

Licensing Sub-Committee

Wednesday, 8th January, 2025

PRESENT: Councillor L Martin in the Chair

Councillors S Holroyd and J Senior

1 Election of the Chair

RESOLVED – To elect Councillor Lisa Martin to the Chair for the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

3 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

4 Late Items

There were no late items.

5 Declaration of Interests

No declarations of interest were made at the meeting.

6 Summary Review of the Premises Licence for Cock Beck, Pendas Way, Stanks, Leeds, LS15 8LA

The report of the Chief Officer Elections and Regulatory advised the Sub-Committee that West Yorkshire Police had made an application under section 53A of the Licensing Act 2003 for the summary review of the premises licence in respect of Cock Beck, Pendas Way, Stanks, Leeds, LS15 8LA. The application was made on the grounds of serious crime and serious disorder.

Present at the meeting were:

- PC Neil Haywood, WYP – Summary Review Applicant
- David Schneider, Director of Evergreen Inns Ltd. - Licence Holder
- Erik Seed, DPS and Director of Evergreen Inns Ltd
- Bob Thompson, RJT Group 56 - Licence Holder's Representative
- Jane Wood, Entertainment Licensing - Representation in Support of the Review Application
- Gary Mann, EPT - Representation in Support of the Review Application
- Gui Chipchase from Ei Group Ltd - Observer
- Alan Clarke – Observer
- Don Mort - Journalist

The Principal Legal Officer set out the procedure for the hearing.

The Principal Licensing Officer presented the report providing the following information for the Sub-Committee:

- The Sub-Committee were advised of an error in the report at Paragraph 3.10 and were asked to disregard this.
- It was noted that this summary review followed interim steps which Members had considered on the 13th December 2024, where Members had unanimously resolved to suspend the licence with immediate effect pending the substantive hearing of the review application.

- A copy of the premises licence was attached at Appendix A.
- A redacted version of the application for the summary review from West Yorkshire Police was appended to the report at Appendix B. It was noted that in accompaniment of the application a certificate made under Section 53(1B) of the Act, confirmed that a Senior Member of West Yorkshire Police was satisfied that the premises were associated with serious crime or serious disorder or both. A redacted version of the certificate was attached at Appendix C.
- At the interim steps hearing it had been decided to suspend the licence with immediate effect and a copy of the decision notice was attached to the report at Appendix D. Contrary to Paragraph 3.10 it was noted that the Licensing Authority had not received a representation in accordance with Section 53B of the Licensing Act 2003.
- Following the meeting to consider interim steps talks between West Yorkshire Police and the licence holder had resulted in the police offering a number of additional measures to mitigate further risks. An email containing the suggested measures by the police was provided at Appendix E of the report. No settlement had been reached between the parties and a copy of the email containing the licence holder's response was provided as supplementary information.
- 13 representations had been received in support of the premises licence holder including one on behalf the EI Group Ltd as the freehold owner of the property. These were attached to the report at Appendix I.
- There were also 4 representations received from members of the public in support of the review application and these were attached to the report at Appendix J.
- The options available to Members in their decision making were provided at Paragraph 9 of the report along with guidance issued under Section 182 of the Act specific to Summary Reviews was appended to the report at Appendix K.

West Yorkshire Police presented the following information:

- It was noted that several serious incidents had occurred at the premises in a short period of time with the most recent being:
 - 6th December 2024 – vehicle had entered the car park of the premises and collided with patrons of the pub and caused injury to a woman. It was noted that this was being investigated as attempted murder.
 - Friday 29th November 2024 at 21:38 – The on-site manager had called the police to report a mass brawl on the street outside the pub. It was noted that this had occurred due to a dispute between patrons in the pub where one male had picked up a glass and attacked another with the glass. There was a recording of this incident, however the owner of the recording was not willing to allow it to be shown for fear of reprisal. The officer attending had seen the recording, and it showed that patrons from the premises were involved in the brawl. The on-site manager was in support of the prosecution of the person who had started the fight but not the patrons and was happy for those patrons to be allowed back in the pub. During the call to the police the call operator could hear people in the background telling the manager to put the phone down.

- Monday 18th November 2024 at 18:23 - A drunk woman had entered the pub and asked for a drink, which was refused as she was already intoxicated. The woman left the pub but returned to the pub with males who were carrying weapons. 2 customers who had been inside the pub went outside with snooker cues. The Officer attending this incident found cocaine on one of the customers and the man had white powder on his nose. It was the view of the attending officer that the manager was too friendly with customers.
- The police had met with the Directors of Evergreen Inns Ltd. and the manager after the incidents and made suggestions for improvements due to concerns in relation to children playing in the car park after 9pm unsupervised. It was suggested that the outside seating area be shut and not used after a certain time except for smoking and that some customers should be banned from the premises. It was noted that the police were of the view that the licence holder had taken positive ownership of the serious nature of the incidents with 3 patrons being banned. However, the 2 patrons who had left the premises with snooker cues had been allowed to remain as it was the view that they were defending themselves against the males with weapons, but it was the view of the police that they were involved with the fight.
- Although there had been positive engagement between the police and the licence holder the police did have concerns as to how they had responded to evidence that the pub was becoming one which people were gravitating to as a place where they could smoke cannabis, and that the manager was too friendly with the customers or afraid of them. As operators they had shown a willingness to work with the police and other agencies.
- The officer listed the conditions that they would like to see, and they would not be happy to diminish any of the suggested conditions which included:
 - A minimum of 2 door staff on duty on Friday and Saturday
 - Reduced hours of operation

Environmental Protection Team – Noise Nuisance provided the following information:

- Complaints had been received via Licensing in relation to noise issues since February 2024. The issues were noted as being noise whilst customers were leaving the premises late at night, children playing in the car park unsupervised, and people talking loudly whilst waiting for taxis. It was acknowledged that when living near to a pub there would be some noise, but it was the approach that this should be mitigated to reduce the impact on people living nearby.
- A meeting had taken place on 13th March 2024, to look at ways to mitigate the noise levels. People were waiting for taxis for up to 20 minutes outside the premises, which was considered too long, and that customers whilst waiting were talking loudly which was disturbing residents.
- Video footage had been seen which showed young children playing in the car park up to 11pm, and it was the view that children should not be on the premises after 9pm. There were also complaints of people urinating in gardens and of drug use.
- Noise nuisance diaries had been kept which showed residents being woken at midnight due to excessive noise levels. It had quietened down during April 2024 but increased throughout the period when the football for the Euros had been on. However, the noise was thought to be acceptable during this period.

- The complaints had continued through the summer with residents being disturbed by noise from the outside seating area whilst smoking with loud chatter. It was noted that on some occasions the behaviour between the patrons was threatening and that children were still playing in the area at 11pm.
- There had been several meetings with the licence holder, and it was suggested that patrons should not use the seating area at the front of the premises but use an area to the side of the premises to limit the noise issue. This had been complied with.

Entertainment Licensing – Enforcement, provided the following information:

- The first complaints came in about these premises in January 2024, in relation to noise nuisance, management of the premises and children unsupervised.
- A meeting was held, and it was suggested that smoking on benches should be restricted to the side of the premises and monitored and not used after a certain time. However, there were further complaints in relation to noise and loud behaviour and the premises had been visited again.
- Since September there had been more complaints and Entertainment Licensing fully supported the suggested conditions which were thought to be appropriate and proportionate.

Mr Thompson the Licence Holder's representative provided the following information on behalf of his client:

- He said he had known Mr Seed and Mr Schneider for a number of years as they had worked in the same building as him and they were good operators with a number of pubs in the Leeds area.
- The man who had caused the recent incident was known for causing trouble in other pubs in the area. The person who had been the manager at the time of the recent incidents had now been dismissed.
- Mr Seed and Mr Schneider had co-operated with the police and other agencies and had CCTV images for all the incidents.
- The premises has been operating as a pub for 100 years and it would be a shame to lose for the community, with so many pubs closing.
- The operators had offered the following as per the suggestions of the police:
 - Close the outside area at 9:30pm
 - Training of staff
 - Drug awareness training for staff
 - To install a new CCTV system
 - To recruit a new manager who is strong and firm
- However, the operators did not agree to the reduced hours of operations as they did not think this was the solution and the suggestion of door staff was considered to be too expensive and not required. It was the view of the operators that door staff would not have been of assistance during the incidents which had occurred.
- There had been no drugs raids on the premises.
- The previous manager had not tolerated drunken behaviour and had refused to serve the woman who had been intoxicated and caused one of the incidents.

In response to questions from the Sub-Committee the following information was provided:

- Seating had been reduced to the front of the premises, with only 3 benches left there and the rest moved to the side of the premises.
- A drug safe would be provided at the premises. Drug awareness training would be provided to staff. No drug taking had been seen in the Cock Beck.
- Staff training in relation to the licensing objectives and managing intoxicated customers would be provided for staff.
- In relation to managers at the premises it was noted that there had been two in the last 12 months, one leaving in September 2024 when a new manager took over, and they had now been dismissed and a new manager would be recruited.
- Most of the complaints received were in relation to noise disturbance at the premises. Video footage had been viewed and it was the opinion of officers that the complaints were not vexatious.

West Yorkshire Police in summing up said that a reduction in hours would deter people gravitating towards the pub from elsewhere. Door staff would have had an impact in stopping the incidents and would reduce risks of further incidents. It was acknowledged that not all the incidents had taken place on Fridays or Saturdays, but these were the suggested days that the police made for door staff.

It was the view of the police that door staff would be a deterrent for drug use, and they would be able to monitor the outside area. It was noted that the outside area to the premises was unique as it was not defined by a physical boundary.

The police had concerns in relation to cannabis use at the premises, noise issues and that there seemed to be no restriction on children being present at the premises.

The police said that the CCTV operates well, however they would like to see the system cover the car park area. They welcomed the training the operator had offered in relation to drug awareness but were of the view that drug use should not be tolerated at all.

Mr Thompson in his summing up said that Evergreen Inns Ltd. had 9 outlets in Leeds and no issues had been reported in the 13 years that they had been operating. Through these recent incidents at the Cock Beck the operators had lost reputation and income over the busy Christmas period.

The operators were willing to work with the police and would ensure that CCTV was working and available, change the manager, provide appropriate training for staff and monitor the outside area.

Members in their deliberations discussed the following:

- Request for door staff and the appropriate times for them to be used.
- Escalation of incidents with the previous manager and the recruitment of a new manager.
- The positive dialogue between the police, other agencies and the licence holder.
- Noise complaints.

- Restriction of children at the premises.
- Hours of operation.
- Use of the outside area.

At the point where all parties were being informed of the decision, the licence holder queried the use of the outside area to the rear of the premises. It was noted that it was an area which had not been recognised as belonging to the premises and therefore had not been addressed as part of the Sub-Committee decision making.

The Sub-Committee requested that negotiations in relation to this part of the premises should be discussed by all parties prior to them making their final decision. This was done using Plan A which was submitted for Members consideration after negotiations between all parties, the Principal Legal Officer and the Principal Licensing Officer. Plan A was published after the meeting to the LCC webpage as required, as it had formed part of the Sub-Committees decision.

RESOLVED – In relation to the substantive review application, Members resolved to modify the licence as per the measures recommended by West Yorkshire Police and subject to the following amendments:

- 1) To modify the hours of existing licensable activities as per the licence holder's counter proposal:

Sale by Retail of Alcohol
Monday to Sunday 10:00 to 23:00 hrs

Exhibition of a Film and Indoor Sporting Events
Monday to Sunday 10:00 until 22:30hrs

- 2) To modify the hours the premises are open to the public to:

Monday to Sunday 10:00 until 23:30hrs

- 3) A minimum of two SIA accredited security staff to be on duty at the premises on Friday and Saturday from 18:00hrs until such time that all customers have left the area.
- 4) A personal licence holder to be on duty at the premises from 18:00 until 23:30hrs, Monday to Sunday.
- 5) No person under 18 years of age to be on the premises after 21:00hrs, Monday to Sunday
- 6) No open containers of alcohol to be taken off the premises after 21:30hrs, Monday to Sunday.
- 7) Conditions 12, 13 and 14 to be replaced with a condition that reads: There will be no external seating or consumption of alcohol in the area edged in green on "Plan A".

In relation to reviewing the interim steps pending the appeal period, the Sub-committee also resolved to impose the same additional modified conditions as continuing interim steps pending the expiry of the time limit for any appeal or, in the event of an appeal, final disposal of that appeal.

The meeting concluded at 14:45