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**LICENSING SUB-COMMITTEE**

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**MEETING TO BE HELD IN CIVIC HALL, LEEDS ON  
MONDAY, 2ND JULY, 2012 AT 10.00 AM**

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**MEMBERSHIP**

**Councillors**

A Khan - Burmantofts and Richmond  
Hill;  
C Townsley - Horsforth;  
G Wilkinson - Wetherby;

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**Agenda compiled by:  
Tel No:  
Governance Services  
Civic Hall  
LEEDS LS1 1UR**

**Helen Gray  
247 4355**

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<b><u>PRELIMINARY PROCEDURES</u></b>  <b>ELECTION OF THE CHAIR</b>	
2			<b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b>  To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)  (*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)	

Item No	Ward	Item Not Open		Page No
3			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1) To highlight reports or appendices which:</p> <p>a) officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>b) To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>c) If so, to formally pass the following resolution:-</p> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p> <p>2) To note that under the Licensing Procedure rules, the press and the public will be excluded from that part of the hearing where Members will deliberate on each application as it is in the public interest to allow the Members to have a full and frank debate on the matter before them.</p>	
4			<p><b>LATE ITEMS</b></p> <p>To identify any applications as late items of business which have been admitted to the agenda for consideration</p> <p>(the special circumstances shall be identified in the minutes)</p>	

Item No	Ward	Item Not Open		Page No
5			<p><b>DECLARATIONS OF INTEREST</b></p> <p>Members are reminded to declare any interests at the start of the hearing on each application for the purpose of Section 81 (3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of conduct</p> <p><b><u>HEARINGS</u></b></p>	
6	All Wards;	10.4(1)	<p><b>APPLICATION FOR THE GRANT OF A PERSONAL LICENCE FOR MR R MAUGHAN</b></p> <p>To consider the report of he Head of Licensing and Registration on an application received for the grant of Personal Licence for Mr Robert Maughan. The application has attracted a representation from West Yorkshire Police</p> <p>(Report attached)</p> <p>Please note that Appendices A and B of the report are regarded as exempt under the provisions of paragraph 14 of the Licensing Act 2003 (Hearings Regulations 2005)</p>	1 - 22



Report author: Miss Victoria O'Brien

Tel: 0113 2474095

**Report of the Head of Licensing and Registration**

**Report to the Licensing Sub Committee**

**Date: 2nd July 2012**

**Subject: Application for the Grant of a Personal Licence for Mr Robert Maughan**

Are specific electoral Wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, name(s) of Ward(s): City Wide		
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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: 10.4(1)		
Appendix number: A and B		
These Appendices are regarded as exempt under provision of Paragraph 14 of the Licensing Act 2003 (Hearings Regulations 2005.)		

**Summary of main issues**

1. This is an application for the grant of a personal licence for Mr Robert Maughan, Red Lion, The Square, Bramham, Wetherby, LS23 6QU. The application has attracted a representation from West Yorkshire police in respect of Mr Maughan's criminal convictions as detailed in Appendix B of this report.

**Recommendations**

The committee is asked to:

2. to consider the application and the representation made by West Yorkshire Police.

## **Purpose of this report**

- 1.1 To advise Members of an application made under section 117 (1)(a) of the Licensing Act 2003 ("the Act") for a Personal Licence in respect of Mr Robert Maughan
- 1.2 Members are required to consider this application due to the receipt of representation from West Yorkshire Police.

## **1 Main Issues**

- 1.1 A copy of the application is attached at **Appendix A** of this report. It should be noted that certain information submitted within the application is potentially exempt information under Access to Information Rule 10.4 (1) as it includes information relating to an individual, this information is also replicated in Appendix B.
- 1.2 Relevant Representations
  - 1.2.1 Under the Act, representations can be received from West Yorkshire Police . Please find attached a copy of the representation at **Appendix B**.
- 1.3 Matters relevant to the application
  - 1.3.1 Members of the Licensing Sub Committee must make decisions with a view to promoting the licensing objectives which are:

- The prevention of crime and disorder

## **2 Corporate Considerations**

- 2.1 Equality and Diversity / Cohesion and Integration
  - 2.1.1 The council has adopted a Statement of Licensing Policy which sets out the principles the council will use to exercise its functions under the Licensing Act 2003 and in which care has been taken in matters of equality, diversity and human rights. This policy is reviewed every three years. The council has completed equality, diversity, cohesion and integration screening and impact assessments with regards to the consultation process undertaken during the review of the policy.
- 2.2 Council Policies and City Priorities
  - 2.2.1 When determining an application the licensing sub committee must have regard for the Licensing Act 2003 Statement of Licensing Policy which sets out the principles the council will use to exercise its functions under the Licensing Act 2003. Applicants are expected to read the policy before making their application and the council will refer to the policy when making its decisions.
  - 2.2.2 The licensing regime contributes to the following aims:

**By 2030, Leeds will be fair, open and welcoming**

- Local people have the power to make decisions that affect them
- There is a culture of responsibility, respect for each other and the environment
- Our services meet the diverse needs of our changing population
- Everyone is proud to live and work

**By 2030, Leeds' economy will be prosperous and sustainable**

- Opportunities to work with secure, flexible employment and good wages

**By 2030, all Leeds' communities will be successful**

- Communities are safe and people feel safe

2.2.3 The licensing regime contributes to the following city priorities:

**Best city... for communities:**

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

2.3 Resources and Value for Money

2.3.1 The licensing process, including the licensing sub committee, generates a cost to the council. The majority of these costs are covered by the application fee. The fees are set by Statute, and there is little option to increase the fee to cover all the cost. However, the Police Reform and Social Responsibility Bill, which received Royal assent in November 2011, may allow local authorities to set their own fees in the future based on full cost recovery.

2.4 Legal Implications, Access to Information and Call In

2.4.1 Applicants and people making representations are able to challenge the licensing sub-committee's decision by appealing to the Magistrates Court. Legal advice is provided during the sub committee hearing and during deliberations to mitigate the risk to the council.

2.5 Risk Management

2.5.1 Full training and legal advice is provided to members sitting on Licensing Sub Committee in order to mitigate the risk of legal challenge.

**3 Conclusions**

3.1 An application has been received under the Licensing Act 2003 which is brought before a licensing sub committee for determination.

3.2 The licensing sub-committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- Grant as requested; or
- Reject the application.

#### **4 Recommendations**

The committee is asked to:

- Consider the application and the representation from West Yorkshire Police
- Take any of the steps detailed at 3.2, if any, they consider necessary for the promotion of the licensing objectives.

#### **5 Background Papers**

- 5.1 Guidance issued under s182 Licensing Act 2003
- 5.2 Leeds City Council Licensing Policy



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