

## Licensing Sub-Committee

Tuesday, 10th October, 2023

**PRESENT:** Councillor I Wilson in the Chair

Councillors L Farley

Prior to the start of the meeting, a Sub-Committee member was unable to attend. Given this situation and in line with Licensing Procedure Rule 6, parties present are to be provided with an opportunity to agree a quorum of 2 Sub-Committee members. When seeking agreement to proceed on that basis, all parties in attendance agreed a quorum of 2 Sub-Committee members. The meeting therefore proceeded.

### **1 Election of the Chair**

**RESOLVED** – To elect Councillor Wilson as Chair of the meeting.

### **2 Appeals Against Refusal of Inspection of Documents**

There were no appeals.

### **3 Exempt Information - Possible Exclusion of the Press and Public**

There were no exempt items.

### **4 Late Items**

There were no formal late items.

### **5 Declaration of Interests**

No interests were raised.

### **6 Certification of Films – Leeds Light Night**

The report of the Chief Officer Elections and Regulatory advised Members of an application for the certification of ten short films to be shown at the Carriageworks Theatre, Millennium Sq. The films will be shown as part of Leeds Light Night on the 12<sup>th</sup> and 13<sup>th</sup> October 2023.

**RESOLVED** – To grant the following certifications:

Sally – U

Dingen – U

Fadenspiele 2 – U

Birdcalls – U

Moia Mama – U

Bimo xinglu – U

Moon Girl – U

Once Upon a Blue Moon – U

Planet Robin – PG

Getting to the Moon – U

### **7 Certification of a Film – British Urban Film Festival**

The report of the Chief Officer Elections and Regulatory Members of an application for the certification of a number of films to be shown as part of the British Urban Film Festival, taking place at Everyman Cinema on 14<sup>th</sup> and 15<sup>th</sup> October 2023.

**RESOLVED** – To grant the following certifications:

A Better Place – 18

Behind God's back Dèyè do bon dié – 18

Guests – 18

Home – 18  
if the Streets were on Fire – 18  
Oluwale – 18  
Our Place is Here – 18  
Pacemaker – 18  
Sex change, Shock horror, Probe – 18  
The Therapists – 18  
Walter Rodney: What They Don't Want you to Know – 18  
White Nanny Black Child – 18  
Wings – 18  
You Fit the Description – 18

### **8 Application for the Grant of a Premises Licence for Unit 2B, The Gateway North, Crown Point Road, Hunslet, Leeds, LS9 8BZ**

The report of the Chief Officer Elections and Regulatory presented an application for the grant of a premises licence made by Nicholas James Loft, for Unit 2B, The Gateway North, Crown Point Road, Hunslet, Leeds, LS9 8BZ.

Prior to the meeting, supplementary information was published online and circulated to Sub-Committee Members. The information related to correspondence from the applicant and objector, as well as agreed conditions with West Yorkshire Police, that have been incorporated into the Operating Schedule.

The following were in attendance for this item:

- Chris Rees-Gay – Applicant's representative
- Nicholas James Loft – Applicant and Proposed Designated Premises Supervisor (DPS)
- Sam Howarth – Applicant's Business Partner

The Legal Officer outlined the procedure for the hearing and the Licensing Officer presented the application. The following information was highlighted:

- The premises is intended to operate as a bar/eatery, proposing the sale by retail of alcohol and performance of recorded music.
- The premises has previously held a premises licence, trading as The Gateway Bar & Grill but due to the Premises Licence Holder's company going into liquidation, the licence lapsed in March 2021.
- In summary, the application is for the Sale of Alcohol (for consumption both on and off the premises) Everyday – 11:00 until 01:00, Recorded Music Everyday 08:00 until 01:00 and the hours the premises proposes to be open to the public are Everyday 08:00 until 01:30.
- A representation has been received from Environmental Protection Team (EPT) in their capacity as a responsible authority. In this instance, the operating schedule has been amended to include measures agreed with EPT.
- The application has attracted representations, both in support and in opposition from local residents and a local ward councillor.
- Conditions as agreed with West Yorkshire Police (WYP) were set out in the supplementary information.

The Applicant's representative addressed the Sub-Committee, and provided the following information:

- The 10pm cut off point to use the rear entrance is considered 'standard' in the centre of Leeds. The applicant does not envisage any issues in terms of noise with the 10pm cut off point and there will be no audible speakers placed outside. Customers using the premises will be made aware of low noise levels before entering outside and be told 30 minutes before the outside area is closing, to enable them to slowly make their way back inside. An earlier close time in summer months is not ideal.
- The rear entrance for seating is larger than the front.
- There are flats above the premises, as well as offices.
- There will be no door supervisors as it is craft beer and food led, and the applicant doesn't want to create an environment that will require door staff.
- The average pint of beer is priced at £6, and it is believed that this will not attract a 'certain type' of audience.

In summarising, the applicant's representative explained that the premises is not intended to be what it was previously, and the operators are experienced enough to deal with the 10pm closing time of the external area. There is a similar number of supporting representations as those who objected. Environmental Protection Team has not objected to the 10pm cut off point for external areas.

At this point in the meeting, the Sub-Committee moved into private session to deliberate on the application. In reaching its decision, members considered the report of the Head of Elections, Licensing and Regulatory, including the written representations opposing the application. The Sub Committee also had regard to the relevant provisions of the Licensing Act 2003, the Guidance issued under Section 182 of the Act and Leeds City Council's Statement of Licensing Policy. The Sub Committee also considered the oral representations, contributions, and explanations from the applicant and objector.

**RESOLVED** – To grant the application as applied for subject to the conditions as agreed with Environmental Protection Team and as set out in the supplementary information.

**9 Application for the Grant of a Premises Licence for Swillington Miners Welfare Pavilion & Sports Ground, 9 Wakefield Road, Swillington, Leeds, West Yorkshire, LS26 8QB**

The report of the Chief Officer Elections and Regulatory set out an application for the grant of a premises licence made by Mark Turnbull for Swillington Miners Welfare Pavilion & Sports Ground, 9 Wakefield Road, Swillington, Leeds, West Yorkshire, LS26 8QB.

The following were in attendance:

- Mark Turnbull, Applicant
- Helen Wormsley, Supporter
- David Godley, Supporter
- Gavin Smith, Supporter
- Jacqui Smith, Objector
- Stephen Wood, Objector
- Andrew Nall, Objector

The Legal Officer outlined the procedure for the hearing and the Licensing Officer presented the application. The following information was highlighted:

- The application is for a new licence for the club's pavilion and sports grounds located separately to the currently licensed clubhouse.
- There is the intention to hold a maximum of 12 events per year in the external areas/club grounds.
- The Clubhouse (separate to the pavilion and sports grounds) currently has the benefit of a premises licence. Details of this were set out in paragraph 2.2 of the submitted report.
- In August 2022 an application to vary the licence was made seeking to allow the sale of alcohol for consumption both on and off the premises, to remove a condition regarding periodic litter checks, to incorporate the pavilion into the licensed area and to extend the area for licensable activities to include the beer garden to the front of the Clubhouse and the sports field. The Licensing Sub Committee unanimously resolved to refuse the parts of the application relating to the incorporation of the pavilion into the licensed area and the inclusion of the beer garden and the sports field into the licensed area, it became clear that the pavilion and sports fields were not adjacent to the currently licensed area (the Clubhouse).
- In summary, the application is for the sale by retail of alcohol (consumption on and off the premises) – Everyday 11:00 until 21:30, the hours to be open to the public – Everyday 11:00 until 22:00 and there are no non-standard timings proposed.
- Agreements have been reached with Environment Protection Team (EPT) and West Yorkshire Police (WYP) resulting in amendments to the proposed operating schedule.
- The application has attracted several representations from members of the public opposing the application on the grounds of public nuisance. The application has also attracted several letters of support and a petition with 485 signatures.

The applicant provided the Sub-Committee with some background context to the Club and explained that historically the pavilion held a licence prior to 2008. The applicant explained that the pavilion was re-built in the 90s, after it burnt down, and the sports field declined to a point where it did not need a licence anymore. The applicant explained that he had submitted the previous application to vary the Clubhouse licence following advice received from the local authority and it was rejected by the Licensing Sub-Committee on the grounds of not meeting certain criteria.

The applicant explained that following a successful bid to Sports England and the Football Federation to improve the pavilion, the club were granted £350,000 to make those improvements to the facilities. The club now has 13 junior football teams and 2 open age group football teams who utilise the pitches, as well as a ladies rounders team and bowls teams of all ages. The applicant provided an overview of costs to keep the grounds running, and the efforts made to raise funds to pay for such costs. The applicant explained that teams may have to be cut if the club cannot pay for the running costs. In terms of the licence applied for, the applicant confirmed:

- It is intended that alcohol will be sold during matches, and for the players after a match and/or training. Alcohol won't be sold to parents watching their children train at 9am.
- It is considered that the premises is well away from neighbouring properties.
- 6 licensed events were held this year, and no complaints were received in relation to noise disturbance.
- There are no live objections from responsible authorities.
- Trustees of the club will carry out event management planning and will provide relevant information to WYP.
- Monies raised by the Clubhouse are put back into the charity and pay for things such as trophies and football kits. The money generated from alcohol sales will provide assurances longer term and be a benefit to the community.
- The grounds are a deterrent for anti-social behaviour as it provides a facility for young children.
- The licence provides flexibility so that the applicant doesn't have to apply for a Temporary Event Notice (TEN).

Further to questions from Sub-Committee Members, the applicant confirmed:

- The applicant doesn't envisage the bar to be open when children are training in the morning and is intended for parents who are watching matches and does not expect people who are not watching matches to use the pavilion as a 'bar'.
- The Clubhouse is used for weddings and other events on the weekend and matches finishing at 4pm can sometimes interfere with those events if people are wanting a drink afterwards.
- There will be a pavilion manager that has undertaken relevant training, as well as others to help guide her.
- During the summer months, there are 3 open age groups as well as a rounders team and their training starts at 6pm. They may decide to have a drink after training.
- The licence will only be utilised until 9.30pm if there is a fundraising event or similar.
- The pavilion room is not considered an exciting room to sit and drink and the applicant does not expect people to hang around there and drink. The applicant also doesn't expect people who are driving to be drinking, and only envisions people staying for 1 drink during or after a match.
- There is a car park at the pavilion for people who are using the facilities. The applicant does not believe that people will drive up to the clubhouse after visiting the pavilion to stay and drink.

A supporter in attendance, informed the Sub-Committee that she is the person who instigated the petition, and her children regularly access the club. She explained she has been attending the club since before the refurbishment and complimented the massive improvements to the grounds and commented on the positive impact on local children in the area. Ms Wormsley explained that the costs of running and maintaining is significant and parents are helping to raise funds for the club, but this is limited. Ms Wormsley explained that the club is family orientated and she has never experienced any type of abusive behaviour. The licence applied for provides an opportunity to host events and there have been no issues associated with past

events where alcohol was sold. Finally, it was confirmed that the club provides each child with a kit and water bottle which is a significant cost, but also ensures inclusivity.

The objectors in attendance put forward their concerns as follows:

- Residents who live along the eastern border of the playing fields overlook the playing fields where the application site is, and they have a clear and open view of the pavilion building. It is estimated that there are a number of houses within 160 yards of the pavilion.
- The noise and disturbance generated from the site has increased over the last 3 years.
- The club uses portable flood lights that shine directly onto neighbouring properties and due to the noise generated from events and training, residents feel they are unable to use their gardens during certain hours.
- Some residents feel that alcohol sales and consumption will increase pre-existing noise levels.
- Individuals have trespassed using residents' gardens to access the playing fields.
- Residents have complained regarding the proximity of bouncy castles / inflatables and noise generated from events, as well as footballs being kicked into residents' gardens due to goalposts being positioned close to their gardens.
- Noise is generated from car doors being shut late at night and noise is generated from people chatting.
- It is usually noisiest during the summer months, and this is typically their busiest period.
- It is believed that the consumption of alcohol doesn't set a good example for young children and will only generate additional noise.

Further to questions from Sub-Committee Members, the following was confirmed:

- Residents attempted to raise a complaint to EPT during the construction phase of the pavilion but could not get through as it was over the weekend. Residents did not raise any other complaints and accept that they have to 'live with the noise'.
- The applicant explained that other local teams use the playing fields for fundraising events and are not always aware of how close the boundary is to neighbouring properties. It was confirmed that the feedback has been listened to, and the club will seek to foster better relationships and work on open communication.
- The applicant confirmed that there will be no advertisement within or outside of the premises regarding the sale of alcohol.
- There will be no use of glass or bottles.

The applicant summarised by explaining there is no other sporting venue nearby that does not have an alcohol licence. The applicant believed that noise will not be increased as a result of the licence, and children playing naturally generates noise. The applicant explained they currently have around 1,100 members and this will be increasing, and the sports facilities are a benefit to the local community and children.

At this point in the meeting, the Sub-Committee moved into private session to deliberate on the application. In reaching its decision, members considered the report of the Head of Elections, Licensing and Regulatory, including the written representations opposing the application. The Sub Committee also had regard to the relevant provisions of the Licensing Act 2003, the Guidance issued under Section 182 of the Act and Leeds City Council's Statement of Licensing Policy. The Sub Committee also considered the oral representations, contributions, and explanations from the applicant, supporter, and objectors.

**RESOLVED** – To grant the premises licence as applied for subject to the inclusion of amendments to the operating schedule as agreed with EPT and WYP.