



LICENSING SUB-COMMITTEE

**MEETING TO BE HELD IN LEEDS CIVIC HALL ON
MONDAY, 3RD DECEMBER, 2007 AT 10.00 AM**

MEMBERSHIP

Councillors

B Selby - Killingbeck and Seacroft
G Wilkinson - Wetherby
D Wilson - Rothwell

**Agenda compiled by:
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Civic Hall
LEEDS LS1 1UR**

**Laura Pilgrim
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A G E N D A

Item No	Ward	Item Not Open		Page No
1	Burmantofts and Richmond Hill		<p>PREMISES FORMERLY KNOWN AS "LEEDS DISTRICT FREE GARDENERS CLUB" - APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RELATION TO THE PREMISES FORMERLY KNOWN AS "LEEDS DISTRICT FREE GARDENERS CLUB", STONEY ROCK LANE, BURMANTOFTS, LEEDS, LS9 7TZ</p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) on an application received for the grant of a premises licence in respect of the above named premises.</p> <p>(Report Attached)</p>	1 - 4
2	City and Hunslet		<p>"SPORTS CAFE" - DIRECTIONS HEARING - APPLICATION FOR THE REVIEW OF A PREMISES LICENCE</p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) regarding arrangements for a forthcoming review hearing in respect of the Sports Cafe, and specifically the number of witnesses which may be called</p> <p>(Report attached)</p>	5 - 6



Originator: Mr Matthew Nelson

Tel: 0113 247 4095

Report of the Assistant Chief Executive (Corporate Governance)

Report to the Licensing Sub Committee

Date: 3rd December 2007

Subject: Application for the Grant of a Premises Licence for the premises formerly known as 'Leeds District Free Gardeners Club', Stoney Rock Lane, Burmantofts, Leeds, LS9 7TZ.

Electoral Wards Affected:

Burmantofts & Richmond Hill

X

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

This report informs members of an application for the grant of a Premises Licence for a premises situated at Stoney Rock Lane, Burmantofts, Leeds, LS9 7TZ, trading under an unknown name (premises formerly known as 'Leeds District Free Gardeners Club').

The responsible authorities are served with copies of the application by the applicant and Ward Members have been notified of the application.

1.0 Purpose of this Report

To advise Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for a Premises Licence in respect of premises formerly known as 'Leeds District Free Gardeners Club', Stoney Rock Lane, Burmantofts, Leeds, LS9 7TZ.

The Licensing Sub-Committee is required to consider this application due to the receipt of representations.

2.0 History of Premises

2.1 Prior to the introduction of the Licensing Act 2003, the above mentioned premises benefited from a Club Registration Certificate under the Licensing Act 1964 (s.40). During the transitional period, the premises applied to Convert and Vary a Club Premises Certificate.

Throughout the initial 28 day period, representations were received from the Health & Safety Department in concern of Public Safety issue. Agreements were made between the applicant and Health & Safety, and consequently the representations were withdrawn. Several representations were also received from local residents highlighting public nuisance concerns and noise issues. Therefore, the application was scheduled for a Sub Committee hearing on 22nd September 2005. The Sub Committee noted that some of the complaints referred to another premises near the Club, and concluded that those complaints could not wholly be attributed to the Club. The application was granted as applied for.

On 28th September 2007, an application for the grant of a Premises Licence was received by the Licensing Authority. Currently, the premises is in a state of refurbishment and has not been open to the public for some time unknown.

2.2 The premises currently have the benefit of a Club Premises Certificate, issued under the Licensing Act 2003 in respect of the following licensable activities:

- A** Performance of a Play
- C** Indoor Sporting Events
- E** Live Music
- F** Recorded Music
- I** Provision of Facilities for Making Music
- J** Provision of Facilities for Dancing
- M** Sale by Retail of Alcohol

2.3 The hours of operation are:

Monday to Sunday 11:00 – 23:00

2.4 The hours that the Club Premises are open to the public are:

As permitted by the relevant rules and regulations of the club.

2.5 A copy of the existing Club Premises Certificate (including all conditions) is attached at **Appendix A**, for members' attention.

3.0 The Application

3.1 The applicant is Mr Joginder Singh Teja.

3.2 The location and the proximity to neighboring premises can be seen on the map provided, Members attention is drawn to **Appendix B**.

3.3 A copy of the application and operating schedule are attached as **Appendix C** to this report. For the assistance of members, the Operating Schedule shows:

i) Proposed licensable activities

- A** Plays
- E** Live Music
- F** Recorded Music
- J** Provisions of Facilities for Dancing
- K** Provision of Facilities for Entertainment of a Similar Description to that falling within (I) or (J)

- L** Late Night Refreshment
- M** Supply of Alcohol

ii) Proposed hours of licensable activities

The proposed hours of licensable activities are as follows:

Plays
Live Music
Recorded Music
Provisions of Facilities for Dancing
Provision of Facilities for Entertainment of a Similar Description to that falling within (I) or (J)
Supply of Alcohol

Monday to Sunday 11:00 - 01:00

Late Night Refreshment

Monday to Sunday 23:00 - 01:00

The applicant also proposes the following non-standard timings:

An additional hour every Friday, Saturday, Sunday and Monday for every Bank Holiday weekend.

An additional hour every Christmas Eve and Boxing Day.

iii) Steps to promote licensing objectives

The applicant proposes to take the steps to promote the licensing objectives identified in section "P" of the application form.

iv) Proposed times when the premises is open to the public

The premises propose to open to the public between the following hours:

Monday to Sunday 11:00 – 01:30

Please note, the hours the premises are open to the public will reflect the proposed non-standard timings where applicable.

v) Proposed Designated Premises Supervisor

Mr Tarandeep Teja intends to be the Designated Premises Supervisor.

4.0 Relevant Representations

- 4.1 Under the Act representations can be received from responsible authorities or interested parties. Representations must be relevant and, in the case of an interested party, must not be frivolous or vexatious.

4.2 Responsible authorities have made the following representations:-

- **West Yorkshire Police**

Member's are invited to consider **Appendix D** of this report.

- **Environmental Health**

Member's are invited to consider **Appendix E** of this report.

- **Representations received from Members of the Public**

Member's are invited to consider **Appendix F** of this report.

5.0 Matters Relevant to the Application

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
- public safety
- the prevention of public nuisance
- the protection of children from harm

5.2 In making of their decision Members are obliged to have regard to the national Guidance and the Council's Licensing Policy. Members will be aware they must also have regard to the relevant representations made and evidence they hear.

6.0 Options Available to Members

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

- Grant the application as requested.
- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule
- Exclude any licensable activities to which the application relates.
- Refuse to specify the said person as the Designated Premises Supervisor.
- Reject whole or part of the application

6.2 Members of the Licensing sub committee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

Background Papers

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



Report of the Assistant Chief Executive (Corporate Governance)

Licensing Sub Committee

Date: 3 December 2007

**Subject:
Directions Hearing - Review of Premises Licence.**

<p>Electoral wards affected:</p> <p>City & Hunslet</p>	<p>Specific implications for:</p> <p>Equality & Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the gap <input type="checkbox"/></p>
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Executive Summary

This report informs Members of an application for a review of the Premises Licence made in respect of the Sports Café Bar, 123 The Headrow, Leeds LS1 5RD under Section 51 of the Licensing Act 2003. West Yorkshire Police have made a request for 8 witnesses to be called and the applicants solicitor has indicated that they will call 4 witnesses at the review hearing. The review is due to be considered on the 6 December 2007.

1.0 Purpose of this report

This report provides Members with information in respect of the conduct of a hearing for a review of a Premises Licence under Section 51 of the Licensing Act 2003. The report sets out the relevant procedure when reviewing licences under the Licensing Act 2003 ("the Act"). Finally, this report informs Members of the options available to them in respect of the when reviewing a premises licence.

2.0 Background Information

- 2.1 The Licensing Act 2003 (Hearings) Regulations 2005 makes provision for the procedure to be followed in relation to hearings held under the Act by an authority.
- 2.2 Regulation 8 of the above mentioned regulations provides the action following receipt of notice of hearing. To assist Members the relevant section is reproduced below:

8 (1) A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating –

(a) whether he intends to attend or be represented at the hearing;

(b) Whether he considers a hearing to be unnecessary.

In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request may prescribe the procedure to be followed in relation to a hearing held by a Licensing Authority.

3.0 Main Issues

3.1 West Yorkshire Police made the request for a review of the Premises Licence for the Sports Café Bar, 123 The Headrow, Leeds, LS1 5RD on the 19 October 2007.

3.2 A copy of the application for the review is attached at Appendix 1

3.3 West Yorkshire Police have indicated that they propose to call 8 witnesses during the hearing.

3.4 The applicants solicitors have indicated that they propose to call 4 witnesses during the hearing.

4.0 Implications for Council Policy and Government

4.1 It is the stated licensing policy of the Council that when considering a review the authority will take into account all relevant circumstances but will view the matters listed in paragraph 12.13 of the policy with particular seriousness.

5.0 Legal and Resource Implications

5.1 There are no resource implications in determining the conduct of the hearing of this review.

5.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrates Court.

6.0 Recommendations

6.1 Members can either allow or disallow the witnesses to give evidence.

BACKGROUND PAPERS

- Guidance issued under section 182 of the Licensing Act 2003.
- The Licensing Act 2003 (Hearings) Regulations 2005
- Leeds City Council Licensing Policy