

Licensing Sub-Committee

Wednesday, 23rd January, 2013

PRESENT: Councillor T Hanley in the Chair

Councillors B Selby and G Wilkinson

128 Election of the Chair

Councillor Hanley was elected Chair of the meeting

129 Late Items

Although there were no formal late items, the Sub-Committee was in receipt of the following information, for consideration:

Letters of support from patrons of The Slip Inn and an extract from the current Section 182 guidance, as an earlier version had been included in error in the papers. The Sub-Committee's Legal Adviser stated that when considering the outcome of the review hearing, Members would be using the current guidance.

130 Declarations of Disclosable Pecuniary and Other Interests

There were no declarations of disclosable pecuniary interests or other interests.

131 Review of the Premises Licence for The Slip Inn, Albion Street, Morley, Leeds, LS27 8DT

The Sub-Committee considered an application made by West Yorkshire Police (WYP) under Section 51 of the Licensing Act 2003 for the Review of a Premises Licence in respect of The Slip Inn, Albion Street Morley LS27

The following were present at the meeting:

Sgt Fullilove – WYP
Inspector Sullivan – Morley Neighbourhood Policing Team
PC Sedgley – Morley Neighbourhood Policing Team
Ms K Hughes – Legal representative for Star Pubs and Bars Ltd (the Premises Licence Holder)
Mr M Pass – Area Manager for Star Pubs and Bars Ltd
Councillor J Elliot – Ward Member
Councillor N Dawson – Ward Member

It was noted that before the meeting commenced, Members had viewed CCTV footage which had been submitted by WYP and which showed a series of violent incidents which had occurred at the premises on 3th November 2012.

The Licensing Officer presented the report. Reference was made to the letters of support for the premises which had been circulated to Members. Copies of these were viewed by the police officers present and Sgt Fullilove stated he had no issues with these documents. The Sub-Committee then heard from WYP.

Sgt Fullilove gave a brief overview of the main incidents at the premises since the first review had been heard in Spring 2012. These related to poor management of the premises; frequent changes of DPS; increasing severity of incidents occurring at the premises and the continued presence of the former premises licence holder, Mr Benson. Sgt Fullilove referred to the agreements which had been reached between WYP and the premises licence holder whereby further conditions were imposed on the licence and new management was installed, yet these measures had failed to stop the crime and disorder which occurred at the premises

Reference was made to the intention of the current tenant to vacate the business and that he had signed a legal document to that effect, with the leaving date being 5th March 2013. The Panel's legal adviser stated that whilst she had seen the document it was not a formal Deed of Surrender and as it contained personal and financial details, it had not been thought appropriate to be placed in the public domain

Inspector Sullivan then addressed the meeting and referred to the number and nature of the incidents which had occurred at the premises and informed Members that he felt there had been under-reporting of incidents by staff at the premises. The Neighbourhood Policing Team had concerns as the reported incidents could not be attributed to strangers, but to regular drinkers at the premises and that the amount of time being spent on dealing with incidents at these premises was disproportionate to all of the other licensed premises in Morley. The fragmented management style operating at the premises was of concern as was the current management with Members being informed WYP had serious, significant concerns about the premises. Whilst a new DPS had been in place since 10th December 2012 and had taken the decision to close by 8.15pm on Thursday – Sunday, some incidents had still occurred, with two alleged assaults occurring on 22nd January 2013. Although new CCTV equipment had been purchased, on a recent visit by WYP, it was noted that this remained to be installed

The Sub-Committee noted that Councillor Finnigan was unable to attend the meeting. Members heard from Councillor Judith Elliot, a local Ward Member who had supported the application for a review of the premises licence and who referred to the number of complaints which had been received from local residents and businesses about The Slip Inn

Councillor Elliot stated that due to customers at the premises loitering outside, many elderly residents chose not to walk past the pub as they felt intimidated and Councillor Elliot herself had experienced foul language being directed to her when she walked past the premises. There were also concerns that local children could be put off going to Morley Library as the main route from the town centre required passing these premises

Members then heard from Councillor Neil Dawson who agreed with these comments and advised that much work had been done to improve Morley Town Centre but that the continual problems which occurred at The Slip Inn were threatening to undermine this. Local residents, visitors and local businesses had all expressed concerns about the disruption and violent incidents connected with the premises and that broken glass was regularly found on the pavement around the premises

The Sub-Committee then heard from Ms Hughes, the Premises Licence Holder's legal representative

Ms Hughes stated that whilst improvements had been seen at the premises in the middle of last year, the situation had changed through frequent management changes and that although Ms Hughes had been informed about the issues connected with the unavailability of CCTV footage from the premises and the staff changes, she was unaware of the level of concern WYP had about The Slip Inn until mid November when further incidents had occurred. A new DPS was installed on 10th December who was aware of the issues associated with the premises and that the current tenant had now been persuaded to leave the premises and that a managed exit was to be arranged whereby he would leave on 5th March 2013. Ms Hughes informed Members that she had no reason to think that he would not leave on the agreed date. In the event he did not do so, forfeiture proceedings would be commenced although these could be lengthy. Mr Pass advised that in the event that such proceedings were needed, the cost of these would be deducted from the sum the tenant had deposited with Star Pubs and Bars Ltd and this alone could be an incentive for him to leave the premises by the agreed date. Once he had departed, it would be possible for new management to be put in place and that interest in this had already been received. Ms Hughes also stated that the town centre would not benefit from having another empty property, if the premises closed.

In response to questions from Members, Ms Hughes and Mr Pass stated that they had been unaware of the violent incidents which had occurred at the premises.

WYP were then given an opportunity to respond to Ms Hughes' representations, with Sgt Fullilove stating that the tenant's continued involvement in the premises had been underplayed; that serious and robust management of these premises was needed, that the onus was on the Premises Licence Holder to properly control the premises and that Members would need to assure themselves that he was not going to return to the premises.

Inspector Sullivan stated that although the premises were currently closing early on several days of the week, this requirement could not be enforced and was a voluntary agreement and that despite these measures, incidents continued to occur.

Councillor Elliot, in responding to Ms Hughes' representations stated that an empty unit could be viewed as being more preferable than one which caused disruption and disorder on a regular basis.

The Sub-Committee carefully considered both the written and verbal representations from WYP, Councillor Elliott and Councillor Dawson; and from Ms Hughes and Mr Pass. Members also considered the written representations from Councillor Finnigan and from supporters of The Slip Inn; the visual evidence on the DVD submitted by WYP and the relevant sections of the Section 182 guidance on considering reviews.

Members heard evidence of serious violent crime and repeated non-compliance with licence conditions around the CCTV system.

Having considered all the evidence, Members identified two problems at the premises. The first was poor management by the tenant and the second being a failure by the premises licence holder to get to grips with the problems.

Members agreed that this review must be seen in context. There was a previous review in which the licence was revoked. That revocation was lifted by consent based upon certain assurances. These assurances did not materialise. Given the previous history, the premises licence holder should have taken a much

more proactive stance. They could have got more involved and established the level of police concern. Forfeiture proceedings could have been commenced much earlier

The Sub-Committee acknowledged that the current tenant was very likely to leave the premises on 5th March 2013. However, they took into account the fact that the licence holder took a transfer of this licence at the time of the last review. They did so in full knowledge of the problems and should have been aware of the situation

Members considered whether conditions or suspension of the licence would be appropriate but felt that anything less than revocation would require them to have the confidence that things will improve. Given the findings against the premises licence holder, Members could not have that confidence and for that reason resolved to revoke the premise licence. In doing so they also took into account the views of the Ward Councillors who were representing local residents and businesses

RESOLVED - That the premises licence be revoked