It was noted that the supplementary information should be treated as exempt information. Minute 3 refers

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

6 Application to Vary a Premises Licence held by Toast Bar & Bistro, Unit C, West Point, Wellington Street, Leeds, LS1 4JJ

In agreement with the Environmental Protection Team this item was withdrawn from the agenda prior to the hearing date.

7 Review of the Premises Licence for George IV, Grove Road, Hunslet, Leeds, LS10 2QT

The report of the Head of Elections, Licensing and Registration informed Members of an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003, sought by West Yorkshire Police in respect of George IV, Grove Road, Hunslet, Leeds, LS10 2QT.

The Licensing Officer provided the Licensing Sub Committee with background information as set out at Paragraph 2.0 -2.9 of the submitted which included the following points:-

- Adjournment from the 13th June 2017;
- Date of the application for a new premises licence and dates of subsequent transfer of premises licence;
- Changes of Designated Premises Supervisor (DPS);
- Two allegations of fraud in relation to individuals being named as DPS without their consent with a warning letter being sent to the premises licence holder regarding the second allegation;

Members were informed that the current Premises Licence Holder is Clifton Properties (Yorkshire) Ltd who received transfer of the premises licence in June 2011.

The Licensing Officer advised the Sub-Committee of the main issues of the application by West Yorkshire Police (WYP) made on the grounds of the following licensing objectives: The prevention of crime and disorder, public safety and the protection of children from harm. The main issues were set out at Paragraph 6.1(i) of the submitted report.

Members heard that one letter in support of the review application had been received and was at appendix D of the submitted report and that letters and a petition had also been received in support of the premises which was attached at appendix E of the submitted report. It was noted that both appendix D and E were exempt information under Access to Information Procedure Rule 10.4(2) as these included information relating to individuals. Minute 3 refers

Cat Sanderson, Licensing Officer for WYP was present at the meeting. She informed the Sub-Committee of a visit to the premises that she had attended along with a Licensing Enforcement Officer. Ms Sanderson explained that on arriving at the premises they noticed suspicious activity taking place in the beer garden of the premises. An individual was going round customers and looked to be selling goods.

When the officers tried to gain access they were stopped from entering the premises by customers who were aggressive in manner. A member of staff who was in the doorway witnessing the suspicious activity was of no assistance to the officers. Upon entering the premises a member of staff stated that she was unaware of these male customers however one of the males appeared moments later from the private quarters showing that she had no control over managing the venue.

The WYP Licensing Officer informed Members of a number of incidents including the following:-

- A number of stolen bikes stored in a room at the premises
- Customers had free run of the premises, family of PLH used to assist in control of premises
- The DPS not at the premises on a daily basis
- Intelligence received of drugs being sold at the premises
- Children aged 13, 11 and 4 found to be sleeping on the floor and sofa of the upstairs private quarters. The WYP were in receipt of a letter giving authorisation for two of the children to sleepover. However at the time the children were found, officers had made a referral to Social Services.

- In relation to the incident where the children had been found in the upstairs private quarters, officers had also discovered a male who was wanted on recall to prison since 2012.
- 2016 report of a missing child was located at 1am in the pub with her father's new partner
- Weapons found on the premises included a sword, rifle and knuckle duster.
- Drugs found on the premises including cannabis and cocaine, it was noted that there was an ongoing investigation linked to drugs on the premises which involved the DPS.

Members were informed that the PLH only attended the premises to collect rent.

The WYP Licensing Officer informed the Sub Committee of an incident that had taken place in the early hours of Monday 17th July 2017. Police and ambulance had been called to the premises 03:17am, to attend a male with a broken jaw. It was noted that the male did not wish to press charges.

It was the view of the WYP Licensing Officer that this had been a private party and that there was no licence for these hours. The LCC licensing Officer confirmed that no Temporary Event Notice (TEN) had been sought.

Members were advised that 3 joints and some dealer bags had been found on the premises and that the white powder had been analysed and found to be cocaine.

Mr Mike Smith of Clifton Properties (Yorkshire) Ltd the PLH, with his representatives from Levis Solicitors, Mr Leo Charalambides and Ed Smith were present at the hearing.

Mr Charalambides questioned the evidence provided by the WYP quoting Section 182 of the Guidance that evidence should be available to be scrutinised. He also asked about follow up work by the police in relation to the imitation weapons found and raised concerns in relation to the evidence supplied in respect of children sleeping over at the premises.

Mr Charalambides explained to the Sub Committee that his client was aware of staff issues had investigated and 'kicked' people out. He had written to the tenants asking them to vacate the premises on Friday 15th July 2017. Members were informed that on Friday 15th July the CCTV had also been removed from the premises as the pub was shutting down.

Members heard that any activities held over the weekend had been authorised by Clifton Properties.

Mr Charalabides told the Sub Committee that a member of staff from Clifton properties had called at the premises on the morning of Monday 17th July to collect the rent. However the premises had appeared empty, on returning to the premises at 4pm he was able to collect the rent and the keys for the premises.

Mr Charalabides informed the Members that the premises' is now closed and that the PLH wished to refurbish the premises and rebrand the pub. He explained that the

private quarter has 4 bedrooms and the PLH wished to employ a tenant who had a family. It was the intention that the family would be from the local community and who would have children who attended the local schools and was a respected member of the local community.

It was the hope that the premises would become a community asset with local people of the area using the premises.

Mr Charalambides suggested to the Sub Committee that they may wish to consider the suspension of the Premises Licence to allow the PLH time to refurbish the pub and to look for a suitable tenant.

Mr Charalambides also suggested that the PLH was willing to work in conjunction with the Police to find a suitable tenant / DPS.

Members shared the suspicions of WYP that some of the weapons found on the premises were not imitation.

Members asked what assurances could be provided that the PLH and the DPS would be able to manage the premises in line with the licensing objectives given that the clientele would potentially remain the same.

Members were informed of the following measures to overcome the current issues:-

- A respected trouble shooter had been contracted with a view to oversee issues at the premises;
- To be run by a tenant who has a family with children who attend local school;
- To look at the possibility of serving food;
- To be run as a family orientated pub with a community feel.

Mr Mike Smith of Clifton Properties (Yorkshire) Ltd said that he needed to learn more about licensed premises and the challenges that they can present and that a consultant would be found to assist with the training of staff in licensing matters.

Members were informed that they had no supervision in selecting the DPS and were unaware of the fraud in relation to the signing of forms. It was noted that the forms had been passed to the tenant to complete.

Members noted that Clifton Properties (Yorkshire) Ltd owned pubs in other areas similar to this and had refurbished the premises building up a good clientele.

Members were informed that Mr Smith would assist the police as best he could and had not been aware of drugs on the premises.

Mr Smith said that he hoped to employ a respected family from the area to manage the pub.

WYP Licensing Officer informed the Members that the DPS had admitted to the cannabis and cocaine however this was an ongoing investigation and was unable to comment further.

The WYP Licensing Officer was of the view that even though Clifton Properties had closed the premises on Friday 14th July they should have checked that the premises were shut and secured.

RESOLVED – To suspend the premises licence for 3 months with the following conditions to be added to the Premises Licence:

- a) That CCTV be available to Police on request and recording to be held for 31 days
- b) That approval be sought from WYP for the DPS
- c) PLH / DPS to be on the premises at all times when open