

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 10th August 2020

Subject: Review of the Premises Licence for The New Middleton, 4 Thorpe Street, Middleton, Leeds, LS10 4HD

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Middleton Park	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: 9.2(b) and 10.4.1. Appendix E is exempt under the Regulation 14 of the Licensing Act 2003 Hearings Regulations 2005 (SI 2005 No 44)		

Executive Summary

This report informs Members that Leeds City Council (Licensing Authority) has served an application under Section 51 of the Licensing Act 2003 for a review of a premises licence in respect of The New Middleton, 4 Thorpe Street, Middleton, Leeds, LS10 4HD.

The application was served on the Licensing Authority on the 12th February 2020.

The narrative of this report sets out the background of the premises licence, the relevant law and highlights appropriate guidance to assist Members in reaching their decision. A recommendation is also made to Members that the premises licence is reviewed using their statutory powers.

The licensing authority is now under a duty to review the premises licence held by these premises.

1.0 Purpose of this Report

- 1.1 This report informs the Members of the Licensing Sub Committee of an application for a licence review made by Leeds City Council (Licensing Authority) in respect of The New Middleton, 4 Thorpe Street, Middleton, Leeds, LS10 4HD.
- 1.2 The application is made on the grounds of the prevention of crime and disorder, the prevention of public nuisance, public safety, the protection of children from harm). A copy of the application can be found at **Appendix A**.

2.0 Background Information

- 2.1 The premises was formally known as the Middleton Social and Welfare Club and held a Club Premises Certificate. This was surrendered and a Premises licence was applied for on the 13th November 2007 by the previous licence holder.
- 2.2 On the 7th January 2014 an application was submitted to vary the Designated Premises Supervisor to Julie Jackson. An application to transfer the premises licence to Julie Jackson was made on the 21st February 2014. Neither applications attracted representation from West Yorkshire Police and they were duly granted as applied for.

3.0 Premises Licence

- 3.1 The premises licence holder is Julie Jackson.
- 3.2 A copy of the premises licence can be found at **Appendix B** of this report. In summary, the premises licence permits the following:

Sale by retail of alcohol

Every Day 08:00 - 00:00

Provision of late night refreshment

Every Day 23:00 - 00:00

Performance of live music

Monday to Friday 18:00 - 23:00

Saturday & Sunday 12:00 - 23:00

Performance of a play, Exhibition of a film, Indoor sporting events, Boxing or wrestling entertainment, Performance of recorded music, Performance of dance and Entertainment similar to live music, recorded music or dance

Every Day 10:00 - 23:00

4.0 Designated Premises Supervisor

- 4.1 The Designated Premises Supervisor for the premises is Julie Jackson.

5.0 Location

- 5.1 A map which identifies the location of these premises is attached at **Appendix C**.

6.0 Main Issues

- 6.1 Incidents that have taken place at the premises that have resulted in several action plan meetings taking place. These meetings have involved statutory bodies, including West Yorkshire Police, the Licensing Authority, the Environmental Protection Team etc. with an aim to improve how the licence holder operates the licensed premises.
- 6.2 On numerous occasions the licence holder has been provided with multiple opportunities to comply with the four licensing objectives and the conditions attached to their premises licence, but incidents of increasing concern continue at the premises leading to the Licensing Authority's decision to review the premises licence.
- 6.3 A full chronology of events leading up to the submission of the review application are detailed in the attached copy of the review application at Appendix A of this report.

7.0 Relevant Representations/Letters of Support

- 7.1 Under the Act representations/support can be received from responsible authorities and or other persons. Representations must be relevant and, in the case of other people, must not be frivolous or vexatious.
- 7.2 The Licensing Authority has received responses from West Yorkshire Police, Leeds City Council Environmental Protection Team and Leeds City Council Cleaner Neighbourhoods Team. All of which support the review application sought by the Licensing Authority.
- 7.3 The representation in support of the application made by West Yorkshire Police includes additional evidence such as the witness statements of several police officers, a chronology of criminal incidents logged at the licensed premises, photographs of criminal damage and the minutes of action plan meetings. Member's attention is drawn to a copy this representation at **Appendix D**.
- 7.4 Further to the application being made by the Licensing Authority, West Yorkshire Police conducted a search of the licensed premises on 26th March 2020 resulting in the seizure of numerous items. Additional information in accordance with the seizures has been provided by West Yorkshire Police to help inform the review process and is attached at **Appendix E** for Member's consideration. Due to an ongoing criminal investigation, this document is exempt from public viewing.
- 7.4 The representation in support of the application made by Leeds City Council Environmental Protection Team includes a witness statement of the Senior Technical Officer. Members are directed to a copy of this representation at **Appendix F** of the report.
- 7.5 The representation in support of the application made by Leeds City Council Cleaner Neighbourhoods Team includes an account of the Environmental Action Officer's dealings with the premises following receipt of a complaint. Member's attention is drawn to a copy this representation at **Appendix G**.

8.0 Matters Relevant to the Application

8.1 Members of the Licensing Sub Committee must make decisions which are appropriate to the promotion of the licensing objectives which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

8.2 In making their decision Members are obliged to have regard to guidance issued under Section 182 of the Act (Statutory Guidance). A copy of the relevant section is attached at **Appendix H**. Members must also have regard to the Council's licensing policy, the relevant representations made and evidence they hear.

9.0 Implications for Council Policy and Government

9.1 It is the stated licensing policy of the Council that when considering a review the authority will take into account all relevant circumstances, but will view the matters listed in paragraph 13.15 of the policy with particular seriousness.

10.0 Legal and Resource Implications

10.1 There are no resource implications in determining the review.

10.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrate's Court.

11.0 Recommendations

11.1 Members are requested to determine this review. The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- to modify the conditions of the licence (which includes adding new conditions or any alteration or omission of an existing condition);
- exclude any licensable activities to which the application relates;
- to remove the Designated Premises Supervisor;
- to suspend the licence for a period not exceeding 3 months; and/or
- to revoke the licence.

11.2 Members may decide that no action is necessary and that the circumstances of the review do not require the Committee to take any steps to promote the licensing objectives.

11.3 Members should note the Statutory Guidance suggests it is open to Members to issue an informal warning to the licence holder or to recommend improvement within a particular time. However the guidance further provides that where responsible authorities have already issued such warnings, the issuing of another warning should not be repeated.

11.4 Where the Committee decide that a modification of conditions or exclusion of licensable activities may be imposed, this can either be permanently or for a temporary period of up to three months.

- 11.5 Members are directed to paragraphs 11.24 to 11.28 of the Statutory Guidance which related to reviews arising in connection with crime.
- 11.6 Members of the Licensing Committee are asked to note that they may not take any of the steps outlined above merely because they consider it desirable to do so. It must be appropriate for the promotion of the licensing objectives.

Appendices

Appendix A	Review Application
Appendix B	Premises Licence
Appendix C	Location of Premises
Appendix D	West Yorkshire Police Representation
Appendix E	West Yorkshire Police Supplementary Information
Appendix F	Environmental Protection Team Representation
Appendix G	Cleaner Neighbourhoods Team Representation
Appendix H	Extract from the s182 Guidance