

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 23rd May 2017

Subject: Application to vary a premises licence held by Black Bull Market Place, Otley, Leeds, LS21 3AQ

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Otley	
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

This is an application to vary a premises licence, made by Punch Taverns Plc, for Black Bull Market Place, Otley, Leeds, LS21 3AQ

Responsible authorities and Ward Members have been notified of this application.

The application has attracted representations from other persons and responsible authorities.

1 Purpose of this report

- 1.1 To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") to vary a premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

2 History of premises

2.1 The premises has the benefit of a premises licence which permits the sale of alcohol, performance of live music, performance of recorded music every day from 9am to midnight.

2.2 A copy of the existing licence is attached at **Appendix A**.

3 The application

3.1 The applicant is Punch Taverns Plc.

3.2 Briefly the application is to:

- Remove the Christmas Day restriction
- The main changes are the addition of fixed seating in the lounge area, and the extension to the licensable area, in order to permit alcohol sales from the front of the premises.
- A pavement licence application is proposed to be submitted in order to permit furniture on the public highway to the front of the premises.
- Change the layout of the premises

4 The operating schedule

4.1 The applicant considers that the existing measures are sufficient to promote the licensing objectives and no further measures are necessary.

5 Location

5.1 A map which identifies the location of this premises is attached at **Appendix B**.

6 Representations

6.1 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

Representations from Responsible Authorities

6.2 There has been a representation from a responsible authority.

6.3 Representations have been received from West Yorkshire Police in their capacity as a responsible authority. A copy of the representation may be found at **Appendix C**.

6.4 Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with West Yorkshire Police. A copy of the agreement may be found at **Appendix D**.

Other representations

- 6.5 The application has attracted representation from the Ward Member (described as 'other persons' in the legislation).
- 6.6 We have received an email representation with supporting photographs of the market area outside the premises from Councillor Campbell. A copy may be found at **Appendix E**
- 6.7 A list of premises in the local area and their licensed hours and activities is provided at **Appendix F**

7 Equality and diversity implications

- 7.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the licensing subcommittee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

8 Options available to Members

- 8.1 The licensing subcommittee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- Grant the variation as requested.
 - Grant the variation whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
 - Exclude any licensable activities to which the application relates.
 - Reject the whole or part of the application.
- 8.2 Members of the licensing subcommittee 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 appropriate in order to promote the licensing objectives.

9 Background papers

- Guidance issued under s182 Licensing Act 2003
- Statement of Licensing Policy