
WITNESS STATEMENT

Name: Stephen Bickers

Occupation: Estate Manager

Dated: 21 January 2015

My name is Stephen Bickers and I am an Estate Manager at Clarence Dock Estates LLP. I make this statement in support of the application for a new premises licence for Unit 29, The Boulevard, Leeds Dock, Leeds, LS10 1PZ; in response to the representations received against this; and in response to the Committee's request for further information following the adjournment of the hearing of this matter.

The Committee will be aware, from the submissions made at the initial hearing of this matter on 22 December 2015, that noise problems referred to in Mr Bricage's representation related to times when the premises was used as a 'pop-up'.

Clearly, this new licence application precedes the intention to use the premises for licensable activities on a permanent basis, and therefore we are acutely aware of the need to ensure that the premises integrates with its surrounds and the local community, and most importantly does not cause a noise nuisance.

We consider that the various measures that we have put in place, as detailed below, guard against any risk of this happening.

Acoustic Surveys

As such, prior to the submission of this new premises licence application, acoustic surveys were commissioned. The survey dated 14 August 2015 concluded that the existing floor slabs separating the ground floor unit and the residential premises on the above floor are suitable for the adjacency of the two units.

However, various additional noise attenuation measures have been undertaken.

Fixtures and Sound Equipment

All equipment and materials fixed to the ceiling slab of the premises have been secured by use of an 'Ankerbolt' fixing. Any sound equipment is then hung from interlinked chains to minimise impact and noise transmission through the ceiling of the premises. A photograph of this arrangement is attached at Appendix 1.

Speakers in the premises have been hung so as to point downwards into the centre of the unit to avoid sound being projected outward.

Furthermore, as a result of conversations with Environmental Health, we have installed a sound limiter on the sound system for the premises, and set it at a level agreed with them. In the company of an Environmental Health officer, on 7th January 2016, I tested the level of noise by entering the apartment block in which Mr Bricage resides and ensuring that the noise was not audible. This testing took place on various floors of the apartment block, but predominately on the first floor as naturally this is the most noise sensitive area. We established the maximum level at which music could be played in the premises before it became audible and set the limiter so that the sound system cannot play music any louder than this.

Drapes

The premises has also been adapted to minimise the risk of noise escaping from the unit through the glazed elevations. The Committee will recall from the initial hearing of this matter mention of the installation of drapes. These are made from a tightly woven, heavy material and are double thickness. They are full height and cover each part of the glazed elevations of the unit, with the exception of the main entrance on the boulevard. An image of these drapes are attached at Appendix 2.

The Amended Application

As stated above, these various adaptations to the unit guard against noise escape and nuisance being caused to residents in the vicinity.

In addition, the Committee will be aware of the various concessions made in respect of the application to provide comfort in this respect.

We have been happy to agree to the incorporate into the licence various conditions proposed by Leeds City Council Environmental Health and the resident Mr Steven Taylor. Amongst many other things, these require that licensable activities be conducted to prevent the transmission of audible noise or perceptible vibration; that licensable activities at the premises will not cause a noise nuisance at the nearest noise sensitive premises after 11pm; and that noise from plant and machinery shall not be audible.

We are well aware of the consequences of the breach of these obligations, and will ensure that these conditions are strictly adhered to.

Furthermore, the Committee will recall that at the outset of the hearing we agreed to reduce the hours for licensable activities to 09:00 – 23:00 daily (plus 30 minutes dispersal), and the live and recorded music elements of the application were withdrawn. We would submit that the combination of these hours and these conditions means that the premises simply will not have the propensity to cause a noise nuisance.

Environmental Health

Since the imposition of these sound proofing measures, and subsequent to the initial hearing of this matter, the current operator of the premises has also met with Mark Everson of Environmental Health, again on Thursday 7th January.

Mark provided the operator with details of noise complaints originating from around the time when the premises was operated under TENs in December 2015.

On certain of these dates, the premises was not actually open when the noise was complained of. On 15th December, the resident in question complained of noise until 23:30. The premises was closed by 22:30. On 16th December, the complaint related to noise until midnight, but the premises closed at 20:30. On 17th December, the complaint was in respect of noise from the premises until 23:30. The premises was open that day for lectures during lunchtime, and closed at 21:00. On 22nd December there was a complaint of music noise. In this instance, the premises was not open at all. On 23rd December the complaint referred to noise between 21:00 and 23:00. The premises closed at 20:30.

Furthermore, on each date when the premises was open during December, large scale Christmas party events were taking place at one or both of the Royal Armouries and New Dock Hall. Mr Everson appeared to be of the opinion that external noise from voices is more likely to come from these premises due to their large capacities.

Mr Everson also suggested that any people noise travelling out of the building most likely occurs when the door is opened and closed for the purposes of access and egress. To combat this, and as per the operating schedule, we risk assess the presence of security staff at busier and later times, who are stationed on the doors and can therefore ensure that they are closed promptly once people have entered or left.

In any case, as mentioned above, these complaints originate from a time when the premises was being operated under Temporary Event Notices. Going forward (subject to the grant of this application), the premises will operate under the stringent conditions agreed to be attached to the licence, as well as within the confines of the sound proofing measures that have been imposed. We, as Landlord and Estate Manager, will ensure that operators act in strict compliance with each and every one of these obligations.

Conclusion

We are keen to emphasise that the function of Dock 29 is to provide an amenity for the local community and something that will be a valuable addition to the area. We want to provide a social space for people that live and work in the Leeds Dock area. As such, we have undertaken the various measures described above to ensure that it achieves this aim in a way that does not become problematic for any of the residents closest to the premises – after all, we would like nothing more than for them to become our valued customers.

We hope that the above addresses the concerns of the Committee and Mr Bricage, and would be happy to discuss and provide further explanation to any parties if necessary. Our operator has provided Mr Everson with full contact details should any resident wish to make direct contact, and we would be more than happy to discuss any concerns that may remain in existence.

However, we would submit that the conditions attached to the licence and the revisions to the application, together with the sound proofing measures adopted negate any risk of a public

nuisance being caused. As such, we would invite the Committee to grant this application as amended.