

Notice of Decision

of the Licensing Sub Committee



Date of Interim Steps Meeting:	28th March 2019
Notice of Decision:	1st April 2019
Members:	Councillor Billy Flynn (Chair) Councillor Gerald Harper Councillor Mary Harland
Legal Officer:	Rob Brown
Committee Clerk:	Natasha Prosser
Licensing Officer:	Matthew Nelson/Robert Stirk
Review application made by:	PC Catherine Arkle
Premises review relates to:	Norman, 36 Call Lane, Leeds, LS1 6DT
Premises Licence Holder:	Mr Owen Deane Wilson (at the time of the review was submitted). The premises licence holder is now Leonna Taylor.
Attendees:	PC Arkle, West Yorkshire Police Leonna Taylor (premises licence holder and DPS) Mr Paddy Whur (premises licence holder representative)

The licensing subcommittee considered:

1. The report from the Head of Elections, Licensing and Registration
2. Licensing Act 2003
3. Guidance issued by the Home Office pursuant to Section 182 of the Act
4. Relevant Licensing Objectives
5. The Statement of Licensing Policy 2014 – 2018

Having taken all these matters into account the licensing subcommittee have made the following decision:

West Yorkshire Police having made an application for summary review of the licence pursuant to s.53A of the Licensing Act 2003, the licensing subcommittee (herein referred to as “the committee”) convened to consider whether it was necessary to take interim steps pending the determination of the substantive application.

West Yorkshire Police was represented by PC Catherine Arkle, who was accompanied by PC Andrew Clifford and Mr Bob Patterson, Leeds District Licensing Officer.

The premises was represented by Mr Paddy Whur of Woods Whur 2014 Limited, who was accompanied by Mr Scott Wellings, an owner of the business, and Ms Leona Taylor, Manager.

PC Arkle referred the committee to the contents of the application and the accompanying chronology document. She explained that the basis for the issuing of the certificate of Superintendent Joanne Morgan – and for the application itself – was that the premises were associated with both serious crime and serious disorder. She reiterated the contents of the Superintendent's Certificate; that it was the view of the Police that the severity and seriousness of recent large scale violence led to the conclusion that it would pose a risk to public safety if the premises were to remain in operation.

PC Arkle explained that there is an ongoing investigation and victims and suspects were being traced. She said that it was the view of the Police that there was a possibility of repercussions, which might centre on the premises were they to remain open. Immediate suspension of the licence would, she said, allow tensions to subside. PC Arkle also said that concerns as to public safety also related to earlier incidents of crime and disorder which the Police believe were associated with the premises. PC Arkle asked the licensing subcommittee to suspend the premises licence as an interim step.

Mr Whur then addressed the committee and said that he had only been instructed the day before the hearing and this was not an operator for whom he had previously acted. He explained that his clients were very concerned, they agreed that it would not be right to continue to trade at present and had accepted his advice not to challenge the Police's request that the committee should suspend the licence at this time, even though that would result in commercial loss to the business. Mr Whur said his clients wanted to work with the Police and would be looking to consult with them as a priority.

The committee decided to view the available video evidence and to consider the issues before deciding whether to take interim steps.

Decision

Having carefully considered the contents of the Report of the Chief Officer Elections and Regulatory; the submissions made by PC Arkle on behalf of West Yorkshire Police; the helpful information provided by Mr Whur on behalf of the licence holder and owners; and having considered the written and video evidence presented, the committee resolved to suspend the premises licence with immediate effect.

The committee noted that Mr Whur's clients did not contest the application and also noted that his clients are intending to consult with West Yorkshire Police and wish to work with them. Mr Whur indicated that he is yet to take full instructions from his clients and will have done so by the time that this matter comes back to the committee.

Right to make Representation

Under section 53B(6) of the Licensing Act 2003 the applicant has the right to make representation against the Interim Steps. The Licensing Authority must hold a hearing within 48hrs to consider this representation.

In any case the committee will review the interim steps immediately after the determination under section 53C has been reached to ensure that there are appropriate and proportionate safeguards in place at all times. The committee will consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.