

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday 10 January 2024

Subject: Summary Review of the Premises Licence for Beaver Works, 36 Whitehouse Street, Hunslet, Leeds, LS10 1AD

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Hunslet & Riverside	
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 Beaver Works, 36 Whitehouse Street, Hunslet, Leeds, LS10 1AD.

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 15 December 2023. 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.

Member 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 made by the West Yorkshire Police in respect of Beaver Works, 36 Whitehouse Street, Hunslet, Leeds, LS10 1AD. The application is made on the grounds of serious crime and disorder.
- 1.2 The Licensing Sub Committee now has the responsibility to review the premises licence held by Mr Graham Higgins.

2.0 History of the Premises

- 2.1 On 31 March 2008 an application was made by Mr Graham Higgins for the grant of a premises licence. The application did not attract any representations and the licence was granted as applied for on 29 April 2008. The premises were known as, 'Work Media Centre'.
- 2.2 Applications to vary the licence were granted in November 2008 and June 2009, proposing to extend the hours of licensable activities and to add additional areas to the licence. The applications attracted representations from West Yorkshire Police and the Environmental Protection Team, which were subsequently withdrawn after applicant agreed to incorporate suggested measures into the operating schedule.
- 2.3 On 9 October 2009 an application for the grant of a new premises was served on the Licensing Authority for a premises trading as, 'Work Media Centre'. The receipt of representations required the matter to be considered and determined by the Licensing Sub Committee on the 30 November 2009. The Committee resolved to grant the licence by replicating the crime and disorder conditions of the existing licence, by imposing the conditions set out by the Environmental Protection Team in their representation, including a condition preventing the use of external loudspeakers between 23:00 and 10:00 hours the following day, and noted the agreement of additional conditions reached with Health & Safety Team. The Committee imposed a further condition requiring doors and windows to be kept closed during licensable activities.
- 2.4 The existing licence was surrendered by the licence holder on the day the new licence was granted.
- 2.5 On 15 December 2011 an application to vary the licence was lodged proposing to extend the hours for licensable activities. The licence was granted as applied for, subject to agreements reached with the Environmental Protection Team to incorporate additional measures.
- 2.6 On 22 March 2016 a minor variation application was made proposing to change to the layout of the premises and to replace all existing conditions with more modern conditions, including a commitment to serve an event specific risk assessment on the responsible authorities for each event attracting 1000 or more people. The police noted the minor variation was submitted because the conditions on the existing licence did not reflect the type of operation which it had grown to over the years. The application was granted as applied for subject to the rewording of a number of conditions in consultation with the police.
- 2.7 On 7 September 2020 a minor variation was served on the Licensing Authority proposing to alter the premises layout by removing partitioning walls between small

areas to create a single larger space. The purpose of doing so was to enable improved operation during Covid 19 restrictions and the licence was granted as applied for.

2.8 A copy of the premises licence details 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 on the premises licence holder and responsible authorities on the 13 December by e-mail. On the 14 December 2023 a hard copy of the application and certificate has been delivered by hand directly to the premises and posted to the licence holder holder's residential address.

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 review application was the most appropriate course of action for the Committee to take.

3.7 The Committee noted the police would seek urgent discussions with the licence holder with a view to addressing 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. In such instance a representation against the interim steps decision would be made requiring the Licensing Sub Committee to revisit the decision to suspend.

3.8 Further information on the resolution taken is contained within a copy of the decision notice attached at **Appendix D** of this report.

Representation

- 3.9 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.
- 3.10 The Licensing Authority is aware West Yorkshire Police and the licence holder have had talks with a view to lifting the suspension and a move to adding additional conditions to the licence pending the review hearing. Notwithstanding a constructive meeting the police were not prepared to sanction the change and the licence holder did not oppose it. There has been no representation received against the interim steps decision.

4.0 Premises Licence

- 4.1 The premises licence holder is Mr Graham Higgins.

5.0 Designated Premises Supervisor

- 5.1 The Designated Premises Supervisor is Mr Graham Higgins.

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 representations from members of the public (described as 'other persons' in the legislation).
- 7.4 In total the Licensing Authority has received 20 valid representations from other persons, all of which express support towards the premises. The Committee Members will wish to note that some of the content of the representations are not relevant to the promotion of the licensing objectives and they are recommended to apply the necessary weight where appropriate.
- 7.5 In order to protect personal data redacted copies of the representations are attached at **Appendix F** and the original versions will be provided to the Licensing Sub Committee in advance of the hearing.

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 G** 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, the Members must –

- (a) Consider whether the interim steps are appropriate for the promotion of the licensing objectives;
- (b) Consider any relevant representations; and
- (c) 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 subcommittee 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 - Public Representations in Support of the Premises

Appendix G - S182 Guidance