

Licensing Sub-Committee

Monday, 16th August, 2021

PRESENT: Councillor A Hutchison in the Chair
Councillors N Buckley and J Lennox

1 Election of the Chair

RESOLVED – That Councillor A Hutchison be elected as Chair for the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals.

3 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

4 Late Items

There were no late items. However, some supplementary information to Item 6 was published and circulated to Members prior to the meeting (Minute 6 refers)

5 Declaration of Interests

There were no declarations of interests.

6 Summary Review of the Premises Licence for Barley Mow, Lower Town Street, Bramley, LS13 3EN

The Chief Officer (Elections and Regulatory) submitted a report that advised of an application for a licence summary review made by the West Yorkshire Police in respect of Barley Mow, Lower Town Street, Bramley, LS13 3EN. The application was made on the grounds of serious crime and disorder.

West Yorkshire Police submitted some additional information relating to the serious incidents that took place at the premises, which was published and circulated to all parties prior to the meeting. In addition to the written information, Members were also provided with several audio files, submitted by a local resident with a valid representation to the Summary Review, to listen to in advance of the meeting.

At the Interim Steps meeting held 22nd July 2021, it was decided that the most appropriate course of action would be to suspend the licence with immediate effect pending the hearing of the substantive review application. The Committee took the view that to modify or add to existing conditions of the licence or to exclude the sale of alcohol by retail from the scope of the licence would not adequately address the risk of further violent offences taking place at the premises and that to remove the

designated premises supervisor would have no effect on the commission of violent offences in the future.

The hearing for the representation against the interim steps decision occurred on the 2nd August 2021 and after having carefully considered the contents of the senior police officer's certificate that accompanied the application, Mr Parker's representations and the representation made on behalf of Ms Shaw, the Committee resolved to lift the suspension with immediate effect and to impose the conditions offered by the licence holder pending the hearing of West Yorkshire Police's substantive application.

The following were in attendance:

- Mr David Parker, West Yorkshire Police
- Mrs Kelly Shaw, Premises Licence Holder and DPS
- Mr Paddy Whur, Licence Holder's Representative
- Ms Vanessa Holroyd, Senior Environmental Health Officer
- Councillor Kevin Ritchie, Bramley and Stanningley ward
- Mr Paul Rix, Senior Liaison and Enforcement Officer, Licensing Authority

Mr Parker addressed the Sub-Committee, providing a timeline of the serious incidents that have taken place since the current licence holder has taken residence at the premises, as set out in the report. Mr Parker advised that a number of conditions have been agreed with the licence holder, and on this basis, he was satisfied that the measures put in place were appropriate for the promotion of the licencing objectives. Mr Parker also advised Members that a 'Pub Watch' meeting had taken place with other licenced premises in the local area, which he was invited to and attended, evidencing the licence holders' cooperation with West Yorkshire Police.

Councillor Ritchie addressed the Sub-Committee on behalf of local residents who had submitted representations in support of the review. Councillor Ritchie advised Members that local residents had reported several incidents of antisocial behaviour and noise nuisance since the premises reopened in April 2021, with residents concerns mostly relating to the use of the outdoor area and screening of football matches within the beer garden. Councillor Ritchie therefore asked Members to consider further conditions to the licence as follows:

- Door supervision from 7.00 p.m.
- Removal of outdoor TV
- Closure of beer garden at 10.00 p.m. every night
- Cease serving at 11.00 p.m. every night

Ms Holroyd addressed the Sub-Committee on behalf of the Environmental Protection Team. Ms Holroyd advised Members a number of complaints of public nuisance at the premises, and an incident attended by officers that took place in March 2021 during national lockdown, whereby a number of people were found watching TV and consuming alcohol at the pub, which resulted in a prohibition notice being served on Mrs Shaw. Ms Holroyd advised that it had since been resolved that the manager at the time had hosted friends at the premises. Ms Holroyd confirmed that agreements

had been reached with the premises licence holder to restrict TV speaker use until 9:30 p.m. by use of a timer, unless there are national or Leeds United football games aired, and to display signage asking patrons to keep noise to a minimum.

Mr Rix addressed the Sub-Committee on behalf of the Licensing Authority, highlighting the complaint he had recently investigated regarding noise nuisance from the outside areas of the premises, resulting in a warning letter regards use of outside areas was sent by email to the premises licence holder and designated premises supervisor.

Mr Whur addressed the Sub-Committee on behalf of the premises licence holder, Mrs Shaw. Mr Whur confirmed that the previous manager had been removed and that Mrs Shaw now manages the premises herself, and intends to do so for at least the next 12 months before looking to employ a suitable manager. Mr Whur advised that the conditions agreed by Members and endorsed by West Yorkshire Police and the licensing authority on 2nd August 2021 have been introduced, including all staff retrained on the 'Challenge 25' policy to date and an enhanced CCTV system in operation. Mr Whur reminded Members that the summary review relates to the serious crime incidents that have taken place, and can not be called on the basis on public nuisance complaints from local residents.

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.

RESOLVED – That the premises licence be modified to incorporate the following conditions:

1. No person under the age of 18 will be allowed on the premises after 21:00 hours.
2. A suitable closed-circuit television system will be in operation at the premises.
3. A supervisors' register will be maintained at the premises.
4. A minimum of two door supervisors will operate on Fridays, Saturdays and Sundays from 20:00 hours until the premises close.
5. A daily record register will be maintained on the premises by the door staff.
6. Supervisors will be familiar with the policy concerning the admission, exclusion and safeguarding of customers.
7. An incident report register will be maintained on the premises to record any incidents of anti-social behaviour, admissions, refusals and ejections from the premises.
8. The licence holder and/or designated premises supervisor will inform West Yorkshire Police of any search resulting in a seizure of drugs or offensive weapons.
9. A suitable purpose made receptable for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with West Yorkshire Police.
10. The challenge 25 age verification policy will be adopted.
11. All staff will be trained in the age verification and challenge 25 policies.