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**Report of the Chief Officer Elections and Regulatory**

**Report to the Licensing Sub Committee**

**Date: Tuesday 18 June 2024**

**Subject: Summary Review of the Premises Licence for The New Middleton, 4 Thorpe Street, Middleton, Leeds, LS10 4HD**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Middleton Park	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		

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**Executive Summary**

West Yorkshire Police have made an application under section 53A of the Licensing Act 2003, for the summary review of the premises licence in respect of The New Middleton, 4 Thorpe Street, Middleton, Leeds, LS10 4HD.

West Yorkshire Police are of the opinion that these premises are associated with serious crime or serious disorder or both. The Licensing Authority is now under a duty to hold a review hearing in accordance with Section 53C of the Licensing Act 2003.

This engagement follows interim steps which Members carefully considered on the 24 May 2024. Members unanimously resolved to suspend the licence with immediate effect pending the substantive hearing of the review application.

The narrative of this report sets out the background of the premises licence, the relevant law and highlights appropriate guidance for members. A recommendation is also made to Members that the premises licence is reviewed using their statutory powers.

Members must also have regard to reviewing the interim steps pending the appeal period to ensure there are appropriate and proportionate safeguards in place at all times.

## **1.0 Purpose of this Report**

- 1.1 This report informs Members of the Licensing Sub Committee of an application for a licence summary review made by the West Yorkshire Police in respect of The New Middleton, 4 Thorpe Street, Middleton, Leeds, LS10 4HD. The application is made on the grounds of serious crime and serious disorder.
- 1.2 The Licensing Sub Committee now has the responsibility to review the premises licence held by Tanya Clowes.

## **2.0 History of the Premises**

- 2.1 On the introduction of the Licensing Act 2003 the premises were known as the Middleton Social and Welfare Club and benefitted from a Club Premises Certificate. The certificate was surrendered and a Premises Licence applied for in November 2007.
- 2.2 In January and February of 2014 applications were successfully made to transfer the licence to Julie Jackson and to appoint Julie Jackson as the Designated Premises Supervisor (DPS).
- 2.3 On 13 February 2020 Entertainment Licensing submitted an application to review the premises licence. The application followed several action plan meetings providing the licence holder at the time with multiple opportunities to operate in accordance with the hours authorised by the licence, and to comply with the four licensing objectives and the conditions attached to the licence. Incidents of increasing concern however continued at the premises undermining the four licensing objectives.
- 2.4 The Licensing Sub Committee considered the review application on 7 Oct 2020 (delayed due to the pandemic) and resolved to revoke the premises licence.
- 2.5 On 20 May 2022 an application for the grant of a new premises licence was applied for by the current holder, Tanya Clowes, and representations objecting to the application outright were received from West Yorkshire Police and Entertainment Licensing. Following receipt discussions did take place between the Police and the Applicant's representative to mitigate some of the concerns that led to the Police representation.
- 2.6 The Licensing Sub Committee met on the 14 July 2022 to consider and determine the new premises licence application and acknowledged the seriousness of the issues which had led to the previous licence being revoked. Ms Clowes was aware of the history and it was imperative that appropriate and proportionate measures were in place, enforced and their effectiveness kept under review to ensure there was no return to previous issues at the premises.
- 2.7 The Committee accepted Ms Clowes assurances, including conditions offered that the husband (since bereaved) of the holder of the revoked licence would have no day-to-day involvement in the operation of the premises and he was not permitted on the premises during times when licensable activities were taking place. Furthermore, the Committee considered that it would be unfair to have allowed the past issues to taint Ms Clowes' application and unanimously resolved to grant the application, subject to the conditions agreed with West Yorkshire Police and refined by the Applicant's representative.

2.8 The details of the current premises licence can be found at **Appendix A** of this report.

### **3.0 Main Issues**

#### Application

3.1 An application for a summary review of the premises licence has been sought by West Yorkshire Police. A redacted version of the application is attached at **Appendix B**.

3.2 Members will note that in accompaniment of the application a certificate made under section 53(1B) of the Act, which confirms that a Senior Member of West Yorkshire Police is satisfied that these premises are associated with serious crime or serious disorder or both. A redacted version of the certificate can be found at **Appendix C**.

3.3 Officers confirm that the application and certificate were served by email on the licence holder and Responsible Authorities on the 23 May 2024. A hard copy of the application and certificate were hand delivered to the licence holder at the premises on 24 May 2024.

3.4 The Licensing Authority can confirm that the statutory requirements to advertise the review application have been followed.

#### The Interim Steps

3.5 At the interim steps hearing, the measures available to Members and considered were:

- The modifications of the conditions of the premises licence.
- The exclusion of the sale of alcohol by retail from the scope of the premises licence.
- The removal of the designated premises supervisor from the licence.
- The suspension of the licence.

3.6 It was decided that suspension of the licence with immediate effect pending the substantive hearing of the review application was the most appropriate course of action for the Sub Committee to take.

3.7 Further information on the resolution taken can be found in a copy of the Interim Steps Decision Notice at **Appendix D**.

#### Representation

3.8 A premises licence holder may submit a representation to the interim steps initially taken and any representation would be in accordance with Section 53B of the Licensing Act 2003. A representation was received against the Interim Steps decision on the 4 June 2024 and withdrawn later on the same day. There was therefore no requirement for the Licensing Sub Committee to consider the matter.

#### **4.0 Premises Licence**

4.1 The premises licence holder is Tanya Clowes.

#### **5.0 Designated Premises Supervisor**

5.1 The Designated Premises Supervisor is Tanya Clowes.

#### **6.0 Location**

6.1 A map which identifies the location of the premises is attached at **Appendix E**.

#### **7.0 Representations**

7.1 Under the Act representations can be received from responsible authorities and/or other persons. Representations must be relevant and, in the case of other persons, must not be frivolous or vexatious.

##### Representations from Responsible Authorities

7.2 The application has attracted a representation in support of the application from a Senior Liaison and Enforcement Officer on behalf of Entertainment Licensing. A copy of the representation may be found at **Appendix F**.

##### Other Representations

7.3 In total, the Licensing Authority has received 5 representations from members of the public expressing support for the premises. The Committee Members will note that some of the content of the representations may not be relevant to the promotion of the licensing objectives and they are recommended to apply the necessary weight where appropriate.

7.4 In order to protect personal data redacted copies of the representations are attached at **Appendix G**.

#### **8.0 Matters Relevant to the Application**

8.1 In making their decision, Members may take into account the guidance issued under Section 182 of the Act. The section of this guidance specific to Summary Reviews is available at **Appendix H** of this report.

#### **9.0 Options Available to Members**

##### Determination of Summary Review

9.1 In the determination of this review the Licensing Sub Committee are required to take any of the following steps as it considers necessary for the promotion of the licensing objectives:

- To modify the conditions of the licence which includes adding new conditions or the alteration or omission of an existing conditions;
- To remove the designated premises supervisor;
- To suspend the licence for a period not exceeding three months;
- To exclude any licensable activity from the scope of the licence; and

- To revoke the licence.

### Review of the Interim steps

- 9.2 The Licensing Authority's determination does not have effect until the end of the 21 day period given for appealing the decision, or until the disposal of any appeal that is lodged. Should the premises licence holder or applicant appeal the decision, the interim steps decision will remain in place until the appeal is decided or dispensed with.
- 9.3 To ensure that there are appropriate and proportionate safeguards in place at all times the Licensing Authority is required to review any interim steps that it has taken that are in place and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place or if they should be modified or withdrawn. The review of the interim steps should take place immediately after the determination under 53C has been reached. In making its decision the licensing authority must consider any relevant representations made. Members are directed to paragraphs 12.29 and 12.30 of the Section 182 Guidance.
- 9.4 In conducting the review under this section, Members must:
- Consider whether the interim steps are appropriate for the promotion of the licensing objectives;
  - Consider any relevant representations; and
  - Determine whether to withdraw or modify the interim steps taken.
- 9.5 Members may alternatively decide that no action is necessary and that the circumstances of the review do not require the Licensing Sub Committee to take any steps to promote the licensing objectives.
- 9.6 Members of the Licensing Sub Committee are asked to note that they may not take any steps outlined above merely because they consider it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

## **10.0 Background Papers**

- Guidance issued under S182 of the Licensing Act 2003
- Leeds City Council Licensing Policy

## **Appendices**

- Appendix A - Premises Licence Details
- Appendix B - Signed Application
- Appendix C - Signed Certificate
- Appendix D - Interim Steps Decision Notice
- Appendix E - Map
- Appendix F - Entertainment Licensing Representation
- Appendix G - Public Representations in Support of the Premises
- Appendix H - S182 Guidance