

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 28th March 2023

Subject: Application for the Grant of a Premises Licence for Fulneck Golf Club, Fulneck, Pudsey, LS28 8NT

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Pudsey		
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 Fulneck Golf Club Ltd, for Fulneck Golf Club, Fulneck, Pudsey, LS28 8NT.

The premises operates as a private golf club which currently holds a club premises certificate authorising licensable activities; supply of alcohol, performance of live music, performance of recorded music, performance of dance and entertainment of a similar description.

The applicant's intention is to apply for a premises licence to allow greater flexibility in relation to non-member events/functions.

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

Agreements have been reached with responsible authorities and a representation from one other person remains outstanding.

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 This premises currently holds a Club Premises Certificate issued under the Licensing Act 2005 for:

Supply of alcohol (for consumption on the premises)

Monday - Saturday 11:00 - 23:00

Sunday 12:00 - 22:30

Performance of live music

Monday - Saturday 11:00 - 23:00

Sunday 12:00 - 22:30

Performance of recorded music

Monday - Saturday 11:00 - 23:00

Sunday 12:00 - 22:30

Performance dance

Monday - Saturday 11:00 - 23:00

Sunday 12:00 - 22:30

Entertainment of a similar description

Monday - Saturday 11:00 - 23:00

Sunday 12:00 - 22:30

3 The Application

- 3.1 The applicant's name is Fulneck Golf Club Ltd.
- 3.2 The proposed designated premises supervisor is Sean Wood.
- 3.3 In summary, the application is for:

Sale by retail of alcohol (for consumption on the premises)

Every day 08:00 - 23:00

Performance of live music

Every day 08:00 - 23:00

Performance of recorded music

Every day 08:00 - 23:00

Non standard timings

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

- 3.4 Regulated entertainment is specified in the application to take place both indoors and outdoors.
- 3.5 Members may wish to note that the performance of live music, between 8am and 11pm, up to 500 people, is deregulated in accordance with the Live Music Act 2012, and recorded music, between 8am and 11pm, up to 500 people, is deregulated on a relevant alcohol licensed premises in accordance with the Legislative Reform Order (from 5th April 2015).
- 3.6 A redacted version of the application can be found at Appendix A.

4 Location

- 4.1 A map which identifies the location of the premises is attached at Appendix B.

5 Representations

- 5.1 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

- 5.2 Representations have been received from Environmental Health and West Yorkshire Police in their capacity as responsible authorities.
- 5.3 Any representation may be negotiated prior to the hearing. In this instance agreements have been reached with both West Yorkshire Police and Environmental Health, resulting in the operating schedule being amended to incorporate agreed measures.
- 5.4 A copy of the representation and agreement from West Yorkshire Police may be found at Appendix C.
- 5.5 A copy of the representation and agreement from Environmental Health may be found at Appendix D.

Other representations

- 5.6 The application has attracted representation from members of the public (described as 'other persons' in the legislation).
- 5.7 The licensing authority is in receipt of one individual letter of objection, which primarily opposes the application on the grounds of public nuisance.
- 5.8 In order to protect personal data, a redacted copy of the representation is attached at Appendix E and an original copy will be provided to Members of the Licensing Sub Committee in advance of the hearing.

6 Licensing Hours

- 6.1 Members are directed to paragraphs 6.8 to 6.15 of 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 6.14 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.
- 6.3 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 adversely impact on the licensing objectives.
- 6.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix F.

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 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