

## **Licensing Sub-Committee**

**Tuesday, 20th August, 2024**

**PRESENT:** Councillor J Bowden in the Chair

Councillors J Gibson and D Seary

### **1 Election of the Chair**

**RESOLVED** – To elect Cllr Bowden to the Chair for the duration of the meeting.

### **2 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal of inspection of documents.

### **3 Exempt Information - Possible Exclusion of the Press and Public**

The agenda contained no exempt information. However, the Committee was advised that it may be necessary for the meeting to move into closed session should Members wish to discuss the details of the Intelligence Document at page 29 of the agenda pack that West Yorkshire Police held on the New Middleton.

### **4 Late Items**

There were no late items.

### **5 Declaration of Interests**

No declaration of interests were made at the meeting.

### **6 Certification of Films – The Annihilation of Fish**

The report of the Chief Officer Elections and Regulatory advised the Licensing Sub Committee Members of an application for the certification of a film titled, The Annihilation of Fish, to be screened on the 6<sup>th</sup> September 2024, at Hyde Park Picture House, Brudenell Road, Headingley, LS6 1JD.

A copy of the current BBFC Classification Guidelines had been made available for Members.

The Licensing Officer presented the application providing the following details:

- A report detailing the film requesting certification, including a synopsis and the applicant's recommended rating, was appended to the report at Appendix A.
- To assist Members with their deliberation, officers of the Licensing Authority had viewed the film and provided comments in accordance with BBFC Classification Guidelines. This was attached to the report at Appendix B.
- Details of the film including an advance screener have been provided to the Licensing Sub Committee Members in advance of the hearing.
- It was noted that a representative of Hyde Park Picture House was not present at the meeting but could be contacted via a telephone call should Members wish to ask any questions.

**RESOLVED** – To grant a certification of a 15 rating as requested.

## **7 Application to Vary a Premises Licence held by New Middleton, 4 Thorpe Street, Middleton, Leeds, LS10 4HD, to specify an individual as Designated Premises Supervisor**

The report of the Chief Officer, Elections and Regulatory presented an application to vary a premises licence held by New Middleton, 4 Thorpe Street, Middleton, Leeds, LS10 4HD, to specify a new individual as the Designated Premises Supervisor.

In attendance at the meeting were:

- Tanya Clowes - Licence Holder and Applicant
- Michaela Grainger – proposed Designated Premises Supervisor
- Sarah Blenkhorn, West Yorkshire Police – Objector
- Jane Wood, Senior Liaison and Enforcement Officer – attending to support the Principal Licensing Officer presenting the application and to respond to any questions by the panel members regarding recent liaisons with the premises.

The Legal Officer outlined the procedure for the meeting.

The Principal Licensing Officer presented the application providing the following information:

- The applicant was Ms Tanya Clowes, who was proposing Michaela Grainger as the Designated Premises Supervisor (DPS). A copy of the application was attached at Appendix A of the report.
- A history of the premises was included within the submitted report at Paragraph 2, including the outcome of the substantive review hearing on 18th June 2024.
- A copy of the police objection was appended to the report at Appendix B. Further to their objection, West Yorkshire Police had provided the document at Appendix C indicating they hold multiple pieces of intelligence relating to the premises which they intended to share during closed session only.

Ms Clowes the applicant and Ms Grainger provided the Sub-Committee with the following information:

- They already ran the premises together, however, Ms Clowes said that Ms Grainger was in fact there more than herself.
- Ms Clowes had taken on the premises in 2022 and there had been no incidents at the premises until this year when the premises had to be reviewed due to a number of breaches of the licence and disorder immediately outside the premises. They recognised that they should have applied for a Temporary Event Notice. They said that they had learnt from this incident and had done as requested ensuring that all documentation and notices required were now in place and CCTV, with 32 cameras was fully operational and compliant.
- Ms Grainger is the partner of Colin Jackson who is the uncle of David Jackson Junior, but that Colin Jackson has no input in the running of the premises. It was noted that Colin Jackson is almost 60 years old and on dialysis awaiting an operation, he does run the snooker and pool club at the New Middleton.

West Yorkshire Police presented the following information:

- The objection notice set out the reasons for the Police objection. The letter referred to incidents whilst the Jackson family had run the premises, ending in revocation of the licence.
- Tanya Clowes had applied for the premises licence in 2022, which was granted despite objections from the Police. In granting the licence, conditions were applied that stated David Jackson was not to be involved with the running of the business. It was noted that David Jackson owns the premises.
- Michaela Grainger is the partner of Colin Jackson, who was the brother of the late David Jackson and the uncle of David Jackson Junior, who had both run the premises during Julie Jackson's reign.

At this stage of the meeting, Members were asked to consider moving into private session as the discussion was likely to involve the disclosure of exempt information. This related to intelligence gathered in relation to the premises and activities associated with the premises. Those issues fell within the provisions of Access to Information Procedure Rules 10.4(3) and 10.4 (7).

**RESOLVED** – That the public be excluded from the following part of the meeting as discussion was likely to involve the disclosure of exempt information.

In response to questions from Members, the Licensing Sub-Committee were provided with the following information:

- It was noted that if Ms Grainger was to become DPS it would make her more accountable for the premises.
- Ms Grainger said that she was not related to Julie Jackson and had nothing to do with her.
- The intelligence provided by the Police came from the intelligence unit, but it was unclear how the intelligence was gathered.
- David Jackson junior owns the premises and Ms Clowes pays him rent via a bank transfer. It was said that David Jackson junior has nothing to do with the running of the premises and had inferred that he would like to flatten it and build flats.
- It was noted that with all the intelligence gathered against the premises no action had been taken in relation to the intelligence and no visits had been made to the premises in the last two years prior to the recent incident. The local Police do some visits and had provided information in relation to the recent review, and the premises had not been on the radar until the incident in May.
- Ms Grainger said that they had an open-door policy, and the Police were welcome to visit at any time. They had assisted the Police on occasions when they had requested footage from the CCTV which looks out onto the road in relation to incidents not linked with the premises.

Members discussions included:

- Intelligence provided by the Police.
- The role of DPS would make Ms Grainger more accountable.
- The latest incident at the premises resulting in the submission of a summary review by West Yorkshire Police, and the outcome, i.e. two month

suspension, additional conditions attached to the licence and the undertakings (1) for all staff employed at the premises to receive training on all aspects of licensing responsibilities, and (2) for a meeting to take place at the premises with representatives of the police and the Licensing Authority no less than two weeks prior to re-opening to the public.

**RESOLVED** – To grant the application as requested.

**8 Application to Vary a Premises Licence held by Sabura, 246 Dewsbury Road, Hunslet, Leeds, LS11 6JQ**

The report of the Chief Officer, Elections and Regulatory requested Members consideration for an application to vary a premises licence, made by Antonio Carlos Duarte Soares, for Sabura, 246 Dewsbury Road, Hunslet, Leeds, LS11 6JQ.

Prior to the start of the meeting Cllr Wray who had made representation in objection to the application, informed Entertainment Licensing that he had withdrawn his representation as the applicant had agreed to the reduced hours of operation suggested by Cllr Wray.

The Sub- Committee were advised that the applicant and the applicant's representative were unable to attend due to unforeseen circumstances.

Cllr Carlisle attended the meeting as the outstanding objector to the application.

The report of the Chief Officer, Elections and Regulatory, provided the Sub-Committee with the following information:

- The applicant was Antonio Carlos Duarte Soares who had applied to vary the premises licence to:
  - Alter the plans to include the outdoor eating area at the front of the premises;
  - Add additional conditions to the licence;
  - Extend the existing hours for the sale by retail of alcohol and late-night refreshment.
- A copy of the current Licence was appended to the report at Appendix A and a copy of the application was appended at Appendix B
- A history of the premises was sent out at Paragraph 2 of the submitted report.
- The applicant proposed to promote the licensing objectives by taking the additional steps identified in the document attached at Appendix C.
- A map identifying the location of the premises was attached at Appendix D.
- Representations had been received from West Yorkshire Police and the Environmental Protection Team in their capacity as responsible authorities. It was noted that any representation may be negotiated prior to the hearing and in this instance agreements to adopt additional measures had been reached between with each authority. A copy of the representation and agreement reached with West Yorkshire Police attached at Appendix E and a copy of the representation and agreement reached with the Environmental Protection Team was attached at Appendix F of the submitted report.
- The application had attracted two representations from local ward councillors who were opposed to this application on the grounds of public nuisance. Redacted copies of the representations were attached to the report at

Appendix G. Members had received a copy of an email from Cllr Wray which confirmed he had withdrawn his objection due to amended times of operation being agreed.

- A list of premises in the local area and their licensed hours and activities had been provided at Appendix H.

Cllr Carlisle informed the Sub-Committee that he wished to adjourn the hearing, as he was of the view that his objection to the application was not just about the hours of operation. The Chair invited Cllr Carlisle to expand on why the hearing should be adjourned.

Cllr Carlisle informed the Sub-Committee that issues had been raised in relation to the premises whilst in the ownership of the previous licence holder and the current licence holder. The issues related to noise nuisance.

Cllr Carlisle informed the Members that whilst speaking with the applicant's representative, it had become clear that he was not aware of any issues in relation to noise nuisance and had been of the view that it was only in relation to people leaving the premises. However, Cllr Carlisle said that loud music could be heard coming from the premises.

He also had concerns that the premises were sited within a residential area and the hours of operation would still impact on families living nearby. He also had concerns that smokers using the outside would still be able to take their drinks outside with them.

Cllr Carlisle was of the view there had been some miscommunication between the applicant and his representative.

Members considered the information provided by Cllr Carlisle and were of the view that sufficient time should be given for issues to be discussed by all parties.

**RESOLVED** – To adjourn the hearing until 24<sup>th</sup> September 2024.

*The meeting concluded at 11:40*