

<p><b>AGENDA ITEM NO:</b></p>
<p>Originator: Harry Wood</p>
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**REPORT OF THE ASSISTANT CHIEF EXECUTIVE (CORPORATE GOVERNANCE)  
REPORT TO LICENSING COMMITTEE**

**DATE :** 25 June, 2007

**SUBJECT : APPLICATION FOR THE VARIATION OF A PREMISES LICENCE FOR  
THE ROYAL OAK, 2 CROSS HILLS, KIPPAX, LS25 7JP.**

<b>Electoral Wards Affected</b>	<b>Specific Implications For :</b>
<b>KIPPAX &amp; METHLEY</b>	<p>Ethnic Minorities</p> <p>Women <input type="checkbox"/></p> <p>Disabled People <input type="checkbox"/></p> <p>Green Strategy <input type="checkbox"/></p>

This report informs Members of an application for the variation of a Premises Licence for The Royal Oak, 2 Cross Hills, Kippax, LS25 7JP. The Licensing Authority is under a duty to determine this application.

**1.0 PURPOSE OF REPORT**

1.1 To advise Members of an application made under section 34 of the Licensing Act 2003 (“the Act”) for a variation of Premises Licence in respect of The Royal Oak, 2 Cross Hills, Kippax, LS25 7JP.

**2.0 HISTORY OF PREMISES**

The premises already has the benefit of a Premises Licence, following a variation, granted on 1<sup>st</sup> November, 2005. The existing licence permits activities **B, D, E, F, G, I, J, and M** between **10:00 - 01:00** Sunday to Wednesday, **10:00 – 01:00** Thursday to Saturday. Activity **L** is permitted between **23:00** and **01:00** Sunday to Wednesday, and between **23:00 - 02:00** Thursday to Saturday.

- B** Films
- D** Boxing or Wrestling
- E** Live Music
- F** Recorded Music
- G** Performance of Dance
- I** Provision of facilities for Dancing

- J** Provision of facilities for Making Music
- L** Late Night Refreshment
- M** Sale by Retail of Alcohol

The current opening hours for the premises are as follows:

### **3.0 THE APPLICATION**

- 3.1 The applicant is Leeds City Council. The premises are located at 2 Cross Hills, Kippax, Leeds, LS25 7JP. The location and the proximity to neighbouring premises can be seen on the map provided, members attention is drawn to **Appendix A**.
- 3.2 A copy of the application and operating schedule are attached as **Appendix B** to this report. All activities (and hours by which these activities are to take place) are to remain the same as existing (see below).
- 3.3 The application seeks to vary the existing Premises Licence by amending a condition in the operating schedule, namely:

“Patrons shall not be allowed to use the beer garden, or any external area after 23:00 hours”

To

“No consumption of alcohol or food in the beer garden, or any external area after 23:00 hours”

Further to an agreement with the West Yorkshire Police, the applicant now proposes to amend the condition to state:

“No consumption of food or alcohol and no licensable activities will be allowed in the beer garden or any external area after 23:00 hours”

#### **Proposed Licensable Activities:**

The applicant has not proposed to make any additions to the licensable activities permitted by the existing Premises Licence.

#### **Proposed hours of licensable activities:**

The applicant has not proposed to vary the hours by which licensable activities can take place.

#### **Designated Premises Supervisor**

Jemma Morgan

## **Times when the premises is open to the public.**

The applicant does not propose to change the opening times of the premises. The opening times for the premises are

Sunday to Wednesday      **09:00 - 01:00**

Thursday to Saturday      **09:00 - 02:00**

## **Steps to promote licensing objectives**

The applicant proposes to take the steps to promote the licensing objectives identified section 'P' of the operating schedule.

## **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:-

### **➤ Public Representations**

Members' attention is drawn to **Appendix C** 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 its 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.

5.3 Members will find attached at **Appendix D** a table which acts as an aide memoir of relevant sections of the Guidance and the Council's Licensing Policy which will be of assistance when considering the application and the representations.

## **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 while imposing new conditions or altering in any way the existing the operating schedule.

- Exclude any licensable activities to which the application relates
- Refuse to specify a person as the premises supervisor
- Reject 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

## Aide Memoir to relevant sections of the Guidance and Licensing Policy Appendix E

Representation	Guidance page(s)	Licensing Policy page(s)
Overall approach to licensing		4
Vicinity of premises		5
Monitoring and review of licensing policy		5
Integration of other strategies, policies and initiatives		7
Importance of cultural activities		8
Commercial and community applicants		9
Licensing Hours	23-24	12
Planning	29	10
Human Rights		10
Binge drinking	94	11
Discounted Sales promotions of alcohol	94	11
supermarkets	72	12
Sunday trading	72	12
Bank holidays	74	12
Drinking up time	74	13
Cumulative impact	19	13-19
Large capacity vertical drinking in city centre	95	15
Late night takeaways in the city centre	19	16
New premises in Headingley	19	16
Large capacity vertical drinking in Headingley	19	16
Takeaways in Headingley	19	16
Extended hours in Headingley	19	16
High capacity premises in Woodhouse and Hyde Park	19	17
Licence conditions	148-171	18
Staff Training	93	19
Events in the open air or temporary structures	96-100	19
Operating schedules - contents of		21
Risk assessments		22 and Appendix 1
Crime and disorder	80-83	26 and Appendix 1
Public safety	83-85	27 and Appendix 1
Fire safety	154-157	27-28 and Appendix 1
Public Nuisance	85-87	28 and appendix 1
Children	87-90	29 and appendix 1
Operating Schedule	51-52	21-22 appendix 1

