

Licensing Sub-Committee

Tuesday, 16th February, 2021

PRESENT: Councillor B Flynn in the Chair

Councillors A Garthwaite and A Wenham

1 Election of the Chair

RESOLVED – That Councillor B Flynn be elected as Chair for the hearing.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals.

3 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information.

4 Late Items

There were no late items. Supplementary information in relation to Agenda Item 6, Review of Premises Licence for Taag, Unit 2B, St Georges House, Great George Street, Leeds was published and distributed prior to the hearing.

5 Declarations of Disclosable Pecuniary Interests

There were no declarations.

6 Review of the Premises Licence for Taag, Unit 2B, St George House, 40 Great George Street, Leeds, LS1 3DL

The report of the Chief Officer, Elections and Regulatory presented an application for the review of a Premises Licence for Taag, Unit 2B, St George's House, 40 Great George Street, Leeds.

The following were in attendance:

- Andrew Garthwaite, West Yorkshire Police
- Bob Patterson, West Yorkshire Police
- Martin Mynard, West Yorkshire Police

- Carmel Brennand, LCC Entertainment Licensing
- Zoe Carter, LCC Environmental Protection Team

- Ed Smith, Representing the Premises Licence Holder
- Tijani Osennaga Yusufu, Premises Licence Holder
- Beth Moran – Witness for the Premises Licence Holder
- Steve Black – Witness for the Premises Licence Holder
- Luke Warner – Witness for the Premises Licence Holder

The Legal Adviser to the Sub-Committee set out the procedure to be followed and the Senior Licensing Officer outlined the application for review.

It was reported that West Yorkshire Police had submitted an application for the review of the licence on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance. There had been a recent application to transfer the Premises Licence to Mr Tijani Yusufu and an application for him to become the Designated Premises Supervisor.

There had been supporting submissions for the review by Entertainment Licensing and Environmental Protection Team.

The West Yorkshire Police representative addressed the Sub-Committee. The following was highlighted:

- It was acknowledged that there had been significant changes in the management of the premises since the review was initially applied for.
- Reference was made to warnings issued by the Police and Environmental Protection regarding issues that included loud music and breaches in social distancing rules which had led to the review.
- Under the new management some of the concerns had been allayed and there was a suggestion of how matters could proceed. It was recognised that the final decision was to be made by the Sub-Committee but the following conditions to the licence were suggested:
 - That the previous Premises Licence Holder has no input into the management of the premises.
 - That there is a minimum of one Door Supervisor present on Friday and Saturday from 6.00 p.m.
 - That a daily record register of each person on duty be maintained.
 - That a communications link with the Police and other venues be maintained.
 - That the Premises Licence Holder registers with Pubwatch or any other similar scheme.
 - That any changes to the CCTV system at the premises be done in consultation with the Police.
 - That the Licensing Department of West Yorkshire Police be informed of any ticketed or events organised by independent operators at the premises.
- It was felt that these conditions would be proportionate and reasonable for the operation of the premises licence under the new management arrangements.

The applicant's representative addressed the Sub-Committee. The following was highlighted:

- The previous Premises Licence Holder had no interest in the future running of the premises.
- The Premises Licence Holder also held a Leeds City Council Personal Licence.
- Measures that were currently in place for the running of the premises would remain and there had been an additional risk assessment. Existing conditions to the Licence would remain and the proposed additions would be welcomed.

- With regards to the Police representations it was felt that the conditions put forward would allow the premises to be operated successfully and meet the licensing objectives.
- The PLH had a good previous history in the licensing trade and of managing events.

In response to comments and questions, the following was discussed:

- There was no ongoing connection with the previous Personal Licence Holder other than the lease of the premises and this would be resolved should the review of the licence be settled. The new Premises Licence Holder did not wish to do anything to put the Licence at risk.
- It was proposed that the premise would be open until 23:00 with thirty minutes drinking up time, seven days a week. Most trade would be Friday to Sunday and it was proposed to include food as part of the offer.

The Sub-Committee heard from the representatives of Entertainment Licensing and Environmental Protection. The representations made by Entertainment Licensing were submitted during the rise in cases and deaths from coronavirus and were made with regard to events when the premises were in operation. There was still concern that the previous Premises Licence Holder was still the leaseholder and may have influence but should the Sub-Committee ratify the conditions as proposed by the Police then the representation would be withdrawn. Environmental Protection made reference to the lack of measures under the previous management and there was some concern regarding addressing these issues during the ongoing pandemic. Environmental Protection also offered to withdraw representations should the Sub-Committee ratify the conditions proposed by the Police.

Further to questions it was reported that the applicant would be willing for any of the responsible authorities to visit the premises and ensure that all necessary measures were in place.

West Yorkshire Police were invited to summarise. It was felt that the conditions proposed would effectively prevent the issues that had arisen from the previous management.

The Sub-Committee went into private session to make their deliberations.

Following this there was further discussion regarding amendments to conditions relating to the previous Premises Licence Holders involvement, accessibility to the CCTV system and communication links to the Police, potentially via the BACIL system. It was confirmed that there would always be a member of staff present who was able to operate the CCTV system and the applicant was happy for this to form part of the conditions.

The Licensing Sub-Committee carefully considered the report of the Chief Officer, Elections and Regulatory, the Statement of Licensing Policy and the representations submitted and made at the hearing.

It was noted that the parties had reached a consensus view that suspension or revocation were no longer appropriate or necessary for the promotion of the

licensing objectives in the circumstances which now prevailed, or would prevail. Nevertheless, this consensus had been achieved by the agreement in principle to a number of additional conditions. Subject to slight rewording of additional condition 1 above and the rewording of the existing condition 17, the Committee agreed that, by the time of the hearing, this was the most appropriate outcome from the review application. The Committee commended the efforts behind the scenes and prior to the hearing by West Yorkshire Police and by Mr Yesufu and Mr Smith to achieve a sensible and reasonable solution that would promote the licensing objectives and address the recent issues with which the premises had been associated

RESOLVED - resolved to modify the conditions as follows:

1. Mr Arian Taaghobi will have no involvement or input in respect of the management of the premises and will not be permitted to run any events, or be involved in the running of any events, at the premises. The management of the premises will be undertaken by the Premises Licence Holder and Designated Premises Supervisor, who will be ultimately responsible.

2. There will be a minimum of one door supervisor at the premises from 6pm until the premises closes each Friday and Saturday.

3. The premises licence holder and/or designated premises supervisor will ensure that a Daily Record Register is maintained on the premises by the door staff. The Daily Record Register will contain consecutively numbered pages, the full name and registration number of each person on duty, the employer of that person and the date and time he/she commenced duty and finished duty (verified by the individual's signature). The Daily Record Register will be retained on the premises for a period of twelve months from the date of the last entry.

4. Where one exists and is available, there will be a communication link in operation at the premises via radio to the police and other venues in the city centre. The communication link will be operated to the guidance provided and all instructions on use agreed. All reasonable police instructions provided via the link will be complied with.

5. The premises licence holder and/or designated premises supervisor will belong to a recognised trade body or Pub Watch Scheme where one exists, whose aims include the promotion of the licensing objectives.

6. Any changes to the CCTV system, will not take place without prior consultation with West Yorkshire Police. The CCTV system will follow guidance issued by West Yorkshire Police.

7. The Leeds District Licensing Department of West Yorkshire Police, will be notified of any ticketed or externally-promoted events to be held at the premises, giving brief details of

(a) the date and time of the event;

(b) a general description of the nature of the event, and the type of food to be provided;

- (c) number of attendees expected, and;
- (d) contact details of the event organiser.

The Committee also resolved to replace the existing condition 17 in Annex 2 of the licence with the following:

“A suitable closed circuit Television (CCTV) system will be in operation at the premises at all times when it is being used for the provision of licensable activities and/or when members of the public are permitted to be on the premises. The CCTV system will record images to cover all areas of the premises to which the public have access (save for toilets), including any external areas of the premises such as car parks and beer gardens. The CCTV system will be capable of retaining images for a minimum of 31 days, will be of good quality and will contain the correct time and date stamp information. The CCTV system and images will be kept in a secure environment to which members of the public will not be permitted access. At least one member of staff will be on duty at the premises who is capable of operating the system and downloading images recorded by it. These images will be downloaded and provided, on request, to an officer of a responsible authority.”

The reason for this replacement was in part to address the concerns which had been raised with regard to an incident when no person on duty at the premises had been able to access the CCTV system and which had had serious repercussions for the promotion of the prevention of crime and disorder licensing objective. The issue had been raised during the hearing and an indication had been given on behalf of Mr Yesufu that he would be amenable to such an amendment. The Committee considered that the amendment was necessary, proportionate and appropriate in all the circumstances.

It was noted that the parties had reached a consensus view that suspension or revocation were no longer appropriate or necessary for the promotion of the licensing objectives in the circumstances which now prevailed, or would prevail. Nevertheless, this consensus had been achieved by the agreement in principle to a number of additional conditions. Subject to slight rewording of additional condition 1 above and the rewording of the existing condition 17, the Committee agreed that, by the time of the hearing, this was the most appropriate outcome from the review application. The Committee commended the efforts behind the scenes and prior to the hearing by West Yorkshire Police and by Mr Yesufu and Mr Smith to achieve a sensible and reasonable solution that would promote the licensing objectives and address the recent issues with which the premises had been associated.