

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Monday 24th October 2011

Subject: Application to Transfer a Premises Licence for Kiln, Brignall Garth, Burmantofts, Leeds, LS9 7HB

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Burmantofts & Richmond Hill	
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:		
Appendix number:		

Summary of main issues

1. This is an application to transfer a premises licence for the Kiln, Brignall Garth, Burmantofts, Leeds, LS9 7HB.
2. The application is to specify Miss Stephanie Farquharson as the licence holder.
3. West Yorkshire Police have been served a copy of this application.
4. West Yorkshire Police have made representation to this application. It should be noted that this is the fourth application of its type to change the licence holder and Designated Premises Supervisor or both. All other applications have been refused or withdrawn.
5. Members should also note that these premises have been recently subject to Summary Review proceedings.

Recommendations

The committee is asked to:

6. Consider the application and the representation made by West Yorkshire Police.

7. Take any of the steps detailed at 4.2, if any, they consider necessary for the promotion of the licensing objectives.

1 Purpose of this report

- 1.1 To advise Members of an application made under section 42 of the Licensing Act 2003 (“the Act”) for the transfer of a Premise Licence in order to specify Miss Stephanie Farquharson as the licence holder.
- 1.2 The Licensing Sub-Committee is required to consider this application due to the receipt of a representation from West Yorkshire Police. This is submitted in accordance with Sections 42(6) and 42(7) of the Licensing Act 2003.

2 Main issues

- 2.1 The applicant is Miss Stephanie Farquharson.
- 2.2 A copy of the application is attached at **Appendix A** of this report.
- 2.3 Members should note that these premises are subject to Summary Review Proceedings under Section 53 of the Licensing Act 2003.

An Interim Steps hearing was held 26th September 2011 where the Sub Committee resolved to suspend the Premises Licence pending the full review hearing, a decision made under Section 53C of the Licensing Act 2003.

Attached at **Appendix B** is a copy of the decision notice following the Interim Steps Hearing.

The full review hearing is scheduled for Wednesday 19th October 2011.

Due to the short time period between each hearing, a copy of the decision notice following the full review hearing will be available as a late item on the day.

Members should note that any decision from the full review hearing is eligible for appeal to the Magistrates’ Court within 21 days on receipt of the decision notice.

2.4 Relevant Representations

- 2.4.1 Under the Act, representations can be received from West Yorkshire Police and must be relevant to the prevention of crime and disorder. Please find attached a copy of the representation at **Appendix C**.

2.5 Matters relevant to the application

- 2.5.1 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

3 Corporate considerations

3.1 Consultation and engagement

3.1.1 The application was subject to a 14 days consultation period with West Yorkshire Police in accordance with the Licensing Act 2003.

3.2 Equality and Diversity / Cohesion and Integration

3.2.1 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.

3.3 Council Policies and City Priorities

3.3.1 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.

3.3.2 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

3.3.3 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

3.4 Resources and Value for Money

- 3.4.1 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, due to receive Royal assent in November 2011, may allow local authorities to set their own fees in the future based on full cost recovery.

3.5 Legal Implications, Access to Information and Call In

- 3.5.1 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.

3.6 Risk Management

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

4 **Conclusions**

- 4.1 An application has been received under the Licensing Act 2003 which is brought before a licensing sub committee for determination.
- 4.2 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.

5 **Recommendations**

The committee is asked to:

- Consider the application and the representation from West Yorkshire Police
- Take any of the steps detailed at 4.2, if any, they consider necessary for the promotion of the licensing objectives.

6 **Background papers**

- 6.1 Guidance issued under s182 Licensing Act 2003
- 6.2 Leeds City Council Licensing Policy