

Licensing Sub-Committee

Monday, 25th March, 2013

PRESENT: Councillor J Dunn in the Chair

Councillors N Buckley and G Hussain

176 Election of the Chair

RESOLVED – That Councillor J Dunn be elected Chair for the duration of the meeting.

177 Declarations of Disclosable Pecuniary Interests

There were no disclosable pecuniary and other interests declared at the meeting.

178 Application to vary a Premises Licence held by Red Lion Kirkgate, Otley, Leeds, LS21 3HN

The Sub Committee having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy, considered an application to vary a Premises Licence held by Red Lion, Kirkgate, Otley, LS21 3HN.

Twelve letters of representation had been received from the public who were objecting to the application. An objection was also received from Councillor C Campbell, a ward Councillor for Otley and Yeadon. None of the members of public who had submitted a representation attended the hearing and the Sub Committee resolved to proceed in their absence and consider their written submission.

The following representatives were in attendance:-

- Mr K Jones , Applicant
- Councillor C Campbell, Otley and Yeadon Ward Member
- Mr M Bird, Environmental Protection Team
- Ms A Fisher, Environmental Protection Team

Councillor C Campbell attended in support of his written submission and was representing himself at the meeting.

Representations had been previously submitted from West Yorkshire Police in relation to the operating schedule which had been agreed prior to the hearing.

Mr K Jones outlined the application to vary the premise license.

In his presentation, he specifically referred to six temporary events notices carried out at the premises until 03:00 which had not received any complaints. He made reference to the current well managed door staff arrangements undertaken at the premises on a Friday and Saturday evening and addressed and responded individually to the twelve letters of objection.

In concluding, he informed the meeting that there was a need for a late night establishment within the centre of Otley and that the variance of the hours of opening on a Friday and Saturday evening would increase a 30% turnover after 01:30. He offered to remove from the application hours in relation to Sunday to Thursday which was duly noted by the Sub Committee.

The Sub Committee then heard evidence from Mr M Bird and Ms A Fisher, Environmental Protection Team.

Officers re-affirmed that the application contained insufficient information about how the applicant intended to meet the licensing objective of the prevention of public nuisance. Specific reference was made to the suggested opening hours of the premises identified in Part 1 of the operating schedule which the Environmental Protection Team considered were proportionate and appropriate to the nature of the application i.e. 11:00am to 02:00am on a Friday and Saturday evening.

The Sub Committee then heard evidence from Councillor C Campbell.

In summary, specific reference was made to the following issues:-

- That Otley was a small market town
- The concerns expressed that twenty five properties in the vicinity of the premises would have their amenity affected
- To acknowledge the fact that Otley Town Council should be pursuing a collective agreement with Leeds City Council in order to achieve a consistency approach in the centre of Otley
- The concerns expressed about live music at the premises

The Sub Committee carefully considered the contents of the application, the written representations and the verbal submissions made at the meeting.

Members were satisfied with the presentation made by the applicant and the explanations offered in respect of the issues raised.

Prior to making a decision on the application, the Sub Committee also accepted the offer by the applicant to amend the application restricting it to Friday and Saturday evenings.

RESOLVED –

The Sub Committee then resolved to grant the variation to the licence as amended at the hearing but limit the hours of licensable activities to cease at 02:00 hours, with the premises to close at 02:30 hours.

They also imposed further conditions on the licence to read:-

- “There shall be no admission after 01:00 hours on a Friday and Saturday evening”
- “There should be no live music after midnight”

They felt that the conditions agreed and proposed by the applicant and the responsible authorities were necessary in line with the licensing objectives and should be incorporated into the operating schedules, excluding conditions 1 and 2 as proposed by the Environmental Protection Team.

(The meeting concluded at 11.35am)