

Licensing Sub-Committee

Tuesday, 7th January, 2020

PRESENT: Councillor P Wray in the Chair

Councillors B Flynn and J Lennox

1 Election of the Chair

RESOLVED – That Councillor Wray 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

Members were informed that Agenda Item 7 – Review of premises licence for Fountain Food and Wine, 1 Fountain Street, Morley LS27 9AA, contained exempt items under the Access to Procedure Rules 10.4.1 and 10.4.2.

RESOLVED – That the press and the public be excluded from the meeting during consideration of those parts of the agenda designated as containing 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 press and public were present there would be a disclosure to them of exempt information.

4 Late Items

There were no late items.

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

However, Cllr. Flynn declared an interest at the start of Agenda Item 7 - Fountain Food and Wine, 1 Fountain Street, Morley, Leeds, LS27 9AA. Cllr. Flynn declared that he is a member of the West Yorkshire Joint Services Committee which includes within its remit West Yorkshire Trading Standards. He confirmed he had no prior knowledge or involvement with the enforcement action relating to this premises.

6 Application for the Grant of a Premises Licence for Tingley Athletic FC Ltd, The Crescent, Casson Avenue, East Ardsley, Wakefield, WF3 2EG

The report of the Chief Officer Elections and Regulatory presented an application for the grant of a premises licence for Tingley Athletic FC Ltd, The Crescent, Casson Avenue, East Ardsley, Wakefield, WF3 2EG.

Members were informed that this application was originally heard on 12th November 2019, but on that occasion neither the applicant nor any objector attended. Members therefore resolved to adjourn the meeting so that the applicant could attend and provide further information regarding the fundraising events during the football off-season. Member's attention drawn to Appendix B a copy of the decision notice subsequent to the adjournment.

The premises currently trades as a football clubhouse and has done for 12 years. The purpose of the application is to allow the sale by retail of alcohol Friday to Monday 12:00 hours to 20:00 hours. It was the applicant's view that this would allow people to socialise after football games.

Members noted that this application had attracted representations from other persons and West Yorkshire Police (WYP). Members were advised that the representation from WYP had now been withdrawn due to conditions being agreed.

The Licensing Authority had received seven individual letters of objection, all of which opposed this application on the grounds of public nuisance and crime and disorder. Redacted copies of the representations were attached to the submitted report at Appendix E. Members had read and noted the concerns raised within the representations.

In attendance at the meeting were:

- Mr Daly – Chairman of the Tingley Athletic FC Ltd
- Mr Walker a local resident

Mr Daly provided the Licensing Sub Committee with the following information:

- The Club had requested numerous Temporary Event Notices (TEN's) to cover the fundraising events that they have held;
- The club is a charity run by volunteers and is reliant on fundraising events. The trustees were of the opinion that it would be better to have a premises licence rather than rely on a personal licence and would be a safeguard setting out clearly defined conditions;
- The trustees had raised concerns that on some occasions the TEN's had been a waste of money as many of the events were held outdoors and were weather dependant. It was the view that if they had a premises licence should the weather be unsuitable for an event then the event could be moved to another week without having to rely on applying for another TEN;
- The clubhouse does not have a bar and they do not wish Tingley FC to become a pub or a club;
- The request for the premises licence to cover the whole ground was to allow for different pitches to be used for different events dependant on suitability of the pitch. It was not the intention of the club to have drinking all over the pitches;
- The clubhouse is used as a polling station when necessary;
- The pitches are an open site with people using them for dog walking and play areas. There have been incidents of anti-social behaviour and the club has suffered vandalism, the Police had been informed;
- The club is run by volunteers and nobody wishes to be there late as they have jobs;
- A premises licence is a way of formalising the situation rather than using TEN's and it would formalise the licensing regulations for events;
- CCTV had been fitted as part of the conditions imposed by the Police;
- The club would use plastic drinks containers either single use plastic or reusable plastics.

Mr Walker addressed the Licensing Sub Committee and informed the Members of the following points:

- He had no issue with the Tingley FC Ltd and had grown up playing sports at such clubs. However, he was of the view that there was no need to sell

alcohol to parents whilst watching their children playing football, and believed that this did not provide a safe environment for children to play in;

- When the club have held events, the residents have tried to assist and keep the road as clear as possible;
- There are a number of young families who live on this road and he believed that no risk assessment had been undertaken;
- There have been issues with gangs of teenagers using the pitches and the surrounding area;
- There is a good neighbour agreement drawn up between the residents and the club, although residents do not believe that the agreement works both ways;
- There is an increase in traffic on match and events days and there is a concern about the speed of the vehicles using the road.

Responding to the concerns raised by Mr Walker and the questions from the Members, Mr Daly provided the following information:

- Just because there was alcohol for sale did not mean that the club was not a safe place for children, lots of sports clubs sell alcohol. He was of the view that sales of alcohol should be policed and monitored, however, people need to take personal responsibility especially in regard to driving after drinking;
- The application for Friday to Monday 12:00 until 20:00 was to allow events to take place on Good Friday and other bank holidays;
- There are no draught pumps on site, only bottles and cans to be sold;
- The club would host league finals with or without a premises licence;
- There is only one vehicle access to the site;
- There was a good neighbours agreement tabled at a meeting, however, it was not officially signed off. The club have kept the residents informed on the events that have taken place, and also the application for the premises licence;
- The club had considered the concerns of the residents but the trustees were of the view that a premises licence would be beneficial for the future of the club and as good neighbours they had written to the residents informing them of their intention to apply for a premises licence;
- The club have tried to engage with the residents and have set up a community garden which is open to the residents;
- The club are trying to engage with the wider community by offering the use of the club for other activities especially during the day.

Mr Walker was of the opinion that changes made by the club were usually of benefit only to the club and they did not always consider the views or the impact on the residents.

The Licensing Sub Committee carefully considered all the information presented to them both in written representations and verbally at the hearing.

RESOLVED – To grant a premises licence with the following amendments:

- Sale of alcohol on Saturday and Sunday 12:00 until 20:00
- Sale of alcohol on Friday's and Monday's would be substituted for English bank holidays 12:00 until 20:00

- Litter bins to be positioned at all entry/exit points of the site

The Members requested that regular meetings should take place with the residents, although this was not a condition.

It was noted that large live music events may still require a TEN if the numbers of attendees exceeded 500.

7 Review of the Premises Licence for Fountain Food And Wine, 1 Fountain Street, Morley, Leeds, LS27 9AA

The report of the Chief Officer Elections and Regulatory informed Members that West Yorkshire Trading Standards Service had served on the Licensing Authority an application under Section 51 of the Licensing Act 2003, for a review of a premises licence in respect of Fountain Food and Wine, 1 Fountain Street, Morley, Leeds, LS27 9AA.

Members were advised that intelligence had been received by West Yorkshire Trading Standards which indicated that the business had been dealing in illegal tobacco. Numerous test purchases had been carried out as well as an inspection of the premises. During these visits illicit cigarettes and hand rolling tobacco were found.

Representation in support of the review had been received from Senior Liaison and Enforcement Officer of Leeds City Council Entertainment Licensing. A copy of this was appended to the report.

In attendance at the hearing were:

- West Yorkshire Trading Standards
- Entertainment Licensing Enforcement and Liaison

The respondent Mr Mahmood was not in attendance at the hearing and although Mr Mahmood had indicated that he would be attending he had not presented himself at the Civic Hall. Officers had tried to contact him but without success. All Members were in agreement that the hearing should proceed without Mr Mahmood.

The officer from West Yorkshire Trading Standards provided the following chronology of events which had led to this review hearing:

- 29/11/2018 – Test purchase where a packet of Mayfair cigarettes were bought for £4, this is well under the recommended price.
- 06/02/2019 – Test purchase of a sleeve of Red Fest cigarettes which is 10 packets of cigarettes costing £40 which is under the recommended price. This brand of cigarette has no legal market in the UK and would suggest that these cigarettes had been smuggled;
- 08/02/2019 an inspection had been carried out at the premises and 2580 illicit cigarettes had been recovered from the room above the premises Mr Mahmood had been given advice and made aware of his legal obligations;
- 14/02/2019 another test purchase where a packet of Richmond cigarettes were bought for £4;

- On 01/08/2019 another test purchase took place and inspection of the premises. Officers found tobacco concealed in drinks fridges and behind stock on shelves at the back of the shop. On this day 5080 cigarettes and 52 packs of rolling tobacco were recovered;
- 3 inspections and numerous test purchases had been undertaken at these premises;
- Packaging was not plain or carrying health warnings as is required by law.

Members noted that it was government strategy for the taxation of tobacco products as an incentive to stop smoking and that the sale of these illicit tobacco products undermines those who sell the product legally.

Members were also advised of Home Office Guidance with particular reference to paragraphs 11.27 and 11.28.

Members carefully considered all the information before them.

RESOLVED –Having considered the representations and evidence before it, and with regard to the Licensing Act 2003 and guidance the Licensing Sub-Committee resolved that the revocation of the premises licence was the proportionate response.

Having resolved to revoke the Premises Licence the Licensing Sub-Committee then considered any interim steps. It was resolved that in the interim period, to account for the 21 day period for appeal and any subsequent appeal disposal, the Premises Licence would be suspended with immediate effect.

Members were dismayed that the premises licence holder had shown complete disregard for the licensing objectives and warnings that had been given.