

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 3rd January 2012

Subject: Application to Vary the Premises Licence held by Headingley Carnegie Cricket Ground, St Michaels Lane, Headingley, Leeds, LS6 3BU

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

This is an application to vary a premises licence held by Headingley Carnegie Cricket Ground, St Michaels Lane, Headingley, Leeds, LS6 3BU.

The application proposes to include additional activities, amend the hours for the provision of all activities until 23:00 hours each day, amend the use of the ground for large scale concerts to 2 per annum and to amend and remove particular conditions listed at 4.1 of this report.

It should be noted that the conditions proposed for removal and amendment were imposed at hearing by the Licensing Sub Committee.

Responsible Authorities and Ward Members have been notified of this application.

Representations have been received from Responsible Authorities, Ward Councillors, a local residents' association and a local resident.

Contrary to the above opposition a petition in support of the application has also been received.

Purpose of this Report

- 1.1 To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") for a premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

2.0 History of premises

- 2.1 An application for the grant of a Premises Licence pursuant of Section 17 of the Licensing Act 2003 was received by the Licensing Department on 14th June 2010. Shortly afterwards the application was withdrawn by the applicant in order to amend certain steps to address the licensing aims.

On 2nd November 2010 a revised application was submitted in accompaniment with an updated risk assessment.

The application attracted several representations from Responsible Authorities, a Local Ward Councillor and from Local Residents.

Measures suggested by West Yorkshire Police were agreed prior to the hearing and their representation was subsequently withdrawn. The remaining representations from Responsible Authorities were outright objections submitted by Environmental Health and the Development Department. These remained unresolved awaiting decision by the Sub Committee on 4th January 2011 at hearing.

The committee carefully considered the report and all submissions put before them. Members resolved to grant the application with a restriction on the number of events to three per year, amend the hours on these occasions and imposed additional measures considered necessary to promote the licensing objectives. Further details of the determination are noted at 4.2 of this report.

- 2.2 A copy of the existing licence including all activities, hours and conditions is attached at Appendix A.

3.0 The application

- 3.1 The applicant is Yorkshire County Cricket Club.
- 3.2 The application form can be found at Appendix B to this report.
- 3.3 In summary the application is for:
 - 3.3.1 Supply of Alcohol (for consumption on the premises)

Performance of Plays
Exhibition of Films
Indoor Sporting Events
Performance of Boxing or Wrestling

Performance of Live Music
Performance of Recorded Music
Performance of Dance
Facilities for Making Music
Facilities for Dancing

The application proposes all of the above activities take place:
12:00 until 23:00 hrs Monday to Sunday

3.4 Times when the premises will be open to the public:

12:00 until 23:00 hrs Monday to Sunday

4.0 Other matters relevant to the application

4.1 Amendment/Removal of Conditions

4.1.1 Proposals are made remove conditions 107, 108, 111 and 137 of the Premises Licence which were imposed by the Sub Committee at hearing on 4th January 2011 and relate to the regulation of noise.

4.1.2 The application also proposes to amend condition 106 of the Premises Licence to read as follows:

'The event shall be carried out in such a way to comply with the Code of Practice on Environmental Noise Control at Concerts, (published 1995 by the Noise Control Council) unless otherwise agreed in writing by the local Licensing Authority. At least 3 months prior to the concert a Noise Management Plan shall be submitted to the Licensing Authority detailing how noise is going to be controlled, managed and monitored at the event and within 28 days of the event taking place a compliance report shall be submitted to the Local Authority'.

4.2 In order to facilitate Members deliberation and provide further assistance when considering the amendments and removals to the above conditions, a copy of the Decision Notice in respect of the hearing to determine the grant of this licence is attached at Appendix C.

4.3 Equality and Diversity / Cohesion and Integration

4.3.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub-Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

5.0 Steps to promote the Licensing Objectives

5.1 The applicant proposes to take the steps identified in section "P" of the application form to promote the licensing objectives.

6.0 Location

6.1 Maps which identify the location of these premises are attached at Appendix D.

7.0 Representations

7.1 Under the Act representations can be received from responsible authorities or interested parties. Representations must be relevant and, in the case of an interested party, must not be frivolous or vexatious.

7.2 Representations from Responsible Authorities

Representations have been received from the following Responsible Authorities:

7.2.1 Environmental Health

An outright objection has been submitted by Environmental Health on 22nd November 2011 and revised on 7th December 2011 due to some inconsistencies. A copy of each can be found at Appendix E.

7.2.2 City Development Department

A further outright objection has been submitted by the Development Department, a copy of which is attached at Appendix F.

7.3 Representations from Interested parties

7.3.1 The application has attracted representations from two Local Ward Councillors, a local residents' association and a local resident, all of which primarily oppose this application on the grounds of public nuisance.

7.3.2 The Licensing Section is also in receipt of a petition submitted by the applicant supporting the application to vary. Also included is an e-mail on behalf of the applicant confirming that all signatories either reside or work in Headingley, regardless of the addresses listed.

7.3.3 Copies of these representations will be available at the hearing for Members consideration.

8.0 Options available to Members

8.1 The Licensing sub-committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- Grant the variation as requested.
- Grant the variation whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates.
- Reject the whole or part of the application.

8.2 Members of the licensing sub committee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

9.0 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy
- Representations received from Interested Parties