



# Notice of Decision

## of the Licensing Sub Committee

<b>Date of Meeting:</b>	24 May 2024
<b>Determination Date:</b>	24 May 2024
<b>Notice of Decision:</b>	4 June 2024
<b>Members:</b>	Cllr L Farley (Chair) Cllr L Martin Cllr R Downes
<b>Legal Officer:</b>	Robert Brown, Principal Legal Officer
<b>Licensing Officer:</b>	Matthew Nelson, Principal Licensing Officer
<b>Premises:</b>	The New Middleton, 4 Thorpe Street, Middleton, Leeds, LS10 4HD
<b>Application:</b>	Summary Review: Interim Steps

West Yorkshire Police having made an application for summary review of the premises licence of The New Middleton, 4 Thorpe Street, Middleton, Leeds, LS10 4HD pursuant to s.53A of the Licensing Act 2003, members of the Council's Licensing Sub-Committee (herein referred to as "the Committee") met to consider whether it was necessary to take interim steps pending the determination of the substantive application. Two members of the Committee, together with the Legal Officer and the Licensing Officer were present at Civic Hall. The third member, P.C. Clifford and the clerk attended via remote means.

In addition, Tanya Clowes (the licence holder and designated premises supervisor) and [REDACTED] (who said she helps Ms Clowes to run the premises) had made themselves available to participate via remote means.

Members of the Licensing Sub-Committee had been provided in advance with a copy of the Report of the Chief Officer Elections and Regulatory. Appended to that Report were copies of the following:

- A copy of the premises licence
- An application submitted by West Yorkshire Police ("WYP") for a summary review of the premises licence
- A certificate under s.53A(1)(b) of the Licensing Act 2003 from a senior officer of WYP that in the opinion of that officer the premises are associated with serious crime and/or serious disorder
- A copy of the Home Office Summary Review Guidance

The Committee noted the reasons for the application for review set out by the West Yorkshire Police and that immediate suspension of the premises licence was being sought.

The Committee asked P.C. Clifford about the background to the application. He took the Committee through the details set out in the Application (Appendix B of the document pack). He said that large scale disorder had taken place, people were kicked while on the ground and one male had been assaulted with what appeared to have been a gas canister and had suffered serious injuries.

P.C. Clifford said that the video footage had shown people were still coming and going with drinks at the time and that this was later than the premises licence permitted the premises to be open. He said that the incident had taken place over a period of 15 to 20 minutes.

Ms Clowes told the Committee that the Tyson Fury boxing contest had started late and had overrun. She said that as soon as that contest had ended they had started to clear the pub. She said that three males had tried to steal a bicycle and that when some of her customers had challenged them the three males had started to fight the customers. Ms Clowes said that the only people who were allowed to re-enter the pub were those who had suffered injuries.

Ms Clowes was asked what time the Tyson Fury fight had ended. She said 00:45 to 00:50. She said that the sledgehammer that Police discovered had been found outside the premises by staff who had then brought it inside for safety reasons.

P.C. Clifford said that he understood that the CCTV system could not be operated on the night in question.

### Decision

Having carefully considered the available information and having deliberated in private session, the Licensing Sub-Committee was of the unanimous view that it was necessary to suspend the licence of The New Middleton, 4 Thorpe Street, Middleton, Leeds, LS10 4HD with immediate effect, pending the substantive hearing of the review application.

### Reasons

It appeared to the Committee that the premises had been operating beyond its permitted hours and that if the premises had closed at 23:25 the incident may well not have happened at all. The Committee considered it was a major concern that in circumstances in which after hours drinking was suspected, the CCTV system was either not working or that no one on site could operate it. The Committee noted that other sporting events were scheduled to take place and considered that modification of the conditions or removal of the designated premises supervisor would be inadequate to address its concerns. The Committee concluded that, in all the circumstances, suspension of the licence pending the hearing of the summary review application was necessary.

### Right of Appeal

There is no right of appeal at this stage of the summary review process. However, the legislation permits a premises licence holder to make representations against the interim steps taken by the licensing authority.

On receipt of such representations the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt.

Further information on making a representation against the interim measures can be found in the Guidance issued under section 182 of the Licensing Act 2003.