

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: Tuesday 7th May 2019

Subject: Application to Vary a Premises Licence held by South Stand, Emerald 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 the premises licence held by Headingley North-South Stand Limited for the South Stand, Emerald Headingley Stadium, St Michaels Lane, Headingley, Leeds, LS6 3BR

The application proposes to add the provisions of recorded music, live music and performance of dance on Sundays only, to reflect the hours of alcohol sales as permitted by the current premises licence.

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.

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 An application for the grant of a premises licence was received by the Licensing Authority on 17th August 2018 and attracted several representations from other persons.
- 2.2 The application was scheduled for hearing on the 9th October 2018 and the committee heard from local residents expressing their concerns in respect of noise nuisance issues following the recent redevelopment.
- 2.3 Members felt they had insufficient information to determine the application and decided an adjournment to allow the applicant time to provide an independent noise report would be proportionate and assist the deliberation process.
- 2.4 The subsequent hearing took place on 4th December 2018 where Members resolved to grant the application as applied for, subject to the amended hours as outlined by the applicant's representative. The committee also resolved to place a condition on the licence as detailed in the acoustic report, which is viewable at condition 86 of the attached premises licence details; Appendix A.
- 2.5 An application for a minor variation to add the provision of music and dance on Sundays was received on xxx. Representations were received from members of the public. The application was rejected due to the impact on public nuisance and the applicant was advised that their next course of action would be to apply for a full variation should they wish to pursue this activity.

3 The Application

- 3.1 The applicant is Headingley North-South Stand Limited.
- 3.2 Briefly the application is to:

Add the provisions of live music, recorded music and the performance of dance;

Sundays only from 12:00 until 22:30 hours.

- 3.3 A copy of the redacted application form is attached at Appendix B.

4 The Operating Schedule

- 4.1 The applicant considers that the existing measures are sufficient to promote the licensing objectives and no further measures are necessary.

5 Location

- 5.1 A map identifying the location of these premises is attached at Appendix C.
- 5.2 To provide Members with an overview of the South Stand's location within the stadium, a detailed site plan is attached at Appendix D.

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 10 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 other licensing objectives.
- 6.6 In order to protect personal data, redacted copies of the representations are attached at Appendix E. 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 F.

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