

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

**Report to the Licensing Sub Committee**

**Date: Tuesday, 10th January 2023**

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

This application is for a large outdoor live music event to take place over 2 days, one weekend a year, and subject to a capacity of 7,500 persons on each day for Year One. The application explains for subsequent years the capacity may rise to 9,999 persons each day.

There will be no camping provisions.

The planning of the event involves agency engagement through the Leeds Safety Advisory Group (SAG) and for the event organiser to develop an Event Management Plan.

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

The application has attracted representations from responsible authorities and other persons. The representation from West Yorkshire Police has been agreed whilst the representations on behalf of other persons remain outstanding for the committee's consideration.

## **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 History of the Premises**

- 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 Safety Advisory group and local ward/parish councillors throughout the planning process, and a review of the event to come before the full Licensing Committee on an annual basis.
- 2.4 The event was only held on the one occasion at this site and the licence was subsequently suspended.
- 2.5 In April 2016 a new application for the grant of a premises licence was made by Mint Festival Limited. On this occasion the event site was 27 & 67 - 71 Kirkstall Road, and the application was granted as requested without the need for a hearing as it attracted no representations.
- 2.6 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.
- 2.7 It is understood that Mint Festival events have taken place in other licensing authorities after 2016.
- 2.8 On the 3<sup>rd</sup> March 2020 an application for the grant of a new premises licence was submitted by Mint Festival Ltd for Newsam Green Farm, LS15. The application stated that in year one (2020) the event would be restricted to one day and a capacity of 14,999. In subsequent years the event would increase to 4 days over one weekend, increasing to 19,999 with camping facilities.
- 2.9 The application was brought before the Licensing Sub Committee due to the receipt of valid representations and at the hearing, the applicant's representative reduced the application to a one day event without camping. The Licensing Sub-Committee unanimously resolved to grant the amended application.

- 2.10 Due to the pandemic restrictions no event was held in 2020.
- 2.11 On Saturday 25<sup>th</sup> September 2021 the one day Mint Festival was held at the new site of Newsam Green Farm. There were no significant licence compliance issues noted although officers did raise through the Safety Advisory Group concerns for the traffic management plan as they had witnessed points of traffic congestion and conflicts with pedestrians using the unlit carriageway leading to and from the event site.
- 2.12 On the 21<sup>st</sup> December 2021 an application for the grant of a new premises was submitted to the Licensing Authority proposing a two and a half day music event for up to 19,999 people each day. The application was withdrawn by the applicant prior to it being heard by the Licensing Sub Committee.
- 2.13 The Mint Festival scheduled to take place on Saturday 10<sup>th</sup> September 2022 under the licence granted in 2020 was cancelled by the event organiser.
- 2.14 A copy of the existing premises licence granted in 2020 can be viewed at **Appendix A**.

### **3 The Application**

- 3.1 The applicant's name is Mint Festival Limited.
- 3.2 The proposed designated premises supervisor is Bruce Robert Lerman.
- 3.3 In summary the application is for:

#### *Opening hours*

<i>Saturday</i>	<i>10:00 - 01:00</i>
<i>Sunday</i>	<i>10:00 - 00:00</i>

#### *Sale by retail of alcohol*

<i>Saturday</i>	<i>10:00 - 23:45</i>
<i>Sunday</i>	<i>10:00 - 22:45</i>

#### *Late night refreshment*

*Saturday & Sunday 23:00 - 00:00*

#### *Exhibition of film, plays, performance of live music, performance of dance and entertainment of similar description*

<i>Saturday</i>	<i>10:00 - 23:00</i>
<i>Sunday</i>	<i>10:00 - 22:00</i>

#### *Performance of recorded music*

<i>Saturday</i>	<i>10:00 - 23:45</i>
<i>Sunday</i>	<i>10:00 - 22:45</i>

NB: On the Saturday all except for one arena will cease playing music at 23:00. The remaining arena will continue to play recorded music until 23:45 at reduced levels to meet the proposed noise mitigation conditions offered.

On the Sunday all except for one arena will cease playing music at 22:00. The remaining arena will continue to play recorded music until 22:45 at reduced levels to meet the proposed noise mitigation conditions offered.

- 3.4 For year one the application proposes a maximum capacity of 7,500 persons each day. For subsequent years the application proposes the maximum capacity which may rise to 9,999 persons each day.
- 3.5 A redacted version of the application has been attached at **Appendix B**.
- 3.6 The committee may wish to note the applicant indicates the existing premises licence will be surrendered should this application be successful.

#### **4 Operating Schedule**

- 4.1 The applicant proposes to promote the licensing objectives by taking the steps identified in Section M of the application form.
- 4.2 The applicant will engage with all agencies via the Safety Advisory Group and upload their Event Management Plan to Resilience Direct, a secure government platform developed for posting and sharing such documents.
- 4.3 The applicant informs that steps have been taken to liaise with local parish councillors, ward councillors and residents who have submitted representations with a view to address the concerns raised and to provide further information on the proposed event.

#### **5 Location**

- 5.1 A map which identifies the location of this premises is attached at **Appendix C**.

#### **6 Representations**

- 6.1 Under the Act representations can be received from anyone but they must be relevant and, 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 in their capacity as a responsible authority. Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with West Yorkshire Police. A copy of the agreement may be found at **Appendix D**.

##### Other Representations

- 6.3 The application has attracted representation from members of the public (described as 'other persons' in the legislation).
- 6.4 The licensing authority is in receipt of four individual letters of objection lodged on the grounds of crime & disorder, public safety and public nuisance. Two of those

objectors have indicated they will be represented by a local ward councillor at the hearing.

- 6.5 One representation has been received from a member of the public who has expressed concern that they may be at risk of retribution should their details be made public and two other members of the public are being represented. As such their personal details have been redacted and they will remain anonymous. For this reason, despite their strength of feeling they will not be attending the hearing and would like their representations to be considered fully in their absence.
- 6.6 In order to protect personal data, redacted copies of the representations are attached at **Appendix E** and original copies will be provided to 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 7<sup>th</sup> November 2022 and the 5<sup>th</sup> December 2022.
- 7.1.2 Ward members of Burmantofts & Richmond Hill, Garforth & Swillington, Rothwell and Temple Newsam 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 confirms that they have engaged with relevant local parish councils and elected members for Burmantofts & Richmond Hill, Garforth & Swillington, Rothwell and Temple Newsam wards.

### **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 Safety Advisory Group/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 reject the 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