

Notice of Decision of the Licensing Sub Committee



Interim Steps

Date of Meeting:	15 December 2023
Determination Date:	15 December 2023
Notice of Decision:	15 December 2023
Members:	Cllr L Farley (Chair) Cllr S Holroyd-Case
Legal Officer:	Robert Brown, Principal Legal Officer
Licensing Officer:	Matthew Nelson, Principal Licensing Officer
Premises:	Beaver Works, 36 Whitehouse Street, Hunslet, Leeds, LS10 1AD
Application:	Summary Review: Interim Steps

West Yorkshire Police having made an application for summary review of the premises licence of Beaver Works, 36 Whitehouse Street, Hunslet, Leeds, LS10 1AD pursuant to s.53A of the Licensing Act 2003, two members of the Council's Licensing Sub-Committee (herein referred to as "the Committee") met via remote means to consider whether it was necessary to take interim steps pending the determination of the substantive application. The Legal Officer, Licensing Officer and Officers from Governance Services also attended via remote means.

Members of the Licensing Sub-Committee had been provided in advance with a copy of the Report of the Chief Officer Elections and Regulatory. Appended to that Report were copies of the following:

- A copy of the premises licence;
- An application submitted by West Yorkshire Police ("WYP") for a summary review of the premises licence;
- A certificate under s.53A(1)(b) of the Licensing Act 2003 from a senior officer of WYP that in the opinion of that officer the premises are associated with serious crime; and
- A copy of the Guidance issued under section 182 of the Licensing Act 2003, relative to Summary Reviews.

Only two members of the Licensing Sub-Committee were available for the meeting. Attempts to secure a third member had proved unsuccessful. The meeting therefore proceeded with two members.

P.C. Clifford of West Yorkshire Police made himself available to answer questions from the Committee as required, as did the Premises Licence Holder and Designated Premises Supervisor, Graham Higgins, and his legal representative, Michelle Hazlewood of John Gaunt & Partners, Solicitors.

The Committee noted the reasons for the application for review set out by the West Yorkshire Police and that they seek immediate suspension of the premises licence.

Decision

Having carefully considered the available information and having deliberated in private session, the Licensing Sub-Committee unanimously resolved to suspend the licence of Beaver Works, 36 Whitehouse Street, Hunslet, Leeds, LS10 1AD, with immediate effect, pending the substantive hearing of the review application.

Reasons

While some of the details surrounding the incidents at the premises on 9 December 2023 are currently still unclear, it was apparent that a member of the security staff at an event being held at the premises was assaulted and also that a 16-year-old male sustained injuries consistent with a stab wound to his back and a slash wound to his arm. The victims of both incidents required hospital treatment. The Committee considered the incidents to constitute serious crime for the purposes of section 53A of the Licensing Act 2003.

Although Mr Higgins said that he had not observed groups of 16-year-olds at the event, the victim of the stabbing had told Police that there were some 50 or so attendees who were under 18. Mr Higgins told the meeting that he accepted that the venue should install I.D. scanner facilities. He also said that a knife scanner arch could be used. However, P.C. Clifford was unable to say whether the stab wound and slash wound were caused by a knife or other weapon brought into the building by one of the attendees as opposed to being a “weapon of convenience” already within the venue (such as a glass or other sharp object).

While P.C. Clifford said he sympathised with Mr Higgins’ position regarding the possibility of public disorder and possible violence if the event had been brought to an abrupt end early, it appeared to the Committee that there was a lack of advance planning as to how such an incident should be dealt with so as to ensure that any suspects were quickly apprehended whilst managing the risk of serious disorder and/or further serious crime taking place. The suspect’s arrest had apparently only occurred after the individual had left the building.

P.C. Clifford said that the security staff had expressed dissatisfaction towards the first two police officers who had arrived on the scene when they had waited for other officers to arrive rather than entering the venue when another fight had apparently broken out inside. The Licensing Sub-Committee found that the incidents of violence associated with the premises were serious, had resulted in serious injury and that there was a significant risk that further similar violent crimes could take place. The Committee found that interim steps were necessary to avoid further violent crimes from taking place and to promote the prevention of crime licensing objective. The Committee took the view that to modify or add to the existing conditions of the licence at this stage would not adequately address the risk of further violent offences taking place at the premises and that to remove the designated premises supervisor would have no effect on the commission of violent offences in the future, as the problem was not caused by Mr Higgins. Indeed, it was to be hoped that he would be able to address the issues in conjunction with the Police.

P.C. Clifford indicated that the Police would seek urgent discussions with the licence holder with a view to addressing the concerns. The Committee was pleased to note the licence holder’s cooperation and keenness to address the concerns. It might be the case that if such discussions take place quickly and constructively, the situation might be reached in which the Police would be satisfied that the suspension of the licence would no longer be necessary.

However, that was not the current position, and the Committee was not prepared to take the risk that whatever steps were required were not put in place before any further licensable activities took place.

Right of Appeal

There is no right of appeal at this stage of the summary review process. However, the legislation permits a premises licence holder to make representations against the interim steps taken by the licensing authority.

On receipt of such representations the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt.

Further information on making a representation against the interim measures can be found in the Guidance issued under section 182 of the Licensing Act 2003.