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Our reference: PREM/03510/001
16 September 2014

Dear Sir / Madam

Licensing Act 2003

Name of Premises: Corn Exchange - Ground Floor & Lower Ground Floor

Address: Corn Exchange, Call Lane, Leeds, LS1 7BR

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. 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.
2. The potential for noise disturbance from patrons using the areas outside whilst smoking and drinking in the areas provided and whilst arriving or leaving, including that from vehicles.
3. The potential for the alleged sources of nuisance described in items 1 to 3 above to continue into hours where such disturbance may adversely affect sleep and further loss of the use and enjoyment of home life.

We base our objection on experience including that specifically associated with the premises and the area including data relating to complaints received from members of the public.

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



Description of the surrounding area

The area is a mix of commercial and residential in the vibrant city centre. The immediate surrounding area is a mixture of bars and restaurants on Call Lane and Crown Street. There are residential premises on Cloth Street, directly opposite the Corn Exchange (approx. 10-20 m), Call Lane, Waterloo House on Assembly Street and the Exchange building facing Duncan Street.

Please refer to Appendix 1 Map of Surrounding Area

The City centre is a cumulative impact area (C.I.P.) and the application is specifically in the C.I.P. red area. The council will seek to refuse all applications in these red areas 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 zone in exceptional cases.

Description of the applicant venue and the application:

The applicant has asked for the following:

Type	Hours
Films	09:00 – 01:00 Daily
Plays	09:00 – 01:00 Daily
Live Music	09:00 – 01:00 Daily
Recorded Music	09:00 – 01:00 Daily
Performance of dance	09:00 – 01:00 Daily
Anything of a similar nature to live or recorded music or dance	09:00 – 01:00 Daily
Last night refreshment	23:00 – 01:30 Daily
Supply of alcohol	09:00 – 01:00 Daily

The applicant has offered measures in their application at part M a) and d) aimed to prevent public nuisance. The measures are similar to those 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 2013)

Complaint and other history specific to the applicant premises

The applicant premises existed as a restaurant from 2009 to 2011 and parts of it continue to be used occupied by small retail units. There appear to be no noise complaints associated with any previous part of the premises as it existed.

We anticipate that the applicant will refer to the temporary events notifications (TENs) at any scheduled hearing. We had no grounds to oppose the TENs, but would like to make the following observations. Any objection to a TEN must be specific to the premises and not the whole of the cumulative impact area as with licensing applications. If we were to receive a TEN from a premises linked to significant complaints, we would consider raising an objection based on the site specific evidence.

We have in the past compared service requests concerning specific premises with their TENs. We and found no significant link between TENs and complaints received for any of the premises involved. What was striking during that exercise was the overall lack of such a link, when considering that most of the premises involved that submitted TENs were at some point the subject of complaints of noise whilst operating as usual.

We believe it is reasonable to disregard any suggestion that TEN events that cause no allegations of disturbance means that the days and times of the TEN would cause no issues if operated routinely.

Complaint history for the area around the venue

Please see appendix 2 which is a list of service requests received by our team since 2005, for an area up to 100m radius of the applicant premises. The list does not include all complaints received by our team for the area. For example we have removed examples that involve noise from construction and busking.

We have received 126 service requests (so called as they are not necessarily just one allegation of disturbance). Of those nearly one quarter (24%) include noise from outside sources such as from patrons / staff in the street causing noise.

Conclusions reached

We conclude that the area in which the applicant premises are situated is sensitive to noise. Service requests concerning noise include a significant amount coming from outside areas, which would include those where we could not apply our powers under the Environmental Protection Act 1990 (Statutory nuisance). For example, people on the street or outside the boundary of premises who may cause disturbance to local residents by shouting, talking and whilst hanging around waiting for taxis.

The application seeks to release up to 500 patrons into an area that already experiences disturbance from patrons from other venues in the C.I.P red area and to do so up to 100 times each year. The application has provided no reasons to show that their application is exceptional so as to warrant an alternative view to that directed within the C.I.P. red area.

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

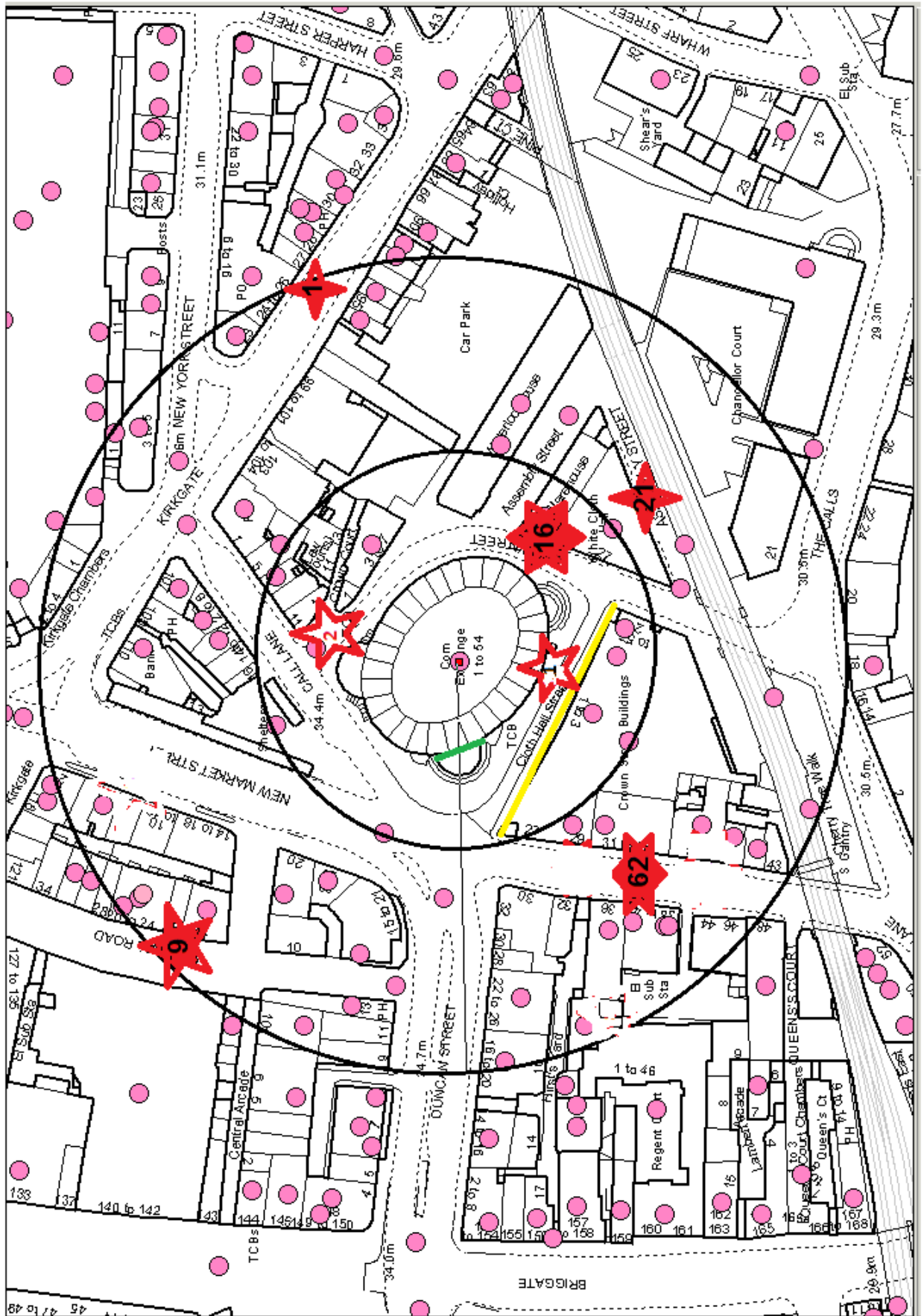
We do not consider that conditions will be effective at preventing the cumulative impact of this application alongside existing premises concerning public nuisance.

Signed:

Dated:

Encs

Appendix 1 Map of Surrounding Area



Appendix 1

Appendix 2 Service Requests

	REFVAL	RECEPD	DETAILS	Metres
1	10/17774/NOICOM	09/06/2010	Banging (Like hammering)	0
2	06/01175/ODOOTH	03/05/2006	Smell from extractor pervading complainants property - other food outlets in Corn Exchange have Extractors at roof level but Citrus has their's at ground level	1
3	12/47815/NOIVEH	17/12/2012	Name Of Offender: Market stall setup Address Of Offender: The cobbled street in between Crown St buildings and the Corn Exchange alongside xxxxxx etc. Other Details To Assist: Resulting from the assembly of the metal market stalls. Description Of Noise: From 07:15 - 08:30 this sunday morning it is extremely noisy due to the clanging and throwing on the floor of scaffolding polls while constructing temporary market stalls. This is so loud to awake from sleep and prevent sleep, at an anti-social time. This is the first time it has happened but I fear it may become a regular occurrence if this market returns. Complained Before: false	12.53
4	12/02795/NOILIC	23/01/2012	Noise from xxxxx	29.15
5	12/37159/NOILIC	02/10/2012	Loud music and shouting	29.15
6	11/31686/NOILIC	08/11/2011	Loud music and noise from patrons	29.15
7	11/14554/XNOILI	07/06/2011	Loud music and Bass See master 11/14520	29.15
8	11/14520/XNOILI	07/06/2011	Loud music MASTERSee also 11/14554	29.15
9	05/13685/XNOILI	05/03/2006	Loud Music	29.15
10	06/01343/XNOILI	07/05/2006	2nd complainant. Loud Music	29.15
11	06/00753/XNOILI	22/04/2006	MASTER 7.5.06. Loud music	29.15
12	14/21628/XNOILI	07/05/2014	Loud music	29.15
13	10/30979/XNOILI	20/09/2010	Noise on the street from the patrons using xxxxx on xxxx.	29.15
14	09/31378/XNOILI	24/09/2009	Loud music (much louder than usual)	29.15
15	14/22807/EPRN25	14/05/2014	Loud music	29.15
16	06/12326/NOICOM	11/07/2006	Live band practising	33.29
17	05/02637/NUIPRE	07/06/2005	VARIOUS PROBLEMS, ODOUR AND RATS	33.29
18	13/21667/NOICOM	03/06/2013	Noise	35.13
19	05/11729/NOICOM	16/01/2006	Loud music until 4:00 am. SEE MASTER 05/06513/XNOCOM	37.05
20	14/25001/EPRN25	24/05/2014	Live band	38.83
21	09/12415/NOILIC	22/04/2009	Noise from people leaving the premises	38.83
22	09/12406/NOILIC	22/04/2009	Noise from people leaving the premises	43.19
23	09/12404/NOILIC	22/04/2009	Noise from people leaving the premises	43.19
24	09/03130/XNODOM	01/02/2009	Loud Music	47.51
25	08/25853/NOICOM	03/10/2008	Noise nuisance: Customer states there is a major problem with taxis beeping outside the block of flats from 10pm until 6am Mon-Fri. Sometimes constant sometimes people messing around. Customer getting no sleep and would like some sort of restriction to be put down on the nosie levels of the taxis. Customer understands she lives in town and it is expected, but the amount they are doing it, it is just silly. Noise pack sent. Please see IVA screen.	47.51
26	08/01827/NOICOM	28/01/2008	Noise- Customer said noise from taxi's going round the corn exchange, queuing and blowing horns really loud.	47.51

27	09/12402/NOILIC	22/04/2009	Noise from people leaving the premises	47.51
28	11/31472/ODOIND	04/11/2011	TOXIC FUMES -- Coming from xxx, customer states that colleagues working at the xxxxxx have gone home sick, have been suffering severe headaches and have been sick.	49.04
29	06/01304/XNOILI	06/05/2006	Loud Music	50.64
30	05/06513/XNOCOM	02/09/2005	loud bass music from the club MASTERsee also 05/11729/NOICOM	50.64
31	12/45535/ODOIND	30/11/2012	Customer reporting a VERY strong Odour (garlic, meat and food) ongoing for the past 2 month, customer believes smell coming from xxxxx.	50.7
32	12/04636/XNODOM	05/02/2012	Music	53.14
33	11/21121/XNOILI	01/08/2011	Loud music	53.14
34	09/12420/NOILIC	22/04/2009	Noise from people leaving the premises	53.14
35	09/23887/XNOILI	25/07/2009	Loud music	53.14
36	13/19527/NOILIC	17/05/2013	Noise from shouting	53.14
37	13/19506/NOILIC	17/05/2013	Noise nuisance	53.14
38	11/27488/XNODOM	29/09/2011	Loud music	53.14
39	06/08837/XNOILI	27/08/2006	Loud music	54.23
40	05/12996/XNOCOM	12/02/2006	loud music	54.23
41	09/06534/NOILIC	03/03/2009	Noise from Bar.	54.23
42	08/15775/XNOILI	03/07/2008	Loud music	54.23
43	08/13844/XNOILI	19/06/2008	MASTER - Loud music	54.23
44	08/13844/XNOILI	19/06/2008	MASTER - Loud music	54.23
45	10/15187/XNOCOM	21/05/2010	Loud Music	56.46
46	06/00738/NOICOM	19/04/2006	General advice about noise levels at xxxxxxx	56.46
47	07/26810/NOILIC	28/11/2007	Music noise from bar below, causing disturbance.	56.46
48	10/27494/NOILIC	23/08/2010	Loud music	56.46
49	09/35104/NOICOM	02/11/2009	Customer states that the music from the bar under her flat is very loud all nights but worst on a Tuesday as thats band night. Friday and Saturday is even louder.	56.46
50	13/26875/XNOILI	06/07/2013	Loud music	56.46
51	10/22056/NOILIC	12/07/2010	NameOfOffender : xxxxxxx AddressOfOffender : Call Lane OtherDetailsToAssist : Club beneath photo gallery on corner of Cll Lane opposite xxxx and near Corn Exchange DescriptionOfNoise : the club is 2 floors beneath our flat yet so loud we can hear music beats and song lyrics as though in next door room! goes on til 4am nearly most nights...level okay til about 1 then cranked up....and then they empty their bottles out the back in early hours. it's getting ridiculous. Complained Before : Yes	56.46
52	07/23364/XNOILI	11/10/2007	Loud music from bar below flat.	60.03
53	07/23693/XNOILI	11/10/2007	see 07/23364/XNOILI as this is duplicate Loud music playing until 02:00 - 02:30 some nights	60.03
54	06/03673/XNOILI	19/06/2006	Excessively loud music	60.03
55	09/30066/XNOILI	14/09/2009	Bass Beat from amplified music	60.03
56	09/35237/NOICOM	03/11/2009	Loud music Monday, Tuesday, Sat Sun very bad	60.03
57	09/37122/XNOILI	23/11/2009	Loud music from band	60.03
58	05/09013/NOICOM	28/10/2005	Noise complaint - loud music and unloading of barrels every Tuesday and Wednesday morning between 05.30 a.m and	60.03

			06.00 a.m.	
59	10/36428/NOILIC	10/11/2010	Very loud music and general noise 7 days a week until 3am and up to 5am on weekends.	60.03
60	09/35012/NOILIC	02/11/2009	This Bar has been opened few weeks ago, and always just before they close the bar(about 3am every day) they play absolutely very loud last 3 songs. I'm living nearly opposite, and before I moved know it that is loud on the night time but this new pub is playing too loud this last songs.	60.03
61	10/05404/NOILIC	26/02/2010	Loud music	60.03
62	10/04225/XNOILI	17/02/2010	Loud Music	60.03
63	10/22809/XNOILI	16/07/2010	Loud music	60.03
64	10/29369/XNOILI	08/09/2010	Loud music	60.03
65	07/17512/NOILIC	15/08/2007	Loud Live music from xxxxxx pub going on until after 3.30 last night, would like env health to check if they have a music licence which allows them to have music nearly all night	60.03
66	07/20076/NOILIC	10/09/2007	Loud music, doors and windows open.	60.03
67	07/27987/NOILIC	26/10/2007	loud music	60.03
68	06/03637/XNOILI	19/06/2006	Very loud music	60.03
69	06/02718/XNOILI	05/06/2006	Very loud music - live band	60.03
70	12/13755/NOILIC	19/04/2012	Loud music every night of the week	60.03
71	07/26883/XNOILI	30/11/2007	loud music	60.03
72	10/21694/NOILIC	08/07/2010	Noise: Drummers playing until the early hours	66.27
73	12/02781/NOICOM	23/01/2012	customer states excessive loud noise going on nearly all night 7 days a week. has approached the bar to ask them to reduce volume but to no effect. states this is stopping her and other residents from sleeping	74.97
74	10/22810/XNOILI	16/07/2010	Loud music	74.97
75	12/04571/NOILIC	04/02/2012	Music	74.97
76	09/23890/XNOILI	25/07/2009	Loud music	74.97
77	09/22013/XNOILI	11/07/2009	Loud music - doors and windows open	74.97
78	07/27991/NOILIC	26/10/2007	loud music	74.97
79	11/11736/XNOILI	08/05/2011	Loud music	74.97
80	12/04695/NOICOM	06/02/2012	Customer reporting ongoing loud music through the night, reported in the past and still nothing done. please investigate ASAP	74.97
81	07/09445/NOILIC	08/05/2007	General noise from bars in area, but particularly bothered by noise from early morning deliveries to BRB - rolling barrels along ground - mainly every Thursday and emptying bins. Starts around 6.30am.	74.97
82	08/13858/NOILIC	20/06/2008	Excessive noise by windows/doors being left open nearly every night. This has been reported to noise nuisance team but no response. 5th June started 22.30 and went on until 6.00-8.00am.	74.97
83	08/14338/NOILIC	25/06/2008	Beer garden to rear very noisy	74.97
84	11/35471/XNOILI	11/12/2011	music	76.32
85	08/01675/NOILIC	25/01/2008	NOISE after closing from public , loud music and bottle emptying is very nosiy early hours of morning	76.32
86	08/27381/NOILIC	16/10/2008	The general complaint is of loud music with loud bass playing almost every night of the week from about 11pm to 3:30am. This is definitely the case from Tuesday night to Saturday night. It is a particular nuisance as it is not restricted to the weekends,	76.32

			when it is more understandable that clubs have louder music. That they play their music as loud as they do, that it reverberates through the street and to our flat, (which, admittedly, is around the corner and down the street from the club), on weeknights when the majority of people living my immediate area have regular 9-5 jobs is unforgivable. It keeps us up and has caused both my partner and I great stress and anxiety which has further contributed to our lack of sleep and subsequently our quality of life.	
87	06/03884/XNOILI	11/06/2006	Very loud music	76.66
88	06/06239/XNOILI	21/07/2006	Noise from band practice	77.49
89	12/28094/NOICOM	01/08/2012	Two weeks go, customer allowed a noise test to be completed from his flat. Everything was fine until 3 days ago when loud drilling has been started at 7:30am. I could hear the drilling whilst talking to xxx. He works until 1am and then to be woken up so early is causing him to lose sleep which is impacting his job.	77.49
90	14/36505/EPRN25	29/07/2014	Loud music	83.93
91	14/00281/NUILIG	03/01/2014	NUISANCE LIGHT - There is a lot of light pollution that come from the bar the light shines into the customer property. Could an environmental health office contact the customer.	83.93
92	11/35740/NOILIC	14/12/2011	xxxx, screaming and shouting when clients are smoking outside the bar, this happening between 12 midnight and 3am, also noise from emptying the bottle bins at 3-4 am . So volume of the music, particularly the base is vibrating the building. which goes on till 2 or 3 in the morning, this varies, and again screaming and shouting. Doormen do not appear to supervise clients.	83.93
93	09/11147/NOILIC	09/04/2009	cust bedroom overlooks the courtyard of these pubs and when they empty the bottle bins at approx 11.40 monday night and clanking of bottles really loud so sounds echoing, this goes on every night without fail .	83.93
94	13/50085/XNOILI	24/11/2013	Music	83.93
95	05/12446/XNOILI	29/01/2006	Very loud music	83.93
96	06/04434/XNOILI	01/07/2006	Very loud music	83.93
97	08/02110/XNOILI	27/01/2008	Noise from loud music	83.93
98	09/16051/NOILIC	26/05/2009	woken Friday night at 1.30am by loud music. Doors to rear open and people outside smoking	83.93
99	05/10793/XNODOM	10/05/2005	Loud bass music	83.93
100	06/16037/XNOILI	01/12/2006	Very loud music - DUPLICATE RECORD - see ref:06/04434/XNOILI	83.93
101	14/07292/XNOILI	07/02/2014	Loud music	83.93
102	13/34144/XNOILI	17/08/2013	Music	83.93
103	11/22319/NOILIC	10/08/2011	Back door left open while staff are having a break also using bin yard as a toilet. Slamming of back door, staff shouting when leaving via the back at 3.45am. Loud music, especially when the back door is left open.	83.93
104	09/11149/NOILIC	09/04/2009	cust bedroom overlooks the courtyard of these pubs and when they empty the bottle bins at approx 11.40 monday night and clanking of bottles really loud so sounds echoing, this goes on every night without fail .	84.53
105	13/40109/NOILIC	23/09/2013	this xxx is opening until 4am every night of the week . noise is	84.53

			coming from a steel door slamming and people been loud and taking drugs in car park which backs onto these appartments . loud music and people shouting, emptying bottle bins at 5am in the morning .	
106	14/03694/NOILIC	20/01/2014	Loud music and people leaving club	84.53
107	11/23761/NOILIC	24/08/2011	Throwing bottles into rear bins at 4am last Fri and staff dancing at the rear of the bar at 5am Monday morning. Back door being left open.	84.53
108	11/14242/NOIDOM	26/04/2011	noise in shared property.	85.42
109	05/00818/NOICOM	19/04/2005	Noise from patrons leaving nightclub, especially Monday nights.	89.54
110	10/03858/NOILIC	12/02/2010	Description Of Noise : I have lived within this property for 3 months now. I expected there would be some occasional noise arising from the xxxx around the time people leave at weekends, this would be acceptable. However, the noise is channelled in a street canyon which plays up to all the people who live in this block EVERY night. People mill about on the street from the club, doors wide open (so you might as well not bother closing the doors as the noise is the same). Not sure if these are the smokers or people queuing outside but it is horrendous.	89.54
111	08/12079/NOILIC	05/06/2008	Excessive loud music (especially bass) coming from the club, combined with noise from punters (screaming and shouting) on most evenings until 3am or 4am. There is also noise from taxis and other cars on xxxx. This can continue until 5am. This has worsened since the smoking ban which causes more people to leave the premises and go outside. I had secondary glazing fitted to combat the problem, but the noise levels are still too high at times and it can be a nuisance.	89.54
112	12/37156/XNOILI	02/10/2012	Loud music	89.54
113	05/00484/NOICOM	12/04/2005	Noise from people leaving nightclub, especially Monday night.	89.54
114	13/06119/NOICOM	18/02/2013	loud music playing all night until approx 4:30 am the music seemed to get louder from approx 2:30 am the doors at the premises were open	89.54
115	13/06171/NOILIC	19/02/2013	caller reportng loud music from 12-4.00am caller moved into flat at weekend and this has happened every night since club appears to have doors open and there are lots of people on street from club also ,severely affecting sleep	89.54
116	13/06178/NOILIC	19/02/2013	loud music from 12 till 4am, noise from the people in the street outside the club, singing, smoking and making noises did advise if moved in next to a club /bar would expect music and noise, cust has only been at the flat since sat 16th fe...	89.54
117	08/03986/NOICOM	26/02/2008	Noise from air conditioning unit to rear of shops, located in alleyway at rear.	91.05
118	10/11643/XNOCON	23/04/2010	Noise from heavy machinery.	94.59
119	10/11644/XNOCOM	23/04/2010	Noise from deliveries at xxxxx, xxxxxx. Early morning leaving engines revving.	94.59
120	13/19898/NOIVEH	21/05/2013	Corner of central road outside xxxx. Late night works by xxxx. Small JCB and drill in the late hours	94.59
121	07/02771/NOICOM	14/02/2007	Caller reporting waiters from xxxx shouting and throwing glass bottles into dustbins late at night Please send noise pack caller will approach management of restaurant in first instance may call back	94.59

122	10/26084/NOICOM	10/08/2010	Loud music	97.02
123	13/39829/NOICOM	20/09/2013	NOISE COMMERCIAL -The xxxx have installed a new air conditioning unit and its makes the rooms shake. Could the environmental health officer contact the customer because there is alot of vibration in the room the tenant cannot stay in that room the customer manages the property at New York Street and has reported this the restuarant but there is still the vibration from the air conditioning unit.	98.01
124	06/06987/NUIOTH	04/08/2006	Smoke in the cellar of the premises, Fire Brigade have been out, they cannot find any source, electrical wiring appears OK, suspects may be coming from premises next door.	98.48
125	08/05933/NOIDOM	27/03/2008	Noise - customer states neighbour has people coming round to the property, customer said they were pressing the buzzer constantly and because neighbour refused to let them in they started banging on the door, once they got into the property they music started and shouting banging and running around the property.	99.86
126	08/15212/XNODOM	03/07/2008	Call on going. Noise from party.	99.86

Red box = noise from outside sources
Orange box = noise from loud music
Yellow box = various other noise sources
Green box = odour
Blue = other alleged nuisances