

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 14th July 2022

**Subject: Application for the Grant of a Premises Licence for 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 checked="" type="checkbox"/> Yes	<input 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)		

Summary of Main Issues

This is an application for the grant of a premises licence made by Ms Tanya Clowes, for New Middleton, 4 Thorpe Street, Middleton, Leeds, LS10 4HD.

The application explains the premises intends to operate as a public house with the sole provision, Sale by Retail of Alcohol, Monday to Sunday, 11:00 until 23:00 hours.

Responsible authorities and Ward Members have been notified of this application.

The application has attracted representations from West Yorkshire Police and the Licensing Authority, both of which object to the application entirely.

Given the previous troubled history of the premises which resulted in revocation of a previous premises licence following a review application sought by the Licensing Authority, the representations have been lodged on the grounds that granting the licence would adversely impact the licensing objectives.

1 Purpose of this Report

- 1.1 To advise Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for a new premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

2 History of the Premises

- 2.1 These premises were previously licensed under the Licensing Act 2005 and authorised the following licensable activities/timings:

Sale of Alcohol
Monday to Sunday *08:00 to 00:00*

Late Night Refreshment
Monday to Sunday *23:00 – 00:00*

Live Music
Monday to Friday *18:00 – 23:00*
Saturday and Sunday *12:00 – 23:00*

Plays, Films, Indoor Sporting Events, Boxing & Wrestling Entertainment, Recorded Music, Performance of Dance and Entertainment of a Similar Description
Monday to Sunday *23:00 – 00:00*

- 2.2 On the 12th February 2020, an application to the review the previous licence was sought by the Licensing Authority due to ongoing disorder at the premises and continual breaches of premises licence conditions.
- 2.3 The application to review the premises licence was supported by West Yorkshire Police and the Environmental Protection Team.
- 2.4 The hearing to consider the review application was held on the 7th October 2020 where Members of the Licensing Sub Committee were of the view that the imposition of further conditions on the licence would not be sufficient to promote any licensing objective.
- 2.5 The Committee were of this view as existing conditions had not been complied with for significant periods of time, there was good evidence that the premises repeatedly operated outside of permitted hours, that attempts to guide and engage those involved in the business had been made frequently but had not persuaded the licence holder and those involved in the business to comply with conditions or improve the running of the business.
- 2.6 Patrons of and events at the premises had caused public nuisance and the premises had become associated with incidents of crime and disorder. The

licence holder had repeatedly failed to take steps to address this and to comply with conditions attached to the licence that would have assisted in doing so.

- 2.7 The committee felt that there was no alternative to revocation and resolved to revoke the licence with immediate effect.

3 The Application

- 3.1 The applicant's name is Ms Tanya Clowes.

- 3.2 The proposed designated premises supervisor is Tanya Clowes.

- 3.3 In summary the application is for:

*Sale of Alcohol (for consumption both on and off the premises)
Monday to Sunday 11:00 to 23:00*

*Non standard timings
From the start of permitted hours on New Year's Eve until 01:00 hours
the following morning on New Year's Day.*

- 3.3 A redacted version of the application is attached at Appendix A.

- 3.4 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule attached at Appendix B.

4 Location

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

5 Representations

- 5.1 Under the Act representations can be received from anyone but they must be relevant and, in the case of a member of the public, must not be frivolous or vexatious.

Representations from Responsible Authorities

- 5.2 Representations objecting to the grant of the application have been received from West Yorkshire Police and the Licensing Authority in their capacities as Responsible Authorities.

- 5.3 Members' attention is drawn to a copy of the representation submitted by West Yorkshire Police which may be found at Appendix D.

- 5.4 In support of their representation West Yorkshire Police have submitted additional information which is available at Appendix E. The supporting information is exempt from public viewing as it contains information relating to an individual(s).

- 5.5 The application has attracted a representation from the Licensing Authority, a copy of which can be found at Appendix F.

Other representations

5.6 There are no other representations.

6 Licensing Hours

6.1 Members are directed to paragraphs 6.6 to 6.13 of the Statement of Licensing Policy which states the criteria that will be applied to any decision for new applications or variations which include extending hours.

6.2 In brief the Policy states at 6.12 that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so.

6.3 The council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not adversely impact on the licensing objectives.

6.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix G.

7 Equality and Diversity Implications

7.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the licensing subcommittee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

8 Options Available to Members

8.1 The licensing subcommittee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the application as requested.
- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Refuse to specify the said person as the designated premises supervisor.
- Reject the whole or part of the application.

8.2 Members of the licensing subcommittee are asked to note that they may not reject the whole or part of the application merely because they consider it desirable to do so. It must be appropriate in order to promote the licensing objectives.

9 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy