

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: 25th March 2013

Subject: Application to vary a premises licence held by Red Lion Kirkgate, Otley, Leeds, LS21 3HN

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Otley and Yeadon	
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 held by Red Lion Kirkgate, Otley, Leeds, LS21 3HN.

A full description of the variation can be seen at 3.3 of this application.

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

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

1.0 Purpose of this Report

- 1.1 To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") for 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.

2.0 History of Premises

2.1 In August 2005, an application was received to convert an existing Justice Licence into a premises licence. The application was successful and a premises licence was duly granted on 4th September 2005. The premises licence holder was Paul Titley.

In November 2006, an application was received to transfer the premises licence into the name of Enterprise Inns Plc. This application was granted.

On 1st February 2007, another application to transfer the premises licence into the name of Jamie Smith was submitted, this application was also granted. On the 24th July 2008, a court decision ruled that Jamie Smith give up possession of the premises, therefore another transfer application was received for Enterprise Inns to be the premises licence holder. This application was granted.

On 16th December 2011, a further application to transfer the premises licence into the name of Demented Monkey Ltd, was received. This application was also granted.

On 23rd January 2012, an application was received to vary the premises licence. The variation was to extend the trading hours by one hour on a Thursday and two hours each day on a Friday and Saturday and to allow for the provision of live music and/or occasional comedy acts. No valid representations were received to this application, therefore it was granted.

On 5th February 2013, further application to vary the premises licence was submitted, details of which are at 3.3 of this report.

On 19th February 2013, an application to transfer the premises licence into the name of Enterprise Inns was received, to take effect from the 6th March 2013, this being the notice expiry date for the variation application. As representations were received to the variation application, Enterprise Inns Plc, informed the Licensing Authority that they wished to withdraw the transfer application, therefore the premises licence holder, reverted back to Demented Monkey Ltd.

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

3.0 The Application

3.1 The applicant is De Mental Monkey Ltd,

3.2 The application form may be found at Appendix B to this report.

3.3 In summary the application is to vary the hours of the following licensable activities and the hours open to the public:

Sale by retail of alcohol (for consumption both on and off the premises)
Live music
Performance of dance

Recorded music
Entertainment of a similar description to the above

Monday to Thursday 11:00 until 03:00
Friday and Saturday 11:00 until 03:30
Sunday 12:00 until 00:00

Times when the premises will be open to the public:

Monday to Thursday 11:00 until 03:30
Friday and Saturday 11:00 until 04:00
Sunday 12:00 until 00:30

Non Standard Timings:

No non-standard timings for bank holidays or special occasions are proposed for this application

4.0 Other matters relevant to the application

4.1 Equality and Diversity / Cohesion and Integration

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

5.0 Steps to promote the Licensing Objectives

5.1 The applicant proposes to take specific steps to promote the licensing objectives identified in section 16 of 17 of the application form.

6.0 Location

6.1 A map which identifies the location of this premises is attached at Appendix C.

7.0 Representations

7.1 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.

7.2 Representations from Responsible Authorities

- 7.2.1 Representations have been received from West Yorkshire Police and Leeds City Council's Environmental Protection Team in their capacity as a responsible authority.
- 7.2.2 Any representations submitted may be agreed prior to a hearing. In this instance, the operating schedule has been amended to include measures agreed with West Yorkshire Police. A copy of which may be found at Appendix D.
- 7.2.3 The representation submitted by Environmental Protection Team remains as a matter for Members considerations. A copy of the same may be found at Appendix E.
- 7.3 Other representations
- 7.3.1 The application has attracted representations from other persons.
- 7.3.2 The grounds for the objections are the prevention of crime and disorder, public safety, the prevention of public nuisance and protection of children from harm.
- 7.3.3 The Licensing Section is in receipt of twelve individual letters of objection and an objection from a ward councilor, all of which are opposed to this application on the above grounds.
- 7.3.4 Copies of the representations will be available at the hearing for Members consideration.

8.0 Options Available to Members

- 8.1 The Licensing sub-committee 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 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 appropriate in order to promote the licensing objectives.

9.0 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy
- Representations received from Other persons