

## **Licensing Sub-Committee**

**Tuesday, 2nd February, 2016**

**PRESENT:** Councillor B Selby in the Chair

Councillors B Flynn and S McKenna

### **131 Election of the Chair**

**RESOLVED** - That Councillor B Selby be elected as Chair for the meeting.

### **132 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal of inspection of documents.

### **133 Exempt Information - Possible Exclusion of the Press and Public**

There were no exempt items.

### **134 Late Items**

There were no formal late items. However, there was supplementary information in relation to Item 6 Application for the Grant of a Premises Licence for Unit 29, Leeds Dock 1 The Boulevard, Hunslet, Leeds, LS10 1PZ.

This information had been circulated to all parties prior to the hearing.

### **135 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests

### **136 Application for the Grant of a Premises Licence for Unit 29, Leeds Dock 1 The Boulevard, Hunslet, Leeds, LS10 1PZ**

This was an application for the grant of a premises licence for the Unit 29, Leeds Dock, 1 The Boulevard, Hunslet, Leeds, LS10 1PZ. The application had first been heard on 22<sup>nd</sup> December 2015. The Licensing Sub-Committee resolved to adjourn the meeting until 2<sup>nd</sup> February 2016 to allow for further information to be provided by the applicant regarding noise attenuation and to allow Members of the Sub-Committee to undertake a site visit to consider further the number of complaints raised in relation to a number of Temporary Events and to consider the change of use application. Minute 124 refers

Members of the Licensing Sub-Committee had attended a site meeting on the morning of the hearing.

The Licensing Officer presented a brief overview of the application to the Licensing Sub-Committee

In response to a request from Members clarification to the position of McClure House in relation to the proposed premises on the map at Appendix B of the submitted report.

The applicant's representative thanked Members for their visit to the premises.

He informed Members that the applicant had met with the Environmental Health Officer who had carried out sound tests in the apartments above the premises and was satisfied that the sound from the premises would not cause noise nuisance.

Members were informed that the Estate Manager had submitted a statement on 21<sup>st</sup> January 2016 in response to the representations received against the proposed premises. Minute 134 refers

The statement explained the measures that had been taken by the applicant in relation to concerns raised at the previous hearing.

At the previous hearing, dates had been provided by the objectors of when complaints had been made in relation to noise nuisance. The statement addressed these dates providing information on the events, opening and closing times of the premises on those dates to show that the nuisance could not be attributed to the premises.

Members were informed that the applicant had carried out a survey which showed that a number of people wanted some premises like the proposed premises in the area.

The applicant explained to the Sub-Committee how they had worked with the people of the area to build up a proper community feeling, holding book clubs, quiz nights and had board games including some for children to provide a family atmosphere to the bar.

The applicant said that they had received good feedback from local residents who had attended the events and the company wished to continue working with the community.

Temporary Event Notices (TEN's) had been used in order to hold some of the events at the premises.

The Licensing Officer clarified that TEN's had been applied for and used without complaints.

The applicant's representative informed the Members that amendments had been made in relation to:

- the sale of alcohol from 09:00 to 23:00 with 30 minutes dispersal every day the applicant had reduce the hours applied for so that all activities finished at 23:00 every day with the exception of New Year's Eve which would be until 02:00.
- the application was for films until 23:30
- live and recorded music elements withdrawn
- noise attenuation measures agreed with Environmental Protection Team

**RESOLVED** – That the Premises Licence be granted as per amendments by variation submitted by the applicant on 22<sup>nd</sup> December 2015

### **137 Application to vary a premises licence held by Engine Shed York Road, Wetherby, Leeds, LS22 5SU**

The report of the Head of Elections, Licensing and Registration informed Members of an application to vary a premises licence made by the Engine Shed (Wetherby) Ltd, for Engine Shed, York Road, Wetherby, Leeds, LS22 5SU.

The Sub-Committee were informed that the venue was a Grade II listed building on York Road, Wetherby. The building comprised of 2 floors including 2 dance floors. The primary functions held at the premises were wedding receptions, dance events and occasional discos.

Members had noted that the Engine Shed was located in the Wetherby ward not in the Harewood ward as stated in the submitted report. Responsible authorities and ward members had been notified of the application.

Members were informed of the history of the premises outlined at 2.1 of the submitted report.

The Sub-Committee were informed that the application was to extend the terminal hour of sale by retail of alcohol for consumption both on and off the premise and late night refreshment on Thursday through to Sunday.

Members were informed that the operating schedule had been amended to include measures agreed with Environmental Protection Team and West Yorkshire Police. A copy of the agreement was attached at appendix D of the submitted report.

It was noted that not all parties present at the hearing had copies of appendix D. The hearing adjourned for 10 minutes in order that all relevant parties could read the information.

The application had attracted representations from members of the public three of who were present at the meeting. Entertainment Licensing were in receipt of three individual letters of objection, and a petition containing seven signatures, all of which were opposed to the application on the grounds of public nuisance. Redacted copies of the representations were attached at appendix E of the submitted report.

The General Manager of the Engine Shed (Wetherby), Lee Connor was present at the meeting he informed the Sub-Committee that he had been at the Engine Shed for five months.

He explained that they predominantly catered for weddings and it was for this purpose that they wished to extend the terminal hour of the licence. He said that currently they are using Temporary Event Notices (TEN's) for the purposes of wedding reception. They were not intending to use the late licence for 18<sup>th</sup> or 21<sup>st</sup> birthday parties. However he was unable to say that they would not have 18<sup>th</sup> birthday parties at the venue.

The General Manager informed the Members of actions that had been taken to reduce nuisance to the residents as;

- Providing his personal mobile number to a resident
- No drinks outside the venue after 11:00pm
- Signs inside and outside the venue requesting customers to leave quietly
- Not playing music past specified time
- Employed SIA door staff
- Strict about the level of decibels which was within the EU regulations of 85 decibels
- Offered to meet with residents to discuss issues
- Ensure that doors are kept shut

He also said that Mr and Mrs Hogg the venue owners had offered to provide blackout blinds for residents to stop light pollution from taxi's leaving the venue.

In response to a question from Members the Sub-Committee were informed that the nearest house was approximately 200-300 yards from the venue and the General Manager had been called in relation to noise nuisance three times on his personal mobile in the past five months.

The General Manager said that he was aware of an incident in relation to an 18<sup>th</sup> birthday party when a bus was late picking up guests.

Three residents Mr and Mrs Freeman and Mrs Wilkinson were present at the meeting. Mrs Freeman had been elected spokesperson.

The Members were informed by the objectors that they believed that properties 42-58 York Road were approximately 100 yards from the venue. The Venue was on an incline and properties 62, 64, 66 York Road were opposite the exit. Most of the properties within that area are inhabited by elderly residents.

Mrs Freeman told the Sub-Committee that on at least one occasion she had walked over to the Engine Shed to complain about the noise as she was unable to make contact by phone. She said that she had felt intimidated by the presence of loud music, people dancing and the number of people. She had spoken to the Operations Manager who told her that they were too busy serving to answer the telephone.

Members were informed that 18<sup>th</sup> birthday parties are usually held during half term holidays and this is when some of the residents also have grandchildren staying with them which exacerbates the issue.

Mrs Freeman clarified that one resident who had signed the petition had attended an event at the Engine Shed and spoke to the General Manager and she was happy with the explanation for extending the hours and wished to withdraw her objection.

Mrs Freeman felt the offer of blackout blinds was a patronising suggestion and said that residents should not have to adapt their houses to accommodate the Engine Shed.

Mrs Freeman highlighted the following concerns:

- The Engine Shed would be open until the early hours of Monday morning should the hours of opening be extended as applied for

- No control over noise levels
- No control over taxi's using horns
- No guarantee that the late licence would not attract late night drinkers
- No other drinking establishments in the area exceed the licensing hours
- That the venue could potentially cater for 450 people as per advertisement

Members were informed that Mrs Wilkinson who was also in attendance at the meeting had complained on 21 December 2015 to the Wetherby Council Offices but was awaiting the outcome of this hearing before taking her complaint further to Environmental Protection.

Mrs Wilkinson addressed the Sub-Committee informing them that she is kept awake by car doors slamming, headlights beaming into her bedroom and the booming of the bass.

Mrs Wilkinson suggested that a fence would possibly stop the shining of headlights in her bedroom and cut down the noise.

In response the General Manager, Mr Connor did not believe himself to be intimidating he said that the noise of the base would be limited with the new meter which would not go past 85 decibels.

The suggestion of blackout blinds was not intended to be patronising.

The suggestion of a fence would be taken on board.

He informed the Sub-Committee that on New Years Eve the Venue had reached capacity with no issues raised.

The owners had taken actions as requested and Environmental Protection had agreed the measures.

**RESOLVED** – That further consideration of the application be deferred to the Licensing Sub-Committee hearing of 22 March 2016 to allow Members to visit the premises and surrounding area.