

# Public Document Pack

**LICENSING SUB COMMITTEE**  
**10:00 am MONDAY 7<sup>TH</sup> JUNE 2010**

## **SUPPLEMENTARY INFORMATION**

AGENDA ITEM 6 – LA LIGA SOCCER CENTRE – Additional representation from a member of the public

AGENDA ITEM 8 – SAINSBURY'S, BRUDENELL ROAD – an amended version of the report

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41 Grange Avenue  
Bradford

**From:** Fawzia Mir [mailto:fawziamir@yahoo.com]  
**Sent:** 01 June 2010 10:49  
**To:** Entertainment Licensing  
**Subject:** written Objection - La Liga PREM/02876

Dear Miss Wood

**Application No.: PREM/02876 – La Liga, Dick Lane, Thornbury, Bradford BD3 7AT**

Further to your letter of 21/05/10, providing with me with notice of hearing for the above application, I write to inform you that it is with regret that I unable to attend, due to pre-existing work commitments. However, I wish to provide representation to the hearing in the form of the attached letter and would be grateful if you could ensure that it is presented to the panel.

Please can you confirm receipt of this email and that my letter of objection will be presented to the panel at the hearing on 07/06/10.

Yours sincerely,

**Mrs F. Mir**

1<sup>st</sup> June 2010

Dear Miss Wood

**Application No.: PREM/02876 – La Liga, Dick Lane, Thornbury, Bradford BD3 7AT**

Further to your letter of 21/05/10, providing with me with notice of hearing for the above application, I write to inform you that it is with regret that I unable to attend due to pre-existing work commitments. However, I wish to provide representation to the hearing in the form of this letter and would be grateful if you could ensure that it is presented to the panel.

As a resident whose home sits directly behind the above premises, albeit at some distance, I am painfully aware of the disturbance and disruption caused by activities that take place there since it was purchased by the present owners.

La Liga first began to cause a problem for residents in early 2009 by way of making changes to the land it owned without being granted the necessary planning consent. These issues intensified when the club converted the tennis courts that lie directly behind my house into football pitches, again without planning consent. This illegal change of use of the land has regularly resulted in my family and I having to listen to the shouting and foul language of footballers, whilst we sit out in our garden or in the house with the windows open.

The problems intensified when the club erected floodlighting to some of the pitches in October 2009, again without the necessary planning consent. The lights shone directly into my house, and more distressingly, into my children's bedrooms. This resulted in the children not being able to sleep, and all of us suffering headaches because of the intense white light. The situation was made worse by the fact that the lighting was a cause for increased activity on the pitches, and hence we were subjected to increased noise and disturbance.

Although La Liga had been instructed to remove the offending lighting, they blatantly disregarded these instructions from the council for many months and it was only when they were faced with notice of enforcement action that they took remedial action. Having said that, only the lights were removed – the poles still remain, creating an eyesore, and the tennis court conversion to further football pitches still remain and we are still forced to put up with the noise and foul language of their users.

Over the last year, La Liga have increased their activities at the club to include the playing of very loud music on a regular basis, including weekdays and both during the day and night. As I am sure you will appreciate, this has been the cause of stress and disruption to myself and my family. I have had cause to call the council's out of hours service on many occasions as a result of the noise of both the music and the club users causing a nuisance. The music often begins pounding as early as 5pm/6pm [earlier when conducting sound checks] and continues without a break up to 11:00 pm and after. Indeed, the police were called out to the club by residents on 20/05/10 and stopped the music at 23:10 and again were called out on 28/05/10 when the music continued beyond 00:45. I am aware that there are many more instances when either the police or out of hours team have been alerted to the disturbances caused by the club. In addition to the music, club users regularly spill out onto the grounds/car park and create further disturbance by shouting and screaming. The situation is made worse by the fact that club users use the car park to race cars, power slide and generally act recklessly.

My eldest son is currently revising for his GCSE exams and his ability to concentrate has been greatly affected by the regular and prolonged noise emitted from the clubhouse; further adding to what is already a stressful time.

I can not emphasise strongly enough my objection the granting of the premises licence to La Liga. The club has shown no regard for residents or planning regulations over the last year. It has been a nuisance and caused distress and disturbance for local residents since it's change of ownership and has had a damaging affect on my ability to enjoy family life within my own home. My children's studies and sleep have been adversely affected, and the granting of this license will only add to this.

Residents should have the right to peace and relaxation within the four walls of their homes – La Liga have removed this right from those whose homes surround it.

Whilst I have no objection to the premises being used for quiet activities such as films and indoor sporting activities, I strongly object to the license for music and alcohol being granted as La Liga have proved over and over again that they are unable and unwilling to manage their activities in a way that does not impact adversely on local residents.

Yours sincerely,

Mrs F Mir

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Originator: Mr. Matthew Nelson

Tel: 0113 395 1876

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**Report of the Assistant Chief Executive (Corporate Governance)**

**Report to the Licensing Sub Committee**

**Date: Monday 7<sup>th</sup> June 2010**

**Subject: Application for the Variation of a Premises Licence for Sainsbury's, 70-74 Brudenell Road, Headingley, Leeds, LS6 1EG**

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**Electoral Wards Affected:**

Headingley



Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**Executive Summary**

This report informs members of an application to vary an existing Premises Licence for a premises situated at 70-74 Brudenell Road, Headingley, Leeds, LS6 1EG, trading as Sainsbury's.

This application relates to the removal of opening hours and the modification of conditions detailed later within this document.

No changes to existing hours and licensable activities are proposed.

The responsible authorities are served with copies of the application by the applicant and Ward Members have been notified.

**1.0 Purpose of this Report**

To advise Members of an application made under section 34. of the Licensing Act 2003 ("the Act") for a Premises Licence in respect of Sainsbury's, 70-74 Brudenell Road, Headingley, Leeds, LS6 1EG. The Licensing Sub-Committee is required to consider this application due to the receipt of a representation.

## 2.0 History of Premises

2.1 An application to convert and vary the existing Justices' Off Licence into a Premises Licence was received on 25<sup>th</sup> July 2005 for these premises, trading as Jackson's Stores. It was at this stage that the application stipulated times for when the premises intended to open to the public. The opening hours reflected the hours for Sale of Alcohol.

No representations were received in respect of the variation and consequently a Premises Licence was granted, subject to the conditions offered in the Operating Schedule.

An application to transfer the licence holder from Jackson's Stores Ltd to Sainsbury's Supermarkets Ltd was received on 25<sup>th</sup> October 2007, together with notification to change the trading name of the premises to Sainsbury's.

Under Section 41A. of the Licensing Act 2003, an application for Minor Variation to remove the opening hours was submitted on 11<sup>th</sup> March 2010. The application attracted comments from Environmental Health and the relevant Ward Councillors, and subsequently the application was refused outright.

An application for Variation under section 34. of the Licensing Act 2003 followed on 14<sup>th</sup> April 2010 with the same intention of the Minor Variation. Also included within this application is the removal and substitution of the conditions attached to the current licence. It is in respect of this application that Members meet today.

A further Minor Variation application was submitted on 21<sup>st</sup> April 2010 to alter the layout of the store. No comments were received for this application which was granted as requested.

2.2 The premises currently have the benefit of a Premises Licence for the following licensable activities:

**M** Supply of Alcohol for consumption 'OFF' the premises

2.3 The hours of operation are as follows:

Monday to Sunday                      07:00 – 23:00

2.4 The hours that the premises are open to the public are:

Monday to Sunday                      07:00 – 23:00

2.5 A copy of the existing licence (including all conditions) is attached at **Appendix A**, for members' attention.

## 3.0 The Application

3.1 The applicant is Sainsbury's Supermarkets Ltd.

3.2 The location and proximity to neighboring premises can be seen on the map provided; Members attention is drawn to **Appendix B**.



3.3 A copy of the application and operating schedule are attached at **Appendix C** to this report. For the assistance of members, the Operating Schedule shows:

**i) Proposed licensable activities and hours of licensable activities**

No changes are suggested in this application and the hours for Sale of Alcohol are to remain:

Monday to Sunday            07:00 – 23:00

**ii) Proposed times when the premises is open to the public**

The applicant wishes to remove any restriction on opening times from the licence, therefore if the application is granted, the opening times would read:

Monday to Sunday            00:00 – 23:59

**iii) Conditions to be removed**

The application proposes to remove all embedded restrictions converted from the Justices' Off Licence, some of which would be removed as a consequence of the removal of opening hours.

Also proposed is the removal of the conditions initially suggested by the applicant to promote the licensing objectives. These are to be replaced with alternative conditions identified in 'Section P' of the application form.

3.4 Although no formal representation has been received on behalf of West Yorkshire Police, an agreement to alter the wording of their operating schedule was reached. A copy of that correspondence is attached at **Appendix D**.

#### **4.0 Relevant Representations**

4.1 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.

4.2 Responsible Authorities have made the following representations:

- **LCC Environmental Health**

Members are invited to consider **Appendix E** of this report.

#### **5.0 Matters Relevant to the Application**

5.1 Members of the Licensing sub committee must make decisions with a view to promoting the licensing objectives which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

In making their decision, Members are obliged to have regard to the national Guidance and the Council's Licensing Policy. Members will be aware they must also have regard to the relevant representations made and evidence they hear.

## **6.0 Options Available to Members**

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

- Grant the application as requested.
- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule
- Reject or vary whole or part of the application

6.2 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.

## **Background Papers**

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy