



Report of the Assistant Chief Executive (Corporate Governance)

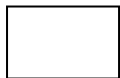
Report to the Licensing Sub Committee: Review of a Premises Licence.

Date: 1st July 2008

Subject: Walkabout Inn, 67-83, Cookridge Street, Leeds LS2 3AW

Electoral Wards Affected:

City & Hunslet



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 a review of the Premises Licence made in respect of the Walkabout Inn, 67-83, Cookridge Street, Leeds LS2 3AW under Section 51 of the Licensing Act 2003. The Licensing Authority is now under a duty to review the Premises Licence held in respect of the Walkabout Inn.

1.0 Purpose of this report

This report provides Members with the background and history to the making of the review. The report sets out the relevant law when reviewing licences under the Licensing Act 2003 ("the Act"). Finally, this report informs Members of the options available to them when reviewing a premises licence.

2.0 Background Information

2.1 An application for the conversion and variation of the Justice's Licence, Special Hours Certificate and Public Entertainment Licence in accordance with the Licensing Act 2003 was submitted in July 2005.

There were no objections to the conversion application and therefore a premise licence was granted for the existing activities and hours.

Qualified objections were received to the variation application from the Responsible Authorities and following discussions with the applicants conditions were agreed upon which were subsequently incorporated into the premise licence.

2.2 The premises currently have the benefit of a Premises Licence issued under the Licensing Act 2003 for the following activities:

Provision of Facilities for Dancing
Performance of Dance
Performance of Live Music
Performance of Recorded Music
Facilities for Entertainment of Similar Description
Provision of Facilities for Making Music

Monday to Saturday	11:00 - 02:00
Sunday	11:00 - 02:00

Late Night Refreshment	
Monday to Saturday	23:00 - 02:00
Sunday	23:00 - 00:30

Sale by Retail of Alcohol	
Monday to Saturday	10:00 - 02:00
Sunday	12:00 - 00:30

A copy of the current premise licence is attached for the benefit of members See **Appendix “ A ”**

2.3 In December 2005 an application was made to transfer the Designated Premises Supervisor from Timothy Carey to Jamie Cantlon.

2.4 In July 2007 an application was made to transfer the Designated Premises Supervisor from Jamie Cantlon to Adam Bowker.

2.5 In April 2008 an application was made to transfer the Designated Premises Supervisor from Adam Bowker to Thomas L’Huillier.

2.6 A map detailing the location of the premises is attached at **Appendix “ B ”**

2.7 This review is being sought by West Yorkshire Police on the grounds as listed at **Appendix “C “**.

2.8 Additional information has been supplied by the solicitors acting for the Walkabout Inn which they have indicated they intend to rely on at the Review Hearing. **See Appendix “ D”**

2.9 Section 51 of the Act places the Licensing Authority under a duty to review the premises Licence in respect of the Walkabout Inn. The Licensing Authority must then follow a procedure set out in the Act. A summary of this procedure is attached to this report by way of a flow chart at **Appendix “ E “**

3.0 Main Issues

3.1 Relevant Representations

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, vexatious or repetitious.

3.2 No further representations have been received

3.3 Members are of course aware that any decision made in respect of this review must promote the licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

3.4 In making their decision Members are obliged to have regard to guidance issued under Section 182 of the Act and the Council's licensing policy. Members must also have regard to the relevant representations made and the evidence they hear.

3.5 The Guidance deals with reviews at paragraphs 5.99 to 5.117.

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 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 are requested to determine this review. The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- To modify the conditions of the licence (which includes adding new conditions or any alteration or omission of an existing condition)
- To remove the designated premises supervisor
- To suspend the licence for a period not exceeding 3 months
- To revoke the licence

6.2 Members may alternatively decide that no action is necessary and that the circumstance of the review does not require the Committee to take any steps to promote the licensing objectives.

6.3 Members should note the Guidance also suggests it is open to Members to issue an informal warning to the licence holder or to recommend improvement within a particular time. However the Guidance further provides that where responsible

authorities have already issued such warnings, the issuing of another warning should not be repeated.

- 6.4 Members of the Licensing Committee are asked to note that they may not take any of the steps outlined above merely because they consider it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

BACKGROUND PAPERS

- Guidance issued under section 182 of the Licensing Act 2003.
- Leeds City Council Licensing Policy