

## Licensing Sub-Committee

Tuesday, 17th December, 2019

**PRESENT:** Councillor R Downes in the Chair

Councillors C Knight and P Latty

### **1 Election of the Chair**

**RESOLVED** – That Councillor Downes be elected as Chair for the duration of the meeting.

### **2 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal of inspection of documents.

### **3 Exempt Information - Possible Exclusion of the Press and Public**

West Yorkshire Police had submitted CCTV footage which had been presented to all interested parties. Police Officers had identified the information as containing exempt information and in viewing the footage that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

**RESOLVED** – That the press and the public be excluded from the meeting during consideration of the CCTV footage 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 press and public were present there would be disclosure to them of exempt information.

### **4 Late Items**

There were no formal late items. However, there were redacted witness statements which were submitted and had been viewed by all interested parties.

### **5 Declarations of Disclosable Pecuniary Interests**

No declarations of disclosable pecuniary interests were made.

### **6 Summary Review of the Premises Licence for Sports Bar & Restaurant, Harehills Lane, Harehills, Leeds, LS9 6NG**

The report of the Chief Officer Elections and Regulatory informed Members of an application for a summary review in respect of Sports Bar and Restaurant, Harehills Lane, Harehills, Leeds LS9 6NG. West Yorkshire Police made the application on the grounds of serious crime and /or serious disorder.

The Licensing Sub Committee and interested parties watched CCTV footage of 2 events dated 13<sup>th</sup> July 2019 and 9<sup>th</sup> November 2019. For this part of the meeting the press and members of the public were excluded as the footage contained exempt information.

Members were also provided with witness statements from the Police Officer attending, and from a member of the public.

In attendance at the hearing were:

- West Yorkshire Police – Licensing Section
- Licensing Liaison and Enforcement
- Environmental Protection Team
- The Premises Licence Holder – Mr Haydaran
- The Premises Licence Holders representative from Woods Whur Solicitors

The Licensing Officer informed the Members that West Yorkshire Police had made an application for a summary review of the premises licence under Section 53A of the licensing Act 2003, a redacted copy was attached at Appendix A of the submitted report. Members had been provided with a history of the premises set out at point 2 of the submitted report.

Members were advised that an interim steps hearing had taken place on 21<sup>st</sup> November 2019, where Members had resolved to suspend the premises licence, pending the review hearing. Members were also advised that a hearing had taken place at the Magistrates Court on 5<sup>th</sup> December 2019, in relation to the selling of alcohol for consumption off the premises. It was decided that the premises licence would be suspended until 4<sup>th</sup> March 2020.

West Yorkshire Police informed the sub-committee that a certificate made under section 53 (1B) of the Act, which confirmed that a senior member of West Yorkshire Police was satisfied that these premises were associated with serious crime or serious disorder or both. A redacted copy of the certificate was appended at B of the submitted report.

West Yorkshire Police informed the Sub-Committee of the following points:

- There had been 3 Section 18 assaults at the premises which is grievous bodily harm, lucky there had not been any fatalities;
- It was the opinion of the police that the premises licence holder was not strong enough or had the right attitude to look after the premises;
- The premises licence holder had said that the people involved were not his customers as they were outside the premises;
- The premises are required to have 2 registered SIA door supervisors. On the occasion of the first assault there had only been 1 door supervisor on duty and on a subsequent occasion again there had only been 1 door supervisor. This was a breach of the premises licence;
- There are not off sales at these premises. However, people can be seen on the CCTV taking alcohol outside and drinking on the street;
- At the first incident in July, the police had found a hunting knife which they believe had been in the premises. The police said that on attending this incident it was utter chaos;
- The police were of the opinion that this is one of the worst premises in the city for these type of incidents;
- There are too many licence premises within this area, this particular one is close to a palliative care home;
- The premises licence holder said that the argument and subsequent stabbing took place outside the club. However, police were of the view that one of the stabbings had taken place inside the club and had evidence that the dance floor had been cleaned, there were bloodied cloths and paper towels;
- After one incident the door staff had allowed the victim, a female and the suspect into the club. The police were told that this was for the protection of the victim whilst waiting for the police and the ambulance to arrive. However, the police were unable to find any evidence that the premises had rang for the

police and no ambulance turned up. The police took the victim to A&E in their car;

- They said that the patrons of the club caused fear and nuisance to the patients, visitors and staff at the care home and the residents of the area;
- The police were of the opinion that the only way to stop a serious incident was to revoke the licence as the current conditions were not being upheld. The police were also of the view that a change of DPS would not make a difference to the issues of these premises.

This application had attracted representations from both the Licensing Authority and Environmental Protection in their capacity as responsible authorities.

Representation from the Senior Liaison and Enforcement Officer was attached at Appendix F of the submitted report, it provided a chronology of events linked to the premises. Supplementing this information was a letter which provided information on how the premises had impacted on responsible authorities and on the community.

The officer from Licensing Liaison and Enforcement informed the Members of the following points:

- Advice and assistance has been offered on 10 occasions since 2017;
- 10 drive by's have taken place in 10 months which is unprecedented on one premises;
- There is no confidence that changes to conditions, measures or branding etc. would make a difference;
- On one occasion there were about 30 customers sat outside the premises on the pavement;
- This is not an area where there should be a nightclub as it is surrounded by residential properties and there is a care home close by.

Attached to the report at Appendix G and supporting the review was a witness statement from a Senior Technical Officer of the Environmental Protection Team and provided accounts from a public nuisance perspective.

The Environmental Protection Officer informed the Sub-Committee of the following points:

- Complaints have been received in relation to the noise and behaviour of the patrons of the club;
- The Officer had met with and discussed issues with the premises licence holder on numerous occasions;
- The noise has reduced. However, this still remains an issue even though the door staff say that they are carrying out 'due diligence checks' although there is no evidence that these checks are being carried out;
- The complainants have since moved away from the area as they could not cope with the situation any longer.

The representative on behalf of Mr Haydaran offered apologies to the Police, the Licensing Enforcement Team, Environmental Team and the Sub-Committee for the serious incidents at the premises. They recognised the seriousness of the knife

crimes and believed that this type of crime was a broader issue than just these premises.

The also recognised that they could have challenged the decision of the interim steps, however they had chosen to reflect on the behaviour and had conducted a thorough investigation into the incidents. They wished to share their findings and take responsibility and address the issues of public nuisance and crime and disorder incidents.

The representative requested that the Members should not take into account any of the information provided within the submitted report prior to when his client had taken over in 2017, as he was of the view that the detailed information from 2005 was not relevant to this application.

The representative on behalf of Mr Haydaran informed the Members of the following points:

- Local people had not written and supported this application;
- Music noise was difficult to deal with. However the venue had tried to address this issue and had installed improved acoustic boards and limiter. This had taken time to source a supplier and money;
- Patron noise is difficult to manage and this issue has been a struggle to address. It was the view that patron 'land marking' was taking place and that not all call outs could be attributed to these premises. They recognised and appreciated the impact of customer noise;
- Crime and disorder are serious crimes. The incident on 6<sup>th</sup> May 2018, had occurred at 5:59am, the premises should have closed at 5:30am, however, had closed early that day at 3:00am. They did not accept that this incident had involved customers from these premises and that the people involved had been 'land marking';
- 1<sup>st</sup> July incident had taken place outside the premises. The victim had been into the bar but the suspect had not, he also wanted to clarify that the female involved in the incident was not a member of staff. He said that the victim had been brought into the premises and the premises shut to protect the victim. The crime scene had not been in the vicinity of the toilets or at or near the entrance of the premises but outside the venue;
- There had been a communication issue with regards to the conversation between the police and the cleaner. The cleaner's first language is not English, however this did not excuse how the cleaner had spoken to the police officer. The cleaners are provided by a contractor and this particular cleaner had not been back to the premises.
- The SIA door supervisors check each person with metal detector wands as they enter the premises;
- An incident on the 19<sup>th</sup> October had been an argument between a taxi driver and a customer who came into the premises. The representative was of the view that this incident should carry no weight in regards to this application;
- The incident on 19<sup>th</sup> October 2019 took place outside the venue. When the victim presented at the door with a bleeding hand he had asked for assistance. The door supervisor had closed the door to protect the victim. The victim had made their way to the toilet to clean themselves up and wait for an ambulance which had been called from the venue. This was why when the

police arrived there was blood in the toilets. The representative said that he was bemused that there was no record of the call in to the police as he had been under the impression that when an ambulance is called for a knife attack the police are automatically called to attend also;

- The incident which took place on 9<sup>th</sup> November 2019, happened outside the venue, the victim had been inside the club but was not a regular customer. Door supervisors had checked each person using the metal detector wands so they don't believe that the knife found by police had ever been inside the club;
- The club have tried to assist the police and have provided CCTV footage as requested. Mr Haydaran would be happy to take on board all the measures and conditions suggested by the Police, Licensing Enforcement and Environmental Protection, and had already spent money addressing issues raised in regards to noise complaints;
- The representative said that his client recognised the seriousness of the crimes and had put together the following options:
  - Suspend the premises licence for the 3 months in line with the closure order of Leeds City Council and granted by the Magistrate's Court, this would allow them to reboot and change clientele. It was noted that the earliest the premises could open again would be 4<sup>th</sup> March 2020;
  - Employ a new DPS and arrange staff training;
  - Reduce opening hours Sunday-Wednesday to 02:00am and Thursday – Saturday to 03:00am;
  - Change name and rebrand which in his opinion can be effective to change behaviours;
  - Change the contract of the door staff and increase the number of staff;
  - Install a knife arch and take receipt of any weapons to be stored and handed over to the police;
  - Install an I.D. scanner to try and address customer noise as it is important to know who your clientele are;
  - DPS and Premises Licence Holder to work with all the responsible authorities and for a premises licence auditor to be employed to help address any issues and move forward.

The Chair raised concerns that even after numerous visits by the Police, Licensing Enforcement and Environmental Protection some issues still had not been addressed and he feared that even imposing more measures and conditions these would not be adhered to. The Chair also raised concerns in relation to the door supervisor's log sheets as there seemed to be some discrepancies and in some cases the sheets had not been completed properly.

Responding to questions from the Members the Licensing Sub Committee were advised of the following:

- Smoking has to take place outside and conversations do happen but they would try and address this issue;
- There were no off sales of alcohol, all alcohol is sold for consumption on the premises. On occasion people do take drinks outside they are in plastic cups;
- The premises licence holder had thought carefully about how the premises could be made much better and 3 months would be enough time to make the changes to operate in the future;

- The supposed female member of staff had not been recognised and was not dressed like bar staff;
- Whenever the Police or other responsible authorities have asked for something to be done the Mr Haydaran has complied.

It was the view of the Members that the witness statement would indicate that the cleaner could speak English as the words that had been directed at the police officer were recognisably English.

Environmental Protection Officer confirmed that the loud music had stopped. However, there is still the issue of customer noise, it would appear that the noise limiter was working within the venue.

The Police Officer said that the member of staff had spoken with a broad Leeds accent and had indicated that they worked behind the bar.

In summing up West Yorkshire Police said that knife crime was not a broader issue, in fact it was not an issue at other premises in Leeds even in the city centre. This was the only premises to have had 3 knife incidents in a short space of time. The Police Officer said that he had been careful in undertaking his research into the incidents and was of the view that the knife incidents were not assaults attributed to 'land marking'.

In relation to the knife found in relation to the incident of the 9<sup>th</sup> November, he was unsure where the knife could have come from if not been in the venue. The officer was also of the view that changing the DPS would not solve the issues with these premises and thought that the DPS was being used as a scapegoat.

In response to the installation of an ID scanner it was not thought to be appropriate unless there was an issue of underage drinkers.

The Police Officer was of the view that if the premises was allowed to continue there was the possibility that a life could be lost.

Members carefully considered all the information presented to them in written and verbal forms from all parties and the CCTV footage. Members discussed at length all the options open to them.

**RESOLVED** – To revoke the premises licence and for the interim position to remain in place for the suspension of the premises licence.