

Public Document Pack

LATE ITEM - LICENSING SUB COMMITTEE – 11TH APRIL 2023

Agenda Item 7 - Temporary Event Notice for Francis Street - Junction to Chapeltown
Road Francis Street, Chapeltown, Leeds, LS7

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Report author: Mr Martyn Musson
0113 3785029

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 11th April 2023

Subject: Temporary Event Notice for Francis Street - Junction To Chapeltown Road
Francis Street, Chapeltown, Leeds, LS7

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Chapel Allerton		
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 report advises Members that a temporary event notice has been received by the Licensing Authority in respect of an event to take place at: Francis Street - Junction to Chapeltown Road, Francis Street, Chapeltown, Leeds, LS7 4BY.

The notice has been submitted to authorise licensable activity for a street event during Leeds West Indian Carnival.

West Yorkshire Police have served an objection notice on the grounds of public safety and public nuisance.

Members of the Licensing Sub Committee are asked to consider the temporary event notice and the objection notice from the above responsible authority.

1 Purpose of this report

- 1.1 To advise Members of a temporary event notice served under section 100 of the Licensing Act 2003 ("the Act") in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of an objection notice from West Yorkshire Police.

2 History of premises

- 2.1 The premises do not benefit from either a premises licence or club premises certificate.

3 The temporary event notice

- 3.1 The proposed user is Spencer Powell.
- 3.2 A copy of the temporary event notice is attached at **Appendix A**.
- 3.3 In summary, the temporary event notice is for:

Licensable Activity: *The sale by retail of alcohol*
 The provision of late night refreshment
 The provision of regulated entertainment

During: *From 12:00 hours on Sunday 27th August 2023*
 until 23:59 hours on Monday 28th August 2023

The specified maximum capacity of the event is 200 people.

- 3.4 The location of the premises can be seen on the map at **Appendix B**.

4 Representations

- 4.1 As requested by the Licensing Act 2003 both West Yorkshire Police and Leeds City Council's Environmental Protection Team have received a copy of the Temporary Event Notice.
- 4.2 West Yorkshire Police consider that allowing the premises to be used in the manner set out in the temporary event notice will undermine public safety and public nuisance and have issued an objection notice.
- 4.3 A copy of the objection notice submitted by West Yorkshire Police, including the grounds of the objection can be viewed at **Appendix C**

5 Equality and diversity implications

- 5.1 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.

6 Options Available to Members

6.1 The Licensing sub-committee must take such of the following steps as it considers appropriate to promote the licensing objectives:

- Issue a counter notice against the event in order to prevent the event from taking place.
- Allow the event to take place.

7 Background papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy

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* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	[REDACTED]	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
<p>Are you an agent acting on behalf of the applicant?</p> <p> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>		<p>Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.</p>

Applicant Details

* First name	Spencer	
* Family name	Powell	
* E-mail	[REDACTED]	
Main telephone number	[REDACTED]	Include country code.
Other telephone number	[REDACTED]	
<input type="checkbox"/> Indicate here if you would prefer not to be contacted by telephone		
<p>Are you:</p> <p> <input type="radio"/> Applying as a business or organisation, including as a sole trader <input checked="" type="radio"/> Applying as an individual </p>		<p>A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.</p>

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text" value="Leeds"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text" value="United Kingdom"/>

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APPLICATION DETAILS [\(See also guidance on completing the form, general notes and note 1\)](#)

Have you had any previous or maiden names?

☐ Yes ☒ No

* Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text" value="Leeds"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

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THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

☐ Yes ☒ No

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

☒ Neither ☐ Premises licence ☐ Club premises certificate

Location Details

Give an Ordnance Survey (OS)

map reference (if a full address has not been given)

Give an Ordnance Survey (National Grid) reference e.g. TL683365

* Provide further details about the location of the event

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

Describe the nature of the premises below [\(see also guidance on completing the form, note 4\)](#)

Describe the nature of the event below [\(see also guidance on completing the form, note 5\)](#)

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LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises

([see also guidance on completing the form, note 6](#)):

- ☒ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☒ The provision of regulated entertainment
- ☒ The provision of late night refreshment
- ☐ The giving of a late temporary event notice

([See also guidance on completing the form, note 7](#)).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

([See also guidance on completing the form, note 8](#)).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

([see also guidance on completing the form, note 9](#))

Event start date

/ /
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

/ /
dd mm yyyy

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

([see also guidance on completing the form, note 10](#))

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

Note that the maximum number of people cannot exceed 499.

([see also guidance on completing the form, note 11](#))

Continued from previous page...

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- ☐ On the premises only
- ☐ Off the premises only
- ☒ Both

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RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

12:00 -23:59

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PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence? ☒ Yes ☐ No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Any further relevant details

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PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? ☐ Yes ☒ No

Continued from previous page...

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or ☐ Yes ☒ No
- b) Begins 24 hours or less after the event period proposed in this notice?

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ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes ☒ No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or ☐ Yes ☒ No
- b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes ☒ No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or ☐ Yes ☒ No
- b) Begins 24 hours or less after the event period proposed in this notice?

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CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

- * The information contained in this form is correct to the best of my knowledge and belief.
- * I understand that it is an offence to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- * I understand that it is an offence to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.
- * I understand that if my notice is incorrect, out of time, outside of the proscribed limits, rejected or withdrawn that I will not receive a refund of the fee.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

[Add another signatory](#)

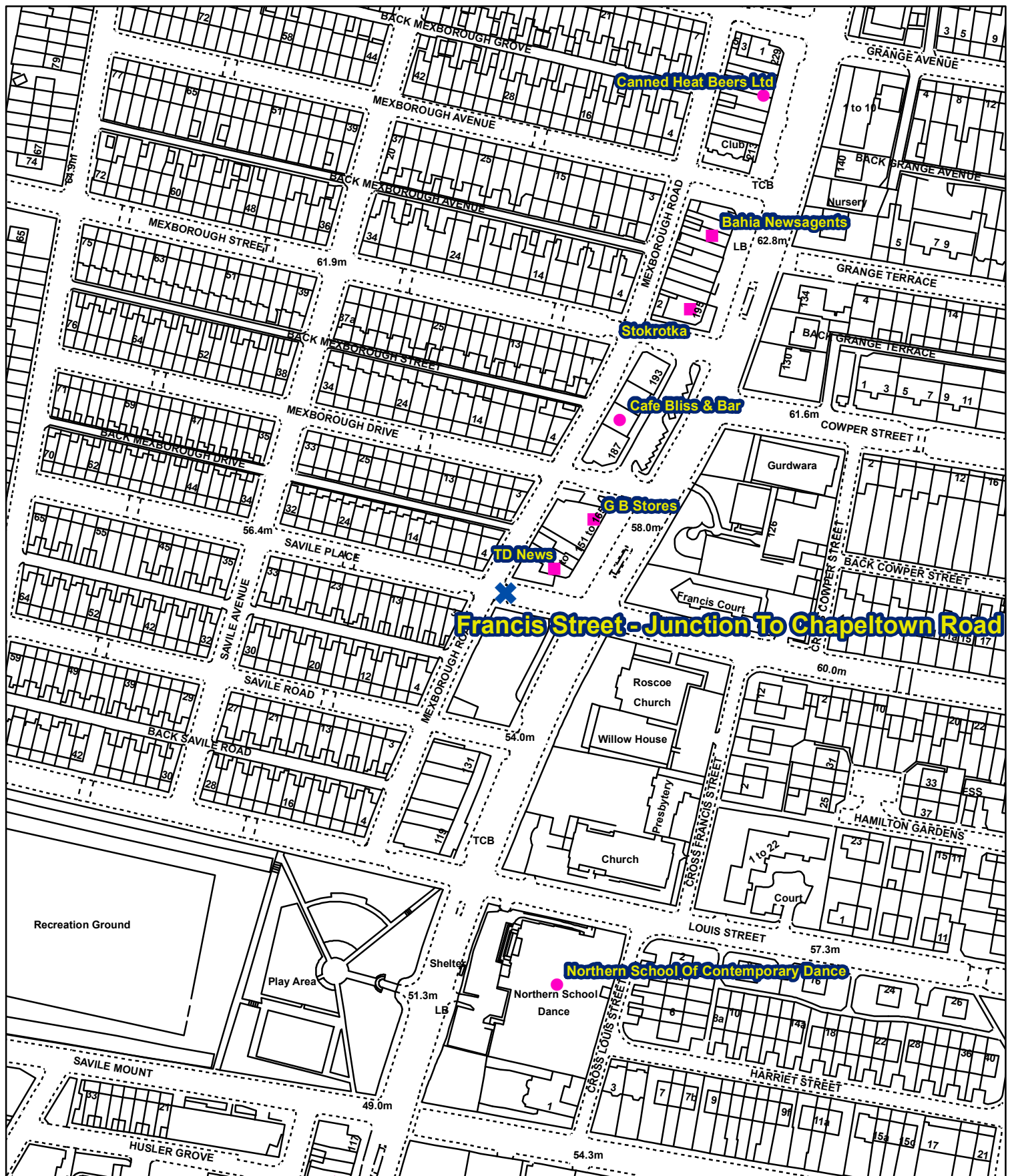
Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/leeds/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<div></div>
Fee paid	<div></div>
Payment provider reference	<div></div>
ELMS Payment Reference	<div></div>
Payment status	<div></div>
Payment authorisation code	<div></div>
Payment authorisation date	<div></div>
Date and time submitted	<div></div>
Approval deadline	<div></div>
Error message	<div></div>
Is Digitally signed	<input type="checkbox"/>

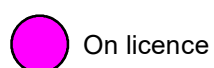


This map is based upon the Ordnance Survey's digital data with the permission of the Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office

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Leeds City Council O.S. Licence No 1000019567
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Key



On licence



Late night refreshment



Off licence



Other

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NOT PROTECTIVELY MARKED**Leeds District Licensing Department**

Leeds District Licensing Department
First Floor
Elland Road DHQ
Elland Road
Leeds
LS11 8BU

Tel:

Email: [REDACTED]

29th March 2023

Dear Spencer POWELL

cc. Entertainment Licensing Section Leeds City Council Civic Hall Leeds LS1 1UR.
cc. Health & Environmental Action Service – Leeds City Council

NOTICE OF OBJECTION BY A RELEVANT PERSON
TO TEMPORARY EVENT NOTICE
SECTION 104(2) as amended – LICENSING ACT 2003

PREMISES/LOCATION: Francis Street, Chapeltown Road, Leeds, West Yorkshire. what3words.
sleep.angle.steep

Your temporary event notice was recently received by West Yorkshire Police for the above location for 27th August 2023 to 28th August 2023 for the following times, 12:00-23:59. The notices relate to licensable activities outside on the public highway during the Leeds West Indian Carnival for up to 200 people. The notice is made on the assumption that there will be a road closure during the times you are notifying for the TEN.

I, **PC Andy CLIFFORD for West Yorkshire Police**, hereby give you notice that I intend to object to your temporary event notices.

West Yorkshire Police are satisfied that allowing the premises to be used in accordance with the notice would undermine the licensing objectives ***“public safety” & “prevention of public nuisance”***.

Currently there are no confirmed road closures for the West Indian Carnival. Should this road remain opened during any time a TEN was in place I have concerns this would impact public safety, as they would likely have to stand in the road during the operating times listed.

Secondly, the TEN notifies for a time of mid-day on the 27th August to 23:59 on the 28th August, making this a TEN which could run uninterrupted for 36 hours. West Yorkshire Police would not support any TEN which could operate for such hours uninterrupted due to concerns over public nuisance in a public space.

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

West Yorkshire Police therefore formally make representations against this temporary event notice for undermining the prevention of public nuisance and public safety. West Yorkshire Police therefore ask the presiding sub-committee at any future hearing to give the premises user a counter notice in promotion of the licensing objectives, under Section 105 Licensing Act 2003.

PC 4198 Andy CLIFFORD
Leeds District Licensing Officer.
West Yorkshire Police

NOT PROTECTIVELY MARKED