

Notice of Decision

Of the Licensing Sub Committee



Date of Hearing:	Wednesday 23 rd January 2013
Determination Date:	Thursday 24 th January 2013
Notice of Decision:	Thursday 24 th January 2013
Members:	Councillor Ted Hanley (Chair) Councillor Gerald Wilkinson Councillor Brian Selby
Legal Officer:	Gill Marshall
Committee Clerk:	Angela Bloor
Licensing Officer:	Stephen Holder
Review application made by:	West Yorkshire Police
Premises review relates to:	Slip Inn, Albion Street, Morley, Leeds, LS27 8DT
Premises Licence Holder:	Star Pubs & Bars Limited
Attendees:	Sgt. Fullilove (West Yorkshire Police) Insp. Sullivan (West Yorkshire Police) PC Sedgley (West Yorkshire Police) Karen Hughes (Licence Holder's Legal Representative) Mark Pass (Area Manager) Councillor Neil Dawson (Other Person) Councillor Judith Elliot (Other Person) Cat Sanderson (Observing) Samantha Longfellow (Observing) Paul Rix (Observing)

The application to review the premises licence held by the Slip Inn, Albion Street, Morley, Leeds, LS27 8DT, was submitted by West Yorkshire Police due to ongoing issues of crime and disorder. Members convened on the 23rd January 2013 to consider the following:

1. The report from the Head of Licensing and Registration.
2. Licensing Act 2003.
3. Guidance issued by the secretary of State of Culture Media and Sport pursuant to Section 182 of the act.
4. Relevant Licensing Objectives.
5. The statement of Licensing Policy 2011 – 2013.
6. Representations received from Other Persons.

Having taken all these matters into account the Licensing Sub Committee made the following decision:

Members of the subcommittee heard from West Yorkshire Police who had requested the review of the premises licence. The police submitted that the current review request must be seen as part of a chain of events which included the first review and the settlement of the previous appeal, followed by further incidents which had led to the current review. They outlined the history of poor management and lack of adherence to licensing law and conditions imposed following the previous review. They also referred to repeated changes of managers and designated premises supervisors and highlighted poor recruitment decisions. All of this was due to the continued and significant involvement of the current tenant who they had been assured would not be involved in the day to day operation of the premises. This venue was a drain on community policing resources and caused the police serious and significant concerns.

The subcommittee then heard from local ward councillors, Councillors Elliott and Dawson. Councillor Elliott highlighted that the pub had a troubled history with the incident log showing high levels of antisocial behaviour which have continued despite the assurances that were given. The premises caused problems for other businesses and local residents, especially the elderly in Jubilee Court and Marshall Street. Councillor Dawson submitted that residents and businesses were being affected by the premises and there had been no material change following the previous review.

Members then heard from the representative for the licence holder and the area manager. The licence holder had believed that a way forward had been agreed after the previous review and had not been aware of the level of police concern. By December it had become apparent that they had reached the end of the road with the current tenant of the pub. The tenant had now agreed to surrender the lease and it was hoped that this would take place on 5 March 2013. The alternative to the surrender was a forfeiture process which would take some considerable time especially as there was residential accommodation attached to the premises. The licence holder had tried to support the tenant, who had 30 years' experience in the licence trade. Problems appeared to have occurred in the last couple of years following the death of his partner, which had been a turning point. The brewery were now looking for a managed exit for this particular tenant and then intend to turn the premises round and were actively seeking a new tenant for that purpose.

In reply, West Yorkshire Police reiterated that this was an issue about the premises licence and not about landlord and tenant and lease issues. It was now time for serious and robust management of the premises which had a difficult client base. This would need gripping with a firm approach if the premises were to continue to trade. The police were not convinced that the current tenant would be gone by 5 March and then the situation would be back to square one. On balance, the police were still favouring revocation of the licence.

Decision

Members heard evidence of serious violent crime and repeated non-compliance with licence conditions around the CCTV system.

Having considered all the evidence, members identified two problems at the premises. The first was poor management by the tenant and the second being a failure by the premises licence holder to get to grips with the problems.

Members agreed that this review must be seen in context. There was a previous review in which the licence was revoked. That revocation was lifted by consent based upon certain assurances. These assurances did not materialise. Given the previous history the premises licence holder should have taken a much more proactive stance. They could have got more involved and established the level of police concern. Forfeiture procedures could have been commenced much earlier.

The subcommittee acknowledged that the current tenant was very likely to leave the premises on 5 March 2013. However, they took into account the fact that the licence holder took a transfer of this licence at the time of the last review. They did so in full knowledge of the problems and should have been aware of the situation.

Members considered whether conditions or suspension of the licence would be appropriate but felt that anything less than revocation would require them to have the confidence that things will improve.

Given the findings against the premises licence holder, members could not have that confidence and for that reason resolved to revoke the premises licence. In doing so they also took into account the views of the ward councillors who were representing local residents and businesses.

Right of Appeal

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the sub committee. You must make this appeal within 21 days of receiving this notice.

Appeals should be addressed to the Magistrates Court at:

**Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP**

and must be accompanied by a copy of this notice of decision and the court fee of £400.00 if you are the premises licence holder and £200.00 for all other parties. Cheques should be made payable to HMCS.

Please note – Persons making appeals should be aware that the Magistrates have the power to award costs against any party as a result of appeal proceedings.

