

## **Licensing Sub-Committee**

**Tuesday, 18th June, 2024**

**PRESENT:** Councillor L Farley in the Chair

Councillors R Downes and S Hamilton

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

**RESOLVED** – To elect Cllr Farley as Chair for the duration of the meeting.

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

There were no appeals.

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

**RESOLVED** – That, in accordance with Schedule A to the Local Government Act 1972 and the Council's Access to Information Procedure Rules, the public be excluded from the meeting during consideration of the following parts of the agenda designated as exempt from publication 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:-

- 1) That footage presented by the objector regarding Agenda Item 9: Application for the Grant of a Premises Licence for Convenience Store, 145 Oldfield Lane, Upper Wortley, Leeds, LS12 4EX be designated as exempt from publication under the provisions of Access to Information Procedure Rule 10.4 (2) and be considered in private. This is on the grounds that it contains information which is likely to or may reveal the identity of an individual(s). (Minute 9 refers).
- 2) That information contained in the supplementary pack regarding Agenda Item 10: Summary Review of the Premises Licence for the New Middleton, 4 Thorpe Street, Middleton, Leeds, LS10 4HD be designated as exempt from publication under the provisions of Access to Information Procedure Rule 10.4 (7) and considered in private. This is on the grounds that it contains information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime, and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information at present. (Minute 10 refers).

### **4 Late Items**

There were no formal late items, however, supplementary information was circulated to members and published on the council's website in relation to Agenda Item 9: - Convenience Store, 145 Oldfield Lane and 10: - The New Middleton, 4 Thorpe Street, Middleton, Leeds, LS10 4HD.

### **5 Declaration of Interests**

No interests were raised.

### **6 Certification of Films – Leeds Film Night**

The report of the Chief Officer (Elections and Regulatory) advised Members of an application for the certification of seven short films to be shown at Hyde Park Picture House, Brudenell Road, Headingley, LS6 1JD. The films to be shown are part of Leeds Film Night on Thursday, 20<sup>th</sup> June 2024.

Members were informed that the promoter is available by phone should they have any questions.

It was noted that as per the officer's comments set out in the submitted report, the promoter's recommendations are considered suitable when considered in accordance with the BBFC (British Board of Film Classification) Classification Guidelines.

**RESOLVED** – To grant the following ratings:

Hanging – PG

Together – PG

Hide – PG

Welcome to the Party – PG

Collage – PG

True Colours – PG

Sympathetic Letting – 12A

## **7 Certification of Films – Crass: The Sound of Free Speech**

The report of the Chief Officer (Elections and Regulatory) advised Members of an application for the certification of Crass: The Sound of Free Speech to be shown at Hyde Park Picture House, Brudenell Road, Headingley, LS6 1JD. The film will be shown on Friday, 21<sup>st</sup> June 2024.

Members were informed that the promoter is available by phone should they have any questions.

It was noted that as per the officer's comments set out in the submitted report and due to shocking imagery, officers believe that the film is more suitable for an 18 rating as per the BBFC Classification Guidelines. It was confirmed that the promoter has been approached and is happy with an 18 rating.

**RESOLVED** – To grant the following certification:

Crass: The Sound of Free Speech – 18.

## **8 Certification of a Film – Devil Story & I was a Teenage Serial Killer**

The report of the Chief Officer (Elections and Regulatory) advised Members of an application for the certification of two films, Devil Story and I was a Teenage Serial Killer to be screened Saturday, 28<sup>th</sup> September 2024 at DMC Brewery, Arches 78 & 79 Railway Street, Richmond Hill, Leeds, LS9 8HB as part of Scalarama Film Festival 24.

Members were informed that the promoter is available by phone should they have any questions.

It was noted in the report that the promoter had not provided advance screeners form Members/Officer to view and the request is made for both films to be awarded an 18 rating, subject to a declaration provided by the promoter that no content would be deemed R18 rated when considered in accordance with the BBFC Classification Guidelines.

Members requested clarity on not reviewing screeners in advance of the hearing.

**RESOLVED** – To grant the following ratings:

Devil Story – 18

I was a Teenage Serial Killer – 18

## **9 Application for the Grant of a Premises Licence for Convenience Store, 145 Oldfield Lane, Upper Wortley, Leeds, LS12 4EX**

The report of the Chief Officer (Elections and Regulatory) presented an application for the grant of a premises licence made by Loghman Ahmadi, for Convenience Store, 145 Oldfield Lane, Upper Wortley, Leeds, LS12 4EX.

The following were in attendance for this item:

- Nick Semper, The Licensing Guys – Applicant’s Representative
- Loghman Ahmadi – Applicant
- Councillor A McCluskey – Objector
- Hazher Ghadery – Interpreter

The Legal Officer outlined the procedure for the hearing and the Licensing Officer summarised the application by highlighting:

- The applicant has applied for sale by retail of alcohol, every day, 07:00 until 23:00 hours (for consumption off the premises).
- West Yorkshire Police and the applicant have reached an agreement prior to the hearing resulting in additional conditions being added to the proposed operating schedule.
- The application has attracted representations from other persons which remain a matter for Member’s consideration, including 21 representations which oppose the application on the grounds of public nuisance and public safety.
- A local ward member has submitted footage for Member’s to view which has been provided on behalf of a local constituent.

The applicant’s representative informed the Sub-Committee of the following:

- The Designated Premises Supervisor (DPS) will be the applicant’s nephew.
- The premises has traded as several different uses including a dessert store, car sales shop and bathroom showroom.
- The application includes a comprehensive operating schedule, and the applicant can promote the licensing objectives and will not undermine them.
- There is no evidence to challenge the operating schedule, applicant or DPS. There is also no history of disorder, noise complaints or evidence regarding the premises or any other premises operated by the applicant.
- Responsible Authorities have not objected to the application.

- Crash map data has been provided, and there has been 4 slight accidents over a 5-year span. The applicant encourages pedestrian and cycle owners to visit the premises, and has not provided parking.
- The video footage referred to provided by a local resident, does not evidence any link with the applicant, DPS or anybody who works at the premises. Vehicles parked illegally also have no link with anybody who works at the premises.
- Commercial demand is not a matter for the Licensing Sub-Committee.
- It is hoped that parents of children will make use of the premises, and it is not a cause for concern with children walking past the premises.
- There is no link with money laundering, nor evidence.
- The applicant will not sell to any patrons who appear drunk, and they will not sell alcohol to street drinkers.
- Crime map data has been provided regarding anti-social behaviour in the area. There is a marked reduction in Leeds in general and the Farnley and Wortley ward in particular, is at an all-time low.
- The applicant has offered challenge 25.
- Fear and speculation are not evidence and there is no associated history or issues with the premises.

In responding to questions from Sub-Committee Members, the applicant and/or his representative confirmed:

- The bollard which had been removed has not been reinstated.
- The applicant has offered Challenge 25 and all members of staff will be responsible retailer to level 1 audited accreditation.
- The DPS also has a shop in Roundhay and holds a personal licence.
- The applicant visits his friend shop in Roundhay monthly to oversee operations and undergo training.

Councillor McCluskey attended the meeting in opposition to the application, and explained his main concerns related to planning issues. However, he explained he also has concerns regarding damage that has been done outside of the premises, regarding the removal of a bollard. He explained this is unacceptable behaviour.

Further to a question from a Sub-Committee Member, Councillor McCluskey confirmed that he did not advise the constituent to report the issue, as he found out several days after the event. He also explained that there is a notorious number of incidents on that roundabout near the premises, and that incidents may not have been reported.

At this point in the meeting, Sub-Committee Members resolved to go into private session to view the footage provided by the objector.

The meeting then resumed in a public forum.

The applicant's representative summarised by explaining the person in the footage is not directly related to the premises. He also offered assurances that there is a comprehensive operating schedule, modelled by the council's conditions and the licensing objectives will not be undermined.

He also explained that there is no evidence of anti-social behaviour directly related to the premises, applicant or anybody who will work at the premises and the main thrust of the objector's concerns related to planning matters.

At this point in the meeting, Sub-Committee Members moved into private session to deliberate on the application.

The meeting resumed in a public forum, and questions were put forward to the applicant. The Chair asked the applicant whether he would be willing to accept conditions prohibiting any reference to alcohol in the name of the business and prohibiting any external advertisement of alcohol. The applicant did not object to this, and Cllr McCluskey confirmed that the proposed condition would promote the licensing objective regarding the protection of children from harm.

The Sub-Committee then moved back into private session to further deliberate.

Upon returning, it was

**RESOLVED** – To grant the application as applied for, subject to attaching the following additional conditions to the licence:

- The name of the premises shall not contain any reference to alcohol.
- There shall be no internal window displays or external window displays, posters, advertisements or other imagery depicting or referring to alcohol and neither shall any such displays, posters, advertisements, or other imagery be placed on the shop frontage or in front of the premises.

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

The report of the Chief Officer (Elections and Regulatory) advised Members of an application submitted on behalf of West Yorkshire Police under section 53A of the Licensing Act 2003, for the summary review of the premises in respect of The New Middleton, 4 Thorpe Street, Middleton, Leeds, LS10 4HD.

West Yorkshire Police are of the opinion that the premises are associated with serious crime or serious disorder or both.

The engagement follows interim steps which Members carefully considered on the 24<sup>th</sup> May 2024. Members at that point, unanimously resolved to suspend the licence with immediate effect pending the substantive hearing of the review application.

The following were in attendance for this item:

- Sarah Blenkhorn, West Yorkshire Police – Review Applicant
- Paul Rix, Leeds City Council Entertainment Licensing – Representation in support of the application
- Ewen McGregor, TLT Solicitors – Licence Holder's Representative
- Tanya Clowes – Licence Holder
- Michaela Grainger – Business Partner of the Licence Holder
- Sharon Dixon – Observer and member of the community

The Legal Adviser to the Sub-Committee outlined the procedure for the hearing and the Licensing Officer outlined the application. Members were informed:

- **The application was made following large-scale disorder at the premises where approximately 30 people exited the venue and multiple fights ensued in the street and property entrance. One victim received multiple injuries, including a bleed on the brain and a broken cheek bone.**
- **Interim Steps were considered on 24 May 2024 – Members resolved to suspend the licence with immediate effect.**
- The application has attracted a representation from Entertainment Licensing in support of the review application.
- The Licensing Authority received 10 individual letters from members of the public in support of the venue and a petition expressing support for the premises.
- No subsequent representations on the interim steps decision were lodged.
- The options available to the Sub-Committee in determining the review.
- A reminder that Members must have regard to reviewing the interim steps pending the appeal period to ensure there are appropriate and proportionate safeguards in place at all time.

West Yorkshire Police informed the Sub-Committee, highlighting the following information:

- In 2020, West Yorkshire Police supported a review of the licence sought by Entertainment Licensing when the premises was under a different management. The licence was revoked.
- In 2022, West Yorkshire Police objected to an application for the grant of a new premises licence on the grounds of the applicant/proposed DPS lack of experience in managing licensed premises, and connections with the previous licence holder and her family. During the hearing to consider that application. Ms Clowes assured the Sub-Committee that she wouldn't let fights happen. 5 service calls for fights have since been made and the incident log did not correspond with police record.
- The recent incident would not have happened if the premises had closed at 11:30pm, as per their licence. The fights resulted in 2 people suffering injuries, including a broken wrist, fractures to the face and a bleed on the brain. CCTV footage can be seen from a LeedsWatch camera.
- The incident could have been avoided if appropriate door staff were on duty on to intervene.
- 30-40 people were present at the time of the incident, and not one of them provided a statement to the police. Ms Grainger also did not provide a statement.
- Local residents are too scared to report any issues or noise complaints.
- It is of the view of the police that the licensing objectives have not been upheld, and there was also a baby on the premises until early hours of the morning.
- Youths on bikes were hanging around the premises and riding up and down.
- At the time of the incident a sledgehammer was found in the gents' toilets.
- The surrounding area was littered with nitrous oxide and cannisters.

- The Licensing Authority went through the licence with Ms Clowes when it was first granted, and the licence holder has since breached a number of conditions on her licence.
- Since the incident, the licence holder has been cooperative with the police and confirmed she has made a mistake. However, wrong footage was provided to the police when requested, and Ms Clowes confirmed she wasn't sure how to download footage. The incorrect CCTV footage was provided by an engineer who installed the external camera.
- The licence holder has rectified some issues, but it is considered too late and multiple breaches have occurred. It is of the opinion of the police that nothing has changed since the previous licence in 2020 was revoked.

At this point in the meeting, Sub-Committee Members resolved to go into private session to watch CCTV footage provided and also to discuss information designated as exempt in the supplementary information. Minute No. 3 refers.

The meeting subsequently resumed in public.

The Entertainment Licensing Enforcement Officer informed the Sub-Committee and provided the following information:

- Senior Liaison and Enforcement Officers of the service are a team of 3 and are reactive to complaints received directly to the licensing department. The team is responsible for approximately 3,000 premises in Leeds.
- Acting on behalf of Ms Wood and her representation in support of the summary review, which was lodged on the grounds of serious incidents of crime and disorder and continued breach of the premises licence conditions under the Licensing Act 2003.
- Main issues are non-compliance of the licensing conditions and general disorder and violence associated with the premises.
- In May 2022 a licence was granted for the new applicant, Ms Clowes. Ms Clowes had involvement with the family of the previous licence holder and worked as cleaner at the premises from 2017. The Sub-Committee at that time accepted assurances that the only exception would be a landlord and tenant engagement. The police have stated otherwise.
- Colleagues attended the premises and spoke with the licence holder and explained the breach of many conditions, including CCTV not being to the required standard, and protection of children from harm objective being ignored.
- The boxing event and door supervision condition was also ignored.
- Whilst it is acknowledged that Ms Clowes and Ms Grainger are SIA badge holders, they were not present at the time of the incident and it is considered that they cannot exercise all the roles they had taken on, and it is considered a poorly run establishment in breach of licensing objectives.
- It is considered that further conditioning of the licence will not achieve a beneficial outcome, and non-compliance is a long-standing issue.

The licence holder's representative informed the Sub-Committee, providing the following information:

- The licence holder understands the seriousness of the incident and a number of steps have been taken following the incident.
- The licence holder is not associated with long standing crime and disorder as per comments made by Entertainment Licensing and as detailed in their representation.
- The licence holder accepted comments made by the police and put up an external camera to the front of the premises. They have also committed to reviewing their CCTV system if the premises can re-open.
- The licence holder has been helpful and co-operative since the incident and confirmed that the aggressors were not regular customers.
- The weapon used and as per the CCTV was not retained on the premises and found in the garden across the street.
- One of the victims tried to intervene and was taken to hospital. He has since returned to the premises.
- The licence holder has shown various live sports on the television without any incidents over the last 2 years.
- Comments made regarding breach of the conditions regarding boxing, doesn't appear to relate to the showing of an event on a television.
- The licence holder has made a commitment to work with Responsible Authorities.
- When the Sub-Committee granted Ms Clowes the premises licence, they agreed that historic issues taken place at the premises should not taint Ms Clowes and her ambitions for owning the premises.
- Conditions regarding involvement with the previous licence owner, have been complied with. Mr Jackson owns the building, and that is as far as his involvement is.
- The licence holder actively engages with the community and has raised funds for events and supports local mental health and wellbeing organisations. It is considered that the premises is a well-liked community asset.
- Local ward councillors have not objected.
- The premises has previously had Temporary Event Notices granted with no objections to them.
- There has been few visits from Responsible Authorities.
- There has only been 1 firework display on the premises on 4<sup>th</sup> November and the event finished at 8pm.

At this point in the meeting, Councillor Hamilton had to leave. Councillor Hamilton confirmed that she could re-join the meeting at 2.30pm. The Sub-Committee in this instance, agreed to adjourn the meeting until 2.30pm where there would be 3 Sub-Committee Members present.

The meeting re-adjourned at 2.30pm.

The licence holder's representative continued informing the Sub-Committee. He proceeded to explain that:

- He had the opportunity to speak with his client, and they were of the opinion that they were confused by the picture painted of them by responsible authorities and it wasn't considered fair to pin historic issues associated with the premises on Ms Clowes.



- It is considered that a single instance of violence is not sufficient to revoke the licence and over the last two years, the licence holder have operated without issues, and visits from responsible authorities.
- It is of the opinion of the licence holder that responsible authorities have not actively engaged with the premises.

In responding to questions put forward by Sub-Committee Members, the following was confirmed:

- Ms Clowes left the premises at 12:30am, and she is the qualified door supervisor. She confirmed that she left people in charge who also hold personal licences.
- The boxing event overran, and the premises remained open.
- Conditions that were breached regarding signage, and CCTV have since been rectified.
- The licence holder confirmed that she usually always shuts on time, or earlier and that it would not happen again.
- It was a last-minute decision to play the live boxing event. It was a quiet night with approximately 20-30 people in the premises.
- Some patrons have been barred following the incident and it was Ms Grainger who rung the police regarding the incident. She was also involved in trying to break some of the crowd up.
- The licence holder believed that she was able to decant alcohol into plastic cups or take bottles of alcohol off the premises if the lid was still intact.
- West Yorkshire Police confirmed that there has since been arrests following the incident.
- Staff do not serve to people who are intoxicated.

In summarising, West Yorkshire Police concluded by explaining a strict management style has not been in practice and the single incident is enough to apply to revoke the licence, due to its seriousness. On the day of the incident a number of issues took place:

- There were 30-40 people involved in a mass disorder.
- A baby on the premises after midnight.
- Nitrous oxide in the carpark.
- Serving alcohol beyond permitted hours.

It is considered that no other condition can be applied to the licence in order to ensure that the licensing objectives are upheld. It is believed that nothing has changed since 2020. The police do not consider the premises a safe environment.

The Entertainment Licensing Enforcement Officer raised concerns regarding the licence holder's lack of knowledge of the Licensing Act 2003 and confirmed that no meeting or form of interaction has been requested by the licence holder, and they have also never asked for any advice.

The licence holder's representative explained that there has not been a lot of incidents under the leadership of Ms Clowes, and the lack of incidents reflect Ms Clowes and how she manages the premises. The licence holder has invested in the premises, and it has become a community asset.

The licence holder has suggested that the premises remain shut for 7 days, and in that time, the police and entertainment licensing will be invited to inspect the premises before it re-opens. There is also an offer for the licence holder to engage in monthly meetings with responsible authorities. The incident was an error of judgement of the night and have tried to make things right.

At this point in the meeting, Sub-Committee Members moved into private session to deliberate on the application.

Upon returning, a majority decision was made by the Sub-Committee, in that it was **RESOLVED** –

### Summary Review

1. To suspend the licence for a period of 2 months from Tuesday, 18<sup>th</sup> June 2024, during which time:
  - (a) the licence holder, DPS and all staff currently employed at the premises will receive full training on all aspects of licensing responsibilities from a professional licensing training provider.
  - (b) the premises licence holder shall arrange a meeting with representatives of West Yorkshire Police and the Licensing Authority to take place no less than 14 days before the premises re-opens following the period of suspension to discuss what further steps, if any, are necessary to ensure public safety is maintained.
2. To modify the conditions on the licence so that condition 66 shall state as follows:

*“The minimum number of door supervisors for the premises is 2. The days and hours door supervisors operate on the premises are:*

- a. Friday, Saturday and Sunday 20:00 until close.*
- b. From 20:00 on any day where a temporary event notice is in force that permits the sale of alcohol beyond that permitted under the premises licence.*
- c. In addition to a. and b. above, the premises licence holder shall provide independent Security Industry Accredited security staff on the occasions and to the numbers as identified through a risk assessment.”*

### Interim Steps

The suspension of the licence shall continue in place until the expiry of the period for appealing or, in the event of an appeal, until final disposal of any such appeal.

The Legal Adviser explained that the Licensing Authority’s determination does not have effect until the end of the 21-day period 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 licence will remain suspended as above until the determination of any such appeal.