

Licensing Sub-Committee

Tuesday, 20th June, 2006

PRESENT: Councillor in the Chair

Councillors R Downes, R D Feldman and
G Wilkinson

Councillor

1 Application for Grant of a Premises Licence - Cross Flatts Park, Parkfield Avenue, Leeds LS11

APPLICATION FOR THE GRANT OF A PREMISES LICENCE - "CROSS FLATTS PARK", PARKFIELD AVENUE, LEEDS LS 11

On 20th June 2006 the Licensing Sub Committee heard an application made by Mrs Denise Preston, LCC Department of Learning and Leisure, for the grant of a Premises Licence in respect of land situated within Cross Flatts Park, Parkfield Avenue, Leeds LS11

The application sought was as follows:

- Sale and supply of alcohol (for consumption on and off the premises):

Sunday	12:00 noon until 22:30 hours
Monday to Saturday	10:00 hours until 23:00 hours

- Provision of Plays, Films, Boxing or Wrestling entertainment, Live Music, Recorded Music, Performances of Dance, anything similar to live/recorded music or performances of dance (such as fashion shows, non-animal circuses, festivals and exhibitions), provision of facilities for dancing; provision of facilities for entertainment similar to making music or dancing (all of these both indoors and outdoors) and Indoor Sporting events:

Sunday to Saturday	08:00 hours until 23:00 hours
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- Provision of Late Night Refreshment:

Sunday to Saturday day)	23:00 hours until 01:00 hours (the following day)
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The Sub Committee noted that the Park was a public open space which is therefore open 24 hours per day 365 days of the year.

This letter represents the formal decision of the Sub Committee in respect of the application.

Preliminary Procedural Issues

The Sub Committee considered preliminary matters of a purely procedural nature.

There were no declarations of interest made.

The Sub Committee then decided that the procedure for the hearing would not be varied. The Sub Committee also considered if the public should be excluded from any parts of the hearing.

The Sub Committee decided to exclude the public from that part of the hearing where Members would deliberate on the application as presented. This would allow them to have a full and frank discussion on all matters put before them and this fact outweighed the public interest in not doing so.

Prior to the hearing the Sub Committee had considered the Licensing Officers Report which contained the application as submitted along with a Pro Forma Risk Assessment completed by the applicant. West Yorkshire Police had made representation on the application and a copy of their submission was included within the papers. West Yorkshire Police were represented by PC Arkle, Sergeant Pickersgill and Inspector Stubbs at the hearing.

Also included was a copy of a petition submitted by local residents containing 87 signatures and a letter of representation received from Mr J E Dickinson who also attended the hearing. The local residents did not attend the hearing, however their written submissions would be considered.

The Sub Committee permitted each party 10 minutes in which to make their case. This time limit was imposed having regard to the relevant Regulations and in the interests of consistency and the efficiency of business.

The Sub Committee then went on to consider the application.

The Hearing

The Sub Committee considered the verbal submissions made by Mr S Bumby and Mr D Morgan who attended the hearing on behalf of the applicant, who described the nature of the application and addressed the comments of the interested parties.

In determining the application the Sub Committee took into account all written submissions contained within the report which had been circulated prior to the hearing.

After considering the evidence and submissions the Sub Committee needed to satisfy itself that granting the application would promote the licensing objectives.

In reaching this decision the Sub Committee had regard to the provisions of the Licensing Act 2003, guidance under Section 182 of that Act and the Council's own Licensing Policy.

In particular the Sub Committee took into account Sections 17 & 18 of the Act because these were the most relevant to the application and Chapter 7 of the Guidance relating to the prevention of crime and disorder, public nuisance and public safety

The Sub Committee then went onto consider the following paragraphs of the Licensing Policy as the Sub Committee took the view these paragraphs had bearing on the application

11:05 to 11:10	Crime & Disorder
11:11 to 11:22	Public Safety
11:23 to 11:28	Public Nuisance

The Sub Committee decided the cumulative impact policy did not apply to this application.

Reasons for the decision

The Sub Committee heard representation from West Yorkshire Police (WYP) in the first instance.

PC Arkle began by explaining that WYP had first made representation on the application in May 2006, and since that time work had been ongoing with the applicant and officers of LCC Entertainment Licensing Section to make agreements with regards to the Operating Schedule to be attached to the Premises Licence for the Park. PC Arkle further confirmed that WYP had now agreed to the guidance proposed by Entertainment Licensing for an Event Management Plan to be drawn up.

With reference to the proposed conditions contained within the submission by WYP PC Arkle further explained that the applicant had agreed to all of these with the exception of Condition 10 (relating to the attendance of Police Officers at every event and numbers to be deployed). PC Arkle added that WYP recognised the differing size of events at the Park and therefore the different requirements for any police presence

The Chair of the Committee noted this and commented that the inclusion of the Condition would now be a matter for the Sub Committee, however invited the applicants' representative to comment on whether the matter was now agreed. Mr Bumby replied that that the applicant had agreed to all other measures proposed by WYP and were willing to continue negotiations regarding the wording of Condition 10 as the applicant would prefer this particular matter to be dealt with through the multi agency meetings and Event Management Plan. The Chair indicated that the Sub Committee could not take into account ongoing negotiations.

PC Arkle stated that the Chief Constable retained the ultimate discretion about the numbers of police officers to be deployed at any event, this duty could not be delegated through negotiation or any Event Management Plan, however WYP did acknowledge that not every event would require a major police presence. Furthermore, the wording of Condition 10 represented best practice with regards to

events and had been used for other events including those held at sports grounds. It was also felt that the inclusion of Condition 10 would provide some assurance to local residents.

The Chair of the Sub Committee again invited the applicant's representative to comment on this, and the length of time between receipt of the representation and today's hearing. Mr Bumby reiterated that all other measures had been agreed between the parties, however the applicant remained concerned that the current wording of Condition 10 would allow WYP to insist on a police presence at every event, and the costs of that presence would be passed onto the applicant. As such the applicant had wished to retain the right to negotiate the matter through the multi agency process. However following informal talks with WYP representatives prior to the hearing, Mr Bumby stated that he believed some of the applicants fears may have been unfounded; as such he would accept the conditions on behalf of the applicant.

In response to a query from the Sub Committee regarding the wording of Condition 9 (i) (the discretion of the Police to decide that a specific event should not be held) PC Arkle tabled a copy of amended and condensed conditions which had been agreed between the parties prior to the hearing and would be used in conjunction with the guidance to the Event Management Plan. Furthermore Inspector Stubbs reported that WYP had now agreed to the deletion of Condition 9(i). PC Arkle explained that conditions originally proposed which WYP believed would now be included within the Event Management Plan had been removed.

The conditions agreed between the parties are as follows;

- The Licence Holder shall give written notice of any event to be held at the site no later than 124 days prior to the event to Leeds City Council Licensing Department, West Yorkshire Police, West Yorkshire Fire & Rescue Service and West Yorkshire Ambulance Service. No event shall be held if less than such notice is given unless notice is waived by the above parties. "Event" shall include any galas, fetes or other events and shall include any occasion on which there is entertainment to the public. This will specifically include any singing, dancing or musical entertainment whether live or recorded. It shall also include any event where alcohol is for sale to the public *Managers in the police are required by law to prepare a roster for all officers which gives 3 months notice of the duty they are required to work. It is therefore very helpful if organisers of events give us 4 months notice. You will note that I have included the caveat that such notice can be "waived". In practice 4 months would only be necessary in respect of the larger events. We would certainly not seek to enforce that condition in respect of smaller scale events*
- The Licence Holder will ensure that an event specific Event Management Plan (EMP) is received by each responsible Authority and the Licensing Authority. The Licence Holder will ensure the EMP is received at least 90 days prior to each event
- The EMP shall be accompanied by detailed gridded plans, identifying the licensed area, all fencing, access and exit routes, permanent and temporary structures, barriers, lighting points, CCTV camera points, toilet and refreshment facilities, concession units, first aid points, hill gradients and steps, the layout of any backstage area and the base of the organiser.
- Where identified the Premise Licence Holder (PLH) will convene multi-agency meetings
- If requested by the police, fire or ambulance service, a final inspection meeting shall be held at the site on a date and time to be determined by the responsible

authorities. The PLH will not permit the admittance to the specific licensed areas until agreements have been reached by the relevant responsible authorities

- The PLH must make adequate provision for the monitoring of the number of persons entering the licensed site and any marquee/s. The arena shall not exceed a number of persons, as determined by the responsible authorities.

In the proposed document "Guidance Notes – Production of an Event Management Plan" we feel the wording in relation to the above is not sufficiently prescriptive and would highlight the above wording as more appropriate for such an important issue. (Note: the figure 5,000 may not be the appropriate upper limit)

- The PLH shall arrange for the attendance at every event of as many Police Officers within the site and its environs as the Police consider adequate to secure orderly and decent behaviour within the event site and its environs

We recognise that many of the smaller events will require no police attendance

The Sub Committee noted that these conditions would now be added to the Premises Licence for the site, should the application be granted.

The Sub Committee then considered the representation made by Mr J E Dickinson, local resident. Mr Dickinson began by stating that he had no objection to the events or late night refreshment proposed within the application, however he was opposed to any sale of alcohol. He explained that there were 12 entrances to the Park which he believed could not all be covered by security. Furthermore members of the public would be able to buy alcohol at the local off-licence or supermarket and take it into the Park. He also reported that the Park already suffered from littering.

The Sub Committee then considered the representation from Mr Bumby and Mr Morgan, on behalf of the applicant who addressed the application and the comments of the local residents. Mr Bumby began by stating that this application had been made to cover events for this year and for future years, the Mela being the main attraction at this Park.

Mr Dickinson added at this point that there had been no alcohol sales at the Mela. Mr Bumby confirmed this although added that some members of the public had brought some with them to the event. Additionally other events held in the future may wish to include the sale of alcohol and as such this application had included this requirement.

Mr Bumby explained that alcohol was usually only sold within a confined area within an event and alcohol was not allowed to be taken outside of the site. In answer to several queries relating to the sale and control of alcohol, Mr Bumby reported that alcohol was not sold on the site in glasses or glass bottles, only in plastic containers. Furthermore it was standard practice that alcohol sales be made within a marquee and for that area to be controlled through the use of stewards or marshals. The Mela event itself had been controlled by marshals employed by Leeds City Council. With regards to the number of entrances, Mr Bumby stated that although alcohol would not be allowed to be brought onto the site, it would be difficult to search every visitor, in reality only alcohol which was visible to the marshals could be confiscated

In response to a question from the Sub Committee regarding the clearing of the site following an event, Mr Bumby explained that any promoter who held an event on the

site was required to implement a clear up policy. He confirmed that this happened after every event. Additionally Mr Dickinson, at the request of the Chair, confirmed that this was the case for the Mela event site although he stated that the remainder of the Park was still littered. In response, Mr Bumby who stated he had been present at the Mela, refuted that claim. The Sub Committee considered the contents of the Risk Assessment and in particular the response to the question therein as to whether the applicant had a policy for the frequent collection of glass and bottles. The applicant had stated that there was "no glass bottle policy" however the Sub Committee were concerned that the entire site should be clear of any glass, whether it was associated with any given event or not. Mr Bumby reiterated that the clean up of the site following an event would be dealt with through implementation of the terms of any Event Management Plan

In conclusion Mr Bumby stated that events at this Park had been well managed in the past, and he stated that as the Department of Learning and Leisure would now be the Premise Licence Holder under the new Licensing regime, he expected that this would have a positive effect on the management of all future events as it would lead to closer working relationships between the interested parties.

The Decision

The Sub Committee were largely persuaded by Mr Bumby's submission that the applicant had taken sufficient steps to promote the stated licensing objectives, and welcomed the agreement to produce an Event Management Plan for each individual event scheduled for the Park. The Sub Committee felt that this approach would address in detail each of the licensing objectives and would largely address the concerns of the local residents at each event.

Members however remained concerned about provisions for the clearance of the Park following events held within the site and control of the provision of alcohol in a public place.

Therefore, having regard to the submissions of the applicant and interested parties and relevant parts of the Licensing Act, the Sub Committee resolved to grant the application as requested, subject to the amended schedule of conditions as agreed between West Yorkshire Police and the applicant, plus the submission of relevant Event Management Plans as agreed with the Council's Licensing Section, and subject to the following two minor modifications :

Hours and Licensable Activities -

Granted as requested

Conditions

- **All sales of alcohol shall be in a demarcated area and drink shall be served and consumed within that area**
- **It shall be the responsibility of the applicant (Leisure Services) to ensure that the Park is cleared of litter within 72 hours after each event**

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the Sub Committee. You must make this appeal within 21 days of this letter reaching you. Appeals should be addressed to the Magistrates Court at:

Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP

Appeals should be accompanied by a copy of this decision letter and the court fee of £75.00

Yours Faithfully,

Helen Gray
Clerk to the Licensing Sub Committee

2 Application for Grant of a Premises Licence - Springhead Park, Oulton Lane, Leeds LS26 0DY
APPLICATION FOR THE GRANT OF A PREMISES LICENCE - "SPRINGHEAD PARK", OULTON LANE, ROTHWELL, LEEDS LS26 0DY

On 20th June 2006 the Licensing Sub Committee heard an application made by Mrs Denise Preston, LCC Department of Learning and Leisure, for the grant of a Premises Licence in respect of land situated within Springhead Park, Oulton Lane, Rothwell, Leeds LS26 0DY

The application sought was as follows:

- Sale and supply of alcohol (for consumption on and off the premises):

Sunday	12:00 noon until 22:30 hours
Monday to Saturday	10:00 hours until 23:00 hours

- Provision of Plays, Films, Boxing or Wrestling entertainment, Live Music, Recorded Music, Performances of Dance, anything similar to live/recorded music or performances of dance (such as fashion shows, non-animal circuses, festivals and exhibitions), provision of facilities for dancing; provision of facilities for entertainment similar to making music or dancing (all of these both indoors and outdoors) and Indoor Sporting events:

Sunday to Saturday	08:00 hours until 23:00 hours
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- Provision of Late Night Refreshment:

Sunday to Saturday
day)

23:00 hours until 01:00 hours (the following

The Sub Committee noted that the Park was a public open space which is therefore open 24 hours per day 365 days of the year.

This letter represents the formal decision of the Sub Committee in respect of the application.

Preliminary Procedural Issues

The Sub Committee considered preliminary matters of a purely procedural nature.

There were no declarations of interest made.

The Sub Committee then decided that the procedure for the hearing would not be varied. The Sub Committee also considered if the public should be excluded from any parts of the hearing.

The Sub Committee decided to exclude the public from that part of the hearing where Members would deliberate on the application as presented. This would allow them to have a full and frank discussion on all matters put before them and this fact outweighed the public interest in not doing so.

Prior to the hearing the Sub Committee had considered the Licensing Officers Report which contained the application as submitted along with a Pro Forma Risk Assessment completed by the applicant. West Yorkshire Police had made representation on the application and a copy of their submission was included within the papers. P C Arkle represented West Yorkshire Police at the hearing.

Also included were copies of letters of representation from the following local residents:

Mr B and Mrs C Ingham, Westways, 3 Gillett Lane, Rothwell, Leeds LS26 0EG

Marie Williams, 19 The Oval, Rothwell, Leeds LS26 0EE

The local residents did not attend the hearing, however their written submissions would be considered.

The Sub Committee permitted each party 10 minutes in which to make their case. This time limit was imposed having regard to the relevant Regulations and in the interests of consistency and the efficiency of business.

The Sub Committee then went on to consider the application.

The Hearing

The Sub Committee considered the verbal submissions made by Mr S Bumby and Mr D Morgan who attended the hearing on behalf of the applicant, who described the nature of the application and addressed the comments of the interested parties.

In determining the application the Sub Committee took into account all written submissions contained within the report which had been circulated prior to the hearing.

After considering the evidence and submissions the Sub Committee needed to satisfy itself that granting the application would promote the licensing objectives.

In reaching this decision the Sub Committee had regard to the provisions of the Licensing Act 2003, guidance under Section 182 of that Act and the Council's own Licensing Policy.

In particular the Sub Committee took into account Sections 17 & 18 of the Act because these were the most relevant to the application and Chapter 7 of the Guidance relating to the prevention of crime and disorder, public nuisance and public safety

The Sub Committee then went onto consider the following paragraphs of the Licensing Policy as the Sub Committee took the view these paragraphs had bearing on the application

11:05 to 11:10	Crime & Disorder
11:11 to 11:22	Public Safety
11:23 to 11:28	Public Nuisance

The Sub Committee decided the cumulative impact policy did not apply to this application.

Reasons for the decision

This was the second of three applications laid before the Sub Committee on this day pertaining to applications for Premises Licence in respect of Parks in the ownership of Leeds City Council. West Yorkshire Police (WYP) had made similar representation on all. This being the second, the Sub Committee noted that the representation made by WYP would be the same as for the previously considered application. (Cross Flatts Park) This was confirmed by PC Arkle.

Therefore the Sub Committee noted the following information provided by WYP and previously considered at the earlier hearing:

- WYP had first made representation on the application in May 2006, and since that time work had been ongoing with the applicant and officers of LCC Entertainment Licensing Section to make agreements with regards to the Operating Schedule to be attached to the Premises Licence for the Park. WYP had now agreed to the guidance proposed by Entertainment Licensing for an Event Management Plan to be drawn up.
- the applicant had agreed to all of the proposed conditions contained within the submission of WYP with the exception of Condition 10 (relating to the attendance of Police Officers at every event and numbers to be deployed). WYP did however recognise that events of differing sizes would be held at the Park and therefore the different requirements for any police presence

- The Sub Committee had noted this and commented that the inclusion of the Condition would now be a matter for the Sub Committee, however the applicants' representative has been invited to comment on whether the matter was now agreed. Mr Bumby had replied that that the applicant had agreed to all other measures proposed by WYP and were willing to continue negotiations regarding the wording of Condition 10 as the applicant would prefer this particular matter to be dealt with through the multi agency meetings and Event Management Plan. The Chair had indicated that the Sub Committee could not take into account ongoing negotiations.
- It was reported that the Chief Constable retained the ultimate discretion about the numbers of police officers to be deployed at any event, this duty could not be delegated through negotiation or any Event Management Plan, however WYP did acknowledge that not every event would require a major police presence. Furthermore, the wording of Condition 10 represented best practice with regards to events and had been used for other events including those held at sports grounds. It was also felt that the inclusion of Condition 10 would provide some assurance to local residents.
- The applicant's representative commented on this, and the length of time between receipt of the representation and today's hearing. Mr Bumby had reiterated that all other measures had been agreed between the parties, however the applicant remained concerned that the current wording of Condition 10 would allow WYP to insist on a police presence at every event, and the costs of that presence would be passed onto the applicant. As such the applicant had wished to retain the right to negotiate the matter through the multi agency process. However following informal talks with WYP representatives prior to the hearing, Mr Bumby stated that he now believed some of the applicant's fears may have been unfounded; as such he would accept the conditions on behalf of the applicant.
- With regards to the wording of Condition 9 (i) (the discretion of the Police to decide that a specific event should not be held) PC Arkle had previously tabled a copy of amended and condensed conditions which had been agreed between the parties prior to the hearing and would be used in conjunction with the guidance to the Event Management Plan. Furthermore, WYP had now agreed to the deletion of Condition 9(i). PC Arkle had explained that conditions originally proposed which WYP believed would now be included within the Event Management Plan had been removed.

The conditions agreed between the parties were as follows;

- The Licence Holder shall give written notice of any event to be held at the site no later than 124 days prior to the event to Leeds City Council Licensing Department, West Yorkshire Police, West Yorkshire Fire & Rescue Service and West Yorkshire Ambulance Service. No event shall be held if less than such notice is given unless notice is waived by the above parties. "Event" shall include any galas, fetes or other events and shall include any occasion on which there is entertainment to the public. This will specifically include any singing, dancing or musical entertainment whether live or recorded. It shall also include any event where alcohol is for sale to the public *Managers in the police are required by law to prepare a roster for all officers which gives 3 months notice of the duty they are required to work. It is therefore very helpful if organisers of events give us 4 months notice. You will note that I have included the caveat that such notice can be "waived". In practice 4 months would only be*

necessary in respect of the larger events. We would certainly not seek to enforce that condition in respect of smaller scale events

- The Licence Holder will ensure that an event specific Event Management Plan (EMP) is received by each responsible Authority and the Licensing Authority. The Licence Holder will ensure the EMP is received at least 90 days prior to each event
- The EMP shall be accompanied by detailed gridded plans, identifying the licensed area, all fencing, access and exit routes, permanent and temporary structures, barriers, lighting points, CCTV camera points, toilet and refreshment facilities, concession units, first aid points, hill gradients and steps, the layout of any backstage area and the base of the organiser.
- Where identified the Premise Licence Holder (PLH) will convene multi-agency meetings
- If requested by the police, fire or ambulance service, a final inspection meeting shall be held at the site on a date and time to be determined by the responsible authorities. The PLH will not permit the admittance to the specific licensed areas until agreements have been reached by the relevant responsible authorities
- The PLH must make adequate provision for the monitoring of the number of persons entering the licensed site and any marquee/s. The arena shall not exceed a number of persons, as determined by the responsible authorities.
In the proposed document "Guidance Notes – Production of an Event Management Plan" we feel the wording in relation to the above is not sufficiently prescriptive and would highlight the above wording as more appropriate for such an important issue. (Note: the figure 5,000 may not be the appropriate upper limit)
- The PLH shall arrange for the attendance at every event of as many Police Officers within the site and its environs as the Police consider adequate to secure orderly and decent behaviour within the event site and its environs
We recognise that many of the smaller events will require no police attendance

The Sub Committee noted that these conditions would now be added to the Premises Licence for the site, should the application be granted.

The Sub Committee then considered the submission made by Mr Bumby on behalf of the applicant, noting that many of the details discussed at the earlier hearing remained the same with regards to:

Sale of alcohol

Mr Bumby had confirmed that alcohol was usually only sold within a confined area within an event and alcohol was not allowed to be taken outside of the site. In answer to several queries relating to the sale and control of alcohol, Mr Bumby reported that alcohol was not sold on the site in glasses or glass bottles, only in plastic containers. Furthermore it was standard practice that alcohol sales be made within a marquee and for that area to be controlled through the use of stewards or marshals, although alcohol would not be allowed to be brought onto the site, it would be difficult to search every visitor, in reality only alcohol which was visible to the marshals could be confiscated

Site clean Up

Mr Bumby had earlier explained that any promoter who held an event on the site was required to implement a clear up policy. He confirmed that this happened after every event. The Sub Committee considered the contents of the Risk Assessment and in particular the response to the question therein as to whether the applicant had a

policy for the frequent collection of glass and bottles. The applicant had stated that there was “no glass bottle policy” however the Sub Committee were concerned that the entire site should be clear of any glass, whether it was associated with any given event or not. Mr Bumby had reiterated that the clean up of the site following an event would be dealt with through implementation of the terms of any Event Management Plan

Mr Bumby began by stating that when the application had first been made, a request for the provision of Late Night Refreshment between the hours of 23:00 hours until 01:00 hours the following morning had been included. He stated that this had been an error, as the application now accepted that the serving of food should close at 23:00 hours. Therefore he requested that this part of the application be deleted.

With regards to the comments of one of the objectors contained within their letter of representation regarding capacity, Mr Bumby explained that a capacity of 9999 had been requested in order to facilitate future events. In support of this he reported that approximately 8000 persons usually attended the bonfire events held at the Park, yet even then the Park did not appear to be full

In answer to a query regarding the significance of the capacity 9999 figure, Mr Bumby stated that a higher capacity figure would effect the “banding” of the application and therefore the fees to be paid on application. However he confirmed that the applicant did not require a bigger capacity.

The Decision

The Sub Committee were largely persuaded by Mr Bumby’s submission that the applicant had taken had taken sufficient steps to promote the stated licensing objectives, and welcomed the agreement to produce an Event Management Plan for each individual event scheduled for the Park. The Sub Committee felt that this approach would address in detail each of the licensing objectives and would largely address the concerns of the local residents at each event. The Sub Committee also felt that the local residents submissions had been made on the assumption that events would be held at the Park every night although this was not the intention of the applicant

Members however remained concerned about provisions for the clearance of the Park following events within the site and control of the provision of alcohol within a public space

Therefore, having regard to the submissions of the applicant and interest parties and relevant parts of the Licensing Act, the Sub Committee resolved to grant the application as now amended by the applicant, subject to the amended schedule of conditions as agreed between West Yorkshire Police and the applicant, plus the submission of relevant Event Management Plans as agreed with the Council’s Licensing Section, and subject to the following two minor modifications:

Hours and Licensable Activities -

Granted as requested

Provision of Late Night Refreshment

Deleted from the application by the applicant

Condition

- **All sales of alcohol shall be in a demarcated area and drink shall be served and consumed within that area**
- **It shall be the responsibility of the applicant (Leisure Services) to ensure that the Park is cleared of litter within 72 hours after each event**

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the Sub Committee. You must make this appeal within 21 days of this letter reaching you. Appeals should be addressed to the Magistrates Court at:

Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP

Appeals should be accompanied by a copy of this decision letter and the court fee of £75.00

Yours Faithfully,

Helen Gray
Clerk to the Licensing Sub Committee

3 Application for Grant of a Premises Licence - Middleton Park, Town Street, Leeds LS10 **APPLICATION FOR THE GRANT OF A PREMISES LICENCE - "MIDDLETON PARK" TOWN STREET, LEEDS LS10**

On 20th June 2006 the Licensing Sub Committee heard an application made by Mrs Denise Preston, LCC Department of Learning and Leisure, for the grant of a Premises Licence in respect of land situated within Middleton Park, Town Street, Leeds LS10

The application sought was as follows:

- Sale and supply of alcohol (for consumption on and off the premises):

Sunday	12:00 noon until 22:30 hours
Monday to Saturday	10:00 hours until 23:00 hours

- Provision of Plays, Films, Boxing or Wrestling entertainment, Live Music, Recorded Music, Performances of Dance, anything similar to live/recorded music or performances of dance (such as fashion shows, non-animal circuses, festivals and exhibitions), provision of facilities for dancing; provision of facilities for entertainment similar to making music or dancing (all of these both indoors and outdoors) and Indoor Sporting events:

Sunday to Saturday 08:00 hours until 23:00 hours

- Provision of Late Night Refreshment:

Sunday to Saturday 23:00 hours until 01:00 hours (the following day)

The Sub Committee noted that the Park was a public open space which is therefore open 24 hours per day 365 days of the year.

This letter represents the formal decision of the Sub Committee in respect of the application.

Preliminary Procedural Issues

The Sub Committee considered preliminary matters of a purely procedural nature.

There were no declarations of interest made.

The Sub Committee then decided that the procedure for the hearing would not be varied. The Sub Committee also considered if the public should be excluded from any parts of the hearing.

The Sub Committee decided to exclude the public from that part of the hearing where Members would deliberate on the application as presented. This would allow them to have a full and frank discussion on all matters put before them and this fact outweighed the public interest in not doing so.

Prior to the hearing the Sub Committee had considered the Licensing Officers Report which contained the application as submitted along with a Pro Forma Risk Assessment completed by the applicant. West Yorkshire Police had made representation on the application and a copy of their submission was included within the papers. P C Arkle represented West Yorkshire Police at the hearing.

The Sub Committee permitted each party 10 minutes in which to make their case. This time limit was imposed having regard to the relevant Regulations and in the interests of consistency and the efficiency of business.

The Sub Committee then went on to consider the application.

The Hearing

The Sub Committee considered the verbal submissions made by Mr S Bumby and Mr D Morgan who attended the hearing on behalf of the applicant, who described the nature of the application and addressed the comments of the interested parties.

In determining the application the Sub Committee took into account all written submissions contained within the report which had been circulated prior to the hearing.

After considering the evidence and submissions the Sub Committee needed to satisfy itself that granting the application would promote the licensing objectives.

In reaching this decision the Sub Committee had regard to the provisions of the Licensing Act 2003, guidance under Section 182 of that Act and the Council's own Licensing Policy.

In particular the Sub Committee took into account Sections 17 & 18 of the Act because these were the most relevant to the application and Chapter 7 of the Guidance relating to the prevention of crime and disorder, public nuisance and public safety

The Sub Committee then went onto consider the following paragraphs of the Licensing Policy as the Sub Committee took the view these paragraphs had bearing on the application

11:05 to 11:10	Crime & Disorder
11:11 to 11:22	Public Safety
11:23 to 11:28	Public Nuisance

The Sub Committee decided the cumulative impact policy did not apply to this application.

Reasons for the decision

This was the third of three applications laid before the Sub Committee on this day pertaining to applications for Premises Licence in respect of Parks in the ownership of Leeds City Council. West Yorkshire Police (WYP) had made similar representation on all. This being the third, the Sub Committee noted that the representation made by WYP would be the same as for the previously considered applications. (Cross Flatts Park and Springhead Park) This was confirmed by PC Arkle.

Therefore the Sub Committee noted the following information provided by WYP and previously considered at the earlier hearing:

- WYP had first made representation on the application in May 2006, and since that time work had been ongoing with the applicant and officers of LCC Entertainment Licensing Section to make agreements with regards to the Operating Schedule to be attached to the Premises Licence for the Park. WYP had now agreed to the guidance proposed by Entertainment Licensing for an Event Management Plan to be drawn up.
- the applicant had agreed to all of the proposed conditions contained within the submission of WYP with the exception of Condition 10 (relating to the

attendance of Police Officers at every event and numbers to be deployed). WYP did however recognise that events of differing sizes would be held at the Park and therefore the different requirements for any police presence

- The Sub Committee had noted this and commented that the inclusion of the Condition would now be a matter for the Sub Committee, however the applicants' representative has been invited to comment on whether the matter was now agreed. Mr Bumby had replied that that the applicant had agreed to all other measures proposed by WYP and were willing to continue negotiations regarding the wording of Condition 10 as the applicant would prefer this particular matter to be dealt with through the multi agency meetings and Event Management Plan. The Chair had indicated that the Sub Committee could not take into account ongoing negotiations.
- It was reported that the Chief Constable retained the ultimate discretion about the numbers of police officers to be deployed at any event, this duty could not be delegated through negotiation or any Event Management Plan, however WYP did acknowledge that not every event would require a major police presence. Furthermore, the wording of Condition 10 represented best practice with regards to events and had been used for other events including those held at sports grounds. It was also felt that the inclusion of Condition 10 would provide some assurance to local residents.
- The applicant's representative had commented on this, and the length of time between receipt of the representation and today's hearing. Mr Bumby had reiterated that all other measures had been agreed between the parties, however the applicant remained concerned that the current wording of Condition 10 would allow WYP to insist on a police presence at every event, and the costs of that presence would be passed onto the applicant. As such the applicant had wished to retain the right to negotiate the matter through the multi agency process. However following informal talks with WYP representatives prior to the hearing, Mr Bumby stated that he now believed some of the applicant's fears may have been unfounded; as such he would accept the conditions on behalf of the applicant.
- With regards to the wording of Condition 9 (i) (the discretion of the Police to decide that a specific event should not be held) PC Arkle had previously tabled a copy of amended and condensed conditions which had been agreed between the parties prior to the hearing and would be used in conjunction with the guidance to the Event Management Plan. Furthermore, WYP had now agreed to the deletion of Condition 9(i). PC Arkle had explained that conditions originally proposed which WYP believed would now be included within the Event Management Plan had been removed.

The conditions agreed between the parties were as follows;

- The Licence Holder shall give written notice of any event to be held at the site no later than 124 days prior to the event to Leeds City Council Licensing Department, West Yorkshire Police, West Yorkshire Fire & Rescue Service and West Yorkshire Ambulance Service. No event shall be held if less than such notice is given unless notice is waived by the above parties. "Event" shall include any galas, fetes or other

events and shall include any occasion on which there is entertainment to the public. This will specifically include any singing, dancing or musical entertainment whether live or recorded. It shall also include any event where alcohol is for sale to the public *Managers in the police are required by law to prepare a roster for all officers which gives 3 months notice of the duty they are required to work. It is therefore very helpful if organisers of events give us 4 months notice. You will note that I have included the caveat that such notice can be "waived". In practice 4 months would only be necessary in respect of the larger events. We would certainly not seek to enforce that condition in respect of smaller scale events*

- The Licence Holder will ensure that an event specific Event Management Plan (EMP) is received by each responsible Authority and the Licensing Authority. The Licence Holder will ensure the EMP is received at least 90 days prior to each event
- The EMP shall be accompanied by detailed gridded plans, identifying the licensed area, all fencing, access and exit routes, permanent and temporary structures, barriers, lighting points, CCTV camera points, toilet and refreshment facilities, concession units, first aid points, hill gradients and steps, the layout of any backstage area and the base of the organiser.
- Where identified the Premise Licence Holder (PLH) will convene multi-agency meetings
- If requested by the police, fire or ambulance service, a final inspection meeting shall be held at the site on a date and time to be determined by the responsible authorities. The PLH will not permit the admittance to the specific licensed areas until agreements have been reached by the relevant responsible authorities
- The PLH must make adequate provision for the monitoring of the number of persons entering the licensed site and any marquee/s. The arena shall not exceed a number of persons, as determined by the responsible authorities.
In the proposed document "Guidance Notes – Production of an Event Management Plan" we feel the wording in relation to the above is not sufficiently prescriptive and would highlight the above wording as more appropriate for such an important issue. (Note: the figure 5,000 may not be the appropriate upper limit)
- The PLH shall arrange for the attendance at every event of as many Police Officers within the site and its environs as the Police consider adequate to secure orderly and decent behaviour within the event site and its environs
We recognise that many of the smaller events will require no police attendance

The Sub Committee noted that these conditions would now be added to the Premises Licence for the site, should the application be granted.

The Sub Committee then considered the submission made by Mr Bumby on behalf of the applicant, noting that many of the details discussed at the earlier hearing remained the same with regards to:

Sale of alcohol

Mr Bumby had confirmed that alcohol was usually only sold within a confined area within an event and alcohol was not allowed to be taken outside of the site. In answer to several queries relating to the sale and control of alcohol, Mr Bumby reported that alcohol was not sold on the site in glasses or glass bottles, only in

plastic containers. Furthermore it was standard practice that alcohol sales be made within a marquee and for that area to be controlled through the use of stewards or marshals, although alcohol would not be allowed to be brought onto the site, it would be difficult to search every visitor, in reality only alcohol which was visible to the marshals could be confiscated

Site clean Up

Mr Bumby had earlier explained that any promoter who held an event on the site was required to implement a clear up policy. He confirmed that this happened after every event. The Sub Committee considered the contents of the Risk Assessment and in particular the response to the question therein as to whether the applicant had a policy for the frequent collection of glass and bottles. The applicant had stated that there was “no glass bottle policy” however the Sub Committee were concerned that the entire site should be clear of any glass, whether it was associated with any given event or not. Mr Bumby had reiterated that the clean up of the site following an event would be dealt with through implementation of the terms of any Event Management Plan

Mr Bumby began by stating that when the application for Middleton Park had first been made, a request for the provision of Late Night Refreshment between the hours of 23:00 hours until 01:00 hours the following morning had been included. He stated that this had been an error, as the application now accepted that the serving of food should close at 23:00 hours. Therefore in conclusion, he requested that this part of the application be deleted.

The Decision

The Sub Committee were largely persuaded by Mr Bumby’s submission that the applicant had taken had taken sufficient steps to promote the stated licensing objectives, and welcomed the agreement to produce an Event Management Plan for each individual event scheduled for the Park. The Sub Committee felt that this approach would address in detail each of the licensing objectives

Members however remained concerned about control of alcohol sales/consumption within a public space and provisions for the clearance of the park following events within the site

Therefore, having regard to the submissions of the applicant and interest parties and relevant parts of the Licensing Act, the Sub Committee resolved to grant the application as now amended by the applicant, subject to the amended schedule of conditions as agreed by West Yorkshire Police and the applicant (and detailed earlier in this letter) plus the submission of relevant Event Management Plans as agreed with the Council’s Licensing Section, and subject to the following two minor modifications:

Hours and Licensable Activities -

Granted as requested

Provision of Late Night Refreshment

Deleted from the application by the applicant

Conditions

- **All sales of alcohol shall be in a demarcated area and drink shall be served and consumed within that area**
- **It shall be the responsibility of the applicant (Leisure Services) to ensure that the Park is cleared of litter within 72 hours after each event**

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the Sub Committee. You must make this appeal within 21 days of this letter reaching you. Appeals should be addressed to the Magistrates Court at:

Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP

Appeals should be accompanied by a copy of this decision letter and the court fee of £75.00

Yours Faithfully,

Helen Gray
Clerk to the Licensing Sub Committee

4 Application for Grant of a Premises Licence - Granary Wharf Car Parks APPLICATION FOR THE GRANT OF A TIME LIMITED PREMISES LICENCE - “CAR PARKS AT GRANARY WHARF”, LEEDS LS1

On 20th June 2006 the Licensing Sub Committee heard an application made by Mr S Sagoo of Logistik Ltd, Carlton Mills, Pickering Street Leeds LS12 2QG, for the grant of a Time Limited Premises Licence in respect of the Car Parks area (near to Blank Canvas) at Granary Wharf, Leeds LS1.

The application sought was as follows:

- Dates

Saturday 29th July 2006 until Sunday 30th July 2006

- Sale and supply of alcohol (for consumption on and off the premises):

Saturday	14:00 hours until 02:00 hours the following day
Sunday	14:00 hours until 00:00 midnight

- Live Music, Recorded Music, Performances of Dance, provision of facilities for dancing;

Saturday	14:00 hours until 02:00 hours the following day
Sunday	14:00 hours until 00:00 midnight

- Provision of Late Night Refreshment:

Saturday	14:00 hours until 02:00 hours the following day
Sunday	14:00 hours until 00:00 midnight

The Sub Committee noted that the car park area was a public car park and ordinarily was open 24 hours per day 365 days of the year. The event would involve the creation of two outdoor arenas where entertainment would take place. Previously this site had benefited from a Public Entertainment Licence under the former licensing regime.

This letter represents the formal decision of the Sub Committee in respect of the application.

Preliminary Procedural Issues

The Sub Committee considered preliminary matters of a purely procedural nature.

There were no declarations of interest made.

The Sub Committee then decided that the procedure for the hearing would not be varied. The Sub Committee also considered if the public should be excluded from any parts of the hearing.

The Sub Committee decided to exclude the public from that part of the hearing where Members would deliberate on the application as presented. This would allow them to have a full and frank discussion on all matters put before them and this fact outweighed the public interest in not doing so.

Prior to the hearing the Sub Committee had considered the Licensing Officers Report which contained the application as submitted along with a Pro Forma Risk Assessment completed by the applicant. LCC Environmental Health Services had made representation on the application and a copy of their submission was included within the papers. Mr R Bilsborough and Ms J Hartley represented LCC Environmental Health Services at the hearing.

The Sub Committee noted that the applicant had reached agreement with West Yorkshire Police on measures proposed by them, and that LCC Health & Safety and West Yorkshire Fire & Rescue Service had not made a representation on the application

The Sub Committee permitted each party 10 minutes in which to make their case. This time limit was imposed having regard to the relevant Regulations and in the interests of consistency and the efficiency of business.

The Sub Committee then went on to consider the application.

The Hearing

The Sub Committee considered the verbal submissions made by Mr S Sagoo, the applicant, who attended the hearing and described the nature of the application and addressed the comments of the interested parties. Mr Sagoo was accompanied by Ms J Fox

In determining the application the Sub Committee took into account all written submissions contained within the report which had been circulated prior to the hearing.

After considering the evidence and submissions the Sub Committee needed to satisfy itself that granting the application would promote the licensing objectives.

In reaching this decision the Sub Committee had regard to the provisions of the Licensing Act 2003, guidance under Section 182 of that Act and the Council's own Licensing Policy.

In particular the Sub Committee took into account Sections 17 & 18 of the Act because these were the most relevant to the application and Chapter 7 of the Guidance relating to the prevention of crime and disorder, public nuisance and public safety

The Sub Committee then went onto consider the following paragraphs of the Licensing Policy as the Sub Committee took the view these paragraphs had bearing on the application

11:05 to 11:10	Crime & Disorder
11:11 to 11:22	Public Safety
11:23 to 11:28	Public Nuisance

The Sub Committee decided the cumulative impact policy did not apply to this application.

Reasons for the decision

The Sub Committee first considered the representation made by Mr R Bilsborough on behalf of LCC Environmental Health Services.

Mr Bilsborough began by stating the department had first submitted a representation in May 2006 due to concerns about the proposed open-air nature of the event and its proximity to noise sensitive flats and apartments. However Mr Bilsborough reported that following discussions held the previous day, the applicant had agreed to abide by all the measures proposed by the department.

Additionally the applicant had agreed that all noise from the outdoor arenas (Arena 1 and Arena 2) would cease by 23:00 hours on each event day – this to include noise emitted by the clear up. The event would then continue within the indoor arena and would be monitored as per the LCC Code of Practice regarding pop concerts. Furthermore the applicant had agreed to submit a Noise Management Strategy to LCC Environmental Health Services within 7 days.

In summary the agreed conditions were reported as

- 1 The applicant to abide by the Code of Practice for Concerts
- 2 The applicant will close the 2 outdoor arenas by 23:00 hours
- 3 The applicant will achieve inaudibility from the 2 outdoor arenas within noise sensitive premises after 23:00 hours
- 4 The applicant will forward a Noise Management Strategy for achieving 1) to 3) above to LCC Environmental Health Services within 7 days

These agreed conditions would now form part of the Operating Schedule attached to the Time Limited Premises Licence should it be granted.

The Sub Committee then went onto consider the submission made by Mr Sagoo, the applicant.

Mr Sagoo began by stating that he was happy to agree all of the conditions suggested by LCC Environmental Health Services, and confirmed that he had already made agreements with West Yorkshire Police, as he was keen to secure the future of the event. However, having made agreement to close the outdoor arenas at 23:00 hours, he was mindful that he had lost 3 hours of entertainment and was concerned that the loss of this time would affect the viability of the event. Therefore he requested that the Sub Committee consider an amendment to the application to allow the event to commence earlier in the day.

Mr Sagoo was advised that the Sub Committee could not amend an application to allow longer operating hours. Furthermore, to do so would not allow all interested parties to make any representation on this change, therefore he was advised that to open the event earlier would require a further application and representation period.

The Sub Committee noted the comment from Mr Bilsborough that LCC Environmental Health Services would not make a representation should the event open earlier in the day and Mr Sagoo was advised that should the Time Limited Premises Licence be granted today, he should make immediate application to vary this Licence stating the requested earlier start time.

The Decision

The Sub Committee were persuaded by the submission made by the applicant he had taken had taken sufficient steps to promote the stated licensing objectives. Members welcomed the agreements already made with LCC Environmental Health Services.

Therefore, having regard to the submissions of the applicant and interest parties and relevant parts of the Licensing Act, the Sub Committee resolved to grant the application as now amended by the applicant. The Time Limited Premise Licence would now include all those measures as agreed with LCC Environmental Health which would now be included within the Operating Schedule for the Licence

Dates – granted as requested

Saturday 29th July 2006 until Sunday 30th July 2006

Hours and Licensable Activities – granted as amended

Sale and supply of alcohol (for consumption on and off the premises):

Saturday	14:00 hours until 02:00 hours the following day
Sunday	14:00 hours until 00:00 midnight

Indoor Live Music, Recorded Music, Performances of Dance, provision of facilities for dancing:

Saturday	14:00 hours until 02:00 hours the following day
Sunday	14:00 hours until 00:00 midnight

Outdoor Live Music, Recorded Music, Performances of Dance, provision of facilities for dancing (provided in Arena 1 and Arena 2):

Saturday	14:00 hours until 23:00 hours
Sunday	14:00 hours until 23:00

Provision of Late Night Refreshment – granted as requested

Saturday	14:00 hours until 02:00 hours the following day
Sunday	14:00 hours until 00:00 midnight

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the Sub Committee. You must make this appeal within 21 days of this letter reaching you. Appeals should be addressed to the Magistrates Court at:

Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP

Appeals should be accompanied by a copy of this decision letter and the court fee of £75.00

Yours Faithfully,

Draft minutes to be approved at the meeting
to be held on Monday, 26th June, 2006

Helen Gray
Clerk to the Licensing Sub Committee

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