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Environmental Protection Team  
Leeds City Council  
Millshaw Park Way  
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Contact: Mr. Mudhar  
Telephone: 0113 3786591

Our reference: PREM/03458/005  
Date: 6 September 2016

Dear Sir

**Licensing Act 2003**

**Name and Address of Premises: The Cheerful Chilli Barn East Chevin Road, Otley, LS21 3DD**

**Letter of Representation – Full Objection**

The application premises are situated in a rural location on the outskirts of Otley. The nearest noise sensitive property (Springfield House Farm) is situated some 65 metres from the application premises together with some other isolated farm houses in the area. A map which identifies the location of these premises is attached at **Appendix 1**.

The licensed premises comprise a café / restaurant, a barn building which is used for hosting more than 40 weddings parties annually. More recently the applicant has also erected a marquee on the grounds of the premises for hosting wedding parties.

**The current situation**

The applicant is currently using the barn for wedding parties as it is licensed for the sale of alcohol and to permit other licensable activities such as recorded music and the live music

until 23:00 hours. In order to prevent noise issues arising from the barn the following licensing condition has been attached to the existing premises licence:

***“Noise levels will be monitored to ensure live or recorded music is not audible at the noise sensitive premises (Springfield Farm)”***

I understand that in order to accommodate more customers and to alleviate over crowding in the barn, the applicant has also been hosting events in the marquee (in addition to the barn) which are held under the Temporary Events Notice for the sale of alcohol until 23:00 hours. An officer from the Environmental Protection Team is currently dealing with the noise nuisance complaint made by the occupiers of the nearby farm house. The complaint refers to regulated entertainment noise emanating from the barn, raised voices escaping from the marquee and the patrons using the external areas for smoking.

### **The proposal**

The applicant is now seeking to vary the existing premises licence so that the marquee can be used to sell alcohol till 23:00 hours. Due to the deregulation of the licensing legislation, the applicant does not need a licence to play amplified music (recorded and live music) in the marquee till 23:00 hours.

In order to prevent any noise disturbance to the nearby residents, the applicant has offered the following conditions to be added to their premises licence:

1. The PLH/DPS will ensure patrons use external areas in a manner which does not cause disturbance to nearby residents and businesses in the vicinity.
2. The activities of persons using the external areas will be monitored and they will be reminded to have regard to the needs of local residents and to refrain from shouting and anti-social behaviour etc when necessary.
3. When regulated entertainment is provided, all doors and windows will be closed with the exception of access and egress to and from the premises.

The applicant is also requesting to amend the above-mentioned licensing condition (as highlighted above) to:

***“Noise levels will be monitored to ensure live or recorded music does not cause a Public or statutory nuisance at noise sensitive premises”.***

### **Environmental Health Concerns.**

The Environmental Protection Team is already investigating the noise nuisance complaints (amplified music and patrons voices) made by the occupiers of the nearby farm house. It is envisaged that should this application be granted, the activities on site will intensify by way of increased number of patrons using the external areas for smoking purposes. The nearby residents will have their bedroom windows open for ventilation purposes especially during the summer months.

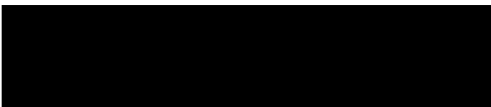
In addition to the amplified music already being provided in the barn, amplified music will also be played in the marquee. There is also the potential for other amplified sounds (wedding speeches / PA system and DJ's voices) emanating from the marquee. Unlike permanent buildings / structures, the marquee does not exhibit

reduction properties.

As the guests attending the same wedding party will be divided and segregated between the two venues (the barn and the marquee) the guests are more likely to move to and fro from one venue to the other thus increasing the tendency of the doors being left open when the entertainment is in progress.

In view of these concerns, Leeds City Council's Health and Environmental Action Service fully objects to this application being granted as it could cause noise nuisance to neighbouring noise sensitive properties thus undermining the prevention of public nuisance objective of the Licensing Act 2003.

Yours faithfully

A solid black rectangular box used to redact the signature of Gurdip Mudhar.

Gurdip Mudhar  
Environmental Health Officer

