

Licensing Sub-Committee

Monday, 26th November, 2012

PRESENT: Councillor R Downes in the Chair

Councillors K Bruce and C Townsley

98 Election of the Chair

Councillor Downes was elected Chair of the meeting

99 Late Items

Although there were no formal late items, the Sub-Committee were in receipt of the following additional information which had been made available in advance of the meeting:

Further written information from the applicant; LCC Environmental Protection Team (EPT) and a local resident (minute 101 refers)

100 Declarations of Disclosable Pecuniary and Other Interests

No disclosable pecuniary interests or other interests were declared

101 "Village Hotel" - Application for the grant of a Premises Licence for Land within the grounds of and adjacent to the Village Hotel, Capitol Boulevard (Marquee), Leeds LS27 0TS

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 De Vere Village Trading, Village Hotel South Leeds, Capitol Boulevard, Tingley LS27

Representations had been received from LCC EPT, although Members were informed that these had been withdrawn following agreement by the applicant to a condition of inaudibility. Representations had also been received from local residents. As no residents were in attendance, the Sub-Committee agreed to deal with the issues raised by residents on the basis of their written representations

Present at the hearing were:

Mr Williams – applicant's solicitor

Mr Hartley – Designated Premises Supervisor

Ms Julian – Sales Manager

Also present were Mr Kenny an officer within the Environmental Protection Team and his colleague, Ms Turner, who was observing the proceedings. The Chair advised that as EPT had withdrawn their objection to the application, they were not a party and had no right to address the hearing, however the Sub-Committee could seek clarification or technical advice from Mr Kenny, if that was required

The Licensing Officer presented the application and stated that this had been amended to show a finish time of 00:30 hours for licensable activities and a closing

time of 01:00 hours. Further discussions had also taken place in view of the planning consent which had been recently granted and the Sub-Committee was informed that the application would be amended further to a time limited licence valid for six weeks from the date of the hearing to 2nd January 2013, with the proposed marquee being removed by 6th January 2013

The Sub-Committee then heard from Mr Williams, the applicant's solicitor, who confirmed that the application to erect a marquee in the grounds of the hotel would be amended to a six week period. The purpose of this was to provide additional function space as there was insufficient space for the events the hotel wished to hold over the Christmas and New Year period

Members were informed that the marquee would hold a maximum of 435 people and that the events to be held there would include DJs, live music and tribute acts.

Mr Williams acknowledged that there were nearby residential properties on Topcliffe Lane and Aspen Court and that representations had been received from local residents. To address these issues, the hotel had engaged acoustic consultants early in the process and the report before Members included the acoustic report which had indicated that due to the location of the hotel, the overwhelming noise in the area was from the motorway. The siting of the marquee and the position of Aspen Court in relation to the hotel was likely to prevent these residents from experiencing noise disturbance. The report stated that if the sound from the marquee was limited to 95 decibels, then the noise at the nearest noise sensitive premises in Topcliffe Lane would be lower than the ambient noise from the motorway. Members were informed that it was not the intention that 95 decibels would be exceeded and that a noise limiter had been purchased by the hotel which would clearly indicate to performers the sound level which could not be exceeded

Agreement had been reached by the applicant and LCC EPT on a condition of inaudibility which was tighter than that required under the planning consent which had set out the 95 decibel limit. Taken together, the applicant was confident that they had addressed any problem or potential noise breakout

Concerning possible noise nuisance related to the dispersal of patrons, Mr Williams stated that it was unlikely that people attending these events would drive home and that special room rates in the hotel were being offered to encourage people to stay overnight. In addition, arrangements had been made with a local taxi firm as an alternative option for those people not wishing to stay at the hotel

In response to a question from the Sub-Committee, Mr Hartley, the DPS, stated that temporary arrangements had been put in place for overspill parking to deter patrons from parking on nearby residential streets and that these parking areas would be clearly signed and marshalled, if necessary

Regarding concerns raised by local residents in their written representations, Members were informed that there had been an event held in the car park to celebrate the hotel's first year of opening, in September 2010. This had been a family fun day and local bands had performed on a stage. The Licensing Officer confirmed this and that no other complaints had been received

Mr Williams stated that as the application had now been amended to a six-week period over the festive season this would not be seen as carte blanche to affect local residents. In the event that the hotel wished to pursue a similar venture next year, a fresh application would be required and if residents' fears were realised,

there would be the opportunity for them to make representations which could be taken into account by the Licensing Sub-Committee

The Sub-Committee carefully considered both the written and verbal representations from the applicant and had regard to the written objections from local residents

Members were extremely concerned about the potential impact of the proposals on local residents but having regard to the time limited nature of the application now before them; the acoustic report; the agreement reached with LCC EPT and the requirement for there to be no noise audible from licensable activities at the premises, at the nearest noise sensitive premises at Topcliffe Lane Morley, the Sub-Committee decided to grant the application with additional conditions imposed to promote the licensing objective of the prevention of public nuisance; these being:

1. The marquee to be erected to be of the type specified in the acoustic report
2. The requirements set out in the acoustic report, page 34, paragraph 3, in respect of the location of the stage in the marquee and the sound insulation of this
3. If not a condition of the planning consent, a further condition requiring a noise limiter to be fitted and operative at all times when licensable activities were taking place

Although not part of the formal decision, the Sub-Committee required the Licensing Officer to write to local residents explaining the impact of the time limited nature of the licence and the process that would be followed in future years should further applications be made and that the letter should include contact numbers for residents to call in the events of any problems

Having heard the Sub-Committee's decision, Mr Williams sought clarification in respect of the requirement to re-site the stage and provide sound insulation as set out in paragraph 3 of the acoustic report (page 34 of the submitted papers), as this would be a requirement if a level of 95 decibels was exceeded and it was not the applicant's intention for this to occur

Members discussed this matter further in private session and concluded that the decision was a finely balanced one. The acoustic report had to be taken at face value by Members and that the measures to be implemented would produce the intended outcome. However, having taken into account all the information provided, it was the decision of the Sub-Committee to grant the application subject to conditions but not to require the matters dealt with in paragraph 3 of the acoustic report (page 34 of the submitted papers), although the marquee to be erected should be of the type set out in that report

RESOLVED - To grant the application, as amended and subject to additional conditions 1 and 3 as set out above

102 "Pizza Bella" - Application to vary a premises licence in respect of Pizza Bella, 32 Market place, Wetherby Leeds LS22 6NE

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Licensing Policy, considered a an

application to vary a premises licence held in respect of Pizza Bella, 32 Market Place, Wetherby LS22

Representations had been received from LCC EPT and from Wetherby Town Council and Collingham with Linton Parish Council. It was noted that no representatives of either the Town or Parish Council were in attendance and the Sub-Committee decided to proceed taking into account their written representations. However part of the representations related to concerns about an extension of time for alcohol deliveries: as this was not part of the application, the Sub-Committee did not consider the representations raised about this aspect

Present at the hearing were:

Altin – the applicant – represented by Mr Akif and Mr Samil
Mr Kenny – LCC EPT
Ms Turner – LCC EPT (observing)

Mr Akif explained that this was a family run business and was situated in the basement of the premises. An extension to the opening hours was being sought for weekends as this was the busiest time and that patrons were requesting longer opening hours. As the local pubs closed around 00.45 hours, the trade was there which was the reason for requesting a closing time of 02.00am on Friday, Saturday and Sunday. Members noted that an extension to 03.00am was being sought for Christmas Eve and the comments of the applicant that he would be willing to give up both the ability to serve alcohol by delivery and the Christmas Eve extension in order to secure the additional hours on a weekend

Members were informed that Altin had been in business for seven years and there were no problems with noise or bad behaviour in the area caused by the business

The Sub-Committee then heard from Mr Kenny of the Environmental Protection Team who stated that the premises were situated in a quiet market town, close to residential properties, although no objections to the application had been received from local residents

EPT's concerns related to the possibility that extending the hours of operation of the premises could lead to it becoming a focal point for patrons leaving the local pubs, which in turn could result in people congregating/ queuing at the premises with the potential for noise and disturbance which was difficult to manage. Extending the opening hours to 02.00am could also set a precedent and could lead to further applications coming forward

In responding to the points made by EPT, Mr Akil stated that CCTV was installed in the premises and that there was another takeaway premises in the area which opened until 01.00am

The Sub-Committee carefully considered both the written and verbal representations from the applicant and LCC EPT and the relevant aspects of the written representations from Wetherby Town Council and Collingham with Linton Parish Council

The Sub-Committee noted the concerns raised about potential public nuisance and determined to grant the license but only until 01:00am on Friday, Saturday and Sunday and on Christmas Eve until 02:00am. In reaching this

decision Members noted the absence of objections from the police or local residents to identify there were existing problems with the night-time economy in Wetherby. Although potential problems had been identified, by restricting the licensing hours to 01:00am, it was felt this would prevent any potential problems for occurring

RESOLVED - That the application be granted, as set out above