

Licensing Sub-Committee

Tuesday, 12th July, 2022

PRESENT: Councillor J Gibson in the Chair

Councillors A Hutchison and L Martin

1 Election of the Chair

RESOLVED – That Councillor J Gibson be elected as Chair for 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 was no exempt information.

4 Late Items

There were no late items. Supplementary information was submitted in respect of Agenda Item 6, Application for the Grant of a Premises Licence for Leeds Cricket, Football and Athletic Co Ltd, Headingley Rugby Stadium, St Michael's Lane, Headingley, Leeds. This had been published and distributed prior to the meeting.

5 Declaration of Interests

There were no declarations.

6 Application to vary a premises licence held by Old Halfway House, 452 Leeds Road, Lofthouse, Wakefield, WF3 3AB, to specify an individual as designated premises supervisor

The report of the Chief Officer, Elections and Regulatory presented an application to vary a premises licence held by Old Halfway House, 452 Leeds Road, Lofthouse, Wakefield, WF3 3AB to specify an individual as Designated Premises Supervisor (DPS).

The Legal Officer explained the procedure to be followed and the Principal Licensing Officer presented the application.

An application had been made to vary the Premises Licence to specify Tracy O'Boyle as the designated premises supervisor at the Old Halfway House. A representation had been made by West Yorkshire Police in objection to the application.

The following were in attendance:

PC Andy Clifford – West Yorkshire Police
PC Cath Arkle – West Yorkshire Police

Tracy O'Boyle – Proposes DPS
Aaron Konyk – Trust Inns
Simon Weatherill – Yorkshire Leisure Inns

PC Clifford addressed the Committee. He informed them that the Designated Premises Supervisor (DPS) was in a position of trust to promote the licensing objectives and was expected to report any incidents of crime to the Police so that they could be appropriately supported.

Reference was made to an incident at the previous premises which the proposed DPS was employed at (The Duncan) when her partner was the DPS. He had been given the benefit of the doubt on occasions when incidents had been reported but the final incident which occurred when the premises were supposed to be closed due to lockdown restrictions was of particular concern as the CCTV from the premises at the time of the incident had been wiped. CCTV was integral to uphold the objective of preventing crime and disorder and for this not to be available in such a manner could not be tolerated.

The sub-committee was informed of concerns regarding the operation at the Old Halfway House and incidents including fights, drugs and drink driving. The proposed DPS and her partner currently managed the premises together. Reference was made to a report made to the police of a customer who had been drinking in the premises all day who had then driven away despite being clearly inebriated and having difficulty walking.

It was felt that the appointment of the proposed DPS would undermine the licensing objectives.

Ms O'Boyle was invited to address the sub-committee. She informed them that she had not been the DPS at the previous premises and that the Old Halfway House was a totally different kind of venue and would hold functions and was more of a family style pub. CCTV was always available and could be remotely accessed. She was unaware of any reports of a customer drink driving after leaving the premises.

Mr Weatherill of Yorkshire Leisure Inns addressed the sub-committee. He was aware of the issues with the applicant's partner as DPS at the former premises they managed and this is why there had been a proposed change. The Old Halfway House had started to employ door staff on a weekend and also had a fully accessible CCTV system which had no access for management of the premises to delete the footage. The applicant was not implicated in any of the previous actions and seemed that this objection was only by association.

In response to questions from the sub-committee Mr Konyk reported that the only issue he had been made aware of at the Old Halfway House was an incident of drug dealing in the car park and in response to this, additional CCTV coverage was being considered. He was also unaware of any concerns regarding customers drink driving and would normally deal with licensing issues and the police directly. The premises had recently been refurbished, would be providing food and there had been improvements to the children's play area. There had not been any issues with Tracy's management of the premises, monthly licensing reviews were carried out and there had been no issues of concern.

Mr Weatherill further added that since Tracy had been at the Halfway House there had been incidents involving fights which is why door staff were now employed. There was no evidence of drug taking in the premises and in response to issues in the car park there had been new barriers installed along with additional lighting.

The sub-committee had a brief adjournment to allow Ms O'Boyle to read the objection that had been submitted. Following the adjournment more questions were asked of the objectors and applicant. Issues discussed included the following:

- The applicant was present at the previous premises she worked at with her partner when the incident happened during the lockdown period. She reported that only other people present at the premises were family and friends that were helping to decorate and that the only alcohol consumed was personally brought in as the brewery had taken all other alcohol away.
- The Old Halfway House was under different ownership to The Duncan.
- Ms O'Boyle reiterated that she was not the DPS at The Duncan and was not involved in any CCTV evidence being deleted. She acknowledged that deletion of CCTV was a wrong thing to do and would not let that happen as DPS.
- PC Arkle informed the meeting of the events that happened at The Duncan during the lockdown period. When the police attended people had been observed hiding and verbal warnings had been issued to six people. There were over twenty used pint glasses on the premises. PC Arkle had worked with Ms O'Boyle and her partner during their tenure at The Duncan and acknowledged that they had done a good job of running a difficult pub but there had been mistakes and the deletion of the CCTV was the final straw and brought about a lack of trust. There had been some decorating work taking place but it appeared to have turned into a party.
- Ms O'Boyle had been involved in managing pubs since 1992.
- The absence of the CCTV had initially been claimed due to the system being switched off whilst decorating. The hard drive had been seized and the deleted data had been recovered.
- Ms O'Boyle's partner would be employed at the Halfway House doing bar work and kitchen work but not involved in the management of the premises. They would also be living at the premises.
- Mr Weatherill was currently the DPS at the Halfway House and was in attendance most days. The application had been made for Tracy to be the DPS as she was on site at all times and able to respond to day to day situations.

In summary, PC Clifford expressed concerns as to how the premises was being managed and used the example of an intoxicated customer being served with alcohol before driving. There had also been fights at the premises and these had not been reported to the police and it was felt that Ms O'Boyle was reticent to call the police. It was requested that the variation be refused.

The Chair concluded the open session of the hearing before the Sub-Committee went in to private session to make their decision. All parties were informed that the decision would be sent within 5 working days.

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 application be refused.

7 Application for the grant of a premises licence for Leeds Cricket, Football And Athletic Co Ltd, Headingley Rugby Stadium, St Michaels Lane, Headingley, Leeds, LS6 3BR

The report of the Chief Officer, Elections and Regulatory presented an application for the grant of a Premises Licence for Leeds Cricket, Football and Athletic Co Ltd, Headingley Rugby Stadium, St Michael's Lane, Headingley, Leeds, LS6 3BR.

The following were in attendance for this item:

Paddy Whur (Woods Whur) – Applicant's Representative
Justin Ions (Woods Whur, observing)
Sue Ward (Headingley Stadium) - Operations Director
Sian Jones (Headingley Stadium) - Head of Customer Experience
Rachel Fox – Proposed DPS
David Dowse, G4S - Grounds Safety Officer, Headingley Stadium
David Cockerham – Objector
Daniel Shoreman – Objector
Richard Parr - Objector

The Legal Adviser to the Sub-Committee explained the procedures to be followed and the Principal Licensing Officer outlined the application.

The application was as follows:

Sale of alcohol, live music & recorded music:

Friday – 12:00 until 23:00, Saturday 11:00 until 23:00
Boxing or Wrestling

Friday and Saturday – 17:00 until 23:00
Non Standard Timings

The Sale of Alcohol, Live Music and Recorded Music will be restricted to the below hours for boxing/wrestling events

Friday & Saturday – 17:00 until 22:00

There had not been any objections from the responsible authorities and there had been agreement with the Environmental Protection Team to incorporate additional noise mitigation measures. There had been 35 public representations which focussed on concerns regarding noise nuisance and anti-social behaviour.

The applicant's representative addressed the sub-committee. Issues highlighted included the following:

- It was sought to add boxing, wrestling and recorded music to what was already covered in the existing licence. The existing licence would be surrendered should this be granted.
- There could only be the same frequency of events should the licence be granted and conditions had been tightened in agreement with the Environmental Protection Team with regards to noise pollution.
- There had been discussions with local Ward Councillors, local residents and responsible authorities with regard to the application. There had not been any objection from the responsible authorities as it was believed that conditions to the licence would promote the licensing objectives.
- Professional advice had been taken to assist in the prevention of noise nuisance and there would be Event Management Plans which would cover noise management, litter, transport and crowd management.
- Post event operations including cleaning of the area – it was noted that following a previous event a lot of glassware that had been discarded in the area came from other licensed premises.
- Generators would be re-sited to prevent noise disturbance to residents.
- Promoters would have to use the existing PA system which would be limited to permitted noise levels. There had been an issue with noise nuisance at a previous event when a promoter had used their own system.
- There would be provision of portable toilets in and around the stadium.
- There had not been any reports of disturbance following a music event at the stadium.
- The Event Management Plan would cover all concerns that had been raised.

Local residents addressed the sub-committee with concerns regarding the application. These included the following:

- The recent music event had only had a small attendance. There was still some disturbance from noise. There had not yet been a fully attended music event.
- There were a number of complaints following the last boxing match held at the venue due to noise nuisance. This was mainly from the PA system although it had become overall noisier towards the main event and it was fortunate that the final contest finished early as it would have gone beyond the permitted time.
- This was the fifth application in five years and all had been objected to. Objections were made on the grounds of public nuisance and the prevention of harm to children.
- Disturbance at the previous boxing event had included people drinking in the streets, openly drug taking; noise nuisance from the PA system and generators. Music from the venue was so loud that it woke children and privacy was also breached by a drone flying over residents' gardens.
- There were ongoing complaints with the Environmental Protection Team regarding noise being audible in residential properties.
- The licence was not suitable for a heavily built-up residential area.
- There was no way the applicant could guarantee that there would be no noise disturbance or other problems including anti-social behaviour and litter.

- The closest gardens were directly behind the stadium and Headingley was becoming a more family orientated area.
- There were other more suitable venues in Leeds such as Elland Road and the Arena.
- Granting the licence would have an impact on children and families.
- There was no reference to specific decibel limits or how noise was measured.

In response to questions from the sub-committee, the following was discussed:

- Issues raised by the objectors would be considered under the noise management strategy. Any areas where generators were used would be soundproofed.
- There had been previous licensing applications due to the redevelopment of the ground and to add boxing and live music to the licence.
- The licence had been applied for to give flexibility in hosting events. Putting on boxing matches reduced the opportunity for additional events.
- There was regular communication between the applicant, local Ward Councillors and residents. The applicant had also contacted the responsible authorities with regards to the kind of conditions and mitigating measures that could be put in place.
- There was provision to ensure that any future boxing match would not run beyond the permitted time. There would be provisional bouts before the main event that would be withdrawn if events were not running on time.
- There were insurance issues as to why security staff could not be employed for outside the venue. This is why funding was made available for extra policing.
- The use of drones was by licensed drone operatives and would not have breached the privacy of residents.
- Residents had purchased their properties before these kind of events were held at the stadium and when the stadium was smaller. The sound systems were now more audible in nearby residential properties.
- Shuttle buses would be provided to take customers back to the city centre.
- West Yorkshire Police were always involved at the pre-planning stage of any event.
- There would be continuing work with the Environmental Protection Team to prevent noise nuisance to residents.
- There was contact with bus and rail companies as part of the travel plan before any event. The travel plan would also focus on parking. Customers were encouraged to travel by public transport.
- The stadium's PA system has noise limiters and the problems encountered previously would not have occurred if this system had been used.
- It was accepted that there had been a mistake in letting the promoter use their own PA system at the last boxing event. Various measures had been put in place to ensure this did not happen again and other mitigating measures had also been introduced to address concerns.
- There would be constant monitoring of noise during any event and volumes could be lowered.
- The applicant would be willing to accept that the licence be conditioned so that there was only a maximum of two boxing events per year.

- Local residents still had concerns regarding the potential for noise disturbance as mitigating measures had been promised before. It was felt that there should be further work and clear acceptable decibel levels be agreed.

In summary, the applicant's representative reported that the main problem had occurred due to the promoter using their own PA system. There had been a large amount of consultation work with Ward Councillors and local residents since. The purpose of the application was for the addition of boxing/wrestling and recorded music to what was already permitted at the stadium. Environmental Protection were comfortable with the proposed mitigation measures and would have objected to the licence if not. The application was proportionate and would promote the licencing objectives with the proposed conditions attached. It was requested that the application be granted.

The Chair concluded the open session of the hearing before the Sub-Committee went in to private session to make their decision. All parties were informed that the decision would be sent within 5 working days.

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 application be approved with an additional condition to limit the number of boxing events to two per year.

8 Temporary event notice for Rear 2 Arches, Bar Fibre Rear 2 Arches, Bar Fibre Rear 2 Arches, Bar Fibre, Bar Fibre Ltd, 168 - 169 Briggate, Leeds, LS1 6LY

The application was withdrawn prior to the meeting.