

Licensing Sub-Committee

Wednesday, 7th October, 2020

PRESENT: Councillor B Garner in the Chair

Councillors L Richards and A Wenham

1 Election of the Chair

RESOLVED – To elect Councillor Ben Garner to the Chair for the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

3 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That Appendix E to the report at Item 6 be designated as being exempt from publication in accordance with 9.2(b) and 10.4(1) of Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

4 Late Items

There were no formal late items. However, supplementary information from the applicant had been received in relation to Agenda Item 6. This had been distributed to all parties prior to the hearing.

5 Declarations of Disclosable Pecuniary Interests

No declarations of disclosable pecuniary interests were made.

6 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 informs Members that Leeds City Council (Licensing Authority) has served an application under Section 51 of the Licensing Act 2003 for a review of a premises licence in respect of The New Middleton, 4 Thorpe Street, Middleton, Leeds, LS10 4HD.

The Hearing was scheduled and heard on the 10th August 2020, and a motion to adjourn was requested for the following reasons:

- The Licensing Authority asked for the hearing to be adjourned as although West Yorkshire Police had provided additional information in relation to the licensed premises which had been circulated to Members prior to the hearing, the Licensing Authority was unable to confirm whether this information should have been provided to the premises licence holder.
- West Yorkshire Police confirmed the additional information could be served on the premises licence holder and was duly served on the 26th August 2020.

In attendance at the meeting were:

- Samantha Longfellow-Peniket – Licensing Authority
- Sarah Blenkhorn – West Yorkshire Police Licensing Team
- Jessica Deighton – Environmental Protection Team

The Premises Licence Holder Julie Jackson had been informed of the meeting, but did not attend.

The Licensing Officer informed the Sub-Committee of the following points:

- The Premises Licence Holder Julie Jackson had been informed of the supplementary information provided by West Yorkshire Police (WYP) prior to the adjourned meeting, she was now in receipt of this information, which had been sent to her by email and post;
- The Premises Licence Holder had sent in a letter with a wish to surrender the premises licence which was provided to all parties as supplementary information to the report;
- Under the Licensing Act 2003 there is a provision to reinstate the premises licence should an application to transfer the premises licence come in within the 28 days after the licence has been surrendered. It was noted that we are currently within the 28 day period and therefore the hearing should proceed;
- The application was made on grounds of all four of the licensing objectives and a copy of the application and evidence which were set out at Appendix A of the report;
- A brief history of the premises was provided within the report and the operating schedule of the premises licence was set out at Appendix B;
- Julie Jackson is listed as both the premises licence holder and the designated premises supervisor;
- Point 6 of the report set out the reasons for the application;
- The application had received representation in support of the application from the following responsible authorities, WYP, Environmental Protection Team (EPT) and the Cleaner Neighbourhoods Team;
- Further representation had been received from WYP. This was not available to the public due to it been confidential but had been presented to the Members and all relevant parties at Appendix E of the private agenda pack;
- Representation had also been received from the EPT and the Cleaner Neighbourhoods Team which were presented at Appendices F and G of the submitted report.

The Licensing Authority presented their application for the sub-committee informing the Members of the following points:

- The New Middleton had benefitted from a premises licence since 2008, to sell alcohol between 8:00am and midnight seven days a week and a late night refreshment licence from 10:00pm and midnight seven days per week;
- In January 2014 Julie Jackson became the premises designated supervisor of the New Middleton and then the premises licence holder in February of the same year;
- The first complaint received about the New Middleton was in April 2014, the complaint was in relation to noise nuisance and operating beyond permitted hours. A warning letter was sent on this occasion;
- In December 2016, EPT received a complaint in relation to noise nuisance and operating beyond permitted hours. On this occasion a warning letter was sent and followed up with a visit to the premises, however the premises were not open;

- The next complaint was received in August 2017, Julie Jackson had been asked to attend a meeting at Elland Road Police Headquarters to discuss a brawl at the premises. Ms Jackson was advised to look at CCTV guidance and Drug Safe guidance and advised to check the CCTV weekly. She was also advised to attend the pub watch scheme meetings;
- November 2018, a licencing enforcement officer and WYP attended the premises for a non-licensing incident, they were unable to obtain CCTV footage. At this time Ms Jackson was not on the premises and staff did not know how to access the footage. A Section 19 closure notice was served for breach of the licensing conditions. An enforcement Officer and WYP attended the following day and met with Peter Jackson, Ms Jackson son. It was found that only 9 of the 32 cameras were working and that not all areas of the premises were covered;
- 20th December 2018, WYP and licensing officers attended the premises to check the CCTV. They were advised that an engineer had been called to repair the CCTV as the CCTV was only recording for 13 days;
- 1st February 2019, it was noted that the CCTV was not up to standard, advice was given and another meeting was arranged for March to give sufficient time to sort the CCTV. On 26th March 2019, Licensing Entertainment and WYP attended the premises, it was noted that all was in working order and the Section 19 was withdrawn;
- September 2019, the Licensing Team received a call via the Anti-Social Behaviour Team in relation to noise nuisance at the New Middleton and that the premises had been open until 6:30am. Contact was made with Ms Jackson who informed Licensing that a tenant had been in the premises, but had left due to the complaints and the warning letter. CCTV was checked whilst at the premises and found not to be working as it should be, which was in breach of the licence. Ms Jackson was informed that if the conditions of the licence continued to be breached there would have to be a review of the premises licence;
- On 4th November 2019, further complaints were received of noise nuisance and anti-social behaviour, a warning letter was sent along with an invite to arrange an action plan meeting. Ms Jackson along with members of her family attended the meeting. At this meeting a number of points were agreed with a 31 day implementation period
- On 14th November, further complaints were received and on the 21st November, Entertainment Licensing, WYP and EPT attended at the premises, Ms Jackson failed to attend the meeting. On 25th November Ms Jackson was advised that the licence had been suspended due to non-payment of the fee. On the 27th November, a warning letter was delivered to Ms Jackson's home address;
- In December, Ms Jackson did not attend the pub watch meeting which was a further breach of her licence;
- Also in December, further complaints were received in relation to noise nuisance and that the premises were operating beyond the permitted hours. On 23rd December WYP and EPT attended the premises to follow up on the complaints and the points raised at the action plan meeting. It was found that only 2 of the 8 points agreed had been implemented. It was noted that the CCTV was not recording the required 31 days, there was no drug safe installed and the CCTV showed David Jackson Senior serving alcohol beyond

the permitted hours. Ms Jackson was advised that the Licensing Authority would seek to review the premises licence;

- In January 2020, complaints of fighting at the premises were received. Also, in January Ms Jackson again failed to attend the pub watch meeting breaching the conditions of her licence.

In response to Members questions the Licensing Sub Committee were provided with information on the Designation Premises Supervisor and the Premises Licence Holder. It was noted that in this case Julie Jackson was both the Premises Licence Holder and Designated Premises Supervisor and that she had surrendered her personal licence and the premises licence.

The Licensing Authority advised that they were unaware of any complaints at the premises prior to 2014 when Ms Jackson had taken over the premises licence.

The Sub-Committee was informed that the venue was in the middle of a large housing estate and in the view of the officer was not a suitable location for this type of huge venue as it would not have enough customers for pub use, therefore, had hosted events such as boxing events in its large function room at which there had been incidents with local boxers. It was also noted that Ms Jackson owns the building.

WYP informed the Sub-Committee of the following points:

- The West Yorkshire Police Strategy states that WYP wants to keep West Yorkshire feeling safe, by reducing crime protecting vulnerable people and reassuring the public. However, the New Middleton pub has contributed to crime levels, put the public in danger and made them feel unsafe and intimidated. It has continued to breach the conditions of its licence and neither the public or the responsible authorities are confident that they were competent operators who could uphold the licensing objectives;
- The evidence submitted by WYP were simple things that should have been implemented, such as the drug safe which after two years had still not been installed;
- The CCTV operating guide was not provided appropriately as it had been written on the back of an envelope, it was the view that given the seriousness of the CCTV footage this would have been presented in a better format;
- Even after all the input from the authorities which had included the use and experience of a police imaging officer visit they had still been unable to use the CCTV at the premises within the conditions of their licence. It was noted that this had impeded police investigations as the CCTV had not been available;
- When footage had been available they could be seen serving beyond the permitted hours on three occasions within the seven day period of CCTV that was retained;
- It was the view that the Jackson's did not care about the law or public safety or being a nuisance to their neighbours. It was noted that they had let off category 4 fireworks which should only be operated by a specialist, a van had also been rammed into the premises by a masked man whilst there had been a children's party in the function room and whilst children

were being picked up from nearby schools. Members were also advised that a man had been stabbed outside the premises whilst waiting for a friend who was in the premises.

Members were advised that Julie Jackson had attended some meetings and although she had said she would do the things asked she had not implemented any of the suggestions required for the licensing objectives.

It was the view of WYP that even if the licence was surrendered there would still be issues with the pub as the building was still owned by the Jacksons.

The EPT informed the Members of the following points:

- This is a large pub with residential properties close by. There is also a residential property adjacent to the pub which is also owned by the Jackson family. There is also a car park which is filled with old cars and not used as a car park for customers. It was noted that at the time of one of the visits there were scrap cars and a skip overflowing with rubbish, this was sent to the Cleaner Neighbourhoods Team for investigation;
- There is a seating area outside which is used for patrons to smoke and this is the area where there is noise nuisance issues;
- There have been numerous complaints about noise nuisance including the playing of loud music. In 2016 there was a complaint of noise nuisance saying that customers were leaving the premises between 3:00am and 5:00am. Discussions were had with Peter Jackson who was running the premises in his mother's absence, he said that smokers would be moved to the rear of the premises and that the issue would be sorted, there had been no formal action taken;
- In November 2019 the service had received complaints of fireworks being let off;
- The officer said that her investigations had begun in September 2019. Previously, nuisance diaries had been provided to the residents which had been passed to her to investigate. The first entry said that people had been shouting, swearing and gathering in the street and doorway, this entry was repeated a further six times in a two week period;
- In September a fight had broken out at the premises and the disturbance had carried on until 2:00am;
- A letter was sent to the premises in October to inform them an investigation would be conducted into the noise nuisance issues. A further email from the complainant was received to inform the service that there had been noise issues on 27th September and the 5th, 13th and 18th of October with cars pulling up, music blaring out and talking to people inside the pub until 1:00am;
- On the 19th October the premises held a boxing event, the complainant said that on this night the noise had been continuous with shouting, swearing outside on the street until 1:30am. A second complainant came forward stating the same as the first. However they complained that the shutter going down was particularly noisy;
- At the Action Planning meeting Ms Jackson had been requested to put up signage requesting that customers should leave the premises quietly, during busy periods staff should be placed on the door leading up to the time of

closing to ensure that patrons leave quietly and to also create a written noise policy which should be put in place and to make a note of issues arising and that all staff should be aware of the policy;

- In December 2019 the service received further complaints that the premises were opening beyond the permitted hours. It was noted that on Friday 13th December the premises had not closed the shutters until 3:40am, there had been shouting and swearing;
- At a visit to the premises on the 23rd of December 2019, it was noted by the officer that the signage was not robust, as it was not bold or eye catching and should have been placed throughout the premises, there was in fact only one sign which was hand written asking patrons to leave quietly. The officer was informed by Ms Jackson that signs they had put up outside, but had been removed by other people, these had not been replaced;
- It was unclear if the outside areas were being monitored;
- In January 2020 there was a complaint that the premises had been operating beyond the permitted hours with the premises shutters being closed at 3:40am.

Members had read the written representation from the Cleaner Neighbourhood Team.

In summing up the Licensing Authority said that it had not acted lightly in reviewing the premises licence, with all the evidence supplied by the responsible authorities and the constant breach of licensing conditions, it was the view that any conditions place on the premises would be ignored.

Member's discussions included:

- The work that the responsible authorities had undertaken;
- The fact that all suggestions to the premises licence holder had been ignored;
- The building, as it is owned by the Jacksons.

RESOLVED -To revoke the premises licence as applied for.

The meeting concluded at 15:05