



REV1

Entertainment Licensing, Leeds City Council, Civic Hall, Leeds, LS1 1UR

**Application for a review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

We the Licensing Authority apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description
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The New Middleton 4 Thorpe Street Middleton

Post town	Post code
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Leeds	LS10 4HD
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Leeds	LS10 4HD
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Leeds	LS10 4HD
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Name of premises licence holder or club holding club premises certificate (if known)

Mrs Julie Jackson

Number of premises licence or club premises certificate (if known)

PREM/02522/005

Part 2 – Applicant details

- | | | |
|---|---|--------------------------|
| | I am | Please tick ✓ yes |
| 1 | An individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below) | <input type="checkbox"/> |
| 2 | A responsible authority (please complete (C) below) | ✓ |
| 3 | A member of the club to which this application relates (please complete (A) below) | <input type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other title (for example, Rev)	<input type="checkbox"/>
Surname				First names					
<input type="text"/>				<input type="text"/>					

Please tick ✓ Yes

I am 18 years old or over

Current postal address
if different from
premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

(B) DETAILS OF OTHER APPLICANT

Name
Address
Telephone number (if any)
E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name Leeds City Council (Licensing Authority)
Address Entertainment Licensing Leeds City Council Civic Hall Leeds LS1 1UR

Telephone number (if any)
0113 3785029

E-mail (optional)
Entertainment.licensing@leeds.gov.uk

This application to review relates to the following licensing objectives(s)

Please tick one or more boxes ✓

- | | | |
|----|--------------------------------------|---|
| 1. | the prevention of crime and disorder | ✓ |
| 2. | public safety | ✓ |
| 3. | the prevention of public nuisance | ✓ |
| 4. | the protection of children from harm | ✓ |

Please state the ground(s) for review (please read guidance note 2)

A premises licence was granted in February 2008 following an application received by the licensing authority. Originally this premises operated under a Club Premises Certificate which was surrendered upon the grant of the application.

Activities authorised under the licence allows the provision of regulated entertainment until 11pm, late night refreshment until midnight, indoor sporting events until 11pm and the supply of alcohol for consumption both on and off the premises until midnight.

In January 2014 an application was received in order to vary the premises licence. This application was granted and Mrs Julie Jackson became the Designated Premises Supervisor (DPS).

A further application was received in February 2014 to transfer the premises licence and Mrs Julie Jackson then became the Premises Licence Holder (PLH).

The Entertainment Licensing Enforcement Team (ELS) first became aware of this premises on the 10th July 2014 due to the receipt of a complaint via the council's Environmental Protection Team (EPT). The complainant alleged that the premises had been operating beyond their permitted hours. An enforcement officer from ELS issued a warning letter to Julie Jackson in her capacity as the PLH/DPS. The letter was posted to the premises address. No further complaints were received after this incident and ELS filed the complaint as complete.

ELS did not receive any complaints throughout 2015.

On the 12th of December 2016 ELS received a further complaint via EPT. Again the complainant alleged that the premises were operating beyond their permitted hours along with noise nuisance emanating from the premises. An enforcement officer from ELS posted a warning letter to both the premises address and Julie Jackson's home address.

West Yorkshire Police (WYP) and an enforcement officer from ELS visited the premises on numerous occasions however on each visit the premises were closed.

In August 2017 a report was received via WYP of a mass brawl at the premises. WYP requested an action plan meeting between the premises and an enforcement officer from ELS. At the meeting Julie Jackson advised that her son David Jackson Junior owns the business but has no involvement in the day to day running of the business. Julie Jackson advised that she had recently relinquished duties in the business due to family matters but would now begin to have more involvement. Julie Jackson was advised at the meeting to pay particular attention to the conditions placed on the licence namely the CCTV conditions, to attend pub watch meetings and the condition to install a drug safe. Guidelines regarding CCTV and information regarding a suitable drugs safe where posted to Julie Jackson the same day. Julie Jackson agreed to a further meeting with ELS in order to familiarise herself with the conditions on the premises licence.

On 18th August 2017 an enforcement officer from ELS attended the premises for a meeting with Julie Jackson in order to run through the conditions attached to the premises licence and to enable Julie Jackson to familiarise herself. At the meeting it became apparent that Julie Jackson did not know how to operate the CCTV system. No drug safe had been installed and pub watch meetings had not been attended.

The enforcement officer from ELS also identified that a number of gaming machines were in operation at the premises. There was in fact 6 machines at the premises which consisted of 4 Category C machines and 2 Category B £500 pay out machines. After checks with the Leeds City Council Licensing database it was confirmed that no gaming permits were currently in place at the premises and Julie Jackson was advised to switch off all machines until an application for their use had been granted. Julie Jackson was also advised that as the premises were operating under a premises licence the Category B machines could not be used at all.

On 21st November 2018 an ELS Enforcement Officer attended the premises with a WYP officer in order to gain access to the CCTV system. An incident unrelated to alcohol licensing had taken place at the premises. At the time of the visit there was no management or the DPS at the site. Staff at the premises did not know how to operate the CCTV system. As a result the officers in attendance were unable to establish whether the CCTV system was recording or storing footage in accordance with the licence conditions, as per police guidelines. A Section 19 Closure Notice was issued to the premises.

A closure notice is issued under Section 19 of the Criminal Justice and Police Act 2001 (CJ&PA2001). The notice alleges that the premises have been operating illegally, contrary to the provisions in the Premises' Operating Schedule and therefore in breach of its licence. Such a breach affects the authorisation to sell alcohol in compliance with the Licensing Act 2003, being a licensable activity within the meaning of Section 14 of the Act. The Notice sets out the actions which must be taken by the person in control of, or responsible for, the unlawful activities conducted on the premises. Where a Closure Notice has been served under Section 19 of the CJ&PA2001, the Licensing Authority (or Police) may make a complaint to a Justice of the Peace at the local Magistrates' Court for a Closure Order.

On 22nd November 2018 an enforcement officer from ELS attended the premises along with WYP. the son of the PLH/DPS was at the premises and was able to operate the CCTV. The CCTV had 32 cameras but at the time of the visit only 9 were in operation. Officers viewed the footage from the previous week and established that the system held recordings for the required 31 days as per the condition placed upon the licence. However not all areas of the premises were covered. Mr Peter Jackson advised he would resolve this issue before Christmas. Officers agreed to follow up.

On the 20th December 2018 an enforcement officer from ELS again attended the premises with WYP to meet with Julie Jackson. Julie Jackson advised that an engineer had been called out to repair the CCTV system. The system was now only recording for 13 days due to a water leak and damp affecting it. Julie Jackson advised officers that she had recently received planning approval in order change the premises into flats and was currently weighing up her options. At the meeting it was agreed that officers would return in January 2019 with WYP Imaging Unit in order to establish the best positioning of the CCTV cameras.

On 1st February 2019 ELS officers again attended the premises along with WYP and WYP Imaging Unit. The CCTV System did not meet the requirements stated on the premises licence. It was again agreed to re-visit the premises in March in order to allow time for this to be actioned.

On the 26th March 2019 an enforcement officer from ELS attended the premises with WYP and WYP Imaging Unit to re-check the CCTV system. At the time of the visit the CCTV system was found to be in order. The Section 19 Closure Notice was subsequently cancelled.

On the 12th September 2019 ELS received a complaint from Leeds Anti-Social Behaviour Team (LASBT). LASBT had received reports from local residents alleging that the premises have been operating until 06:30. There had been reports that noise nuisance and anti-social behaviour from patrons had increased. A warning letter was issued to the premises requesting an appointment with Julie Jackson. The letter was sent to both Julie Jackson's home address and the premises address.

On the 19th September 2019 ELS officers along with WYP attended the premises to meet with Julie Jackson. Julie Jackson explained that she had tenants in the premises but they had now left due to the receipt of complaints and the letter received from Leeds City Council ELS. Julie Jackson was advised that any further breaches of the premises licence may result in an application to review the licence. Upon checking the CCTV system it was established that the timing was incorrect. This was rectified by the ELS officer at the time of the visit. Julie Jackson was advised to produce a guide on how to operate the CCTV system and distribute to staff to enable them to download footage when required.

Julie Jackson was also advised to re-train any staff members with regards to the licensing objectives, specifically the protection of children from harm. It was explained that parents should not be attending the premises with their children in order to get intoxicated or leave their children unattended, in essence using the premises as a crèche. Staff should be aware of responsible drinking and how much alcohol parents are consuming whilst responsible for their children. Officers agreed to a follow up visit in order to allow time for the drugs safe to be installed and to enable a reduction in antisocial behaviour and noise nuisance. Information regarding installation and type of a drug safe was posted to Julie Jackson at the premises address.

On the 4th November 2019 Leeds City Council received further reports of noise and anti-social behaviour.

On the 5th November 2019 a further warning letter along with a request to attend an Action Plan meeting with Julie Jackson, WYP, EPT and ELS was sent to both the premises address and home address.

On the 13th November 2019 an action plan meeting was held at LCC offices between ELS, EPT, WYP and the premises. Julie Jackson attended the meeting. During the meeting Julie Jackson was reminded of the reason for her attendance, mainly anti-social behaviour and noise nuisance. Julie Jackson was given feedback from WYP who had dealt with an incident at the premises where the CCTV footage was not provided. Julie Jackson was reminded that this was a breach of their license conditions. Julie Jackson admitted that she had also not yet installed the drugs safe at the premises, and that she had not received the guidance which had been previously posted out.

A number of action points were agreed at the meeting to be implemented within 31 day timescale. All action plan notes and guidance to be emailed.

Julie Jackson was also advised to refer to the premises licence conditions again in order to ensure no further breaches of the licence. Should Julie Jackson have any further issues she was advised to make contact with any of the officers present.

On the 14th November 2019 an email was sent to David Jackson Junior containing all information regarding installation of a drugs safe, CCTV guidance and the action plan points agreed from the meeting. The email advised that further complaints had been received and ELS would be attending the premises on the 21st November 2019.

On the 16th November 2019 further complaints were received of noise nuisance and anti-social behaviour by EPT.

On the 21st November 2019 an enforcement officer from ELS, EPT and WYP attended the premises as previously advised. Julie Jackson failed to attend.

On the 25th November 2019 an email was sent to David Jackson Jnr and Julie Jackson advising of the visit made on the 21st. The email also advised that their Premises Licence was now suspended

due to non-payment of the annual fee. The email also advised that the Gaming Machine Permit had now been cancelled again due to non-payment of fees. In the email we requested a further meeting to discuss the ongoing issues.

On the 27th November 2019 an enforcement officer from ELS hand delivered a warning and appointment letter to Julie Jackson's home address and to the premises address.

On the 28th November 2019 Julie Jackson contacted ELS office to advise that she would not be at the premises for the scheduled meeting as she had a hospital appointment.

A pub watch meeting was held on the 10th December 2019 to which Julie Jackson failed to attend even though she had agreed to attending at the action plan meeting.

On the 14th December 2019 further complaints were received via EPT of noise nuisance and the premises operating beyond their permitted hours.

On the 18th December 2019 a further warning letter requesting an appointment was hand delivered to Julie Jacksons home address and to the premises address.

On the 23rd December 2019 an enforcement officer from ELS and EPT attended the premises. It was confirmed that two points from the action plan meeting had been implemented. Signs displayed asking customers to have a regard to the neighbours when leaving and an incident register although this had no entries. It was found that the CCTV system was not recording for the required 31 days and the drugs safe had not yet been delivered or installed. Whilst viewing the CCTV footage images were seen of David Jackson Senior selling alcohol beyond the permitted hours 00:15hrs. The CCTV also showed customers still in the premises at 01:08 hours. Julie Jackson was advised that a review of the premises licence may be applied for due to persistent breaches of the premises licence conditions along with operating beyond their permitted hours.

On the 18th January 2020 further complaints were received by EPT. A fight had broken out at the premises and an ambulance had been present for over an hour. Noise and disturbance had continued until 02:20hrs. Patrons had been seen leaving the premises by residents out of the side door in order to avoid being seen. The shutters were reported to be finally closed at 03:40hrs. Crowds had congregated at the front door of the premises throughout the night. It was alleged a family party had taken place where a fight had broken out and a female had been hurt.

A pub watch meeting was held on the 21st January 2020 to which Julie Jackson again failed to attend.

On numerous occasions Leeds City Council has addressed the issues with the premises licence holder and given multiple opportunities to comply with the four licensing objectives along with the conditions attached to their premises licence.

The Licensing Authority believe that the premises have continually breached the permitted hours and conditions attached to the premises licence and that it is left with no other option than to review the premises licence.

The Licensing Authority is applying for this review under all four Licensing Objectives namely:

The prevention of Crime and Disorder

The premises continues to commit offences under the Licensing Act 2003 by not complying with conditions attached to the premises licence. The CCTV system has not been fully operational or the CCTV conditions complied with throughout Julie Jackson being the premises licence holder. A drug safe has still not been installed. Officers witnessed the premises open and selling alcohol after their permitted hours and causing a nuisance to local residents and therefore undermining the crime and disorder licensing objective.

The premises continually fail to attend the South Leeds Pub Watch, again undermining the crime and disorder licensing objective.

The prevention of Public Nuisance

Complaints continue to be received regarding noise nuisance emanating from the premises which has a detrimental impact on surrounding properties and continues to provide nuisance in the area and to local residents even though the premises know they are being monitored. This is undermining the prevention of public nuisance licensing objective.

Public Safety

CCTV when operational is installed in order to protect patrons and employees at the premises as well as members of the public. CCTV could have been used when investigating incidents at the premises in order to aid WYP.

The protection of Children from Harm

Incidents reported of children being unaccompanied and in potential danger or causing a nuisance to nearby residents whilst parents/carers are drinking at the premises.

Poor management and poor staff training is continually adding to the undermining of the protection of children from harm licensing objective.

The premises are owned by David Kevin Jackson. If we were to ask for a change in the PLH & DPS the business would still be owned by Mr Jackson.

In view of the issues referred to, we would respectfully ask the licensing committee, in its determination, to revoke the premises licence. In view of the circumstances this is a proportionate measure in the promotion of all four of the licensing objectives. However the licensing authority is aware that all options are open to the committee.

Please provide as much information as possible to support the application (please read guidance note 3)

Please find enclosed the following documents:

1. Chronology of events.
2. Copy of the current Premises Licence.
3. Warning letter sent to Julie Jackson 22.4.2014.
4. Warning letter sent to Julie Jackson at both the premises and home address 14.12.2016.
5. Copy of CCTV guidelines and drugs safe information posted to Julie Jackson 10.8.2017.
6. Printed copy of Entertainment Licensing Enforcement record 18.8.2017.
7. Printed copy of Entertainment Licensing Enforcement record along with a copy of the Section 19 Closure Notice issued 21.11.2018.
8. Printed copy of Entertainment Licensing Enforcement record 22.11.2018
9. Printed copy of Entertainment Licensing Enforcement record from the visit made 20.12.2018.
10. Printed copy of Entertainment Licensing Enforcement record from the visit made 1.2.2019.
11. Printed copy of Entertainment Licensing Enforcement record from the visit made 26.3.2019 along with a copy of the Section 19 cancellation letter.
12. Warning/appointment letter sent 12.9.2019 to Julie Jackson at both the premises and home address.

13. Printed copy of Entertainment Licensing Enforcement record from the visit made 19.9.2019 along with CCTV guidelines and drugs safe information.
14. Copy of email to EP Team along with response 4.11.2019.
15. Warning/appointment letter sent on 5.11.2019 to Julie Jackson at both the premises and home address.
16. Copy of the Action Plan Meeting notes as agreed at the meeting by all parties 13.11.2019.
17. Copy of email sent 14.11.2019 to David Jackson Jnr and Julie Jackson as agreed in the meeting along with the action plan notes, CCTV information and Drugs safe information attached. The email also advises of further complaints and a request for a further meeting.
18. Copy of email sent 25.11.2019 to David Jackson Jnr and Julie Jackson advising of outstanding annual fees and request to attend a further meeting.
19. Copy of appointment letter sent to Julie Jackson at both the premises and home address 27.11.2019.
20. Copy of attendance sheet from South Leeds Pubwatch showing the lack of attendance from the New Middleton March 2018 to July 2019.
21. Email complaint 14.12.2019 via EP Team alleging premises are still causing noise nuisance and operating beyond their permitted hours.
22. Warning/appointment letter sent to Julie Jackson at both the premises and home address 18.12.2019.
23. Copy of email from EP Team advising of incidents at the New Middleton involving an ambulance.
24. Copy of attendance sheet from South Leeds Pubwatch showing the lack of attendance from the New Middleton November 2019 to January 2020.
25. Copy of Land Registry Search /Title Property/Title Plan showing David Kevin Jackson as proprietor.

Please tick ✓ yes

Have you made an application for review relating to this premises before? **No**

If yes please state the date of that application

Day		Month		Year	

If you have made representations before relating to this premises please state what they were and when you made them

None

Please tick ✓ Yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (See guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

SignatureS Longfellow-Peniket.

Date 7th February 2020

Capacity Principal Licensing Officer on behalf of the Licensing Authority

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 6)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Notes for guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.