

Licensing Sub-Committee

Monday, 9th December, 2013

PRESENT: Councillor G Wilkinson in the Chair

Councillors T Hanley and P Latty

127 Election of the Chair

RESOLVED- That Councillor Wilkinson be elected Chair for the duration of the meeting.

128 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents.

129 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

130 Late Items

The Temporary Event Notice for Beat Bar was admitted to the agenda of the Licensing Sub Committee as a late item in order that the matter could be determined at the earliest opportunity (minute 6 refers).

There was no formal late item for The Mezz Club Review, however there was additional information circulated to all parties on the morning of the hearing.

There was one objection raised in relation to the additional information. Members briefly adjourned and sought legal advice and then allowed the information to be present at the hearing.

131 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary or other interests.

132 Temporary Event Notice for Beat Bar 66 Merrion Street, Leeds, LS2 8LW

Members of the Licensing Sub Committee were advised that two temporary event notice (TEN's) applications had been received and that West Yorkshire Police had served an objection notice to both applications on the grounds of crime and disorder.

Members of the Licensing Sub Committee were asked to consider the TEN's and the objection notice.

An application for two TEN's were submitted by the premise user and received by the Licensing Department on the 25th November 2013.

The TEN's were to request an increase of the hours on the normal licence as follows:

From 14th December 23:00 to 05:00 hours on the 15th December 2013

- Sale by retail of Alcohol
- Regulated Entertainment
- Late Night Refreshment

From 26th December 23:00 to 06:00 on the 27th December 2013

- Sale by retail of alcohol
- Regulated Entertainment
- Late Night Refreshment

The application had received an objection from West Yorkshire Police. Mr David Ashley Robinson (The Premise User) did not attend the hearing.

PC Arkle from West Yorkshire Police informed members of the Licensing Sub Committee that she had checked the record on being informed of the TEN's application and found the premises to be in a Cumulative Impact Area with strict conditions on the existing licence imposed due to the location being a crime hotspot area.

Members of the Licensing Sub Committee were told that since Beat Bar has been operating, there have been several Police visits to the venue and it was found that they were in breach of the conditions imposed on them.

West Yorkshire Police were not confident that Beat Bar could manage the hours that they currently operate at, that they were not compliant with the dispersal order, and have concerns with outside drinking and the door staff company that is used.

RESOLVED- That a Counter Service Notice be served and the Temporary Event Notice refused.

133 Application for the review of the Premises Licence held by The Mezz Club, Unit 2, Waterloo House, Assembly Street, Leeds, LS2 7DE

Members of the Licensing Sub Committee were asked to consider the report of the Head of Licensing and Registration on an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003, sought by West Yorkshire Police in respect of The Mezz Club, Unit 2, Waterloo House, Assembly Street, Leeds, LS2 7DE.

West Yorkshire Police had requested a review of the Premises Licence centred principally on Crime and Disorder and Public Safety, which are linked to highly inappropriate and sexually suggestive advertising campaigns used by Tequila UK and endorsed by the Designated Premises Supervisor (DPS).

Sgt Fullilove from West Yorkshire Police outlined evidence, through promotion approved by the management, that young males are being encouraged to engage in violent sexual acts against females, that overtly sexually themed events take place at the premises as well as the free pouring of alcohol from bottles directly in to other's mouths.

Sgt Fullilove was accompanied by Sgt D. Shaw, PC Arkle, Mr B. Patterson, and Mr G Aktrigg who had supplied a witness statement (Appendix D) and was an ex-employee at The Mezz Club.

Members of the Licensing Sub Committee were shown video footage that was marketed and produced inside and outside of The Mezz Club at a Tequila UK 'Fresher's Violation' night. Sgt Fullilove asked members to look at the 'state of intoxication' and to listen to the language in the film which was of a sexual nature and innuendo. He also pointed out sexual references referring to 'jailbait, cages, violation' as well as the free pouring of alcohol.

The footage was released to the public and was widely viewed before it was taken down. Sgt Fullilove reported that he had started a criminal investigation when the footage was released, but that there was no evidence to proceed with a charge.

The Licensing Sub Committee heard from the Licensing Authority who was represented by Mr S. Kennedy and Mr W. Malachi.

Mr Kennedy told members that promoters must not use shocking imagery, violence, anti-social behaviour, intoxication and free pouring of alcohol, and that the statutory licensing objectives were being undermined. Mr Kennedy commented on the video footage that was shown and said it to be irresponsible in the way that it degrades women, condones violence of a sexual nature and promotes excessive drinking.

Mr Malachi undertook an internet search investigation and found that access to Tequila UK's website was unrestricted and open to the public, including under 18's. Activities that could be viewed at the time of his search included the free pouring of alcohol, full nudity, excessive alcohol consumption and profanity.

Mr Malachi and Mr Kennedy alluded that there was a lack of responsible management and that the statutory licensing objectives were being undermined and that the Premises Licence granted to Shalport Limited for the Mezz Club should be revoked.

The Licensing Sub Committee heard from Miss E. Friend who had submitted an objection and was at the meeting to speak on behalf of the Leeds University Union Feminist Society. Miss Friend told members that a signed petition with 3,500 signatures was handed over to the management team at The Mezz Club to stop hosting Tequila UK events. She said that nationally 1 in 7 students experience sexual assault and that glorified sexual assault makes people embarrassed and ashamed to report it to the Police.

The Licensing Sub Committee heard from Councillor Walshaw who told members that he had been involved from the outset and was one of the many people who

brought this to The Licensing Authorities attention. He thought Tequila UK to be deplorable and asked members to consider the hurt and harm that had been caused by the promotion.

The Licensing Sub Committee then heard from Mr K Dolecki (DPS The Mezz Club), Mr C Edwards (Owner of The Mezz Club), and Mr S Whelpy (Owner of Tequila UK Promotions Company).

Mr Dolecki told members that he did not condone the video footage and thought that it was deplorable. Members heard that he had contacted PC Arkle on several occasions to discuss various promotion nights at The Mezz Club and that West Yorkshire Police had visited the club and were satisfied with what they saw, and that this is why they continued with the Tequila UK event. Speaking on Mr Aktigg's witness statement that made reference to the 'free pouring of alcohol', Mr Dolecki stated that it was a non-alcoholic drink and that it was checked on a weekly basis. He said that in thirteen years of trading, there had not been many problems and that Tequila UK had been holding events there for six years.

Mr Whelpy told members it was a student videographer that made the video footage and that it was taken down four hours after being posted on the YouTube channel and Facebook. Mr Whelpy stated that it was highly inappropriate and that the company's strict guidelines had not been followed.

Mr Edwards told members that the first time he had seen the video footage was when it was shown to the Licensing Sub Committee that day. Mr Dolecki told members that The Mezz Club is now closed and has a sale pending.

RESOLVED-

- (a) That the licence be suspended for three months in order for the sale to be completed and for a new management team to be put in place.
- (b) That this period can be reduced on completion of the sale, and new management being put in place, to the date of completion.
- (c) That the current Designated Premises Supervisor and management team of Mezz should not be involved in any managerial role, in the management of these premises.
- (d) That Tequila UK Events should not be held at these premises in future.