



Woods Whur
Devonshire House
38 York Place
Leeds
LS1 2ED

FAO: Chris Rees-Gay

Environmental Protection Team
Leeds City Council
Millshaw Park Way
Leeds
LS11 0LS

Contact: Mr. Michael Ward
Tel: 0113 395 1414
Fax: 0113 247 6282
michael.ward@leeds.gov.uk
Our reference: PREM/03519/001
3 October 2014

Dear Sir

Licensing Act 2003

Name of Premises: Cafe@Lamberts Yard

Address: Second Floor, 162 - 163 Briggate, Leeds, LS1 6LY

We refer to your licensing application for the above premises. We believe that your application does not give enough information about how you intend to meet an important aim of the licence, which is to prevent public nuisance. We therefore confirm that we are submitting a formal objection to your application.

We base our objection on the following matters:

1. That the operation would have a cumulative impact on the area already served by late opening venues.
2. The potential for noise disturbance from patrons using outside areas whilst smoking in the area/s provided and whilst arriving / leaving.
3. The potential for noise disturbance associated with licensable activities to break out of the premises or pass through the fabric of the building to cause noise disturbance to nearby residential/business premises.

We base our objection on experience including data relating to complaints received from members of the public in the area close to the application site.

Having read the matters we describe below if you feel we should consider anything else please do not hesitate to contact us.

Yours faithfully

Mr Michael Ward
Senior Environmental Health Officer



Description of the surrounding area

Please refer to Appendix 1 Map of Surrounding Area. The site of the application is highlighted in yellow.

The area around the applicant premises is situated within the vibrant City Centre. The immediate area includes offices, other licenced and commercial premises. There are residential premises close by as well, in Regent's Court and above 159 Briggate (between 5 and 20 Meters away). There are other residential premises on Duncan Street / New Market Street, Central Road and at 10 Briggate (near to the viaduct). There is also a hotel on Boar Lane.

Lamberts Yard is a development that includes an outdoor courtyard around which are, or are intended to be commercial premises including licenced premises. The area consists of other courtyard spaces, situated close together.

There is a taxi rank situated across the road from the application site, on Briggate.

The application site is situated within the City Centre Cumulative Impact Area (C.I.P.), red area; based upon an analysis of night time economy related issues that are relevant to the licensing objectives. The area is considered highly saturated in regard to licenced premises and the concerns of the cumulative impact of these (7.19 of Leeds City Council's Statement of Licensing Policy 2014-2018).

The council will seek to refuse all applications in the red area on the basis that the impact on the licensing objectives are at such a level that the area cannot support any more premises opening or extending their hours no matter how impressive the concept or application is. The council will only grant applications in the red area in exceptional cases (7.20).

The policy applies to alcohol led premises such as bars, pubs and nightclubs, and for premises seeking late night refreshment such as takeaways and late opening restaurants (7.25). The policy is therefore relevant to the application.

Description of the applicant venue and the application:

The site is situated on the second floor of the premises. The applicant states that the venue will be a multifunctional gallery and event space designed to complement the retail offerings on the floor below (which is currently empty). The style of events is described as pop-up retail events, product launches, fashion shows, exhibitions and bespoke fashion events. The events would take off from 18:00. Otherwise during the day the space will operate as a café.

During a site visit the capacity of the event space was advised to be approximately 120 people. The applicant has asked for:

Type	In / Outdrs / both	Hours
Films	In	09:00 – 00:00 Daily
Recorded Music	In	09:00 – 00:00 Daily
Performance of dance	In	09:00 – 00:00 Daily
Anything of a similar nature etc	In	09:00 – 00:00 Daily
Last night refreshment	In	23:00 – 00:30 Daily
Supply of alcohol	Both	09:00 – 00:00 Daily
Hours open to the public		23:00 – 00:30 Daily

The applicant has described within part M a) of their application concerning general measures to meet the four licensing objectives, at item 3 that:

‘On a maximum of 20 occasions per year the premises will operate until 02:00’. This is in addition to Temporary Events, meaning that if held regularly throughout the year, such an event could take place between every 3 and 4 weeks.

The applicant offers several measures within part M d) aimed to prevent of public nuisance. The measures are similar to those already commonly offered or agreed at other licenced premises in the red area, prior to that area being identified and designated as such. The measures offered fail to address anything about the application that would make it exceptional (as considered by the C.I.P. red area).

The onus is on the applicant to demonstrate such matters (Items 8.33 to 8.41 of the amended guidance issued under Section 182 of the Licensing Act 2003 – June 2014).

We consider that the application could contribute to the general noise in the area, including loud music and noise from people in outside areas, whilst smoking and drinking, as well as when they arrive and leave.

Service request and other history

The service requests that we refer to involve allegations of noise disturbance that is typically a sustained problem over a period of time.

We have considered the history of service requests since 2005 in the red area and otherwise within 100 meters around the applicant premises. We have no service requests that relate directly to the premises.

Referring to the map again at appendix 1, the red stars indicate the approximate source of the alleged disturbances. The number inside each star shows the number of individual service requests we have received during the time considered. The map shows that the area close to the applicant premises is sensitive to disturbances such as from noise from loud music and from people at specific premises.

It is worthy of note that we have no powers to resolve noise disturbance arising from outside sources that is not clearly associated with a specific premises. We have not kept data for allegations made about general street noise. We would refer any allegations that were within the remit of other agencies onwards.

Conclusions reached

The application is relevant to the City Center C.I.P. red area. The applicant has provided nothing to show that the application is exceptional to the policy.

The application seeks to provide events until hours where we anticipate complaints of noise, based on our experience of the area.

We recommend that the Sub-Committee refuse the application according to the CIP.

Signed:

Dated:

Appendix 1 Map of Surrounding Area

