

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: Tuesday 16th April 2019

**Subject: Application to Vary a Premises Licence held by Headingley Pavilion
Headingley Stadium, St Michaels Lane, Headingley, Leeds, LS6 3BR**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):		
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 made by Headingley North-South Stand Limited for Headingley Pavilion, Headingley Stadium, St Michaels Lane, Headingley, Leeds, LS6 3BR.

The application is made for a premises that operates as the Headingley Pavilion within Headingley Stadium.

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

The application has attracted representations from other persons expressing concerns that granting the application will potentially add to issues surrounding noise nuisance.

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") to vary 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 History of Premises

- 2.1 These premises have had the benefit of a premises licence since the transition to the current legislation on 24th November 2005. An application to convert the existing Justices' On Licence, Supper Hours Certificate and Public Entertainment Licence was granted successfully.
- 2.2 The only subsequent application to the one above is an application to transfer the premises licence to the current holder Headingley North-South Stand Limited. This transfer was effective from 25th February 2019 and did not attract representation from West Yorkshire Police.
- 2.3 A copy of the current premises licence details can be found at Appendix A.

3 The Application

- 3.1 The applicant is Headingley North-South Stand Limited.
- 3.2 In brief, the application is to:
 - To add late night refreshment Monday to Saturday 23:00 until 02:00 hours;
 - To add entertainment similar to live music, recorded music or dance on Sundays 12:00 until 22:30 hours;
 - Relocate the bar areas on the first and third floors of the premises and the addition of a new bar in the private dining area on the third floor of the premises;
 - The removal of all bar areas on the ground floor to facilitate kitchen and staff areas; and
 - To remove and/or replace certain conditions of the operating schedule.
- 3.3 A copy of the redacted application form is attached at Appendix B.
- 3.4 A copy of the plans showing the proposed layout of the premises are attached at Appendix C. Larger and higher quality plans will be available for Members to view on the day of the hearing.

4

The Operating Schedule

- 4.1 The applicant has been in discussion with West Yorkshire Police regarding the amendments proposed to the conditions under the current operating schedule. West Yorkshire Police have not submitted a formal representation but they have

requested clarification on the proposed changes to the conditions. A copy of that e-mail thread is included at Appendix D for Members to view.

- 4.2 In order to replace the removed conditions the applicant proposes to promote the licensing objectives by taking the steps identified in Section M of the application form. The codes provided in this section are specific to measures taken for the Pro-Forma Risk Assessment V7 and Members are invited to view a copy of this document at Appendix E.

5 Location

- 5.1 A map which identifies the location of these premises is attached at Appendix F.
- 5.2 To provide Members with an overview of the Pavilion's location within the stadium, a detailed site plan is attached at Appendix G.

6 Representations

- 6.1 Under the Act representations can be received from anyone but must be relevant and, in the case of members of the public, must not be frivolous or vexatious.

Representations from Responsible Authorities

- 6.2 There have been no representations from responsible authorities.

Other representations

- 6.3 The application has attracted representations from members of the public (described as 'other persons' in the legislation).
- 6.4 In total the Licensing Authority is in receipt of 13 relevant representations from other persons expressing concerns centered primarily on the potential noise nuisance for residents and families in the area, if the application is granted.
- 6.5 Many of the representations also make reference to how granting the application will undermine the other Licensable Objectives.
- 6.6 In order to protect personal data, redacted copies of the representations are attached at Appendix H. Original copies will be available at the hearing for Members consideration.

7 Licensing Hours

- 7.1 Members are directed to paragraphs 6.8 to 6.15 for the Statement of Licensing Policy which states the criteria that will be applied to any decision for new applications or variations which include extending hours.
- 7.2 In brief the Policy states at 6.14 that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so. The council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are

significantly out of character for a locality will need to demonstrate that granting the hours sought will not impact on the licensing objectives.

7.3 A list of premises in the local area and their licensed hours and activities is provided at appendix I.

8 Equality and Diversity Implications

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

9 Options Available to Members

9.1 The licensing subcommittee 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.

9.2 Members of the licensing subcommittee 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 and relevant to the application.

10 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Statement of Licensing Policy