

Licensing Sub-Committee

Monday, 22nd October, 2012

PRESENT: Councillor S Armitage in the Chair

Councillors K Bruce and R Downes

79 Election of the Chair

RESOLVED – Councillor Armitage was elected Chair of the meeting

80 Late Items

No formal late items of business were added to the agenda.

81 Declarations of Disclosable Pecuniary and Other Interests

There were no declarations of interest

82 "Smokestack" - Application to Vary a Premises Licence, Smokestack, First, Second and Third Floors, 159A Lower Briggate, Leeds LS1 6LY

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 existing premises licence held at the premises known as Smokestack, 159A Lower Briggate, Leeds LS1. The licence related to the first, second and third floors of the building. Members noted the premises were located within Cumulative Impact Area 1 (City Centre).

LCC Environmental Protection Team (LCC EPT) had submitted a representation in respect of the application and was represented at the hearing by Mr B Kenny. Mr S Ord the applicant and owner of Smokestack attended the hearing and was accompanied by Mr A Lyons, solicitor.

Mr Lyons addressed the meeting, setting out the licensed history of the premises with Mr Ord as operator and the background to this application. Mr Lyons highlighted the noise attenuation works undertaken at the premises and the fact that a sound limiter had been installed in conjunction with LCC EPT. Mr Lyons and Mr Ord provided information on the style of operation of the venue. Mr Lyons reported that he had now been made aware of a noise complaint received at midnight Thursday 18th October 2012 relating to noise from music during Wednesday evening, however it was confirmed that the live band had ceased their performance at 10:30 at Smokestack. Mr Lyons highlighted the difficulties in assessing the impact of noise from this venue on the nearby residential units due to the location of the premises (being surrounded by other licensed premises on a busy street) and the location of the residential units (Regent Court having a gated residents only access).

Mr Lyons referred to the contents of an email dated 26 September 2012 he had received from PC C Arkle. Members noted that this document had not been made available prior to the hearing, and with the agreement of Mr Kenny, this was tabled to all present for reference. Members noted the comments made by PC Arkle.

Mr Kenny then addressed the meeting and set out the reasons for the LCC EPT representation based on the location of the premises being within CIP Area 1. Mr Kenny provided a breakdown of noise complaints received by the Department since 2008 and noted the comments regarding the most recent noise complaint received the previous week. He confirmed that this had not yet been investigated and the suggestion that the noise had been generated by activities at Smokestack could not be substantiated.

The Sub Committee carefully considered the contents of the application, the written representations and the verbal submissions made at the hearing. Members considered the issue of dispersal in the locality and concluded that they did not feel the application would cause problems with dispersal in the area.

Members were unable to substantiate the full objection lodged by LCC EPT as no information had been provided regarding the timing or dates of the complaints referred to. Members therefore concluded that the complaints had not been substantiated.

The Sub Committee also noted that no representations to this application had been submitted by local residents. Additionally, Members had regard to the contents of the email submitted PC Arkle of WYP which identified that this locality did not lie within a hotspot for crime and disorder and confirming that WYP did not have any concerns with this premises, this operator or with the request for an additional hour for the provision of licensable activities.

Members therefore concluded that the applicant had demonstrated that this application would not impact on the Cumulative Impact Policy for the area and **RESOLVED** – To grant the application as requested