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

Contact: Mr Gary Mann Tel: 0113 395 1265 Fax: 0113 247 6282 Gary.mann@leeds.gov.uk

Our reference: PREM/00704/012

2 April 2015

Dear Sir / Madam

Licensing Act 2003

Name and Address of Premises: BroadWay Hotel, Dewsbury Road, Hunslet, Leeds, LS11 5LD

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 objective 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:

- 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 premises.
- The potential for noise disturbance from the use of outside areas whilst smoking/drinking in the area/s provided/whilst arriving/leaving, including that from vehicles.
- The potential for the alleged sources of nuisance described in the items above to continue into hours where such disturbance may adversely affect sleep and other loss of the use and enjoyment of a property.

This Department is of the opinion that due to the operating hours applied for the premises has the potential to cause noise disturbance to nearby residents from customers congregating in external areas. Noise may be associated with raised voices, clapping, cheering, arrival and departure of vehicles, slamming of car doors, revving of engines, sounding of horns and loud use of car stereos. If granted the application is likely to increase the number of late night revelers in the area. Therefore increasing potential for public nuisance to noise sensitive occupants.

Environmental Health has no enforcement powers to deal with noise associated customers causing noise disturbance in the streets immediately surrounding the application premises.

In addition, we believe they may not comply with the code of practice on Environmental Noise Control at Concerts and the related conditions. In addition, common complaints related to live music are the effects of low frequency bass, which even at low levels can cause disturbance.

We also 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.

Description of the surrounding area

Please refer to Appendix 1 Map of Surrounding Area

The surrounding area is predominantly domestic housing, North, West and South of the site. An industrial estate is to the East of the site. The closest properties (blue) appear to be approximately 41 m South East of the site on Westland Road, with clear line of view to the outdoor area. There are more properties further down Westland Road. There are also properties on Dewsbury road that may be affected once traffic levels die down. The area is a mixture of hard standing (pink) and soft ground (green). There is another outside seating area closer to Westland Road and at the front of the pub (green).

Description of the applicant venue and the application:

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)

The premises currently operates:

The opening hours of the premises Monday to Thursday 10:00 - 00:30 Friday & Saturday 10:00 - 01:30 Sunday 11:00 - 00:30

Performance of live music Monday to Thursday 10:00 - 00:00 Friday & Saturday 10:00 - 01:00

Sunday 11:00 - 00:00

Performance of recorded music

Monday to Thursday 10:00 - 00:00 Friday & Saturday 10:00 - 01:00 Sunday 11:00 - 00:00

The applicant proposes to extend the licensed area to cover the function room at basement level for licensable activities and the rear external area for live music between 2200 and 0000 (red). The applicant has advised 10 working days will be provided to LCC and the police prior to external events taking place and will only take place in accordance with a prepared Noise Management Plan.

The application also proposes an extension to current opening hours to 2.30am on a Friday

The applicant has offered measures in their application aimed to prevent public nuisance.

Complaint and other history specific to the applicant premises

Please see appendix 2 which is a list of complaints received by our team since 2006 associated with the Broadway pub. Since 2010 the department has received repeated complaints relating to live music. None of the complaints were substantiated and they appear to have been temporarily resolved through contact with the Designated Premises Supervisor and license holders.

Conclusions reached

There is a history of complaints relating to noise from live music that takes place inside the premises. Music played outside will be louder as there will be no attenuation from the building. There is no indication from the applicant how often the events will occur, if this variation is granted these events could occur frequently.

There will also be noise from patrons in external areas, clapping, cheering, talking and shouting. The measures mentioned in the noise management plan include signage, door staff monitoring patrons, checking noise from the site boundary. This department receives numerous annual complaints relating to noise from outdoor events, the measures in the plan have not worked for other events.

Low frequency bass will be difficult to monitor because background noise levels will be higher outside than inside a domestic property. Therefore, low frequency noise will be more noticeable indoors because buildings and distance provide reduced attenuation than for higher frequencies.

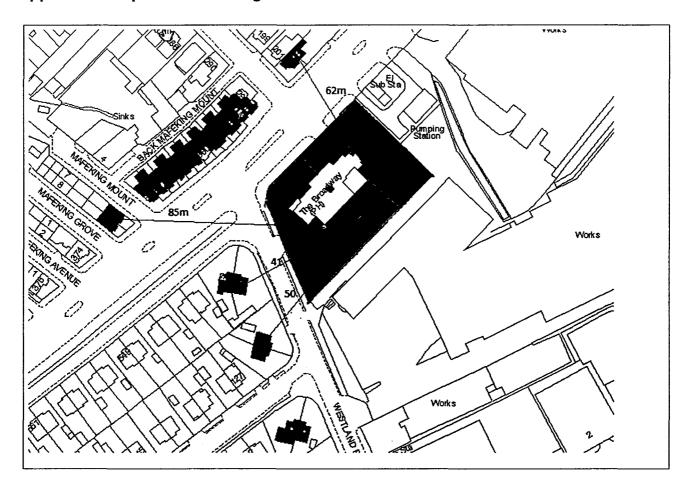
We recommend that the Sub-Committee refuse the application.

We do not believe that further conditions will resolve the application as it stands.

Yours sincerely

Mr Gary Mann Environmental Health Officer

Appendix 1 Map of Surrounding Area



Appendix 2 Complaints History

Any complaints involving the applicant premises are indicated*, otherwise the alleged source of complaint is redacted. Details may be provided after the agreement of the Licensing Sub-committee.

	Ref	Date Rcvd	Details
1	06/00757/XNOILI	22.4.06	Daytime noise. bouncy castle, people in beer
			garden, doors open. Loud music and shouting.
2	07/18425/NOILIC	23.8.07	Alleged loud music after permitted hours
3	10/14417/XNOILI	15.05.10	Loud music from live band going on until 2330
			most weekends. Letter to license holder. No further
			action.
4	10/24757/XNOILI	30.7.10	Loud music from live bands, shouting drinking
			outside. Letter to DPS and license holder. Further
			contact with DPS.
5	11/11184/XNOILI	30.4.11	Live music Fridays and Saturdays, doors open.
			Letter and contact with DPS. NFA
6	12/30965/NOILIC	20.8.12	Complaint regarding loud music. Letter sent to
l			DPS and license holder. NFA
7	14/15697/XNOILI	29.3.14	Complainant called out of hours regarding loud
			music. Letter to DPS and license holder. No further
		<u></u>	contact, appears isolated incident.