

Licensing Sub-Committee

Monday, 12th November, 2012

PRESENT: Councillor C Townsley in the Chair

Councillors P Latty and B Selby

89 Election of the Chair

RESOLVED - That Councillor C Townsley be elected Chair for the duration of the meeting.

90 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED - That the public be excluded from the meeting during consideration of that part of the agenda designated as 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 public were present there would be disclosure to them of exempt information so designated as follows:

- a) Appendix A, C and D to Agenda item 6, (Minute 96 refers) under the provisions of Paragraph 14 of the Licensing Act 2003 (Hearing Regulations 2005) and the Licensing Procedure Rules, and on the grounds that it is not in the public interest to disclose the documents as they pertain to an individual and that person would reasonably not expect their personal information or discussions to be in the public domain and there is reference to action taken or to be taken in connection with the prevention, investigation or prosecution of crime
- b) Appendix C and Supplementary update to Agenda item 7, (Minute 97 refers) under the provisions of Paragraph 14 of the Licensing Act 2003 (Hearing Regulations 2005) and the Licensing Procedure Rules, and on the grounds that it is not in the public interest to disclose the documents as they pertain to an individual and that person would reasonably not expect their personal information or discussions to be in the public domain and there is reference to action taken or to be taken in connection with the prevention, investigation or prosecution of crime

91 Late Items

There were no formal late items of business to consider, however the Chair agreed to accept the following as supplementary information:-

- Revised covering report of the Head of Licensing and Registration – Application for the grant of a Personal Licence for Mr Sam Donnelly (Agenda Item 6) (Minute 96 refers)

- Copy of an e mail of further representation from West Yorkshire Police received on 4th November 2012 – Application to vary a Premises Licence held by Whinmoor (Agenda Item 7) (Minute 97 refers)

92 Declarations of Disclosable Pecuniary and Other Interests

There were no disclosable pecuniary and other interests declared at the meeting.

93 Application for the grant of a Personal Licence for Mr Sam Donnelly

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance the Authority's own Statement of Licensing Policy considered an application for the grant of a personal licence for Mr Sam Donnelly.

A revised covering report of the Head of Licensing and Registration on an application for the grant of a Personal Licence for Mr Sam Donnelly was circulated at the meeting as Supplementary information.

Representations had been received from West Yorkshire Police.

Present at the hearing were:

PC L Dobson – West Yorkshire Police

The Entertainment Licensing Officer informed the meeting that Ms Rebecca Collings, the applicant's supporter had conveyed her apologies due a pregnancy related issue.

As a result the applicant had requested an adjournment of the hearing.

Members of the Licensing Sub Committee and the representative from West Yorkshire Police raised no objection to this request.

RESOLVED – That the application be adjourned until 10th December 2012.

94 Application to vary a premises licence held by Whinmoor, Stanks Lane South, Leeds LS14 5HZ to specify an individual as designated premises supervisor

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy, considered an application to vary a premises licence held by Whinmoor, Stanks Lane South, Leeds LS14 5HZ to specify an individual as designated premises supervisor.

A copy of an e mail of further representation from West Yorkshire Police received on 4th November 2012 in relation to an application to vary a Premises Licence held by Whinmoor was circulated at the meeting as Supplementary information.

Representations had been received from West Yorkshire Police.

Present at the hearing were:

Mr Hing How – the applicant

Mr Kenneth Greenhough – Proposed Designated Premises Supervisor

PC L Dobson – West Yorkshire Police

PC S Dawson – West Yorkshire Police

Catherine Sanderson – West Yorkshire Police (Observer)

The applicant addressed the Sub Committee and, in summary, made the following points:

- The continuing discussions held between his solicitor, planning authority and himself regarding change of leasehold of the premises as a community facility
- The history behind the premises which had been derelict for the past two years and subject to vandalism
- The intention to run the premises as a public house with a tap room and carvery facility in the evening
- The history behind his employment as a baker, by trade, and on his decision to invite Mr Greenhough to run the premises in view of his previous experience in the licensing industry

The proposed Designated Premises Supervisor then addressed the Sub Committee, and in, summary, made the following points:

- The willingness to run the premises as a family/ friendly public house
- The research undertaken in relation to the Pubwatch scheme and the intention to recruit private members in an attempt to reduce any crime and disorder at the premises

Questions were then invited and the following points raised:

- Clarification as to why Mr Greenhough had failed to reply to two registered letters sent by the police on 11th June 2012 in relation his previous position as Designated Premises Supervisor at Wyke Rose in Bradford
- Clarification of Mr Greenhough's current home address and previous employment as a Designated Premises Supervisor
- Clarification of the National Pubwatch scheme with specific reference to the protocol for barred (expired) customers

The Sub Committee heard from PC L Dobson of West Yorkshire Police and in, summary, made the following points:

- The previous discussions held on 19th July 2012 between Mr How and the police on his proposals for the premises
- The concerns expressed that Mr How did not have a background in the licensed trade

- The outcome of discussions held with Bradford Licensing Officer in relation to Mr Greenhough's previous position as Designated Premises Supervisor regarding Anti Social Behaviour and disorder at Wyke Rose, Wyke, Bradford
- The e mail evidence submitted in relation to a 'glassing' incident at the premises held on 4th November 2012 and of the fact that the police were currently investigating two assaults
- The view expressed that based on the evidence produced, Mr Greenhough was not suitable to be a Designated Premises Supervisor at the premises
- That, if granted, the exceptional circumstances of the case would undermine the crime prevention objective

The Sub-Committee then heard from PC S Dawson of West Yorkshire Police who provided the meeting with a brief summary of the issues and concerns in relation to Mr Greenhough's previous position as Designated Premises Supervisor regarding Anti Social Behaviour and disorder at Wyke Rose, Wyke, Bradford. Specific reference was also made to drug abuse found at the premises on 4th July 2012, together with the background issues regarding Mr Greenhough failure to reply to two registered letters sent by the police on 11th June 2012.

Questions were then invited and the following points raised:

- Further clarification sought behind the reasons as to why Mr Greenhough had failed to reply to two registered letters sent by the police on 11th June 2012
- Clarification of the outcome of the drugs raid made at Wyke Rose on 4th July 2012
- Clarification of the working relationship between Mr Greenhough and the Manager of Wyke Rose
- Clarification of the date when Mr How offered Mr Greenhough the position as Designated Premises Supervisor at Whinmoor and the reasons why Mr Greenhough left his position as Designated Premises Supervisor at Wyke Rose
- Clarification of the distance in mileage from Mr Greenhough's rented property in Bradford to Whinmoor

The applicant and the proposed Designated Premises Supervisor summed up.

The Sub-Committee then carefully considered all the written and verbal submissions and made the following decision:

RESOLVED – That the application be granted, subject to the following condition:

- The Designated Premises Supervisor must be on the premises and residing there Friday, Saturday and Sunday night and all bank holidays, except for annual leave when West Yorkshire Police must be given 10 days prior notice

and in the case of an emergency, West Yorkshire Police must be informed immediately

(The meeting concluded at 11.45am)