

Licensing Sub-Committee

Tuesday, 4th January, 2011

PRESENT: Councillor Wilson in the Chair

Councillors C Townsley, G Wilkinson and
D Wilson

160 Election of the Chair

Councillor Wilson was elected Chair for the meeting.

161 Declarations of Interest

There were no declarations of interest

162 "Sainsbury's" - Application to vary a Premises Licence for Sainsbury's Supermarkets Ltd, 157 Moorgate Road, Kippax, LS25 7ET

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 to vary an existing Premises Licence held at Sainsburys Supermarket situated at 157 Moorgate Road, Kippax, Leeds LS25 7ET. The applicant sought to extend the hours of operation for licensable activities to 06:00 – 0:00 everyday and to add the provision of Late Night Refreshment everyday.

A representation had been received from LCC Health and Environmental Action Services regarding the application.

Present at the hearing were:

Ms Gail Clarke - the applicant

Mr Robert Botkai – the solicitor for the applicant

Councillor James Lewis representing local residents

Mr B Kenny- LCC Environmental Protection Team

Mr Botkai informed the Sub-Committee that they were willing to amend their application to request opening hours of the Premises to 06:00 – 23:00 everyday, and to withdraw the request for the provision of Late Night Refreshment everyday.

The Sub-Committee heard from Mr Kenny, of LCC Environmental Protection Team who withdrew the objection to the application following the amendments to it as stated by Mr Botkai.

Councillor James Lewis stated that the amendments to the application dealt with his concerns as these were regarding the request to open between 23:00 – 0:00, which had been withdrawn.

The Sub-Committee carefully considered all the written and verbal submissions. Members were of the opinion that granting the amended application would uphold the licensing objectives.

RESOLVED – that the license as per the amended application brought to the meeting be granted.

163 "Sainsburys"- Application to vary a Premises Licence held at Sainsbury's, 2 Ash Road, Headingley, LS6 3JF

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 to vary an existing Premises Licence held at Sainsburys Supermarket situated at 2 Ash Road, Headingley, Leeds LS6 3JF. The applicant sought to extend the timings for Sale of Alcohol, Late Night Refreshment and the opening times of the premises. The applicant further wished to remove conditions on the licence and replace them with new conditions detailed within the application.

A representation had been received from LCC Health and Environmental Action Services regarding the application.

Present at the hearing were:

Ms Gail Clarke – the applicant

Mr Robert Botkai – the solicitor for the applicant

Councillor James Monaghan representing local residents

Local residents: Mr Downing and Ms Charlton

Mr B Kenny – LCC Environmental Protection Team

Mr Botkai informed the Sub-Committee that they were willing to amend their application so that the requested hours for Sale by retail of alcohol be 06:00 – 23:00 everyday, and to withdraw the request for the provision of Late Night Refreshment everyday.

The Sub-Committee heard from Mr Kenny, of LCC Environmental Protection Team who withdrew the objection to the application following the amendments to it as stated by Mr Botkai.

It was clarified that the premises would be open until 0:00, however alcohol would not be sold after 23:00 should the application be granted.

The Sub-Committee carefully considered all the written and verbal submissions. Members were of the opinion that granting the amended application would uphold the licensing objectives.

RESOLVED- that the application as per the amended application brought to the meeting be granted with the additional conditions offered. The wording relating to the inspection of training records be changed from "inspection by police officers" to "inspection by any authorised officer"

164 "Headingley Cricket Club" - Application for the Grant of a Premises Licence for Headingley Carnegie Cricket Ground, Headingley Cricket Ground, St Michael's Lane, Headingley, Leeds, LS6 3BU

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 for premises

situated at Headingley Cricket Ground, St Michael's Lane, Headingley, Leeds LS6 3BU, trading as Headingley Carnegie Cricket Ground.

The application for a Premises Licence requested the provision of sale of alcohol and regulated entertainment. The application proposed to use the licence for outdoor music events and concerts with a capacity of 14,999.

Representations had been received from LCC Environmental Protection, LCC Development.

Present at the hearing were:

Mr Brian Birkes, Mr James Hogg and David Ryder – the applicants

Councillor James Monaghan

Local Residents: Mr Downing, Mr Davidson, Ms Charlton, Ms Ford, Mr Ghauri

Mr D Bewell – LCC Environmental Protection Team

Mr R Billsborough – LCC Environmental Protection Team

Mr C Sanderson – LCC Development

Mr J Baron – Press

The Sub-Committee heard from Mr Billsborough, LCC Environmental Protection, who informed the Sub-Committee of the full objection to the application by LCC Environmental Protection and the reasons for it. The Sub-Committee were informed about the Noise Council's Code of Practice on Noise Control for Concerts, the classification of Headingley Cricket Club within this as an urban stadium, and the possible problems with noise control that could arise should the licence be granted.

The Sub-Committee heard from Mr Sanderson who detailed the reasons for the objection to the application from LCC Development. The Sub-Committee was informed that the licence application breached a number of conditions which had been imposed on the planning permission for the Headingley Stadium redevelopment. The conditions had been imposed with the intention of protecting the local residents.

Councillor Monaghan informed the Sub-Committee that the Headingley Stadium was situated in a very residential area, with a large proportion of elderly residents and families with young children. Noise from the stadium at 11.00 p.m. would be detrimental to the local residents.

The Sub-Committee was addressed by Mr Downing who outlined the concerns he had in respect of the application, including the increase in amplified sounds, parking and traffic issues and potential for alcohol fuelled anti-social behaviour.

Mr Davidson, Chair of the Turnways and Laurel Bank Residents' Association; Ms Ford and Mr Ghauri informed the Sub-Committee of the concerns they had in respect of the application, and the effects that granting it would have on the local area and its residents.

The Sub-Committee then heard from Mr Hogg, Headingley Cricket Club. He informed of the need to keep investment coming into the club in order to keep Test Matches coming to Leeds, this was particularly important due to the connections cricket has with Yorkshire and England. He clarified the type of events that they were looking to hold at the stadium, and outlined the willingness of the applicants to work with residents groups including the possibility of setting up or using an existing committee to ensure all were consulted and informed, and of the possibility of setting up a dedicated hotline for residents to use should they wish to contact the stadium regarding an event being held there.

Following full and lengthy consideration of all the written and verbal representations, the Sub-Committee on balance felt granting the application with stringent necessary conditions would uphold the licensing objectives. It was noted that the Cricket Club would have to have the planning permission amended in order to be able to use the licence granted by the Sub-Committee.

The Chair advised the applicants that they should work with the local residents and reminded them that it is possible for a licence to be reviewed.

RESOLVED- That the licence application be granted in the following terms:

- That no more than three events be held per year
- That the hours be from 12:00 – 21:00

Conditions:

- 1 The licensee will provide a point of contact to the Environmental Health Section for the duration of the event by nominating a named person and telephone number.
- 2 The noise level shall not exceed 65 decibels over a 15 minute period at 1 metre from the nearest noise sensitive property, or a level set by the Environmental Health Section. This includes sound levels being monitored continuously throughout the entire event, by a representative for the promoter.
- 3 The sound system shall be managed and operated in a responsible manner at all times.
- 4 Designated qualified personnel shall be present at the sound control position for the duration of the event for the purposes of ensuring that condition 3 is complied with.
- 5 Access to the sound control position shall be afforded to the representatives of Leeds City Council as they deem appropriate at any time throughout the event and during any sound checks.
- 6 The telephone complaints hot line will be made available for the duration of the sound checks and concerts. The Environmental Health Section will be informed of any complaints that arise as soon as reasonably possible.

- 7 A competent and suitable experienced noise control consultant and noise control team will be appointed for events where necessary. The need for a noise control consultant will be agreed with the Licensing Authority prior to the event.
- 8 The licence holder will ensure that all aspects of the operation of the event and provisions made by the event are in compliance with the event management plan as they relate to the prevention of public nuisance.
- 9 A letter/flyer shall be delivered to local residents and ward members three weeks before the event, which shall include the following information:-
 - The dates and times of the set up and breakdown activities.
 - Dates and times of sound checks and tests of the public address system.
 - Times of background music.
 - Times for the main performance and any other support act.
 - Details of the hot line number.

The contents and proposed areas of distribution of the letter/flyer shall be agreed with the Local Authority.

The committee also considered that the following conditions suggested by Leeds City Council Building Control were necessary and proportionate:

- 1 a fully detailed event management plan, which should be event specific, must be submitted and found to be satisfactory by all relevant bodies at least 28 days prior to each event.
- 2 A. fire safety risk assessment must be carried out for the premises as required by the Regulatory Reform (Fire Safety) Order 2005 the risk assessment must be carried out by a competent person and the significant findings recorded.
3. A copy of the fire risk assessment must be made available to the authority no later than 28 days prior to any proposed events.

165 "Unit 3" - Application for the grant of a Premises Licence for Unit 3, The Cube, Albion Street, LS2 8ER

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 a grant of a Premises Licence in respect of premises situated at Unit 3, The Cube, Albion Street, Leeds LS2 8ER.

Representations had been received from Leeds City Council Health and Safety, Leeds City Council Environmental Protection Team and West Yorkshire Police which both included measures proposed by them to address the licensing objectives. Those measures had been agreed by the applicant and the representations had subsequently been withdrawn.

Present at the hearing were:

Mr Gordon Codona – the applicant

Mr Tim Shield – the solicitor for the applicant
Local Residents: Mr T Pope, Mrs H Kilburn and Mr T Whitfield

The Sub-Committee heard from Mr Pope and Mrs Kilburn who outlined their concerns around the application, in particular around the visibility of the interior of the premises to the outside, the potential problems around alcohol fuelled anti-social behaviour, noise concerns and the security of the residential area of the building in which the premises are situated.

The Sub-Committee then heard from Mr Shield who was representing the applicant. He outlined the applicant's experience in managing other venues, currently running two others. He informed the Sub-Committee that this venue would be a night time venue for younger adults (18-25) and gave details of the entertainment that was intended to be provided.

There was a discussion around the proposed layout of the premises, and visibility of the interior to the outside. Mr Codona clarified the intended layout of the outside smoking area, and stated that customers would not be able to leave the premises from the smoking area unless in an emergency. There was also a discussion around the layout of the building to address concerns that unauthorised people may be able to access the residential area of the building from the premises.

Members were of the opinion that granting the application with conditions would uphold the licensing objectives.

RESOLVED- to grant the licence as per the application as agreed with the responsible authorities.

It was a condition that all external windows must be made obscure between the heights of 50cm and 150cm within 28 days of this licence.

The Chair advised the applicant that he should make contact with the residents in order to discuss the concerns around the security of the building.