

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday 8th December 2020

Subject: Application for the Grant of a Premises Licence for Mint Festival, Newsam Green Farm, Newsam Green, Pontefract Lane, Leeds, LS15 9AD

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Garforth & Swillington		
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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: 9.2(a) and 10.4(3) Appendix C and Appendix D is exempt under the Regulation 14 of the Licensing Act 2003 Hearings Regulations 2005 (SI 2005 No 44)		

Summary of Main Issues

This is an application for the grant of a premises licence, made by Mint Festival Limited for Mint Festival, Newsam Green Farm, Newsam Green, Pontefract Lane, Leeds, LS15 9AD.

The application is made to authorise music events up to a maximum capacity of 19,999 persons on a large green field site/private estate. The application proposes to hold two weekend events per year covering 4 days per event.

The provision of camping is also offered.

Extensive planning of the event has been undertaken by the applicant including ongoing consultation with the Safety Advisory Group (SAG), consultation with individual SAG partners, discussions with the emergency services/other relevant agencies and the submission of event management plans/risk assessments.

Responsible authorities and ward members have been notified of this application.

The application has attracted representations that remain outstanding from a local ward councillor and other persons i.e. local residents.

1 Purpose of this Report

- 1.1 To advise Members of an application made under Section 17 of the Licensing Act 2003 ("the Act") for a new 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 Background Information

- 2.1 Events under the branding 'Mint Festival' have taken place previously within the Leeds authority.
- 2.2 An application for a time-limited premises licence to hold the event at Wetherby Racecourse on an annual basis over a four day period, was granted at hearing in April 2015. The Licensing Sub Committee were required to consider the application due to an outstanding representation from a local ward councillor who raised a need for consultation between event organisers and the local community.
- 2.3 The Licensing Sub-Committee decided to grant the application, subject to the inclusion of a number of conditions aimed at regulating the submission of an event management plan, liaisons with the SAG and local ward/parish councillors throughout the planning process, and a review of the vent to come before the full Licensing Committee on an annual basis.
- 2.4 In accordance with data protection legislation the Licensing Authority no longer holds records of the event that took place in Sept 2015, however the Enforcement Officer responsible for attending the event does recall the main issues arising. These were noise-related, affecting residents in nearby Wetherby and the surrounding villages, egress from the racecourse towards a live carriageway which resulted in large crowds congregating near to the roundabout waiting to be picked up in vehicles, creating a risk for pedestrians and vehicle users and the shuttlebuses struggling to get on site to pick people up due to large crowds leaving the site on the main entry/egress access road – foot pedestrians leaving site were conflicting with buses going on site.
- 2.5 The details above relate to the only event took place at Wetherby Racecourse and the premises licence remains in a suspended state due to non-payment of the annual fee.
- 2.6 In May 2016, a new application for the grant of a premises licence, made by Mint Festival Limited, was granted by the Licensing Authority. On this occasion, the event site was 27 & 67 - 71 Kirkstall Road, and granted as requested without the need for a hearing as no matters remained outstanding.
- 2.7 The event on Kirkstall Road, proposed for September 2016, did not take place and the licence was surrendered by the premises licence holder in June 2017.
- 2.8 It is understood that other Mint Festival events have taken place in other licensing authorities.

3 The Application

3.1 The applicant's name is Mint Festival Limited.

3.2 The proposed designated premises supervisor is Shalinder Sagoo.

3.3 In summary the application is for:

Sale by Retail of Alcohol (for consumption both on and off the premises)

Friday 12:00 until 02:00 hours

Saturday 10:00 until 02:00 hours

Late Night Refreshment

Friday to Sunday 23:00 until 05:00 hours

Performance of Plays, Films, Live Music, Recorded Music, Performance of Dance, Entertainment of a Similar Description

Friday 12:00 until 02:00 hours

Saturday 10:00 until 02:00 hours

Non standard timings

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

3.4 The application proposes a maximum capacity of 19,999 persons to facilitate the event.

3.5 A redacted version of the application has been attached at Appendix A.

3.6 It should be noted that any reference throughout the application to the Year 1 (2020) event should be disregarded, as the event was cancelled in accordance with government regulations to control the spread of COVID-19.

4 Operating Schedule

4.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule supplied with the application, which can be found at Appendix B.

4.2 The planning process involves on-going consultation with the SAG through formal group meetings, along with discussions with individual SAG partners such as representatives of Leeds City Council, the emergency services and other relevant agencies.

4.3 This process has led to the development of various planning and risk mitigating documents including, but not limited to, an Event Safety Management Plan, Risk Assessment, Fire Risk Assessment, a Noise Management Plan, Extreme Weather Plan, policies aimed at protecting vulnerable persons/children and site plans.

- 4.4 The applicant has taken steps to liaise with local parish and ward councilors with an aim to address concerns raised by local residents and to provide further information on the event.
- 4.4 The applicant has provided the Licensing Authority with a comprehensive catalogue of documents to promote the licensing objectives and support the application, inclusive of those documents mentioned above. A copy of which can be viewed by Members at Appendix C.
- 4.5 It should be noted that the Event Safety Management Plan is a working document and some of the policies referred to will be provided to the SAG within the required timescale.
- 4.6 A copy of the site plan can be viewed at Appendix D.
- 4.7 Due to the sensitive nature of these documents it is felt that public interest in maintaining the exemption outweighs the public interest in disclosing the information. As a result these items will be made available only to the Members of Licensing Sub Committee in the private agenda pack.

5 Location

- 5.1 A map which identifies the location of these premises is attached at Appendix E.

6 Representations

- 6.1 Under the Act representations can be received from anyone but they must be relevant to one of the four licensing objectives, which are:
- The prevention of crime and disorder
 - The prevention of public nuisance
 - Public Safety
 - The protection of children from harm

Representations in the case of a member of the public, must not be frivolous or vexatious.

Representations from Responsible Authorities

- 6.2 Representations have been received from West Yorkshire Police and the Environmental Protection Team in their capacity as a responsible authority.
- 6.3 West Yorkshire Police have submitted a representation to the application which offers additional measures to promote the prevention of crime and disorder licensing objective. These have been agreed by the applicant and now form part of the operating schedule. Member's attention is drawn to a copy of the representation and the agreement at Appendix F.
- 6.4 The representation by the Environmental Protection Team offers additional measures in order to promote the prevention of public nuisance objective. These have also been agreed by the applicant and Member's attention is drawn to a copy of the representation and the agreement at Appendix G of this report.

- 6.5 Not submitted as a representation to this application, comments have been made by Leeds City Council Highways and Transportation Department. These comments are included at Appendix H for Member's information.
- 6.6 The event planning has, and will continue to be subject to multi-agency meetings through the SAG.

Other representations

- 6.7 The application has attracted representation from members of the public (described as 'other persons' in the legislation).
- 6.8 Entertainment Licensing is in receipt of thirty five individual representations in opposition to the application, of which one is submitted by a local ward councillor. Such representations set out the concerns for the negative impact of large scale events on the local area under the public nuisance, crime and disorder and public safety objectives.
- 6.9 Copies of the representation submitted by the Local Ward Councillor may be found at Appendix I, and those representations submitted by other persons are located at Appendix J. For the purpose of protecting personal data these copies have had personal information redacted. Original copies will be circulated to Members of the Licensing Sub Committee in advance of the hearing.

7 Corporate Considerations

7.1 Consultation and Engagement

- 7.1.1 The application has been subject to the statutory consultation process involving a newspaper advertisement and public notices displayed around the site for 28 days. The public consultation period ran between the 16th March 2020 and the 13th April 2020.
- 7.1.2 Ward members of Garforth & Swillington and the surrounding wards have been notified of the application.
- 7.1.3 Responsible Authorities have been served with copies and consulted on the application.
- 7.1.4 The applicant has engaged with local ward and parish councillors of Garforth & Swillington, Rothwell and Temple Newsam wards. Copies of such communication is contained with the exempt item Appendix C.

7.2 Equality and Diversity/Cohesion and Integration

- 7.2.1 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.

7.3 Council Policies and Priorities

7.3.1 This application is to be considered in accordance with the Licensing Act 2003 and the Council's Statement of Licensing Policy 2019-2023 (Licensing Act 2003).

7.3.2 The licensing regime contributes to the following outcomes as set out in the Best Council Plan 2020-2025:

- Be safe and feel safe;
- Enjoy greater access to green spaces, leisure and the arts;
- Move easily around a well-planned, sustainable city that's working towards being carbon neutral.

7.4 Resources and Value for Money

7.4.1 There are no resource implications to the licensing authority. The application was subject to the relevant fee as prescribed under the Licensing Act 2003.

7.5 Legal Implications

7.5.1 There are no legal implications known to the Council in terms of its responsibilities held under the Licensing Act 2003.

7.6 Risk Management

7.6.1 The Event Management Plan and all aspects of the event are taken through the SAG/Multi Agency process.

8 Options Available to Members

8.1 The licensing subcommittee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the application as requested.
- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates.
- Refuse to specify the said person as the designated premises supervisor.
- Reject the whole or part of the application.

8.2 Members of the licensing subcommittee are asked to note that they may not modify the conditions, or reject whole or part of the application merely because they consider it desirable to do so. It must be appropriate in order to promote the licensing objectives.

9 Background Papers

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