

Licensing Sub-Committee

Tuesday, 7th December, 2010

PRESENT: Councillor S Armitage in the Chair

Councillors M Dobson and G Hyde

152 Election of the Chair

RESOLVED – Councillor Armitage was elected Chair for the meeting

153 Late Items

No formal late of items of business were added to the agenda however all parties present had received the following additional information

Item 7 Pole Position – supporting information submitted by the applicant providing an overview of the events hosted by the applicant in other venues (minute 156 refers)

154 Declarations of Interest

There were no declarations of interest

155 Site Visit

The Sub Committee undertook a site visit to the premises of Pole Position Indoor Karting, South Accommodation Road, Hunslet, in preparation for their consideration of an application for a Premises Licence for the venue.

Representatives of the applicant and the Responsible Authority which had made a representation to the application were in attendance to answer queries

RESOLVED – To note the information gleaned from the visit

156 "Pole Position" - Application for the grant of a Premises Licence for Pole Position Indoor Karting, South Accommodation road, Hunslet Leeds LS10 1PS

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy considered an application for the grant of a Premises Licence in respect of Pole Position Indoor Karting, South Accommodation Road, Hunslet.

Representations had been received from LCC Environmental Protection Team (LCC EPT). The matter had twice been adjourned from previous hearings to allow the applicant time to present appropriate documentation to the Sub Committee. Members of the Sub Committee had previously undertaken a site visit with all parties present. Present at the hearing were:

Magicfly Limited - the applicant	LCC EPT
Mr A Wood – solicitor	Mr B Kenny
Mr C Rees-Gay - observing	Mr M Bird
Mr J Albentosa - the applicant	Mr S Clothier

The Sub Committee heard from Mr Kenny of LCC EPT who stated no agreement had been reached between the applicant and LCC EPT over

measures to address the public nuisance licensing objective. Mr Kenny detailed the strong concerns held by the Department over the acoustically weak construction of the building which he stated would not contain sound generated by the proposed events.

Mr Kenny detailed the weaknesses he had found within the Acoustic Report submitted by the applicant and commented on the lack of measures proposed to mitigate against sound escaping from the venue. He described the potential noise disturbance to local residents caused by events held throughout the night and stated the Department sought to ensure inaudibility at the nearest noise sensitive premises, however the applicants' own acoustic report had shown this was not achievable. Mr Kenny added that this was a standard condition for premises and there were no special circumstances not to apply the requirement to this venue. In conclusion he urged Members to consider the suitability of the venue having regard to the public nuisance objective, and to impose the inaudibility condition on the Premises Licence should the application be granted.

The Sub Committee then heard from Mr Woods on behalf of the applicant who clarified that, following discussions with the Responsible Authorities, the applicant had revised the proposed operation of the venue in order to hold ten events per year to run for 12 hours each rather than the twelve 24 hour events applied for. Furthermore the capacity had been reduced from 9000 to 6000 persons although capacity for each event would be determined by available floorspace once the staging for each event was in place and with the agreement of West Yorkshire Fire and Rescue Service.

Mr Woods referred to the draft Event Management Plan produced by the applicant and highlighted the proposed offered condition which stipulated that no event could take place until the associated Risk Management Plan had been agreed by all Responsible Authorities. Mr Woods highlighted the key differences in the approach of the applicant to the noise issues raised by LCC EPT, he stated that that the applicant could not state they could achieve inaudibility but that during the sound testing undertaken, noise had only been barely audible at the nearest student residences.

Mr Woods requested the Sub Committee consider granting the application with a condition to ensure that noise from licensable activities would not result in public nuisance to the nearest noise sensitive premises, rather than use the phrase "noise shall be inaudible". Mr Albentosa then briefly addressed the Sub Committee

The Sub Committee carefully considered all the written and verbal submissions and took into account the information gleaned on the site visit to the premises. Members noted the representations made by LCC EPT on the likely effect of granting the application having regard to the industrial nature of the site, its' close proximity to existing residences; the submission that the building was acoustically weak and would not contain sound within it and that the Acoustic Report was flawed. Members also noted that LCC EPT

suggested the application could only be granted with an inaudibility clause which had been shown to be unachievable

The Sub Committee considered Mr Woods response on the narrow issue of noise and noted that he maintained the application could granted subject to individual Event Management Plans being agreed by all Responsible Authorities for each separate event.

The Sub Committee was satisfied that due to the close proximity of the premises to residents, the nature of the events and nature of the site it was necessary to achieve inaudibility, which it had been shown could not be done. The Sub Committee therefore

RESOLVED – To refuse the application as this was necessary to uphold the licensing objective to prevent public nuisance