

## **Licensing Sub-Committee**

**Tuesday, 10th August, 2021**

**PRESENT:** Councillor A Hutchison in the Chair

Councillors B Flynn and L Martin

**1 Election of the Chair**

**RESOLVED** – That Councillor Hutchison be elected as 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**

There were no exempt items.

**4 Late Items**

There were no formal late items. However, there were two sets of supplementary information provided by West Yorkshire Police and the Licensing Authority. These had been published to the Leeds City Council webpage and circulated to all parties prior to the meeting.

**5 Declaration of Interests**

No declaration of interests were made at the meeting.

**6 Summary Review of the Premises Licence for Old Red Lion, York Road, Leeds, LS14 2AD**

The report of the Chief Officer Elections and Regulatory requested the Licensing Sub Committee's consideration on an application made by West Yorkshire Police under section 53A of the Licensing Act 2003, for the summary review of the premises licence in respect of the Old Red Lion, York Road, Leeds, LS14 2AD.

In attendance at the meeting were:

- PC Clifford – West Yorkshire Police
- Carmel Brennand – Licensing Authority
- Jacqueline Lightfoot – DPS and on behalf of the Licence Holder, Gibo & Jays Lions Den Ltd
- Ian Gibson - On behalf of the Licence Holder, Gibo & Jays Lions Den Ltd
- Mr Bob Thompson, RJT Group 56 (Licensing Consultant) – applicant's representative

It was also noted that present at the meeting were 2 residents who attended in support of the application. The residents wished to keep their anonymity and were referred to as Resident 1 and Resident 2.

The Licensing Officer presented the report informing the Sub Committee of the following points:

- This application was made by West Yorkshire Police on the grounds of serious crime, or serious disorder, or both.
- At an interim steps meeting held on 16th July 2021, Members resolved to exclude the following licensable activities from the scope of the premises licence with immediate effect:
  - The sale by retail of alcohol
  - The performance of live music
  - Entertainment similar to live music, recorded music or dance.
- A redacted copy of the application was appended to the report at Appendix A.
- A representation made by the Licensing Authority which supports the review sought by West Yorkshire Police was appended to the report at Appendix F. Additional evidence was provided by the Licensing Authority which was included as a supplementary item
- The Environmental Protection Team had also made representation in support of the review application which provided a chronology of nuisance complaints, attached to the submitted report at Appendix G
- The application had also attracted representations from members of the public. The licensing authority were in receipt of 37 individual letters, of which 34 were in support of the premises on behalf of local residents, customers and employees of the premises, and 3 representations on behalf of local residents which supported the police's application for review of the premises. It was noted that some of those who had sent in representations had expressed concerns that they may be at risk of retribution should their details be made public. As such their details had been redacted and they were to remain anonymous. Representations supporting the premises were appended to the submitted report at Appendix H. Representations in support of the review application were appended at Appendix I
- Paragraph 9.1 was highlighted to Members of the Sub Committee in their determination of the summary review.

PC Clifford of West Yorkshire Police informed the Sub Committee of the following points:

- He was of the view that those representations received in support of the premises should be viewed with some scepticism as he had heard the same details provided almost verbatim from the premises licence holder.
- He said that the premises licence holder had told him that anyone causing issues inside the premises were told to take the problem outside. He was under the impression that the premises licence holder did not see the car park as part of the premises and therefore took no responsibility for what happened in the premises' car park. Although, this area was still part of the pub.
- The pub has become a hub for the community and in his opinion, it was luck that they were not facing a fatality given the seriousness of the incidents.
- PC Clifford said that the premises licence holder was of the view that incidents were related to the pandemic with customers having a lower tolerance to drink and neighbours having a lower tolerance to noise.
- He was of the view that the Sub Committee should put weight on residents' accounts and the reasons why some of them wished to remain anonymous.

- The designated premises supervisor (DPS) attended Pubwatch and had at one time been Chair. She had requested advice from both the police and the licensing authority.
- It was noted that during the 2020 Euros the police had asked if the DPS would require any police resources to keep a watch on the premises. The police had been advised that the pub would not be screening any of the matches, so had deployed resources elsewhere. However, the latest incident had happened whilst the final was being shown in the pub. Unfortunately, there had been no resources in place for this event.
- PC Clifford was of the view that the premises licence holder knew who the problem customers were and that at least 70% of the customers should not be allowed on the premises.
- He said that the Old Red Lion was advertised as a family pub. However, until recently there had been a Leeds Service Crew flag outside the pub which he said illustrated that it was not a family pub.

In response to a question from Members, PC Clifford provided the following information:

- Leeds Service Crew are a known hooligan element who follow Leeds United.

Carmel Brennand provided the following information to the Sub Committee:

- A brief history of the Old Red Lion from 1964 when it was owned by Greene King until May 2010 when ownership passed to Patricia and Francis Simpson. It was noted that there were 2 complaints in relation to these premises whilst in their ownership. The premises had then been taken over by Jacqueline Lightfoot and Ian Gibson in November 2017. It was noted that it was Jacqueline and Ian's dream to own a pub and they had put their heart and soul into making the pub a nice place. However, it was the view of the officer that they were inexperienced and perhaps naïve about running the pub. The officer was of the view that the pub was now much cleaner, fresher and more welcoming.
- 8 complaints had been received in relation to these premises this year. All incidents had been attended and advice provided to Jacqueline.
- Prior to the pandemic to the rear of the premises there had been a child's play area. However, this was no longer there with the equipment being replaced with tables and chairs. These were used by the younger element which had been the cause of noise issues being reported.
- Staff had been trained on age verification and there had been a 'crackdown' on underage people entering the premises for 7 weeks.
- It was the view of the Senior Liaison and Enforcement Officer that some customers were able to do or say whatever they wanted. These premises are a home and livelihood for Jacqueline and Ian, and although she liked them personally it was her view that the clientele of the premises was not good and that Jacqueline and Ian did not have the strength of character to change this. Residents were frightened and it was her opinion that if allowed to continue, there would be a fatality.

2 residents were present at the meeting and to protect their anonymity they provided their information from behind a screen.

Resident 1 addressed the Sub Committee informing them of the following:

- They acknowledged that a pub is a place to socialise and when living near a pub they accepted that there would be some noise. However, it has become louder with nothing being done by the landlord.
- People can be heard singing loudly and the premises have been open after hours.
- The issues are not dealt with by the landlord and the police are called every weekend.
- The back garden was not supervised and this is where the problems are with young people drinking, singing and playing loud music, this is where the fights start.
- People need to sleep as they have work to go to and don't need to hear noise.

Resident 2 addressed the Sub Committee providing the following information:

- They wished to protect their identity as they were afraid of repercussions.
- Over the last few weekends with the pub being closed they have been able to sit in their garden and had invited friends around.
- Resident 2 told the Sub Committee of an incident where her parents had dealt with someone who was running from the pub to escape, he had a gash to the head. They had called the ambulance for him and cared for him until the paramedics arrived. When asked by the paramedic, the man had admitted to taking cocaine and drinking. The incident had upset both herself and her parents, her mother had been left to clean up the kitchen floor which was covered in blood.

Mr Thompson, the premises licence representative, informed Members of the following points:

- At the incident on 27 February 2019 the landlord's brother had taken the knife from the person's pocket for safety and put it behind the bar, a scuffle had taken place, but this had been dealt with.
- The 3 males who had been seen on CCTV had nothing to do with pub. This incident had been reported in the Yorkshire Evening Post.
- The people who had driven up on scooters with machetes, this incident had been called into the police as staff had witnessed it. He said that no residents could have witnessed this incident.
- It was the opinion that one of the incidents noted was Travellers who had been in the pub, but the incident had taken place outside.
- Mr Thompson was of the view that the DPS and the police had a good working relationship.
- Mr Thompson said that his association recognised the rise in crime in public houses across the city. This included some of the larger chains which had issues with crime.
- His client had worked with the police during restrictions using the beer garden, closing at 9:30, keeping windows and doors open for ventilation. All staff had been trained to deal with the restrictions and guidance had been given.
- Mr Thompson was of the view that the emails suggesting that the pub was used for underage drinking and that they had been open after hours were vexatious. CCTV showed that the pub was closed on time.

- This is a good family venue. No drugs signs are displayed in the pub and there is CCTV with 24 cameras which is serviced annually. The licensing authority and the police had been given access to footage on request.
- Staff would be professionally trained.
- The beer garden to the rear would be closed with the entrance to it blocked which would address issues.

Mr Thompson in summing up said that there was no evidence that the pub was used by underage drinkers, there had been no arrests for use of drugs or dealing of drugs at the premises, and CCTV was available. He said that his clients had worked hard for this to be a family venue and part of the community. The pub has 12 staff who would lose their jobs if the pub was to be closed. Mr Thompson said that his association would provide support.

In response to questions from the Members the following information was provided:

- Some complaints could be vexatious. However, all complaints were followed up and action taken. It was noted that there was a recurring theme to the complaints which included underage drinking. It was also noted that complaints had come from different sources.
- In relation to complaints that the pub had been open after hours CCTV footage had been viewed and it was noted that the pub was closed. However, the officer said that they could not be sure that they had picked the right day.
- PC Clifford said that the premises licence holder at no time had taken responsibility for any of the incidents listed. He went on to list some of the incidents reported in connection with the Old Red Lion which included:
  - Use of drugs
  - Drunkenness
  - Sexual offence
  - 2 serious knife incidents
  - Someone run over by a car in the car park
- He said that the blame was pointed elsewhere, however, all these could be linked to the Old Red Lion with a degree of certainty.
- No formal action had been taken in relation to underage drinking or drugs and there was no evidence that the premises had been open after the licensable hours. Drive-by surveillance and drug dogs had been used at the premises based on intelligence gathered. It was noted that on one specific visit which was a Friday night it was exceptionally quiet, there was no DJ on, and this is when the younger element would normally have been at the pub. The officer explained that as they go from pub to pub to do their visits they travel in large convoys and the use of social media means they often lose the element of surprise.
- Jacqueline Lightfoot said that she didn't agree with some of the incidents. She said that she knew someone had been run over in the carpark but she had been unaware that someone had been stabbed. She went on to explain what had happened in the case of this incident. Usually all tables were booked at the pub, on this night she had a couple free and some men had asked to be seated at one. She had not seen them before and was of the view that they may have been Travellers. She said that all fighting had happened outside of the pub and she was unaware that 2 people had been involved.

- The licensing authority explained the procedure for complaints, how they are actioned and followed up including advice to the premises licence holder. The officer said that Jacqueline did engage with them and took advice. It was noted that the officer had attended at the Old Red Lion more than any other premises in the Leeds 15 area.
- The police had provided the premises licence holder with advice and the action that should be taken to address the issues, and this was taken on board. However, they were of the view that it was never enough or for long enough. It was the opinion that they were in a cycle where nothing really changes. It was recognised that some of the incidents were similar to those at other premises in the area and CCTV was always provided when requested. However, it was their attitude and the fact that no responsibility was taken. It was also the view that most of the incidents involved customers who were local to the area and regular customers to the premises.
- Ms Lightfoot said that that this was not true, and it was her belief that the road incident was Travellers that she had not seen before. The incident of the stabbing had been further up the road from the pub, the three men involved had only walked through the pub, but she had not seen them before. PC Clifford in response explained what the police had viewed on CCTV of the incident and it was the view of the police that the men had arranged a meeting at the pub.
- Ms Lightfoot said that if there were any issues, she would ring the police. She said that she had perhaps been naïve in taking on the pub but did now feel she was in control of the pub and had barred people. She said that she had been the Chair of Pubwatch but was nervous of public speaking and had stopped being the Chair, recommending someone else to chair instead.
- Ms Lightfoot said that a meeting to discuss interim steps had been cancelled. She informed the Members that the children's play equipment had been removed to allow for more tables to be used in the rear beer garden to increase capacity during the restrictions posed by the pandemic. Mr Gibson said that the rear beer garden had now been cleared and the entrance to it would be blocked so that nobody could enter it or use it. He also said that the car park would be closed at 6pm so that no cars could use it.
- In relation to the cancelled meeting, PC Clifford offered the explanation that after the interim steps hearing the DPS was given time to focus on the bullet points provided, to give thought on how best to tackle the issues and asked to contact the police. However, there had been no further contact.
- Ms Lightfoot said that training had been provided to the staff in age verification and files had been kept. 3 staff members had been trained for their personal licences, CCTV had been updated to meet standards required on the advice of the licensing authority, there would be no access to the rear beer garden.

The Members carefully considered all the information presented to them in both written submissions and presentations at the hearing. Their discussions included:

- The fact that this pub was not part of a larger chain, they were inexperienced and no area manager to rely on.
- The severity of the incidents.
- Location of the pub.

- No action taken in relation to the interim steps hearing.
- Use of SIA door staff for busy periods.

All parties were requested back into the meeting for further questions from the Members.

In response to further questions in relation to what actions and advice could be provided, Members noted the following points:

- West Yorkshire Police could provide no further suggestions as the staff had already received training, incidents had happened on different days of the week, so even door staff would not be of assistance on a weekend. The only suggestion was that at least 60% of customers needed to go.
- Ms Lightfoot responded by saying that there had been an influx of the younger age group but due to staff using age verification this had now dropped. Friday night used to be the busiest night, although this was now quieter. She was of the view that the pub did not require SIA door staff. Door staff had previously been employed and this had worked for a while but now they ID'd everyone.
- Residents 1 and 2 could provide no further suggestions and said that door staff when used had been threatened. They were also of the view that should further incidents occur Ian and Jacqueline still would not take responsibility.
- PC Clifford said that there was an element of the customers running the show with certain customers deciding who could and couldn't drink on the premises. He could not comment any further on one of the incidents as it was an ongoing investigation, but through inquiries it had been suggested that the pub was an arranged meeting place. It was also noted that persons had requested that the CCTV footage of the incident be removed, but with no suggestion the premises licence holder complied. The police had retrieved CCTV footage of the incident.

Members deliberated further, discussing the information they had gathered.

**RESOLVED** – To revoke the premises licence and modify the interim steps to suspend the licence until the statutory appeal period has passed or until such time as any appeal has been determined.

*The meeting concluded at 17:15*