

Statutory Licensing Sub-Committee
24 April 2023

Title: Determination of a full variation to a Premises Licence relating to The Final Whistle, Selby Town Football Club, Richard Street, Selby, YO8 4BN (“the Premises”)

Executive Member for Managing our Environment – Councillor Greg White

1.0 Purpose of Report

1.1 The Licensing Authority received an application for a variation to a Premises Licence for the Premises, however, a representation from a Responsible Authority against this application was received. The Licensing Authority is now under a duty to determine the application for a variation to the Premises Licence application under Section 35 (3) (a) of the Licensing Act 2003 (“the Act”).

Recommendation:

The Sub-Committee to determine the Premises Licence application in respect of the Premises.

In determining this application, the Sub-Committee must have regard to the representations and take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are:

- (a) grant the application; or
- (b) grant the application, but modify the conditions of the Licence (conditions are deemed to be modified if any are altered or omitted or any new condition is added, this includes restricting the times at which licensable activities can take place); or
- (c) Reject the whole or part of the application that would lead to the application undermining the licensing objectives.

In making its decision, the Sub-Committee must act with a view to promoting the licensing objectives. The Sub-Committee must also have regards to its Statement of Licensing Policy and the Guidance issued under Section 182 of the Act, issued by the Secretary of State for Culture, Media and Sports.

2.0 Background

2.1 The applicant is a Limited Company, RA Leisure Limited, 58 Volta Street, Selby, YO8 8DF. Proposing to vary the licensable activities, as applied for in the application (**Appendix 1**) at the Premises. The plan to the application showing the proposed licensable area can be seen in **Appendix 2**. External photographs of the Premises can be seen in **Appendix 3**.

2.2 There is an existing premises licence in place for the Premises. The licence was granted on 24 November 2005 and can be seen in **Appendix 4**. The current plan of the Premises can be seen in **Appendix 5**.

2.3 The application to vary the current premises Licence is to permit:

2.4 Licensable Activities:

Sale of Alcohol (On Sales)

Monday to Thursday 11:00 – 23:00 - (currently 10:00 – 23:00)

Friday to Saturday 11:00 – 01:00- (currently 10:00 - 23:00)

Sunday 12:00 – 23:00 - (currently 12:00 - 22:30)

Live Music (indoors minus the additional information below)

Monday to Thursday 11:00 – 23:00 - (currently 10:00 – 23:00)

Friday to Saturday 11:00 – 01:00 - (currently 10:00 – 23:00)

Sunday 12:00 – 23:00 - (currently 12:00 – 22:30)

The following further detail has been added:

This activity will be indoor only 7 days a week, with the exception of 5 outdoor music events held annually.

Recorded Music (Indoors minus the additional information below)

Monday to Thursday 11:00 – 23:00 - (currently 10:00 – 23:00)

Friday to Saturday 11:00 – 01:00 - (currently 10:00 – 23:00)

Sunday 12:00 – 23:00 - (currently 12:00 – 22:30)

The following further detail has been added:

Will only be outdoor directly before, during half time and immediately after Football matches, at all other times it will be indoor only, with the exception 5 outdoor music events held annually (conditioned below)

Late Night Refreshment

Friday to Saturday 23:00 – 01:00 (not on the current premises licence)

Additionally, Section 3 of the application states that the variation is applying for an outside bar to be added in the plan with the intention of providing annual outdoor music events, as shown in section 8.

2.5 Public Hours

Monday to Thursday 11:00 – 23:30 - (currently 10:00 – 23:00)

Friday to Saturday 11:00 – 01:30 - (currently 10:00 – 23:00)

Sunday 12:00 – 23:30 - (currently 12:00 – 22:30)

Seasonal Variations

Bank Holidays 1 additional hour.

2.6 Details of the proposed Operating Schedule are as follows:

2.7 To promote the licensing objectives, the applicant has proposed steps detailed in section 16 of the application form, attached as **Appendix 1**.

2.8 A plan of the building is included, **Appendix 2**. This shows the licensable area of the Premises outlined in red. This shows where the licensable activity would be permitted to take place.

3.0 Promotion of the Licensing Objectives

3.1 Section 4 of the Act 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

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

RELEVANT REPRESENTATIONS

4.0 Responsible Authorities

4.1 A representation was received by the Responsible Authority, Environmental Health. The representation can be seen in **Appendix 6**. This also shows additional correspondence sent to the applicant from Environmental Health regarding the application.

4.2 North Yorkshire Police Licensing (A Responsible Authority) agreed additional conditions and amendments to live and recorded music with the applicant during the consultation process. These can be seen in **Appendix 7**. Due to this, the operating schedule, as shown in the application in **Appendix 1**, is updated. The agreed conditions have now been added to the draft premises licence as shown in **Appendix 8**.

4.3 There were no representations from any other persons or any other Responsible Authority.

4.4 **Appendix 9** shows the aerial view of the premises and surrounding area.

Consultation

Consultation was carried out by the applicant in accordance with the Act and the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005. This concerns the displaying of a notice on the Premises and an advertisement in a local newspaper, giving details of the application and serving a copy of the application on all Responsible Authorities. The applicant has complied with all statutory requirements. The newspaper notice was published on the 9 March 2023 and is attached in **Appendix 10**.

All procedural aspects of this application have been complied with.

5.0 Policy Implications

5.1 POLICY CONSIDERATIONS AND S182 GUIDANCE

5.2 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 6 – Licensing hours
- Part 3, Paragraph 13 – Live Music Act
- Part 3, Paragraph 16 - Children
- Part 8, Paragraph 27.4 - things the applicant should consider in its operating schedule.

5.3 The following sections of the Guidance issued under section 182 of the Act 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

5.4 The policy implications are outlined within the report.

6.0 Financial Implications

6.1 The additional costs involved in drafting the proposed policy have been met from existing budgets. No additional financial implications have been identified.

7.0 Legal Implications

7.1 As a relevant representation has been received, the Sub-Committee must hold a hearing to consider the representation and, having regard to the representation, determine the Premises Licence application.

7.2 The Sub-Committee 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 Act.

7.3 The Sub-Committee must also have regard to the statutory guidance under Section 182 of the Act and the Councils own Statement of Licensing policy in exercising its functions under the Act.

8.0 Right of Appeal

8.1 Schedule 5 of the Act gives a right of appeal to the applicant and to any person who has made a relevant representation.

8.2 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.

9.0 Conclusion

9.1 The Sub-Committee are asked to determine the application to vary a Premises Licence. A draft copy of the Premises Licence can be seen in **Appendix 8**.

9.2 The Sub-Committee has the options as set out in the Recommendations above.

Report Author – Sharon Cousins, Licensing Manager, Selby Office
Presenter of Report – Sharon Cousins

Background Documents:

Appendices:

Appendix 1 – Application to vary a premises licence

Appendix 2 – Proposed plan to application

Appendix 3 – External photos

Appendix 4 – Current Premises licence

Appendix 5 – Current Plan of Premises licence

Appendix 6 – Representation from Environmental Health

Appendix 7 – Agreed conditions with NY Police Licensing

Appendix 8 – Draft Premises licence

Appendix 9 – Aerial view of the premises showing surrounding area

Appendix 10 – Newspaper Notice