

Licensing Sub-Committee

Tuesday, 22nd August, 2023

PRESENT: Councillor I Wilson in the Chair

Councillors N Buckley and S Holroyd-Case

1 Election of the Chair

RESOLVED – To elect Councillor Izaak Wilson to the 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

It was noted that appendices A and B of Agenda Item 7 - Application for the Grant of a Personal Licence for Jamie Bloomfield contained confidential information and were exempt from publication under the Licensing Act 2003 and the council's Access to Information Procedure Rules 10.4(1), as they contained information relating to any individual; 10.4(2), information which was likely to reveal the identity of an individual; and 10.4(7), information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. In all the circumstances of the matter the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing 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 press and public were present there would be disclosure to them of exempt information.

4 Late Items

There were no late items.

5 Declaration of Interests

No declarations of interests were made at the meeting.

6 Certification of a Film – Keteke by Hyde Park Picture House

The report of the Chief Officer Elections and Regulatory presented an application which had been received from Hyde Park Picture House to request the film titled, 'Keteke', is appropriately age certified. The film was scheduled to be screened on the 26th August 2023, at Hyde Park Picture House, 73 Brudenell Road, Headingley, Leeds, LS6 1JD. Members had been provided with the BBFC Guidelines.

A copy of the request, which included a synopsis and the applicant's suggested rating, was attached at Appendix A of the submitted report.

To assist members with their deliberation, officers of the Licensing Authority had viewed the available films and confirmed that they had no concerns with applicant's recommended PG rating when considered in accordance with BBFC guidelines.

Details of the film requiring classification, including a link to view the screener had been provided to Members of the Licensing Sub Committee in advance of the hearing.

Members had considered all the information provided by the applicant and officers and on this occasion had no further questions.

RESOLVED – To grant a PG rating to the film Keteke as per the BBFC guidelines.

7 Application for the Grant of a Personal Licence for Jamie Bloomfield

The report of the Chief Officer Elections and Regulatory advised Members of an application made under section 117(1)(a) of the Licensing Act 2003 ("the Act") for a Personal Licence in respect of Jamie Bloomfield.

In attendance at the meeting were:

- Mr Jamie Bloomfield - Applicant
- Mr Bob Patterson – West Yorkshire Police (WYP)

The Legal Officer outlined the procedure for the hearing.

At this point the member of the press was asked to leave the Committee Room for the reasons set out at Minute 3.

The Licensing Officer provided the Licensing Sub Committee with the following information:

- The application had been adjourned at hearing on the 4th July 2023. To allow the applicant to attend. The new date was agreed on the day and all parties had been duly notified.
- The application for a Personal Licence was for Jamie Bloomfield. A copy of the application can be found at Appendix A (Restricted access under 10.4(1), 10.4(2) and 10.4(7) of the Access to Information Procedure Rules). It was noted that a personal licence allows the holder to authorise the sale or supply of alcohol in all venues with a premises licence in England and Wales and lasts indefinitely. A personal licence holder can also act as the Designated Premises Supervisor on a relevant alcohol licensed premises and request up to 50 Temporary Event Notices per year as the premises user.
- The application was validated on the 25th May 2023 and West Yorkshire Police were notified of the application on the 25th May 2023.
- Members are required to consider this application due to the receipt of an objection notice served by West Yorkshire Police. On 7th June 2023 West Yorkshire Police served an objection notice to the personal licence application for Jamie Bloomfield on the grounds of preventing crime and disorder. A copy of the objection notice and information supplied by West Yorkshire Police in support of their objection was appended to the report at Appendix B (Restricted access under 10.4(1), 10.4(2) and 10.4(7) of the Access to Information Procedure Rules).

The applicant Mr J Bloomfield informed the Licensing Sub-Committee that he wished to have a personal licence so that he could sell his own brand of rum. He was aware of the objections to his personal licence brought by WYP and informed the Sub-Committee that the criminal activities mentioned by the police had happened 23-24 years ago.

He said a personal licence would allow him to sell and promote his own brand of rum at rum festivals around the country and through his website.

In response to questions from the Sub-Committee Mr Bloomfield provided the following information:

- He explained that a personal licence would help him promote his rum brand, as he would be able to sell it himself from his website. He had arranged for a distiller in Surrey to distribute the product for him around the country.
- In the last 20 years he had turned his life around, he now had a family to provide for and he had a takeaway business in Headingley, called Jerk Express.
- In the last 20 years he had had numerous jobs including working for DHL, an electrical company and Ainsley's Bakery. He started the takeaway business about five years ago, he had started another in Seacroft, but it had been just before the pandemic, and he had closed the Seacroft premises as he could not sustain two businesses through Covid.

Mr Patterson from WYP provided the following information for the Sub-Committee:

- It was noted that a person taking an order for online sales did not need a licence, only the distributor would need a licence.
- He said that this application had not been straight forward due to the information on the DBS certificate and the information on the PNC and the fact the activities had happened a long time ago. He had consulted with a police solicitor and provided the Sub-Committee with the advice of the police solicitor in the decision to put in an objection to the application.
- Mr Patterson provided an explanation on the 2003 Act and the 1974 Act in relation to current and unspent convictions. He explained that the police had some concerns in relation to Mr Bloomfield's lifestyle 20 years previously especially in relation to Section 182, and Mr Bloomfield would need to convince the Sub-Committee that he had changed and turned his life around.

In relation to further questions from Members to Mr Bloomfield, WYP and officers the following information was provided:

- Even if this application had been put forward in 5 years' time the police would still have brought an objection due to the case being highly unique.
- Distribution through the distillery would be for bulk orders. He would be selling through rum and gin festivals and his own website.
- It was noted that as a personal licence holder he could have up to 50 Temporary Event Notices (TEN's) per year. It would depend on how a festival was licensed as to how many TEN's Mr Bloomfield would need to apply for.

- Mr Bloomfield advised the Sub-Committee that a lady and her family were due to take over the running of the takeaway business, so he could concentrate on his rum business.
- Mr Bloomfield said he still lived in the same area but did not have any contact with persons he had known 20 years ago. He now has a family to look after and there is no chance of contact with the previous group of friends.

In summing up Mr Bloomfield said he had turned his life around and wished only to do the best for his family.

The Legal Officer queried the information brought by the police as part of their objection. He had checked the information provided and read out the guidance set out in the 2003 Act. Mr Patterson reiterated that he had sought advice from the police solicitor. The Legal Officer said that as a Licensing Sub-Committee the information provided by DBS could not be relied on and the Licensing Sub Committee would be looking at the guidance of the 2003 Act. The Legal Officer was of the view that the information was incorrect with regard to the spent/unspent status of some of the historic convictions.

Members discussions included:

- The DBS and PNC evidence that had been brought by the police.
- Mr Bloomfield wanted to promote his own drinks company.
- The Legal Officer advised the Members of the Sub Committee that he had received information from the Licensing Officer that Mr Bloomfield was the Director of the Jerk Express Takeaway, and these premises were licensed to sell alcohol.

RESOLVED – To grant a Personal Licence to Mr Jamie Bloomfield.

8 Application for the grant of a premises licence for Back Nine Golf 2 Oxford Street, Guiseley, Leeds, LS20 9AX

The report of the Chief Officer advised Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for a new premises licence in respect of Back Nine Golf, 2 Oxford Street, Guiseley, Leeds, LS20 9AX

In attendance for this item was Mr John Flanagan - applicant.

The Legal Officer outlined the procedure for the hearing.

The Licensing Officer provided the following information:

- This is the first application for a premises licence for these premises. The applicant's name is Back Nine Golf Limited. The proposed designated premises supervisor is Mark John Flanagan.
- The application was for the sale of alcohol for consumption on the premises, every day from 10:00 hrs until 22:30. No non-standard timings for bank holidays or special occasions were proposed.
- A redacted version of the application, together with a plan of the basement floor and a picture of the back door of the premises, had been attached at Appendix A of the submitted report. The applicant proposed to promote the

licensing objectives by taking the steps identified in section M of the redacted application form.

- A map which identifies the location of this premises was attached at Appendix B.
- It was noted that a representation had been received from West Yorkshire Police in their capacity as a responsible authority. Negotiations had taken place with the applicant prior to the hearing and the operating schedule had been amended to include the measures agreed with West Yorkshire Police. A copy of the agreement was appended to the report at Appendix C.
- Representation had also been received from Environmental Health Services and this had also been negotiated prior to the hearing. A copy of the agreement was attached at Appendix D.
- The application had attracted representation from members of the public with six individual letters of objection, all of which were opposed to this application on the grounds of public nuisance. Redacted copies of the representations were attached at Appendix E.

Mr Flanagan provided the Sub-Committee with the following information:

- There was now a high demand for indoor golf. The venue would have a state of the art golf simulator which can track a real golf ball. The technology would allow players to play different courses such as St Andrews. Players would be able to hire golf clubs or bring their own.
- The duration of a round of golf would be approximately 45 minutes. Players would hire the room for 1 hour and there could be up to 3 players per room.
- Mr Flanagan said that this type of indoor golf was more popular in London at present with no venues like this in Leeds.
- He was of the view that this type of venue had a good economic case and would provide a sustainable business. He informed the Sub-Committee that he had tried to buy a light industrial unit, but these were hard to acquire.
- Players would book online with prices approximately £30 peak time and £20 off peak. The rooms could only accommodate 3 people. The opening times of 10:00am to 10:30pm was to capitalise on the demand which he knew there was. He hoped that he would be able to facilitate competitions and corporate events.
- In addressing the objectors' concerns he explained that people would be directed to use the Orchard Lane car park which was free so as not to have people parking on the road or to the rear of the premises.
- The rear door would only be used in case of emergency, with the front door used for entry and leaving the premises. No music would be played at the premises.
- The bar area could only hold 16 people and it was envisaged that more people would play on their own rather than in groups of 3. It was his view that most of the people using the venue would be driving so would not be consuming large amounts of alcohol, there was a coffee machine. There would be no public entry to the bar unless booked to play golf. There would be no stag parties and no SKY TV as this was not economically viable.
- Mr Flanagan was of the view that if 250 people were booked to play this would be an excellent week for business.
- Bins for bottles etc would be kept inside the premises.

- People wishing to smoke or vape would be requested to do so across the road from the premises.
- He would adhere to the measures agreed with the police and had already ordered Check 25 signs.
- Mr Flanagan lived within the area and was of the view that this venue would not have a negative impact on the community, he had spent £30,000 renovating the premises.
- Close to the premises was an Italian Restaurant and a Café Bar which both had a premises licence.
- He envisaged that the golf venue would mainly cater for the 50-70 age group.

In response to questions from Members Mr Flanagan provided further information:

- He and his business partner had no previous experience of bar management on a day-to-day basis, but he did have experience of running events.
- He had no issues if the Sub-Committee wished to impose conditions.
- He had already been approached to hold a birthday party for a 7-year-old and he was thinking of holding junior sessions on Saturday mornings.
- On competition days the whole venue could be hired.
- The screen was specially designed so that the screen measured the tension of the ball so that it dropped to the ground. There was a 30cm gap between the screen and the wall, to insulate the sound from the ball being hit. There was only a slight risk of the ball ricocheting if the ball was hit particularly hard, there was padding round the screen. It was his view that there would be no audible sound to the flat above.
- The booking system would give time slots to customers but there would be no time limit set if people wished to stay chatting in the bar after their game. The booking system would open two weeks prior to the opening of the venue on 25th September. There would be a controlled entry with people ringing a bell for access and they would be asked to attend 15 minutes prior to the commencement of the game to allow enough time for check in.
- No one would be allowed to play under the influence of alcohol as there would be concerns that the system could be damaged, and they would be asked to leave the premises.
- The Environmental Protection Team had not conditioned that the rear is not used but Mr Flanagan was happy if the Sub-Committee wished to impose this as a condition. In his view the rear of the premises was not aesthetically pleasing, so he did not think people would want to use the rear door.

In summing up Mr Flanagan said that it was important that everything was right from a personal aspect, and he was conscious to do everything properly. He believed in the value of community spirit and felt this would be right for the community in which he lived.

Members discussions included:

- Bar was to be secondary to the golfing experience.
- Online booking only.
- Limited amount of people on the premises at one time.
- Model business case.
- Thought about issues in relation to parking.

- Local person so aware of the community and area.
- Conditions to be imposed in relation to rear door and emptying of bins.

RESOLVED – To grant the premises licence subject to the following additional conditions:

- Rear door not to be used except in emergency as an exit.
- No bins to be emptied between 23:00 and 07:00.

The meeting concluded at 12:30