
Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Wednesday 8 January 2025

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

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Crossgates & Whinmoor	
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 Cock Beck, Pendas Way, Stanks, Leeds, LS15 8LA.

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 13 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 Cock Beck, Pendas Way, Stanks, Leeds, LS15 8LA. 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 Evergreen Inns Limited.

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, in November 2005. The licence at that time was held by Enterprise Inns Ltd.
- 2.2 Various applications to transfer the premises licence to new holders and to specify new individuals as the Designated Premises Supervisor have been received since the licence was granted.
- 2.3 In August 2023 valid applications were received to transfer the licence to the current holder, Evergreen Inns Ltd, and to specify the current Designated Premises Supervisor, Mr Erik Seed. The applications did not attract objections from West Yorkshire Police, and both were granted as applied for.
- 2.4 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 can confirm that the application and certificate were served by e-mail on the Premises Licence Holder and the Responsible Authorities on the 11 December 2024. A hard copy of the application and certificate were hand delivered directly to the premises and posted to the licence holder's head office address and the designated premises supervisor on the 12 December 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 review application was the most appropriate and proportionate course of action for the Committee to take.
- 3.7 Further information on the resolution taken can be seen in a copy of the decision notice at **Appendix D** of this report.

Representation Against Interim Steps

- 3.9 The Licensing Authority has not received a representation in accordance with Section 53B of the Licensing Act 2003, i.e. a representation by the licence holder to the interim step of suspension.
- 3.9 A premises licence holder may submit a representation to the interim steps and any representation would be in accordance with Section 53B of the Licensing Act 2003.
- 3.10 Following the meeting consider interim steps on 13 December 2024 talks between West Yorkshire Police the licence holder continued and resulted in the two parties agreeing that temporary modification of the licence was suitable to allow licensable activities to resume. Those modifications were to remove conditions considered outdated, and to attach several temporary conditions to the licence, reduce the hours for licensable activities and remove the Premises Manager from the site.

Other Matters

- 3.11 Following the meeting to consider interim steps talks between West Yorkshire Police the licence holder has resulted in the police offering a number of additional measures that they would like to see incorporated into licence if Members are minded not to revoke.
- 3.12 An e-mail containing the police suggestions can be found at **Appendix E**, which in summary are the removal of outdated conditions, the addition of conditions considered more modern and robust, to reduce the hours for licensable activities and the removal of the Premises Manager from the site.
- 3.13 Four conditions offered by the police relate to restricting the use of external areas and to formally restrict the use of those areas, the licence holder may submit a minor variation application to update the plan attached to the licence. The minor variation application has not yet been received, but if it is received before the substantive hearing, the application will be provided as a late item for consideration when determining this application for review of the premises licence.

3.14 The remaining recommendations by West Yorkshire Police are a matter for the Sub Committee's consideration.

4.0 Premises Licence

4.1 The premises licence holder is Evergreen Inns Limited.

5.0 Designated Premises Supervisor

5.1 The Designated Premises Supervisor is Mr Erik Seed.

6.0 Location

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

7.0 Representations to the Review Application

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 The application has attracted a representation from the Senior Liaison and Enforcement Officer on behalf of Entertainment Licensing. The representation is received in support of the review application and a copy can be found at **Appendix G**.

7.3 A representation has been received from the Environmental Protection Team in support of the review application. A copy is available at **Appendix H**.

Other Representations

7.4 The application has attracted representations from 'Other Persons', including one on behalf of EI Group as the freehold owner of the property, and 12 from members of the public.

7.5 In order to protect personal data redacted copies of the representations in support of the premises can be found at **Appendix I**. The original versions of each representation will be provided to the Sub Committee Members in advance of the hearing.

7.6 The Licensing Authority received four public representations in support of the application for review.

7.7 In order to protect personal data redacted copies of the representations in support of the application to review can be found at **Appendix J**. The original versions of each representation will be provided to the Sub Committee Members in advance of the hearing.

7.8 Members should note that some content of the representations may not be relevant to the promotion of the licensing objectives and the recommendation is to apply the necessary weight where appropriate.

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 K** 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 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 - Email re WYP conditions etc.

Appendix F - Map

Appendix G - Representation from Entertainment Licensing in support of the review

Appendix H - Representation from Environmental Health in support of the review

Appendix I - Public Representations in support of the premises

Appendix J - Public Representation in support of the review

Appendix K - S182 Guidance