



**Report of the head of licensing and registration**

**Report to the licensing sub committee**

**Date: 12th November 2012**

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

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?	Yes	
If relevant, Access to Information Procedure Rule number:	Appendix number: C	
If relevant, Access to Information Procedure Rule number:	10.4 (1)	
This appendix is regarded exempt under the provisions of Paragraph 14 of the Licensing Act 2003 (Hearings Regulations 2005)		

**Summary of main issues**

This is an application to vary a premises licence held by Mr Hing How to specify an individual as designated premises supervisor.

1. The application is to specify Mr Kenneth Greenhough as the designated premises supervisor.
2. West Yorkshire Police have been served a copy of this application and made an objection to the application

**Recommendations**

The committee is asked to:

3. To consider the application and the representation made by West Yorkshire Police.

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

### **.Purpose of this report**

- 1.1 To advise Members of an application made under section 37 of the Licensing Act 2003 ("the Act") to vary a premises licence in order to specify Mr Kenneth Greenhough as the designated premises supervisor.
- 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 Section 37 of the Licensing Act 2003.

## **2 Main Issues**

- 2.1 The proposed designated premises supervisor is Mr Kenneth Greenhough
- 2.2 A copy of the application is attached at **Appendix A** of this report.
- 2.3 Relevant Representations
  - 2.3.1 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 B**.

It should be noted that certain information submitted by West Yorkshire Police, within the application is potentially exempt information under Access to Information Rule 10.4 (1) as it includes information relating to the proposed Designated Premises Supervisor. This information is contained within **Appendix C – Background Papers**

### 2.4 Matters relevant to the application

- 2.4.1 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 Act 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
- 6.3 Background papers – Supporting documents from WYP – Appendix C