

Licensing Sub-Committee

Tuesday, 3rd January, 2012

PRESENT: Councillor D Wilson in the Chair

Councillors A Khan and G Wilkinson

171 Election of the Chair

RESOLVED – Councillor Wilson was elected Chair for the meeting

172 Late Items

No formal late items of business were added to the agenda for the meeting. Members did however receive the following supplementary information:

- Item 6 Headingley Carnegie Cricket Ground – documents submitted by the applicant included a Skeleton Argument presented by the barrister just prior to the hearing, Venue Feasibility Study undertaken by Clifton Noise, a petition containing approximately 90 signatures; 15 letters of support and a statement from Mr A Fraser, Crowd Safety Consultant
 - Item 8 The Ings Hotel – photographs of the premises and a letter from Mr S Andrew MP were submitted by the applicant just prior to the hearing
- All of the documents were submitted in evidence with the agreement of all parties present

173 Declarations of Interest

There were no declarations of interest

174 "Headingley Carnegie Cricket Ground" Application to Vary the Premises Licence held by Headingley Carnegie 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 to vary the premises licence held at the Headingley Carnegie Cricket Ground, St Michaels Lane, Headingley.

Representations had been received from LCC Environment Protection Team (LCC EPT) and LCC Department of Development, local residents and the local ward Councillor. Members and all parties were in receipt of supplementary documents submitted by the applicant. The following were present at the hearing:

Mr N Bashir – barrister	Councillor M Hamilton - Headingley ward councillor
Mr R Crabb – solicitor	
Mr J Hogg – on behalf of Headingley Carnegie CC	Mr B Moys – on behalf of Turnaways residents
Mr A Fraser - crowd management consultant	Mr C Sanderson – LCC Development
Mr P Nash & Mr S Joynes – Clifton Noise Consultancy	Mr B Kenny, Mr M Everson & Mrs R Teale – LCC EPT

The Sub Committee heard from Mr Bashir and Mr Hogg who explained that extending the hours of operation to 23:00 hours and amending/removing relevant conditions would permit the venue to hold concerts. Mr Nash outlined measures proposed to manage noise generated by events and referred to the Noise Council's Code of Practice on Environmental Noise Control at Concerts (1995). He explained the applicants view that the venue should be classified within the category of "urban stadia or arena" with a recommended noise limit not exceeding 75 dBA. The venue was currently classified as "other urban and rural venue" which set a 65 dBA noise limit. Mr Fraser then addressed the Sub Committee with regards to the management of crowds and impact on public nuisance. During discussions Members heard :

- 2 events proposed per year most likely to be held during the summer months with 25,000 attendees anticipated
- 75dBA would be employed during performances by main acts. Most main acts commenced at 21:00 hours and finished at 22:30.
- the earlier start time would allow daytime concerts at weekends
- no concerts had been held during 2011 due to the restricted hours and noise limit
- acknowledged that the existing planning permission for the ground would have to be amended to facilitate the crowd size and use

The Sub Committee then heard from Mr B Kenny LCC EPT who stated concert events in this ground would cause disturbance to local residents and referred to the current Premises Licence which had been granted in January 2011 when the noise conditions had been set. He stated the venue had been correctly categorised as "other urban and rural venue" at that time as the venue did not lie within a city centre location. Mr Kenny also considered the likely noise and disturbance caused by the volume of patrons attending and leaving concerts in the early evening and late at night and through the setting up and dismantling of the equipment necessary to stage a concert

Mr C Sanderson, LCC Development then addressed the Sub Committee setting out the departments' concerns over the disturbance and impact of the proposed use of the venue for events in terms of noise, comings and goings of attendees.

The Sub Committee then heard from local ward Councillor M Hamilton who reiterated the residential nature of the locality and stated that local residents tolerated the current style of events held at the venue but would not anticipate the impact of full scale concerts at the venue. He could see no change in the venue, locality or measures from a licensing perspective and therefore no reason to change the decision made in January 2011.

Mr B Moy then addressed the Sub Committee on behalf of residents of The Turnaways who expressed concern about the anticipated 25,000 event attendees and the impact they would have on the locality in terms of increased noise and traffic, particularly as the Turnaways homes were immediately adjacent to the cricket ground.

Mr Bashir was permitted to ask a question relating to the representation submitted by LCC EPT. All parties present discussed the interpretation of the Code of Practice relating to the current designation of the venue as “other urban” and considered the applicants submission that the venue should be classified as “urban stadia or arena”

The Sub Committee carefully considered the application, the written submissions and supplementary documentation pertaining to the application. Members also heard and considered the verbal representations made at the hearing. The Sub Committee contained two of the same Members who had heard the previous application in January 2011 and recalled the discussions at that hearing when the applicant amended the application to cease use of the premises licence at 21:00 hours having had regard to the representations received. Members considered this application afresh; particularly the hours of operation requested (until 23:00 hours) and reconsidered the Code of Practice classification of the venue from “other urban” (currently) to “urban stadia” as suggested by the applicant. This would afford the venue an increased volume to 75dBA

The Sub Committee, having heard the evidence of the residents, local ward Councillor, LCC EPT and LCC Development, was satisfied that the correct classification for the venue was “other urban and rural” venue.

RESOLVED – To grant the variation application in part as follows:

Hours and activities - To grant as requested (12:00 until 23:00 hours)

Conditions – That part of the application relating to the removal and/or amendment of conditions is refused. The venue therefore retains the classification of “other urban and rural” and accordingly retains the existing noise level of 65dBA and conditions

175 "Ings Hotel" - Application for the grant of a premises licence for Ings Hotel, 45 Ings Lane, Guiseley, Leeds LS20 9HR

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 Ings Hotel, Guiseley. The premises currently benefited from a premises licence, but sought to include a marquee and additional activities within the area covered by the premises licence.

Representations had been received from LCC Environmental Protection Team (LCC EPT). The following were present at the hearing:

Mr J Coen – solicitor for the applicant Mrs R Teale – LCC EPT
Mr E Smith & Mr M Witten (observing) Mr B Kenny – LCC EPT
Mr J & Mrs I Moran – licensee and Mr M Everson – LCC EPT
DPS
Mr A Brady – Punch Taverns

The Sub Committee heard from Mr Coen regarding the current style of operation of the Ings Hotel and the intention to include a marquee in order to provide an additional function facility. Licensable activities in the marquee would cease at 22:00 hours but would continue within the hotel building until

23:00 hours. The marquee would provide background music but was not big enough to accommodate a live band. Mr Coen outlined the measures already in place to address the licensing objectives and addressed the matter of the complaint referred to in the licensing officers report.

Mr Coen stated that, following discussions with LCC EPT, the applicant now offered to restrict the number of events held in the marquee where regulated entertainment was provided to 12 per year. He therefore suggested that proposed measure No 2 "Noise from a licensable activity at the premises will not be audible at the nearest noise sensitive premises which are Ings Lane and Ings Avenue" was not now appropriate. In discussions, the following was confirmed:

- The marquee was 10m x 4m temporary structure with a capacity of approximately 40 persons
- The hotel kitchen would not provide food for the functions held in the marquee. The event organiser would have to supply food so there would be no additional plant/machinery required for the marquee
- An external speaker was located within the smoking shelter

Members discussed the 8 measures proposed by LCC EPT with the applicants and canvassed their view on whether these were appropriate.

The Sub Committee then heard from Mrs R Teale, LCC EPT, who highlighted the good working relationship between the department and this premises licence holder. The department felt that the marquee would be a well managed addition to the premises and that the measures would be adhered to. Mrs Teale set out the reasoning behind each proposed measure which were intended to ensure the continuing good management of the premises, should another DPS take over.

After discussions between the parties on the LCC EPT measures and noting those which were now agreed or amended, the Sub Committee carefully considered the representations made by the applicant and LCC EPT.

Members noted the applicant offered to amend the application to provide no more than 12 events per year which provided regulated entertainment in the marquee and had regard to the fact that licensable activities would cease in the marquee at 22:00 hours. The Sub Committee considered the representations regarding the EPT proposed measures and considered these in the light of the future use of the marquee.

RESOLVED – To grant the application in the following terms:

Hours & Activities – granted as requested

Conditions – The measures as suggested and amended between the applicant and LCC EPT shall be included within the premises licence as conditions. To clarify the following apply:

- 1) The temporary marquee should not exceed the size on the plan (10x4m) or be sited anywhere else on the site
- 2) Noise from a regulated entertainment and /or provision of regulated facilities from within the marquee will not be audible at the nearest noise sensitive premises which are Ings Lane and Ings Avenue

- 3) There shall be no additional external loudspeakers attached to the building
 - 5) Noise from plant or machinery shall not be audible at the nearest noise sensitive premises during the operation of the plant or machinery. Plant and machinery shall be regularly serviced and maintained to meet this level
 - 7) the activities of persons using the external areas shall be monitored after 10pm and they shall be reminded to have regard to the needs of local residents and to refrain from shouting and anti social behaviour etc when necessary
 - 8) Clear and legible notices will be displayed at exits, car parks and other circulatory areas requesting that patrons to leave the premises quietly having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos and anti-social behaviour
- (Note: Proposed measures 4 and 6 are not imposed)

176 "Beat Bar" - Application for the Grant of a Premises Licence for Beat Bar, 66 Merrion Street, Leeds LS2 8LW

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 new premises licence for premises to be known as Beat Bar, 66 Merrion Street, Leeds LS2. The premises were located within Cumulative Impact Area 1 and had previously operated as a nightclub.

Measures proposed by LCC Health & Safety Team to address the public safety licensing objective had been agreed by the applicant and LCC H&S had withdrawn the representation on the understanding the measures would be included as conditions on the premises licence should this application be granted. Representations had also been submitted by LCC Environmental Protection Team (LCC EPT) and West Yorkshire Police (WYP). The following were present at the hearing:

Mr G Rathore – joint applicant
Mr R Rathore – joint applicant

Mr B Patterson – WYP
PC C Arkle – WYP
PC R Towers – WYP
Mr B Kenny – LCC EPT
Mr M Everson – LCC EPT

Mr G Rathore described the intended style of operation of the premises as a daytime venue for dance/music classes and nightclub during the evening/early morning. Mr Rathore outlined his licensing and project management experience; the reasoning behind the request for a 24 hour premises licence and addressed the measures proposed by LCC EPT. He explained the premises lay within the basement areas of the Merrion Centre and had operated prior to the introduction of the CIP without complaint. He explained that staff would usher patrons to the taxi ranks on Briggate to discourage people from congregating and reduce noise impact on residents of the adjacent hotel. Mr G Rathore added that the premises were not within the main hotspots for crime and disorder in the city centre and that 4 licensed premises in the immediate locality had closed during the last 18 months and therefore suggested that the opening of Beat Bar would not add to the cumulative impact of licensed premises in the area.

Discussions followed on the number of other licensed premises open during the early morning in the city centre noting that there were no other similar premises licensed for 24 hours.

The Sub Committee then heard from WYP. Mr B Patterson acknowledged that other premises were licensed to open until 06:00 or 08:00 hours but that most of these did not operate until the time permitted by their licence and certainly not every day. PC C Arkle commented that the mix of nightclub, functions venue and dance class venue presented a confused proposition and she was concerned that the different uses would conflict with each other. PC Arkle suggested that the measures proposed by the applicant to address the four licensing objectives were inadequate for a city centre premises. She was also concerned Mr G Rathore had no experience of managing a city centre premises and this was evidenced by the suggestion that his staff would usher patrons to use the Briggate taxi ranks – as Briggate was one of the city centre crime hotspots. PC Arkle concluded that the applicant had not demonstrated that the operation of this premises would not add to the cumulative impact of licensed premises in this locality

Mr B Kenny, LCC EPT, then explained the potential for public nuisance to be generated through the operation of this venue with patrons leaving the venue and causing noise and disruption throughout the city. A hotel was nearby and major pedestrian routes out of the city centre cut through residential areas.

Mr G Rathore then addressed the Sub Committee with regards to the comments made by the responsible authorities. He stated that he had expected to be represented by a legal representative today and that he had now completed a risk assessment setting out measures he proposed to implement at the premises. The Sub Committee considered whether, in the light of this information, the application could be stood down to allow time for the risk assessment to be considered. The Sub Committee advised the applicant that an adjournment could allow time to secure the services of a legal representative. Mr Rathore stated his preference to continue the hearing.

The Sub Committee carefully considered the representations made by the applicant and the responsible authorities and noted the premises lay within Cumulative Impact Area 1. The Sub Committee shared the same concerns as the responsible authorities and did not feel the applicant demonstrated that this application would not have a detrimental impact on the cumulative effect of licensed premises in the area

RESOLVED – To refuse the application

177 "Star Chef Take Away" - Application to vary a Premises Licence held by Star Chef Take Away, 15B North Lane, Headingley, Leeds LS6 3HW

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 a premises licence held by Star Chef Takeaway, 15b

North Lane, Headingley. It was noted that the premises were located within Cumulative Impact Area 2 (Headingley & Hyde Park)

The applicant did not attend the hearing. The Sub Committee resolved to consider the written application and to proceed in the absence of the applicant. Representations had been received from responsible authorities.

The following attended the hearing:

Mr B Kenny - LCC Environmental Protection Team (LCC EPT)

Mr C Sanderson - LCC Department of Development

Mr B Patterson - West Yorkshire Police (WYP).

The Sub Committee heard from Mr Kenny regarding the close proximity of the premises to residents, the likelihood of noise and disturbance being caused later into the night/early morning by attracting patrons who would otherwise not be in the locality and the likelihood of setting a precedent in terms of opening hours for premises in this area

Mr Patterson then addressed the Sub Committee regarding the CIP Area 2 policy which was revised to include hot food takeaways in 2007 specifically to address the impact of the cumulative effect of such premises in the area

Mr Sanderson addressed concerns of public nuisance likely to be caused by the congregation of patrons outside the premises, proximity to residents homes and the CIP

Members carefully considered the application as submitted and the representations made by the responsible authorities. Members shared the concerns expressed by the responsible authorities and noted that the applicant could not demonstrate that this application would not have a detrimental impact of the cumulative impact of licensed premises in the Headingley /Hyde Park area

RESOLVED – To refuse the application

178 "Listce Bar & Nightclub" - Application for the grant of a premises licence for Listce Bar/Nightclub, 8 Church Walk, Leeds LS2 7EG

This application was withdrawn in its entirety by the applicant prior to the meeting.