

**Report of the Chief Officer Elections and Regulatory**

**Report to Licensing Sub Committee**

**Date: 6th December 2022**

**Subject: Application to vary a premises licence held by Tingley Athletic FC Ltd, The Crescent, Casson Avenue, East Ardsley, Wakefield, WF3 2EG**

|   |   |  |
|---|---|--|
| Are specific electoral Wards affected?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| If relevant, name(s) of Ward(s): Ardsley & Robin Hood                           |   |  |
| 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 Tingley Athletic FC Ltd, for Tingley Athletic FC Ltd, The Crescent, Casson Avenue, East Ardsley, Wakefield, WF3 2EG.

The hours for the sale of alcohol on the current licence are Sat & Sun 12:00 -20:00.

The applicant has applied for the following: Mon-Fri, 17:00 - 22:00 and Sat & Sun 11:00 - 22:00 (for consumption both on and off the premises).

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

The application has attracted representations from other persons which remain outstanding for Member's consideration.

## **1 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 The licensing authority received an application for a new premises licence in September 2019. The applicant applied for sale by retail of alcohol, Fri to Mon, 12:00 – 20:00. After attracting representations, the application was scheduled for hearing where Members resolved to grant the licence subject to the following amendment; Sale by Retail of Alcohol, Fri & Sat, 12:00 – 20:00, including an additional condition applied to the licence regarding the placement of litter bins at entry point of the site.

A copy of the existing licence is attached at Appendix A.

2.2

### **The application**

3

The applicant is Tingley Athletic FC Ltd.

3.1

Briefly the application is to:

3.2

- Extend the sale of alcohol hours from Sat & Sun 12:00 -20:00 to the following: Mon-Fri 17:00 - 22:00 and Sat & Sun 11:00 - 22:00 (for consumption both on and off the premises).

- 3.3 The applicant proposes to promote the licensing objectives by taking the additional steps identified at Section 16 of the application form, which may be found at Appendix B

## **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 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 representations from responsible authorities.

### 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 eleven individual letters of objection, all of which are opposed to this application on the grounds of public nuisance & crime and disorder.
- 5.5 Four representations have been received from members of the public who have expressed concerns that they be at risk of retribution, therefore they have remain anonymous throughout the full process.
- 5.6 In order to protect personal data, redacted copies of the representations are attached at Appendix D and original copies will be provided to the Licensing Sub 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 E.

## **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