

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Monday 17 June 2024

Subject: Summary Review of the Premises Licence for Pax Inn, 11 The Village, Boston Spa, Wetherby, Leeds, LS23 7AR

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Wetherby	
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:		

Executive Summary

West Yorkshire Police have made an application under section 53A of the Licensing Act 2003, for the summary review of the premises licence in respect of Pax Inn, 11 The Village, Boston Spa, Wetherby, Leeds, LS23 7AR.

West Yorkshire Police are of the opinion that these premises are associated with serious crime or serious disorder or both. The Licensing Authority is now under a duty to hold a review hearing in accordance with Section 53C of the Licensing Act 2003.

This engagement follows interim steps which Members carefully considered on the 24 May 2024. Members unanimously resolved to suspend the licence with immediate effect pending the substantive hearing of the review application.

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

Members must also have regard to reviewing the interim steps pending the appeal period to ensure there are appropriate and proportionate safeguards in place at all times.

1.0 Purpose of this Report

- 1.1 This report informs the Members of the Licensing Sub Committee of an application for a licence summary review by the West Yorkshire Police in respect of Pax Inn, 11 The Village, Boston Spa, Wetherby, Leeds, LS23 7AR. The application is made on the grounds of serious crime and serious disorder.
- 1.2 The Licensing Sub Committee now has the responsibility to review the premises licence held by Dane Smith.

2.0 History of the Premises

- 2.1 These premises have had the benefit of a premises licence since the introduction of the Licensing Act 2003. The premises applied to convert and vary their existing Justices' Licence during the transitional period, the application was successful and the licence was effective from 24 November 2005. The licence at the time was applied for and held by Enterprise Inns Plc.
- 2.2 Throughout the years the licence has been transferred to various individuals/companies and the designated premises supervisor has changed multiple times.
- 2.3 The most recent applications received by the Licensing Authority on 6 April 2023 were made to appoint the current licence holder and designated premises supervisor, Mr Dane Smith. The applications did not attract objections and both were granted as applied for.
- 2.4 Details of the current premises licence can be found at **Appendix A** of this report.

3.0 Main Issues

Application

- 3.1 An application for a summary review of the premises licence has been sought by West Yorkshire Police. A redacted version of the application is attached at **Appendix B**.
- 3.2 Members will note that in accompaniment of the application a certificate made under section 53(1B) of the Act, which confirms that a Senior Member of West Yorkshire Police is satisfied that these premises are associated with serious crime or serious disorder or both. A redacted version of the certificate can be found at **Appendix C**.
- 3.3 Officers confirm that the application and certificate were served by email on the Responsible Authorities on the 22 May 2024. A hard copy of the application and certificate were hand delivered directly to the premises on 23 May 2024.
- 3.4 The Licensing Authority can confirm that the statutory requirements to advertise the review application have been followed.

The Interim Steps

- 3.5 At the interim steps hearing, the measures available to Members and considered were:
- The modifications of the conditions of the premises licence.
 - The exclusion of the sale of alcohol by retail from the scope of the premises licence.
 - The removal of the designated premises supervisor from the licence.
 - The suspension of the licence.
- 3.6 It was decided that suspension of the licence with immediate effect pending the substantive hearing of the application was the most appropriate course of action for the Sub Committee to take.
- 3.7 Further information on the resolution taken can be found in a copy of the Interim Steps Decision Notice attached at **Appendix D**.

Representation

- 3.8 A premises licence holder may submit a representation to the interim steps initially taken and any representation would be in accordance with Section 53B of the Licensing Act 2003. In this instance, no representation has been received against the interim steps decision.

4.0 Premises Licence

- 4.1 The premises licence holder is Dane Smith.

5.0 Designated Premises Supervisor

- 5.1 The Designated Premises Supervisor is Dane Smith.

6.0 Location

- 6.1 A map which identifies the location of the premises is attached at **Appendix E**.

7.0 Representations

- 7.1 Under the Act representations can be received from responsible authorities and/or other persons. Representations must be relevant and, in the case of other persons, must not be frivolous or vexatious.

Representations from Responsible Authorities

- 7.2 There have been no representations on behalf of the responsible authorities.

Other Representations

- 7.3 The application has attracted two representations from "other persons".
- 7.4 The representation at **Appendix F** has been received on behalf of the freehold owner of the premises, Ei Group Limited. The representation explains a meeting is due to take place between the licence holder and Ei Group Limited, with a view to

recover possession of the premises and to transfer the premises licence into the company name. At the time the Committee convene to consider this item it is expected the licence will be held by Ei Group Limited.

- 7.5 Additionally, the Licensing Authority has received a representation from a member of the public expressing support for the premises. In order to protect personal data a redacted copy of the representation is attached at **Appendix G**.

8.0 Matters Relevant to the Application

- 8.1 In making their decision, Members may take into account the guidance issued under Section 182 of the Act. The section of this guidance specific to Summary Reviews is available at **Appendix H** of this report.

9.0 Options Available to Members

Determination of Summary Review

- 9.1 In the determination of this review the Licensing Sub Committee are required to take any of the following steps as it considers necessary for the promotion of the licensing objectives:
- To modify the conditions of the licence which includes adding new conditions or the alteration or omission of an existing conditions;
 - To remove the designated premises supervisor;
 - To suspend the licence for a period not exceeding three months;
 - To exclude any licensable activity from the scope of the licence; and
 - To revoke the licence.

Review of the Interim steps

- 9.2 The Licensing Authority's determination does not have effect until the end of the 21 day period given for appealing the decision, or until the disposal of any appeal that is lodged. Should the premises licence holder or applicant appeal the decision, the interim steps decision will remain in place until the appeal is decided or dispensed with.
- 9.3 To ensure that there are appropriate and proportionate safeguards in place at all times the Licensing Authority is required to review any interim steps that it has taken that are in place and 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. The review of the interim steps should take place immediately after the determination under 53C has been reached. In making its decision the licensing authority must consider any relevant representations made. Members are directed to paragraphs 12.29 and 12.30 of the Section 182 Guidance.
- 9.4 In conducting the review under this section Members must:
- Consider whether the interim steps are appropriate for the promotion of the licensing objectives;
 - Consider any relevant representations; and
 - Determine whether to withdraw or modify the interim steps taken.

- 9.5 Members may alternatively decide that no action is necessary and that the circumstances of review do not require the Licensing Sub Committee to take any steps to promote the licensing objectives.
- 9.6 Members of the Licensing Sub Committee are asked to note that they may not take any steps outlined above merely because they consider it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

10.0 Background Papers

- Guidance issued under S182 of the Licensing Act 2003
- Leeds City Council Licensing Policy

Appendices

- Appendix A - Premises Licence Details
- Appendix B - Signed Application
- Appendix C - Signed Certificate
- Appendix D - Interim Steps Decision Notice
- Appendix E - Map
- Appendix F - Ei Group Limited Representation
- Appendix G - Public Representation in Support of the Premises
- Appendix H - S182 Guidance