

Licensing Sub-Committee

Wednesday, 23rd June, 2010

PRESENT: Councillor R D Feldman in the Chair

Councillors C Townsley and G Wilkinson

23 Election of the Chair

RESOLVED – Councillor R D Feldman was elected Chair for the duration of the meeting

24 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That the public be excluded from the meeting during consideration of that part of the agenda designated as exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:-

- (a) Appendix B to the report referred to in minute 5 both in terms of Regulation 14 of the Licensing Act 2003 (Hearing Regulations 2005) and the Licensing Procedure Rules, and on the grounds that it is not in the public interest to disclose this information at this point in time as information could be discussed which could undermine any future legal action intended to be taken and could jeopardise that case.
- (b) To note that the press and public will also be excluded from that part of the hearing where Members deliberate the application as it is in the public interest to allow the Members to have full and frank debate on the matter , as allowed under the provisions of the Licensing Procedure Rules

25 Late Items

No formal late items of business were added to the agenda for deliberation; however the Sub Committee had received an amended version of the officer's report prior to the hearing which corrected an administrative error. A site location map was also tabled at the hearing for reference.

26 Declarations of Interest

There were no declarations of interest

27 "Streets of Leeds" - Application for the Review of a Premises Licence for the premises known as the "Streets of Leeds", Street Lane, Roundhay, Leeds LS8 1BW

The Sub Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Council's own Statement of Licensing Policy, considered an application made under the provisions of Section 53A of the Licensing Act 2003 by West Yorkshire Police (WYP) seeking a Summary Review of the Premises Licence currently held at the Streets of Leeds Public House, Street Lane, Roundhay, Leeds LS8.

It was noted that Appendix B to the report was marked as exempt information both in terms of Regulation 14 of the Licensing Act 2003 (Hearing Regulations 2005) and the Licensing Procedure Rules.

The application, having been made on 21st June 2010 set out that, in the opinion of WYP, the premises were associated with serious crime and/or serious disorder. This necessitated the Interim Review Hearing being held within 48 hours of that application to determine whether any action should be taken by the Local Licensing Authority immediately. A full Summary Review Hearing would be held in due course.

The Licensing Officer's report contained a copy of the application as made by WYP. An appendix of exempt information (as designated under Regulation 14 of the Licensing Act 2003 (Hearings Regulations 2005)) was included. No members of the public were present at the hearing. The report set out the interim steps the Sub Committee could consider:

- Modification of the conditions of the Premises Licence
- The exclusion of the sale of alcohol by retail from the scope of the Premises Licence
- The removal of the Designated Premises Supervisor from the Premises Licence
- The suspension of the Premises Licence

Members were advised that any steps they wished to take must be necessary to address the immediate problems at the premises identified by WYP and in particular any steps that would address the likelihood of serious crime and/or serious disorder at the premises.

The Sub Committee first considered the representation made by Miss M Falciano-Padron on behalf of WYP who introduced the case. She was accompanied by PC L Dobson and Sgt R Fullilove (observing).

PC Dobson outlined the facts of a criminal case being brought against two persons, one of whom the police believed was associated with the premises; and due to the nature of that persons' relationship with the DPS at the premises, the police questioned whether the DPS could successfully prevent further serious crime at the premises. An incident on 24 May 2010 had led to the premises being searched by police and a quantity of drugs had been found within the living accommodation within the premises.

The Police also provided details of meetings held between themselves and the PLH since that date and expressed the opinion that the PLH was reluctant to accept the findings were a serious problem for the premises. WYP requested the Sub Committee consider the suspension of the Premises Licence as they believed this was the only appropriate course of action.

It was also reported the premises had recently failed two test purchases undertaken by youth volunteers for a West Yorkshire Trading Standards/WYP operation, however it was noted that this matter was separate to this Interim Review

The Sub Committee then heard from Mr J Coen, solicitor on behalf of the applicant. He was accompanied by Mr T Brisbane, the Premise Licence Holder; Miss N Brisbane, the Designated Premises Supervisor and Mr E Bennett (observing). Mr Coen took the opportunity to address the issues raised by WYP which were not the subject of this Interim Review and the nature of the business at the premises. He then moved onto highlight what he regarded as the two key issues; namely what was actually happening at the premises and the conduct of the DPS.

Mr Coen explained the relationship between the DPS and Mr McLeary; the person at the centre of the police drugs investigation; and was careful to reiterate the drugs had been found in the living quarters of the premises, which was not within the licensable area. Furthermore, the police had not stated that any drugs had been found within the public house area. He maintained that there was no link between the PLH and that person, and no link between that person and the business of the public house.

The Sub Committee carefully considered the representations made on behalf of WYP and the applicant at the hearing. Members noted and carefully considered the stance of WYP that the only suitable interim step to take was to suspend the Premises Licence. Members also had regard to the submission on behalf of the PLH that the person(s) responsible for the criminal activity had no professional attachment to the premises.

The Sub Committee considered they had heard serious allegations of criminal activity. However, despite Members' serious misgivings about the role of Mr McLeary at the premises, the Sub Committee was not persuaded it was necessary to suspend to the Premises Licence at this stage in the Review process.

The final decision on the Review application rests with the full review which must take place before 19th July 2010

Having indicated their decision the Sub Committee then presided over arrangements for the Summary Review Hearing. Both parties were encouraged to provide relevant documentation between themselves and the Licensing Authority in good time for the Hearing

RESOLVED -

a) Not to suspend to the Premises Licence at this stage in the Review process.

The final decision on the Review application rests with the full review which must take place before 19th July 2010

b) To note that parties agreed the following arrangements for the Summary Review
Friday 2nd July – all papers to Entertainment Licensing
Monday 5th July – despatch of agenda for the Summary Review
Tuesday 13th July 2010 at 1.00 pm – Summary Review Hearing