

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday 20 August 2024

Subject: 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

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:		
Appendix number:		

Summary of Main Issues

This is 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.

The application is to specify Michaela Grainger as the Designated Premises Supervisor.

West Yorkshire Police have been served a copy of the application and served an objection notice to the grant of the application.

1 Purpose of this Report

- 1.1 To advise Members of an application made under section 37 of the Licensing Act 2003 ("the Act") to vary a premises licence in order to specify Michaela Grainger as the Designated Premises Supervisor.
- 1.2 The Licensing Sub Committee is required to consider this application due to the receipt of an objection from West Yorkshire Police.

2 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 On 23 May 2024 West Yorkshire Police submitted an application for summary review on the grounds of serious crime and disorder. The licence was suspended with immediate effect following the meeting to consider interim steps.

2.9 The Licensing Sub Committee considered the substantive review on 18 June 2024 and resolved to:

- Suspend the licence for a period of 2 months from Tuesday, 18th 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.
- To modify the conditions of the licence so that the condition in relation to SIA accredited door supervisors reads:

“The minimum number of door supervisors for the premises is 2. All such door supervisors shall be independent Security Industry Accredited security staff. The days and hours door supervisors shall 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.*

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.”

3 The Application

3.1 The applicant’s name is Ms Tanya Clowes.

3.2 The proposed Designated Premises Supervisor is Michaela Grainger.

3.3 A copy of the application is attached at Appendix A of this report.

4 Representations

4.1 Under the Act, representations can be received from West Yorkshire Police only and the grounds for objection must be relevant to the prevention of crime and disorder.

4.2 West Yorkshire Police are satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective. A copy of the police objection can be found at Appendix B.

- 4.3 Further to their objection, West Yorkshire Police have provided the document at Appendix C indicating they hold multiple pieces of intelligence relating to the premises which they intend to share during closed session only.

5 Equality and Diversity Implications

- 5.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub Committee will be in accordance with the relevant licensing objective(s) as prescribed by the Licensing Act 2003.

6 Option Available to Members

- 5.1 Members of the Licensing Sub Committee must make a decision with a view to promote the relevant licensing objectives which, in the case of a change of Designated Premises Supervisor, is the prevention of crime and disorder. Members may decide to:

- Grant the application as requested; or
- Reject the application to specify the said person as the Designated Premises Supervisor.

7 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy