

Public Document Pack

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Late item for Licensing Sub Committee on 7th April 2015

Agenda Item 7 – Temporary Event Notice

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Report author: Miss Janice Archibald
0113 247 4095

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: 7th April 2015

Subject: Temporary event notice for Back Ash Grove 61 Victoria Road –
Street Party, Hyde Park, Leeds, LS6 1AS

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Hyde Park and Woodhouse	
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 report advises Members that a Temporary Event Notice (TEN), has been received for Back Ash Grove, 61 Victoria Road, Leeds, LS6 1AS, and the Environmental Protection Team have served an objection notice on the grounds of noise disturbance.

Members of the Licensing Sub Committee are asked to consider the Temporary Event Notice and the objection.

1.0 Purpose of this Report

- 1.1 To advise Members of a temporary event notice served under section 100 of the Licensing Act 2003 ("the Act") in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of an objection notice from Environmental Protection Team.

2.0 History of Premises

- 2.1 The Temporary Event Notice applied for, is for a street party. A Temporary Event was held on the 6th June 2014, in the same place. This was also for a street party, in aid of Make A Dream, which is a Leeds based charity that aims to make dreams come true for Yorkshire's sick and terminally ill children. The activity requested for the TEN, was the provision of regulated entertainment.
- 2.2 The TEN did not attract representations from West Yorkshire Police or Environmental Protection Team, albeit concerns were raised by local residents and ward councillors. In the absence of objections from the statutory responsible authorities, the TEN was held, but agencies did engage with the organiser in order to minimize disturbance. It is understood that the event did however result in nuisance complaints. Fuller details are provided in the objection notice received from the Environmental Protection Team at Appendix C to this report.

3.0 The Application

- 3.1 The proposed premises user is Theodore Grainzevelles.
- 3.2 The location of the premises can be seen on the map at Appendix A.
- 3.3 A copy of the Temporary Event Notice is attached at Appendix B.
- 3.4 In summary the TEN is for:

The sale of alcohol
Regulated entertainment

The dates and times the event will be in force:

Saturday 6th June 2015 – 11:00 am until 21:00

The maximum capacity of the event is 499.

4.0 Other matters relevant to the application

- 4.1 It is brought to Members attention that the regulated entertainment and the sale of alcohol is to take place outdoors. The applicant proposes that the event will be restricted to only Back Ash Grove. No entrance into any of the adjacent houses. The event will be controlled through the use of temporary fencing which will prevent any of the attendees from being able to enter these houses. Access is only possible from the top of the street.

4.2 Live music is to take place from 13:00 – 21:00 and food and beverages served from 12:30 – 20:00.

4.3 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub-Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

4.4 Members of the Licensing Sub Committee must make decision with a view to the prevention of crime and disorder.

5.0 Representations

5.1 Environmental Protection Team have received a copy of the notice. They consider that allowing the premises to be used in the manner set out in the temporary event notice will undermine the prevention of public nuisance and have issued an objection notice.

5.2 Copies of the objection notice will be available at the hearing for Members consideration.

6.0 Options Available to Members

6.1 The Licensing sub-committee must take such of the following steps as it considers necessary:

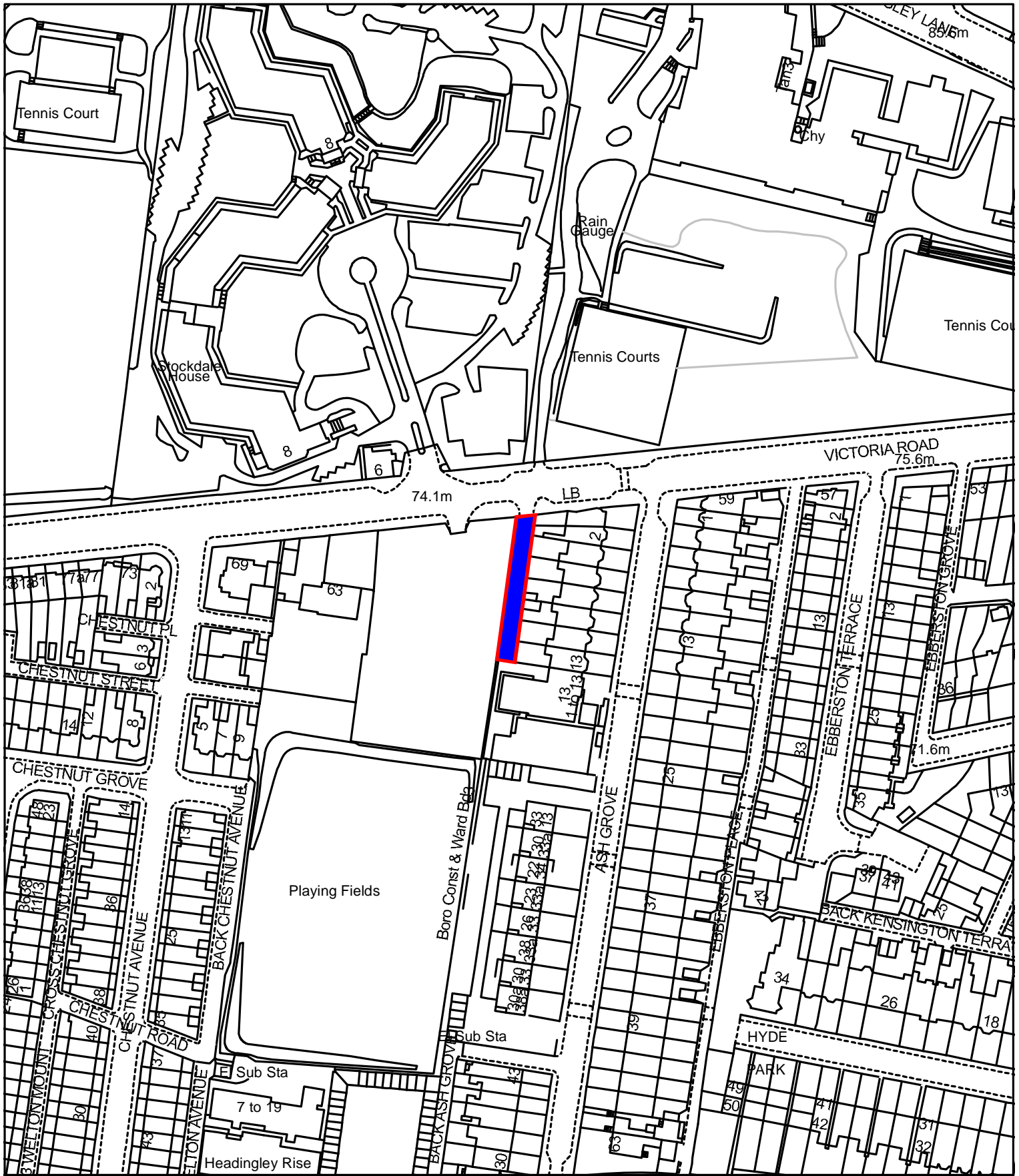
- Issue a counter notice against the event in order to prevent the event from taking place.
- Allow the event to take place

6.2 Members of the licensing sub-committee are asked to note that they may not restrict or attach conditions to the temporary event notice.

7.0 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy
- Representations received from Interested Parties

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This map is based upon the Ordnance Survey's digital data with the permission of the Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office

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Appendix B



Leeds
Application for a Temporary Event Notice
Licensing Act 2003

For help contact
entertainment.licensing@leeds.gov.uk
Telephone: 0113 2474095

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

Charity Street Party June 2015

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name

Theodore

Family name

Grainzevelles

E-mail address

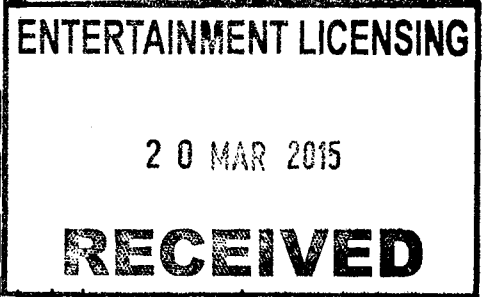
[Redacted]

Main telephone number

[Redacted]

Other telephone number

[Redacted]



include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

- Yes No

Your date of birth

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a complete new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes

No

E-mail

Telephone number

Other telephone number

[Redacted]	
[Redacted]	
[Redacted]	

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (See also guidance on completing the form, note 2)

Does the premises have an address?

Yes

No

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes

No

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither

Premises licence

Club premises certificate

Location Details

Provide further details about the location of the event

Back Ash Grove - Small cul-de-sac with access only from the top of the road which backs onto to Victoria Road

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

The event will be restricted to only Back Ash Grove. No entrance into any of the adjacent houses.

Continued from previous page...

The event will be controlled through the use of temporary fencing which will prevent any of the attendees from being able to enter these houses.

Access only possible from the top of the street.

Describe the nature of the premises below (see also guidance on completing the form, note 4)

Residential Street - terraced housing.
No parked vehicles

Describe the nature of the event below (see also guidance on completing the form, note 5)

An identical event was held in the same location last year.
Our intention is to host a charity street party, with live music and entertainment provided all day.
Student Security Services will control the event and restrict the amount of people to a max of 499. This worked very well last year as there was only one entry/exit point. Emergency exits are located to the side and rear of the street.

Food will be served throughout the day by a licensed caterer.
A small entrance fee of £4 will apply to those wishing to attend the event. With all profits being donated to local Leeds based charities. (Last year a total of £2100 was able to be given to charity.)

All local residents who would potentially be affected by the noise from the event will be notified months in advance and a reasonable limit set so as to limit the inconvenience to them. Last year we cooperated with council representatives who attended the event to achieve a sound level that was deemed appropriate. This year we are interested in raising money for Martin House Children's Hospice, a charity that is based in the Leeds area.

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LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises
(see also guidance on completing the form, note 6):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.
(See also guidance on completing the form, note 7).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities
(see also guidance on completing the form, note 8)

Continued from previous page...

Event start date / /
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date / /
dd mm yyyy

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

(see also guidance on completing the form, note 9)

State the maximum number of people at any one time that you intend to allow to be present at the premises

during the times when you intend to carry on licensable activities, including any staff, organisers or performers

Note that the maximum number of people cannot exceed 499.

(see also guidance on completing the form, note 10)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

(see also guidance on completing the form, note 11):

- On the premises only
 Off the premises only
 Both

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LEVANT ENTERTAINMENT (See also guidance on completing the form, note 12)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

Live Music from 13.00-21.00

Food and beverages served from 12.30-20.00

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PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 13)

Do you currently hold a valid personal licence?

- Yes No

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 14)

Continued from previous page...

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes No

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

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ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 15)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

Yes No

- a) Ends 24 hours or less before; or
- b) Begins 24 hours or less after the event period proposed in this notice?

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CONDITION (See also guidance on completing the form, note 17)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

DECLARATION (See also guidance on completing the form, note 18)

* The information contained in this form is correct to the best of my knowledge and belief.

* I understand that it is an offence to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and

I understand that it is an offence to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

I understand that Leeds City Council is under a duty to protect the public funds it administers, and to this end may use the information I have provided on my application for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name

Capacity

Date / /
dd mm yyyy

Full name

Capacity

Date / /
dd mm yyyy

Continued from previous page...

Remove this signatory

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/leeds/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="Charity Street Party June 2015"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

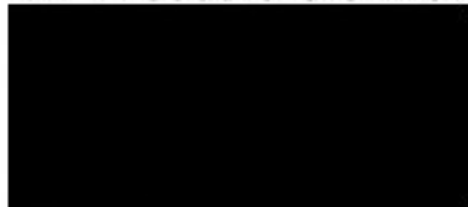


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Appendix C



Mr Theodore Grainzevelles



Environmental Protection Team
Leeds City Council
Millshaw Park Way
Leeds
LS11 0LS

Contact: Mr Jamie Friel
Tel: 0113 395 1171
Fax: 0113 247 6282
E-mail: jamie.friel@leeds.gov.uk
Our reference: TEN/01981/15
Date: 25th March 2015

Dear Mr Grainzevelles

Licensing Act 2003

Temporary Event Notice: Charity Street party June 2015

Name of Premises: Back of Ash Grove, Headingley, LS6 1AY

We refer to your application for a Temporary Event Notice for the above-mentioned Charity Street party June 2015.

We believe that your application does not give enough information about how you intend to meet an important aim of the licence, which is to prevent public nuisance. We therefore confirm that we are submitting a formal objection to your application.

We base our objection on the following matters:

1. The potential for noise disturbance associated with licensable activities from this event to cause noise disturbance to nearby residential premises.
2. The potential for the alleged sources of nuisance described in items 1 above to continue beyond licensing hours into hours where such disturbance may adversely affect the use and enjoyment or further loss of home life.

We base our objection on the present Statement of Licensing Policy 2014-2018 issued by Leeds City Council as the Licensing Authority, experience of the Environmental Protection Team including that specifically associated with the area, including data relating to complaints received from members of the public.

Description of the surrounding area:

The application site / location is the lane located to the rear of No's 2 to 16 Ash Grove, Headingley, LS6 1AY with the applicants address being 61 Victoria Road, Headingley, LS6 1AS which is the gable end property at the start of the rear lane.

The area predominantly consists of residential housing, with little or no licensed premises within the immediate vicinity.



Complaint and other history specific to the applicant premises:

A similar event to the one proposed took place around the same time in 2014 which did not result in any noise nuisance complaints being made direct to the Environmental Protection Team.

However, an abatement notice was served under the provisions of section 80 Environmental Protection Act 1990 upon the applicant Theodore Grainzevelles and Thomas Mitchell on 8th May 2014 as it was envisaged that a Statutory Nuisance is "likely to occur" from the playing of amplified music from this event.

In addition an officer from the Environmental Protection Team was on site towards the end of the event and had to insist that the event was ended to prevent breach of licence or the abatement notice.

The Environmental Protection Team also works in conjunction with Leeds Anti-Social Behavior Team (LASBT), who run and facilitates the council's out of hour's noise service (OOH). On the date the event took place the OOH service received and responded to noise nuisance complaints from the applicant's property, therefore indicating an after party.

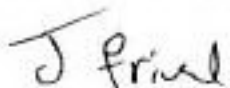
Conclusions reached:

With regard to this application, the Environmental Protection Team has consulted with partner organisations (i.e. West Yorkshire Police, Leeds Anti-Social Behavior Team and Entertainment Licensing) as well as local ward councilor and local residents and it is our opinion that the event has the potential to create noise disturbance from amplified music and patrons attending the event.

In addition allowing the TEN to proceed may result in a number of revelers remaining in the area after the event. Furthermore there is the possibility of breakaway / after party's at nearby residential premises which are out of the control of the applicant and which also have the potential to create further or addition noise nuisance complaints which extend into noise sensitive hours and in which Leeds City Council may have to attend and take appropriate enforcement action.

Therefore Leeds City Council's Environmental Protection Team will be objecting to your Temporary Event Notice application.

Yours sincerely



Mr Jamie Friel
Senior Environmental Health Officer