



**Report Reference Number: LS-C/19/1**

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**To: Licensing Sub-Committee**  
**Date: 9<sup>th</sup> September 2019**  
**Ward(s) Affected: Tadcaster**  
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**Lead Officer: Palbinder Mann, Democratic Services Manager**

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**Title: Licensing Act 2003**  
**Grant of a Premises Licence for Tad-Club Limited, Trading as, the Legion, 49 Church Street, Tadcaster, LS23 9AS**

### **Summary**

The purpose of this report is for Members to determine an application for a Premises Licence, which has been made under the Licensing Act 2003.

### **Recommended Reasons for Decision:**

The Licensing Authority has a duty to determine Premises licence applications made under the Licensing Act 2003.

Any Licence granted will be subject to:

- Any conditions imposed by the Licensing Sub-Committee
- Any mandatory conditions which must be included on the licence under section 19, 20 or 21 of the Licensing Act 2003

## **1. Introduction and background**

The applicant is Tad-Club Limited proposing to carry out licensable activity at the premises of 49 Chapel Street, Tadcaster. A copy of the application is at Appendix 1.

**1.1** The application is to permit the sale of alcohol, late night refreshment, and regulated entertainment, namely, live music, recorded music, performance of dance, plays, films, boxing/wrestling and indoor sporting events at the designated location, on any day of the week, between the times as detailed below, which have been agreed with North Yorkshire Police. The initial application was for 24 hours Sunday to Monday. The Police made a representation proposing new times and conditions which the applicant agreed. The new times and activities applied for are now as follows:

### **1.2 Licensable activities:**

### **Sale of alcohol (on sales only)**

Sunday to Saturday 09:00 – 03:00 hrs

24 hours off sales only by internet/phone/mail order  
24 hours to bona-fide residential customers residing at the premises.

### **1.3 Plays, films, live music, recorded music, and performance of dance**

Sunday - Saturday 09:00 – 03:00 hrs

Films, live music, recorded music – Indoor and outdoor  
Performance of Dance – Indoors

Showing of live sports for national interest only beyond 03:00 hours must be agreed in writing with North Yorkshire Police.

Regulated Entertainment for live/recorded music in external areas shall cease at 23:00 hours.

### **1.4 Indoor sporting events and boxing and wrestling – Indoors**

Sunday – Saturday 09:00 – 03:00

### **1.5 Late Night Refreshment**

Sunday – Saturday 23:00 – 03:00 hrs  
24 hours to bona-fide residential customers residing at the premises.

### **1.6 Public Hours**

Sunday - Saturday 09:00 – 03:30 hrs

### **1.7 Non Standard times**

Sunday – Saturday 09:00 – 04:00 hrs

Non-standard timings permitted on the premises on no more than 10 occasions per calendar year.

### **1.8 Seasonal Variations**

Sunday - Saturday 09:00 – 04:00 hrs

### **1.9 Details of the proposed operating schedule are as follows:**

**1.10** To promote the licensing objectives, the applicant has proposed the steps detailed on pages 17 and 18, part M of the application form, attached at Appendix 1.

- 1.11** The premises licence application originally showed a different person named as the proposed designated premises supervisor for the premises but they removed the permission on the 5 August 2019. The applicant for Tad-Club Limited, then submitted a new consent of individual to be specified as the premises supervisor. Please see attached at Appendix 2.
- 1.12** A plan of the building, attached at Appendix 1, shows the licensable area of proposed premises outlined in red. This shows where the licensable activity would be permitted to take place.

## **2. PROMOTION OF LICENSING OBJECTIVES**

**2.1** Section 4 of the Licensing Act 2003 places a duty on the Licensing Authority to carry out its function under the act with a view to promoting the licensing objectives. The licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

**2.2** Each objective is of equal importance. It is important to note that there are no other licensing objectives, so that these four objectives are paramount consideration at all times.

## **3. AMENDMENTS TO THE OPERATING SCHEDULE FOLLOWING REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES**

**3.1** Conditions have been agreed between North Yorkshire Police and the applicant following a representation. These will now be included in the Operating Schedule and form the conditions of any granted licence. Please see attached at Appendix 3.

**3.2** A representation was received from Environmental Protection for the Licensing Objectives – prevention of public nuisance. A copy of the agreed representation is attached at Appendix 4 and will be included in the Operating Schedule.

## **4. REPRESENTATIONS FROM OTHER PERSONS**

**4.1** 10 representations were received from Other Persons. A copy of these representations are attached at Appendix 5. The representations are based on the grounds of the prevention of public nuisance and the prevention of crime and disorder.

**4.2** One letter of support for the application was received, which is attached at Appendix 5a.

**4.3** A plan showing the location of the individual Other Persons in relation to the Premises have been produced in Appendix 6.

#### **4.4 Consultation**

Consultation was carried out by the applicant in accordance with s13, and s17 (5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper, giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements. The newspaper notice was published on the 26 July 2019 and has been attached at Appendix 7.

**4.5** All procedural aspects of this application have been complied with.

### **5. POLICY CONSIDERATIONS AND S182 GUIDANCE**

**5.1** The following sections of the Selby District Council's Statement of Licensing Policy are relevant in considering the licensing objectives in relation to this application;

- Part 3, Paragraph 5 - Conditions
- Part 3, Paragraph 16 - Children
- Part 8, Paragraph 27.4 - things the applicant should consider in its operating schedule.

**5.2** The following sections of the Guidance issued under section 182 of the Licensing Act 2003 issued by the Secretary of State for Culture, Media and Sport (issued April 2018) is relevant in considering the licensing objectives in relation to this application:

- 2.1 Crime and disorder
- 2.7 Public Safety
- 2.15 Public nuisance
- 2.22 Protection of children from harm

#### **6.0 Corporate Plan Implications**

N/A

#### **6.1 Resource Implications**

N/A

#### **6.2 Other Implications**

N/A

## 7. Legal Implications

- 7.1 As relevant representations have been made, the Sub-Committee must determine the premise licence application.
- 7.2 The licensing Authority must have regard to the promotion of the four licensing objectives, namely, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm in exercising its functions under the Licensing Act 2003.
- 7.3 Regard should be had to the statutory guidance under Section 182 of the Licensing Act 2003 and the Councils own statement of licensing policy.

### **Right of appeal**

- 7.4 Schedule 5 of the Licensing Act 2003 gives a right of appeal to the applicant and to any person who has made relevant representations, which states:

#### **“1 Rejection of applications relating to premises licences**

*Where a licensing authority—*

- (a) rejects an application for a premises licence under section 18,*
- (b) rejects (in whole or in part) an application to vary a premises licence under section 35,*
- (c) rejects an application to vary a premises licence to specify an individual as the premises supervisor under section 39, or*
- (d) rejects an application to transfer a premises licence under section 44,the applicant may appeal against the decision.*

#### **2 Decision to grant premises licence or impose conditions etc.**

- (1) This paragraph applies where a licensing authority grants a premises licence under section 18.
- (2) The holder of the licence may appeal against any decision—
  - (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
  - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
- (3) Where a person who made relevant representations in relation to the application desires to contend—
  - (a) that the licence ought not to have been granted, or
  - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,

he may appeal against the decision.

- 7.5 Any appeal must be made to the Magistrates Courts and must be made within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

### **Conclusion**

- 8.1 Members are asked to consider this application for the grant of a Premises Licence for a premises licence to Tad-Club Limited for use of the premises 49 Chapel Street, Tadcaster. A draft copy of the licence incorporating the agreed conditions as agreed between the applicant, the Police and Environmental Health can be seen in Appendix 8.
- 8.2 External photographs of the premises are attached at Appendix 9.
- 8.3 The committee have the following options:
- a) To grant the licence
  - b) To grant the licence with conditions imposed by the licensing committee
  - c) To grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
  - d) To reject the application

### **9. Appendices**

Appendix 1 - Original application with plans of the premises  
Appendix 2 - DPS consent  
Appendix 3 - Police representation  
Appendix 4 - Environmental Health representation  
Appendix 5 - Representation from other persons  
Appendix 5a –Letter of support  
Appendix 6 – Plan showing premises location of representations received  
Appendix 7 – Newspaper advertisement  
Appendix 8 – Draft licence, incorporating agreed conditions and hours  
Appendix 9 – Photographs of the Premises

### **10. Background Documents**

The Alcohol Licensing Policy

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