

Report of the Chief Officer Elections and Regulatory

Report to Licensing Sub Committee

Date: 4th October 2022

Subject: Application to vary a premises licence held by Swillington Miners Welfare Scheme, 9 Wakefield Road, Swillington, Leeds, LS26 8DT

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|---|---|--|
| 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 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 for Swillington Miners Welfare Scheme, 9 Wakefield Road, Swillington, Leeds, LS26 8DT.

The premises operates as a sports club that currently holds a premises licence with the licensable activities of sale by retail of alcohol (for consumption on the premises) and regulated entertainment.

The applicant's intention is to include the additional area of the pavilion in the licensed area, to amend sale by retail of alcohol for the consumption both on and off the premises and to increase the hours for the provision of live music, recorded music and the performance of dance.

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

The application has attracted representations from other persons and ward councillors.

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 This premises currently hold a Premises Licence issued under the Licensing Act 2003. The licence authorises the following licensable activities:

Sale by retail of alcohol (for consumption on the premises)
Every Day 11:00 - 00:00

Performance of a play
Saturday & Sunday 11:30 - 17:00

Exhibition of a film
Every Day 12:00 - 23:00

Indoor sporting events
Every Day 12:00 - 23:00

Performance of live music
Every Day 19:00 - 00:00

Performance of recorded music
Every Day 12:00 - 00:00

Performance of dance
Every Day 12:00 - 22:00

Entertainment similar to live music, recorded music or dance
Every day 19:00 - 00:00

- 2.2 The hours the premises are open to the public are:

Every day 11:00 - 01:00

- 2.3 A copy of the existing licence, which includes the full operating schedule is attached at Appendix A.

3 The application

- 3.1 The applicant is Swillington Miners Welfare Scheme.

- 3.2 In summary, the application is to:

- Incorporate the club pavilion into the licensed area;

- Increase the hours for the provision of live music, recorded music and performance of dance; and
- Amend the sale by retail of alcohol to include consumption off the premises.

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

3.4 In addition to the measures already contained within the operating schedule, the applicant proposes to promote the licensing objectives by taking the additional steps identified in Section 16 of the application form.

4 Location

4.1 A map which identifies the location of this premises is attached at Appendix C.

5 Representations

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

Representations from Responsible Authorities

5.2 There have been no formal representations from responsible authorities, but an agreement has been reached with the Environmental Protection Team resulting in the applicant confirming the withdrawal of external speakers from the application. A copy of the agreement can be found at Appendix D.

Other representations

5.3 The application has attracted representations from members of the public (described as 'other persons' in the legislation).

5.4 Entertainment Licensing is in receipt of twenty one individual representations and a joint representations on behalf of the three local ward councillors, all of which oppose the application on the grounds of public nuisance, crime and disorder and protection of children from harm.

5.5 A copy of the representation received on behalf of all three Garforth & Swillington Ward Councillors is attached at Appendix E.

5.6 In order to protect personal data, redacted copies of the public representations are attached at Appendix F and original copies will be provided to the committee members in advance of the hearing.

6 Licensing hours

6.1 Members are directed to paragraphs 6.6 to 6.13 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.

6.2 In brief the Policy states at 6.12 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.

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

7 Equality and diversity implications

7.1 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.

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 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.

8.2 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.

9 Background papers

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