

Notice of Decision

Of the Licensing Sub Committee



Date of Hearing:	4th January 2011
Determination Date:	4th January 2011
Notice of Decision:	17th January 2011
Members:	Councillor Donald Wilson (Chair) Councillor Chris Townsley Councillor Gerald Wilkinson
Legal Officer:	Anne Marie Pollard
Committee Clerk:	Sophie Wallace
Licensing Officer:	Philomena Carville and Barry Glover
Applicant:	Yorkshire County Cricket Club
Premises:	Headingley Carnegie Cricket Ground, Headingley Cricket Ground, St Michaels Lane, Headingley, Leeds, LS6 3BU,
Application:	Grant of a Premises Licence
Attendees:	Applicant: Mr James Hogg (Yorkshire Cricket Club) Environmental Health: Mr Brian Kenny, Mr Richard Bilsborough and Mr David Bewell. Development Department: Mr Christopher Sanderson. Interested Parties: Nicola Ford, Mr Lee Davidson, Karim Ghauri, Marian Charlton, Mr Dick Downing, Cllr James Monaghan. Observing: Mr Wan Malachi (Licensing Enforcement Officer), Mr John Barron (Reporter).

The Licensing Sub Committee considered:

1. The report from the Assistant Chief Executive (Corporate Governance).
2. Licensing Act 2003.
3. Guidance issued by the secretary of State of Culture Media and Sport pursuant to Section 182 of the act.
4. Relevant Licensing Objectives.
5. The statement of Licensing Policy 2007 – 2010.

6. Representations received from responsible authorities.

7. Representations received from interested parties.

Having taken all these matters into account the Licensing Sub Committee have agreed to grant the application in line with the copy of the licence attached at Appendix 2.

We would draw your attention to the following sections on the enclosed licence:

Page 1 and 2 detail the activities and hours of operation.

Annex 1 contains the mandatory conditions and embedded restrictions.

Annex 2 contains the conditions consistent with the operating schedule.

Annex 3 details of conditions attached after a hearing by the Licensing Authority.

The reason for this decision is as follows:

The Licensing Sub-committee carefully considered the report and all the supporting documents.

The committee then heard from the Environmental Protection Officer Mr Richard Bilsborough who put forward a full objection on the basis of public nuisance. The location of the venue being in close proximity to a residential area.

He then went through the noise report that had been presented by the applicant and the predicted impact on the levels of noise. He made reference to the Code of Practice in Environmental Noise Controls at Concerts this being considered an urban stadium. He drew the committees attention to the fact that the applicants noise report stated that the impact would be at three of the locations between 72 and 81 decibels and therefore they could not meet this criteria.

A second noise report had then been carried out changing the location of stage from south easterly to south westerly but the Environment Protection Team were not satisfied that this would deal with the problem.

The Licensing Sub Committee then heard from Chris Sanderson an officer from the City Development Department.

Mr Sanderson explained that the background level in general was very low between 38 and 45 dBA and felt that these type of events would give rise to a justifiable complaint. He then addressed the committee with regards to the conditions that had been placed on the Planning Permission for these premises in respect of public nuisance.

"All events at the site which are not sport related shall be limited in attendance to not more than 2000 people and the details recorded which shall be supplied to the Local Planning Authority at the end of each calendar year."

"The noise levels from plant and activities carried on within the site shall not exceed 60dBA when measured as a 1 minute Leq at the nearest boundary of all properties surrounding the stadium on plan 95013/117 revision D except in the case of safety announcements."

"All events at the stadium which utilise the cricket or rugby pitches shall be finished by 2230 hours in the evening with the ground cleared of people by 2300 hours."

The reason for these conditions being imposed is to protect the residential amenity of the occupants of nearby properties.

The Planners had considered that there would be a detrimentally high impact of noise on residents and the conditions had been imposed to address the public nuisance.

The Sub Committee were advised that while planning matters cannot be taken into consideration under the Licensing Act they could however consider the public nuisance element that had brought the planners to their decision. It was emphasised by the Development Department that the impact of public nuisance would be the same i.e. music events, shape of the stadium and noise.

Councillor Monaghan then addressed the sub committee and stated that they did not dispute that the stadium would be well managed however the concerns were that this is a residential area with a lot of families and the impact that noise would have on the residential area. His concerns were the number of events that could be envisaged and that while the events would finish at 11 pm in reality by the time people return to their cars etc this could take the disturbance to a much later hour.

The sub committee then heard from local residents who again understood the need for maximising income to support the venue. However they were concerned with the noise and public nuisance. They had originally considered that a condition on the licence to limit the occurrences to three times a year would be appropriate. However after hearing about the noise report from the applicant they no longer supported this.

The committee then heard from the applicant who gave a history to the premises and the need to promote the ground in order to ensure that test match cricket would continue in Leeds. It compared the activities that the other eight test match grounds were undertaking in order to increase their revenue.

He also added that they were only envisaging two to three events per year and these would be limited to the summer time.

He would be happy for conditions to bring forward the termination hour of the events and would be happy for the restrictions to be for three events a year.

He further explained that they had been approached by various promoters with regards to events and they would be willing to make concessions with regards to the positioning of the stage, the number of events and any other conditions that the committee wished to be imposed.

After careful consideration the licensing sub committee considered that it would be possible to grant a licence subject to certain conditions.

To restrict the number of events to three per calendar year.

They also amended the hours to 12.00 hours until 21.00 hours on these occasions.

They then looked at imposing conditions to address the concerns raised by the responsible authorities and the local residents and imposed the following conditions:-

1. The licensee will provide a point of contact to the Environmental Health Section for the duration of the event by nominating a named person and telephone number.
2. The noise level shall not exceed 65 decibels over a 15 minute period at 1 metre from the nearest noise sensitive property, or a level set by the Environmental Health Section. This includes sound levels being monitored continuously throughout the entire event, by a representative for the promoter.
3. The sound system shall be managed and operated in a responsible manner at all times.
4. Designated qualified personnel shall be present at the sound control position for the duration of the event for the purposes of ensuring that condition 3 is complied with.
5. Access to the sound control position shall be afforded to the representatives of Leeds City Council as they deem appropriate at any time throughout the event and during any sound checks.
6. The telephone complaints hot line will be made available for the duration of the sound checks and concerts. The Environmental Health Section will be informed of any complaints that arise as soon as reasonably possible.

7. A competent and suitable experienced noise control consultant and noise control team will be appointed for events where necessary. The need for a noise control consultant will be agreed with the Licensing Authority prior to the event.

8. The licence holder will ensure that all aspects of the operation of the event and provisions made by the event are in compliance with the event management plan as they relate to the prevention of public nuisance.

9. A letter/flyer shall be delivered to local residents and ward members three weeks before the event, which shall include the following information:-

- The dates and times of the set up and breakdown activities.
- Dates and times of sound checks and tests of the public address system.
- Times of background music.
- Times for the main performance and any other support act.
- Details of the hot line number.

The contents and proposed areas of distribution of the letter/flyer shall be agreed with the Local Authority.

The committee also considered that the following conditions suggested by Leeds City Council Building Control were necessary and proportionate:

1. A fully detailed event management plan, which should be event specific, must be submitted and found to be satisfactory by all relevant bodies at least 28 days prior to each event.
2. A fire safety risk assessment must be carried out for the premises as required by the Regulatory Reform (Fire Safety) Order 2005 the risk assessment must be carried out by a competent person and the significant findings recorded.
3. A copy of the fire risk assessment must be made available to the authority no later than 28 days prior to any proposed events.

The sub committee considered that all the conditions proposed by the applicant and responsible authority as well as those listed above should be incorporated into the operating schedule.

After hearing from all parties they considered the conditions necessary and proportionate in line with the licensing objectives, with particular emphasis on the prevention of public nuisance.

The reason for this is the prevention of public nuisance, the close proximity to the residential properties and balancing this with the needs of the Cricket Club.

Right of Appeal

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the sub committee. You must make this appeal by 7th February 2011.

Appeals should be addressed to the Magistrates Court at:

**Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP**

and be accompanied by a copy of this notice of decision and the court fee of £400.00 if you are the Premises Licence holder/applicant and £200.00 for all other parties. Cheques should be made payable to HMCS.

Please note – Persons making appeals should be aware that the Magistrates have the power to award costs against any party as a result of appeal proceedings.