



Report of the Assistant Chief Executive (Corporate Governance)

Licensing Sub Committee

Date: 4th June 2007

Subject:
Directions Hearing - Review of Club Premises Certificate.

Electoral wards affected: Chapel Allerton

Specific implications for:
Ethnic minorities <input type="checkbox"/>
Women <input type="checkbox"/>
Disabled people <input type="checkbox"/>
Narrowing the gap <input type="checkbox"/>

Executive Summary

This report informs Members of an application for a review of the Club Premises Certificate made in respect of the the Latvian Welfare Fund Social Club 2 Mexborough Avenue Leeds 7 under Section 87 of the Licensing Act 2003. West Yorkshire Police have made a request for 5 witnesses to be called at the review hearing.

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 Club Premises Certificate under Section 87 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 Club Premises Certificate for the Latvian Welfare Fund Social Club 2 Mexborough Avenue Leeds 7 on the 4 April 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 5 witnesses during the hearing.
- 3.4 The Club Premises Certificate holder Mr Ivars Muravskis has not indicated he intends to bring witnesses to the hearing.
- 3.5 We have received a letter from Ward Councillors in support of the police application.
- 3.6 We have also received a petition and letters from local residents in support of the police application.

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