

Licensing Sub-Committee

Monday, 25th July, 2011

PRESENT: Councillor R D Feldman in the Chair

Councillors B Gettings and T Hanley

38 Election of the Chair

RESOLVED – Councillor Feldman was elected Chair for the meeting

39 Exempt Information - Possible Exclusion of the Press and Public

The Sub Committee dealt with a procedural matter raised by West Yorkshire Police at this point relating to the status of the meeting. All parties present noted that all of the information contained within the agenda was available to the public. West Yorkshire Police informed the Sub Committee that verbal submissions to be made in support of their application were of a sensitive nature and therefore sought to exclude the public during that part of the submission. Members noted that no members of the public were present but having regard to the public interest test and in accordance with regulation 14 (2) of The Licensing Act 2003 (Hearings) Regulations 2005, agreed that any members of the public who wished to observe the hearing would be excluded from that part of the hearing where the submissions were made.

40 Late Items

No formal late items of business were added to the agenda. All parties were however in receipt of additional information submitted by West Yorkshire Police after the despatch of the agenda.

41 Declarations of Interest

There were no declarations of interest

42 "Woodview" - Review of a Premises Licences in respect of Woodview, 1 Eastwood Drive, Seacroft Leeds LS14 5HU

The Sub-Committee considered an application made by West Yorkshire Police under section 51 of the Licensing Act 2003 for the Review of a Premises Licence held at the premises known as "Woodview" a sheltered housing/continuing care complex.

The following were present at the hearing:

**West Yorkshire Police –
the applicant. (WYP)**

**Anchor Housing PLC - Premise
Licence Holder (PLH)**

Mr B Patterson
PC L Dobson
Mrs M Halliday
Mrs P Ineson

Mr J Sharman – Area Manager

The Sub-Committee first considered representations from WYP who described the licensed bar provision within Woodview and provided the

licensed history of the premises, including details of events leading up to the Review application. WYP reported that between April 2008 and October 2009 the licensed bar within the residential home had been managed by someone who had not been authorised by the Licensing Authority to sell alcohol. Anchor had not checked this when the deception began and only acted when WYP brought it to their attention. The present Designated Premises Supervisor (DPS) – Mr D Richardson - managed the licensed facility as a pub which attracted non residents from the locality who were known to the police. WYP described the anti social behaviour and reports of incidents associated with the bar. WYP also detailed the difficulties that Police Officers, residents and staff of Woodview encountered when trying to engage with the DPS. It was reported that Mr Richardson did not attend Pubwatch meetings and that there were ongoing issues with the installation of an adequate CCTV system at the licensed premises. WYP commented that the bar did not only cater for residents which had led to more recent concerns over safeguarding issues.

WYP highlighted failings in the day to day management of the bar and identified serious failings in the relationship between the Premises Licence Holder (PLH) - Anchor - and the DPS.

WYP suggested that these issues were a contributing factor to the levels of drunken and anti social behaviour amongst non residents associated with the bar. WYP reiterated the presence of the bar within this residential complex under the current management regime undermined all of the licensing objectives. WYP acknowledged that at commencement of the Review process, WYP had sought the removal of the DPS and the imposition of additional conditions on the Premises Licence. However WYP were now not convinced that these measures would be sufficient to deter non residents seeking to gain entry to the bar and were not satisfied there were sufficient management controls in place to control the security of the facility or support any new DPS. WYP therefore believed that revocation of the licence was the only proportionate measure to uphold the licensing objectives and protect the residents.

The Sub Committee then heard from Mr Sharman on behalf of the PLH who responded to the submissions of WYP in detail. He confirmed that the previous manager had operated the bar facility without the necessary authority and acknowledged the breakdown in communication between Anchor Housing and the current DPS.

Mr Sharman confirmed that Anchor had received information from WYP in October 2010 regarding the concerns over the non-resident clientele of the bar. In response Anchor had proposed to close the bar but had received complaints from residents and had undertaken consultation instead. Mr Sharman acknowledged that the responses to the consultation may not have accurately reflected the resident's views. He stated that he had since made attempts to bring about changes to the way the bar was run, in terms of access, security and the contract between the DPS and Anchor.

Mr Sharman explained the dilemma of seeking to provide a facility for the residents balanced against the knowledge that the bar would not be viable without non-resident customers. Mr Sharman stated that Anchor would not be aware of the details of every non resident customer using the bar, but that he would expect the DPS to attend Pubwatch meetings as required on the Licence conditions and be able to identify those people who were on the Pubwatch “banned list” and refuse them entry. He stated that he was not aware of the incidents of theft or crime suggested by WYP but had been aware of complaints regarding noise, nuisance and children running around the bar. Mr Sharman outlined the security measures now in place to prevent non-residents accessing the residential areas. He acknowledged the risks identified by WYP but concluded by explaining the problems at the premises, as he saw them, were not as wide as WYP had suggested. He conceded that retaining the licence was not a priority for the PLH.

Following full and lengthy consideration of the options open to the Sub-Committee in the determination of Review applications; Members were satisfied by the evidence of WYP that the operation of the premises undermined all 4 licensing objectives by reasons of the following:-

- The DPS failed to heed advice and warnings by allowing non-residents to act in an anti-social manner in the premises leading to public nuisance
- The DPS failed to exclude those non-residents who had been banned from other premises
- The DPS failed to comply with licence conditions relating to CCTV and the presence of a Drugs safe
- The PLH failed to deploy control over the premises or the DPS

Members, having considered the evidence and all submissions, were satisfied that

- the DPS failed to promote the licensing objectives
- the DPS failed to work in partnership with the WYP and had failed to heed the advice provided by WYP
- the PLH failed to appreciate the risks to residents by allowing non-residents to use the bar

Members concluded that; given what they had heard, the causes of why non residents were frequenting the premises would not be addressed by allowing the premises to continue – even with a new DPS or after modifying the licence. They concluded therefore that the licensing objectives would continue to be undermined if the premises were allowed to continue.

RESOLVED – To revoke the Premises Licence in respect of Woodview as Members found this to be necessary and proportionate in order to uphold the four licensing objectives