

Public Document Pack

LICENSING SUB COMMITTEE

24TH OCTOBER 2023

SUPPLEMENTARY PACK - Application to vary a premises licence held by Red's True Barbecue Unit 1, Cloth Hall Street, Cloth Hall, Leeds, LS1 2HD

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Supplementary Information – Hearing date: 24th October 2023

Red's True Barbecue, Unit 1 Cloth Hall Street, Cloth Hall, Leeds, LS1 2HD

Application to vary a premises licence under the Licensing Act 2003 supplementary information submitted in addition to the representation made by the Licensing Authority.

The authority is of the view that should this application be successful it would have a detrimental impact upon the surrounding area of the premises and is likely to undermine one or more of the following licensing objectives due to current issues which have remained outstanding at the premises for an exceptional amount of time. The four licensing objectives being:

- The prevention of Crime and Disorder
- Public Safety
- The prevention of Public Nuisance
- The protection of Children from Harm

The premises first came to the attention of Leeds City Councils Licensing Enforcement Section when information was received regarding the premises operating in breach of their current operating schedule.

It was alleged that the premises was in breach of several conditions relating to the BACIL (Business Against Crime in Leeds) radio. [REDACTED]

The premises continued to operate without the radio therefore continued to be non-compliant, [REDACTED]

The Bacil radio is an integral part of the night-time economy within Leeds City Centre and connects businesses via the radio to combat crime and disorder by sharing information between operators. Information is shared by radio and by designated webpage online giving advice and training on a range of crime prevention methods. The system is constantly updated to ensure operators have the latest information on crime and wanted individuals and has been recognised as a useful tool in reducing business crime within Leeds since its introduction.

On 14th June 2023, it was reported to the Licensing Authority that Red's True Barbecue continued to operate in breach of the conditions attached to the premises licence by not having the Bacil radio at the premises.

On 29th June 2023, A Liaison and Enforcement officer for the Licensing Authority attended the premises. A licensing inspection was carried out where it was found the premises were operating in breach of the following conditions:

10. *The Designated Premises Supervisor will fully co-operate with all relevant authorities to ensure the smooth running of the premises, any incidents will be fully recorded in a book marked "incident record".*

12. *We will operate a strict drugs free policy and signs will be displayed to this effect, any suspected incidents involving drugs will be recorded and reported to the police.* 13. *A drugs safe will be on the premises.*

42. *There will be a communication link via radio to other venues in the city centre. This will be the system recognised by the current Business Crime Reduction Partnership for the city, Leeds City Council and West Yorkshire Police.*

43. *Such communication link will be kept in working order at all times when licensable activities are taking place.*

44. *The communication link will be available to the Designated Premises Supervisor or other nominated supervisor and be monitored by that person at all times that licensed activities are being carried out.*

45. *Any police instructions or directions given via the link will be complied with whenever given.*

46. *All incidents of crime or disorder will be reported via the link to an agreed police contact point.*

It was also found that the premises did not display the Part B licence summary (or certified copy) at the premises or have Part A of the premises available for inspection by a representative of the Licensing Authority or other relevant authority.

On 3rd July 2023 an email following the inspection was sent to the Designated Premises Supervisor, the Operational Manager and the General Manager at the premises advising on the measures required to ensure compliance of the premises licence. Contact details were given for the drug safe provider along with the Bacil Radio representative contact details (already previously given at the inspection) plus advice on fulfilling any other outstanding measures.

On the 13th July an email was received from Operations Manager stating that the drug safe had been purchased, a drug policy had been implemented and the page a day diary in order to log incidents was also at the premises.

The Bacil radio remained outstanding as the premises were awaiting invoices to raise payment.

On the 18th July 2023 confirmation was received that an outstanding invoice for the Bacil radio had been paid. [REDACTED].

On the 27th July 2023 A licensing Liaison & Enforcement Officer again attended the premises along with a colleague from West Yorkshire Police Licensing to lock the drug safe which was now in situ and to check that all other outstanding measures had been addressed. Unfortunately, at the time of the visit, the premises was still operating in breach of conditions attached to the premises licence, namely the Bacil radio had still not been settled, and there was no incident report book on site contrary to confirmation by email that this had been addressed.

[REDACTED]

A warning letter was issued to the premises for consistently breaching the licensing conditions attached to the premises licence and was sent by email on 28th July 2023 in which all parties were in copied in to.

On the 11th September 2023 a further email was sent to all parties requesting feedback as to whether the outstanding matter had now been resolved.

No response was received from the premises [REDACTED]

On 12th September 2023 a further email was sent to the premises requesting confirmation [REDACTED] so the Bacil radio could be returned to the premises and therefore the premises would be operating according to the conditions attached to the premises licence. Again, there was no response from any representative of the premises, yet four staff members had been copied into the email.

On the 14th September 2023 a further email was sent to all four members of staff informing them that should this matter not be resolved, an officer of the Licensing Authority would be attending the premises and would be considering taking further enforcement action due to the continued breach of licensing conditions and the failure to advise the authority of any action taken.

Finally a response was received by email from the Operational Manager advising he would be taking advice from the Company Director. Confirmation was received on 19th September 2023 [REDACTED]

Given the amount of engagement and length of time the premises was firstly operating whilst in breach of the operating schedule, and the volume of engagement required by partners along with the Licensing Authority to ensure compliance, I have concerns regarding the efficiency of current management and their disregard of the Licensing Objectives. I lack confidence in management at the premises that should this application be successful, they will continue to uphold the licensing objectives and/or operate within the boundaries of the premises licence.

The premises lies within the red area of the cumulative impact area, an area where you would typically expect operators to uphold the Licensing Objectives and actively engage with not just the Licensing Authority but also West Yorkshire Police and other agencies due to the higher levels of Crime and Disorder in this specific area.

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