

Licensing Sub-Committee

Thursday, 14th July, 2022

PRESENT: Councillor A Hutchison in the Chair
Councillors S Hamilton and L Richards

1 Election of the Chair

RESOLVED – That Councillor A Hutchison be elected as Chair throughout 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

(Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, Members agreed to exclude parties from part of the meeting during consideration of item 6 – New Middleton Thorpe Street, Middleton, Leeds, LS10 4HD, designated as exempt from publication in accordance with paragraphs 10.4(1) of the Local Government Act 1972 on the grounds that the supplementary information provided is likely to reveal the identity of individuals, and as such, the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. The agenda pack also included information designated as exempt under 9.2(b) which is prohibited to the public by or under another Act or by Court Order.

4 Late Items

There were no formal late items. However, Sub-Committee Members received supplementary information prior to the meeting in relation to Agenda Item 6 – New Middleton Thorpe Street, Middleton, Leeds, LS10 4HD.

5 Declaration of Interests

No interests were raised at the meeting.

6 Application for the Grant of a Premises Licence for New Middleton Thorpe Street, Middleton, Leeds, LS10 4HD

The report of the Chief Officer (Elections and Regulatory) informed the Sub-Committee of an application for the grant of a new premises licence made by Ms Tanya Clowes, for New Middleton, 4 Thorpe Street, Middleton, LS10 4HD.

The application sought a licence for the sale of alcohol (for consumption both on and off the premises) Monday to Sunday 11:00 until 23:00 and non-standard timings on New Year's Eve until 01:00 hours the following morning on New Year's Day.

Representations objecting to the application were received from WYP and the Licensing Authority in their capacity as responsible authorities. It was noted that WYP submitted additional information contained at Appendix E and is exempt from public viewing as it contained information relating to an individual.

The following were in attendance for this item:

- Ewen MacGregor, Applicant's Representative
- Tanya Clowes, Applicant
- Dave Parker, West Yorkshire Police (WYP)
- Victoria Radford, Entertainment Licensing, Leeds City Council (LCC)

3 residents attended the meeting as observers in support of the applicant.

An overview of the history of the premises was provided to Sub-Committee Members in relation to the revocation of a previous premises licence following a review application sought by the Licensing Authority.

The applicant's representative provided the Sub-Committee with the following information:

- The applicant, with the support of the local community intends to re-open a community meeting space for residents.
- The applicant previously worked at the premises from 2008 until 2017. It was noted that the applicant worked at the premises under previous ownerships, and it was acknowledged that a change of hands presented issues resulting in the revocation of the previous licence. It was confirmed that the applicant was not involved with the day-to-day management nor running of the premises under Ms Jackson and the applicant intends to mirror how the premises was run under Mr Rycroft. Additionally, it was confirmed that any familial relationship between the applicant and Mr Jackson is distant, and he will solely be the landlord of the premises.
- The applicant is a foster carer and has a young family. As at least one of her children is now older, the applicant has a desire to make a personal investment and bring something to the community.
- The premises will be locked up, gated and alarmed. CCTV will also be in use at the premises and work has been undertaken in relation to fire safety.
- The applicant engages with stakeholders, something that the previous licence holder did not do.
- The conditions in the operating schedule have been revised to include suggestions as sought by WYP. In relation to one of the conditions, it was confirmed that a condition to restrict Mr Jackson's involvement in the premises has been added to restrict access when licensable activities are taking place. Mr Jackson is the landlord of the premises and will only have access in terms of maintenance of the building.
- The suggested conditions as set out in the revised operating schedule will be incorporated:
 - 2 door supervisors 8pm Friday, Saturday, and Sunday until 30 minutes after the cessation of licensable activities.
 - CCTV being in operation at the premises and footage retained for a minimum of 31 days.
 - Notices will be displayed at the premises.
 - Events such as boxing matches will not take place.
 - External areas will be closed from 9pm.
 - An incident register will be retained.
 - Patrons will not be permitted to remove drinks from the premises.

- Challenge 25 will be enforced.
- After 9pm, patrons are not permitted to remove drinks, open bottles or glasses from the premises.
- It was suggested that a condition relating to a personal licence holder being on the premises at all times is not practical and is deemed an unnecessary impediment on the business.
- The applicant is local to the area, and lives within close proximity of the premises. The community are keen to see the re-opening of the premises and were involved in cleaning and restoring the building.
- There will be 3 bar staff, all of which will be personal licence holders and there will be a 6-month free rent period. The applicant will work during the week and cover busy shifts on the weekend.
- The applicant has conducted herself well in multi-agency meetings and there are no concerns with her holding a licence.

Dave Parker (WYP) explained that the premises is related to significant issues that have occurred in the past. Prior to revocation of the licence, the applicant worked at the premises and there are concerns relating to the relationship between the applicant and previous DPS and her ability to manage the premises with limited experience. The applicant will have to deal with people causing issues and concerns were that disturbance and anti-social behaviour related issues will occur again. Conditions as discussed with the applicant mitigate concerns regarding youths in the premises. WYP are content with the revised conditions offered, but concerns remain regarding the applicant's experience.

Ms Radford (Entertainment Licensing) provided some background information relating to the premises in terms of complaints from April 2014 – 2020. An initial complaint regarding noise nuisance was received in April 2014, with complaints significantly increasing in 2017. Engagement with the premises continued throughout 2018 and further complaints were still being received. Officers were unable to obtain CCTV from the premises, and a Section 19 closure order was obtained. In March 2019 the Section 19 was cancelled. In September 2019 further complaints were received regarding the premises operating beyond their hours and again issues were presented regarding the CCTV. Further to an action plan meeting with the licence holder, agreements were not implemented. Further complaints were received until November 2019, and meetings were requested. The premises licence holder did not attend as well as failing to attend pub watch meetings. The Licensing Authority submitted a review application, and in October 2020 the Licensing-Sub Committee unanimously decided to revoke the licence.

Ms Radford questioned the enforceability of Mr Jackson's restricted access to the premises and explained that due to his previous history with breaching conditions, did not believe he will be minded to adhere to the condition suggested by WYP. Ms Radford also raised concerns over the applicant lacking experience in a managerial role and the experience of the bar staff applying for the personal licences. It was felt that the licensing objectives will not be upheld, and on that basis the Sub-Committee were asked to consider refusing the application.

In response to questions from Sub-Committee Members, the following information was confirmed:

- WYP remain opposed to the application but acknowledged that should the application be granted, the measures suggested are appropriate. The inexperience of the applicant remains a concern.
- The applicant has covered managing pubs before, such as the Horse and Jockey in Birstall.
- The issue with the premises previously was due to poor management. The applicant will not permit children under 18 on the premises unless accompanied by an adult.
- The issue with the condition relating to a person with a personal licence being always on the premises, is due to issues with covering staff related sickness/absence. The applicant intended for more than one person to be on the premises at any one time.
- The applicant provided clarity on the proposed rent-free period and explained that due to the additional costs in terms of door staff and the uncertainty of how well the business will do, the landlord has proposed a rent-free period. Following the rent-free period, the landlord will decide a suitable figure for rent moving forward based on the success of the business.
- The applicant felt strongly towards promoting the success of the business and providing a space for the local community. The applicant is keen to ensure that conditions are enforced and there is no intention of Mr Jackson ignoring measures as proposed.
- There is no intention for a Temporary Event Notice (TEN) to be submitted, but if an event did take place, additional door staff can be provided.
- Incidents will be monitored and reported in the incident register.
- The 2 other bar staff applying for a personal licence have experience of working in bars and live in the local community.
- WYP confirmed that there are challenges in the local community, and it is predominantly a social housing area. Several pubs and clubs in the area have closed.
- Mr Jackson will have access to the premises outside of the hours when licensable activities are taking place. If repairs are needed, Mr Jackson will have access to the premises when the premises is closed. It was confirmed that a tenancy agreement will be drawn up between Mr Jackson and the applicant in due course.

In summary, the applicant's representative explained that Mr Jackson will only be involved with the maintenance of the building and being paid rent after the initial 6 month rent free period. The formal arrangement ensures Mr Jackson will not access the premises whilst licensable activities are taking place. It was confirmed that the applicant has not worked at the premises since 2017 and has not been involved with the running of the business and her involvement should not impact the decision before Sub-Committee Members. When issues have occurred in the past, the applicant is willing to liaise with responsible authorities and attend stakeholder meetings. The applicant will be willing to liaise with responsible authorities to ensure the business is successful and promotes the licensing objectives.

The Chair concluded the open session of the hearing before the Sub-Committee went into private session to make their decision.

The Licensing Sub-Committee carefully considered the report of the Chief Officer (Elections and Regulatory) and the representations made and submitted at the hearing. It was therefore

RESOLVED - To grant the licence as applied for subject to the inclusion of the additional conditions as sought by WYP.

(The hearing concluded at 12:05)