



Report of the Assistant Chief Executive (Corporate Governance)

Report to the Licensing Sub Committee

Date: 19th October 2009

Subject: Application for the Variation of a Premises Licence for: Malt Shovel, Whitehall Road, Drighlington, BD11 1BB.

Electoral Wards Affected:

Morley North

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 the variation of a Premises Licence for premises situated at Whitehall Road, Drighlington, BD11 1BB trading as Malt Shovel .

The responsible authorities are served with copies of the application by the applicant and Ward Members have been notified of the application.

1.0 Purpose of this Report

To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") for a variation to a Premises Licence in respect of the Malt Shovel

The Licensing Sub-Committee is required to consider this application due to the receipt of representations.

2.0 History of Premises

An application for the conversion of the former license into a Premises Licence, along with a Supper Hours Certificate was submitted in August 2005 under the Licensing Act 2003.

No objection to the conversion application was received and a Premise Licence was duly granted for the existing hours and activities.

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

- **Recorded Music**
Every Day 00:00 – 23:59

- **Sale of Alcohol**
Monday to Saturday 11:00 – 23:00
Sunday 12:00 – 22:30

The hours that the premises are open to the public are:

The hours for licensable activities for the premises are as above. There are no regulated opening hours for non licensable activities.

2.3 A copy of the existing licence is attached as **Appendix “A”** to this report

3.0 **The Application**

3.1 The applicants are Our Inns Ltd

3.2 The location and the proximity to neighbouring premises can be seen on the map provided, Members attention is drawn to **Appendix “B”**.

3.3 A copy of the application and operating schedule are attached as **Appendix “C”** to this report. For the assistance of members, the Operating Schedule shows:

i) **Proposed new licensable activities**

- Live Music

ii) **Proposed new hours of licensable activities**

- **Live Music**
Monday to Saturday 12:00 – 00:00
Sunday 12:00 – 23:00

- **Recorded Music**
- **Sale of Alcohol**
Monday to Saturday 11:00 – 01:00
Sunday 12:00 – 00:00

iii) **Steps to promote licensing objectives**

The applicant proposes to take specific steps to promote the licensing objectives identified in the Pro-Forma Risk Assessment; a copy of which is attached as **Appendix D** to this report.

iv) **Times when the premises are open to the public**

- Monday to Saturday 11:00 – 01:30
- Sunday 12:00 – 00:30

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:-

- **Leeds City Council Environmental Health**

Member's are invited to consider Appendix "E" of this report

Following discussions between the applicant and Environmental Health agreements have been reached. Consequently Environmental Health has withdrawn their representations on the understanding that the agreed conditions will be placed on the Premise Licence.

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 of their 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.

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 variation as requested.
- Grant the variation while imposing new conditions or altering in any way the existing operating schedule.
- Reject whole or part of the variation 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