

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 10th October 2023

Subject: Application for the Grant of a Premises Licence for Swillington Miners Welfare Pavilion & Sports Ground, 9 Wakefield Road, Swillington, Leeds, West Yorkshire, LS26 8QB

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 Mark Turnbull for Swillington Miners Welfare Pavilion & Sports Ground, 9 Wakefield Road, Swillington, Leeds, West Yorkshire, LS26 8QB.

The application is for a new licence for the club’s pavilion and sports grounds located separately to the currently licensed clubhouse.

The application proposes a number of licensable activities, which can be noted at 3.3 of the report, and indicates an intention to hold a maximum of 12 events per year in the external areas/club grounds.

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

The application has attracted representations from other persons.

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 is the first application for a premises licence for these premises.
- 2.2 As mentioned the Clubhouse (separate to the pavilion and grounds) currently has the benefit of a premises licence for the following licensable activities/hours:

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

Monday to Friday 18:00 - 00:00

Saturday & Sunday 12:00 - 00:00

Performance of recorded music

Every Day 11:00 - 00:00

Performance of dance

Every Day 11:00 - 00:00

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 In August 2022 an application to vary the licence was made seeking to allow the sale of alcohol for consumption both on and off the premises, to remove a condition regarding periodic litter checks, to incorporate the pavilion into the licensed area and to extend the area for licensable activities to include the beer garden to the front of the Clubhouse and the sports field.

- 2.4 During deliberations by the Licensing Sub Committee it became clear that the pavilion and sports fields were not adjacent to the currently licensed area (the Clubhouse). In fact, they appear to be some distance from the licensed premises.
- 2.5 The Licensing Sub Committee unanimously resolved to refuse the parts of the application relating to the incorporation of the pavilion into the licensed area and the inclusion of the beer garden and the sports field in to the licensed area.

3 The Application

- 3.1 The applicant's name is Mark Turnbull.
- 3.2 The proposed designated premises supervisor is Lisa Dawn Jackson.
- 3.3 In summary the application is for:

Sale by retail of alcohol (for consumption on and off the premises)
Every Day 11:00 - 21:30

The hours the premises are to be open to the public are:
Every Day 11:00 – 22:00

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

- 3.4 A redacted version of the application has been attached at Appendix A.
- 3.5 The applicant proposes to promote the licensing objectives by taking the steps identified at section 18 of the application form.
- 3.6 In support of the application the applicant has provided an event safety management plan and an event checklist. Members' attention is drawn to Appendix B.

4 Location

- 4.1 A map which identifies the location of the 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 a member of the public, must not be frivolous or vexatious.

Representations from Responsible Authorities

- 5.2 Representations have been received from West Yorkshire Police and Environmental Protection Team in their capacity as a responsible authorities.

Any representation may be negotiated prior to the hearing and in this instance agreements have been reached with both West Yorkshire Police and Environmental Protection Team, resulting in amendments to the proposed operating schedule.

- 5.3 A copy of the email exchange between the applicant and West Yorkshire Police agreeing to incorporate a number of measures into the proposed operating schedule may be found at Appendix D. The Committee may also wish to note that part of the agreement relates to the submission of an Event Management Plan in advance of events using the area etched in red on the 'site plan' i.e. the Club Grounds.
- 5.4 A copy of the representation and agreement reached with the Environmental Protection Team may be found at Appendix E.

Other representations

- 5.5 The application has attracted representation from members of the public (described as 'other persons' in the legislation).
- 5.6 In total the licensing authority is in receipt of six individual letters of objection opposed to the application on the grounds of public nuisance, seven individual letters in support of the application and a petition also expressing support containing 485 signatures.
- 5.7 In order to protect personal data, redacted copies of the representations in objection are attached at Appendix F, redacted copies of the representations in support are attached at Appendix G and a redacted copy of the petition in support is attached at Appendix H. Original copies 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 I.

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 Sub Committee 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.
- 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 Sub Committee 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