

## **Licensing Sub-Committee**

**Tuesday, 26th April, 2022**

**PRESENT:** Councillor P Wray in the Chair

Councillors J Lennox and L Richards

### **1 Election of the Chair**

**RESOLVED** – To elect Councillor Paul Wray to the Chair for the duration of the meeting.

### **2 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal of inspection of documents.

### **3 Exempt Information - Possible Exclusion of the Press and Public**

There were no exempt items.

### **4 Late Items**

There were two late items of business.

- Certification of a Film – Rainbow: A Private Affair at The Pyramid Theatre, Leeds University Union.
- Temporary event notice for Pedestrianised Area of Merrion Place, Belgrave Music Hall, 1 Cross Belgrave Street, Leeds, LS2 8JP

### **5 Declaration of Interests**

No declarations of interests were made at the meeting.

### **6 Certification of a Film – Rainbow: A Private Affair The Pyramid Theatre, Leeds University Union**

Prior to the start of the meeting Members of the Licensing Sub Committee had taken the decision to change the order of the hearings.

The report of the Chief Officer Elections and Regulatory advised the Licensing Sub Committee Members of an application for the certification of a film titled, Rainbow: A Private Affair. The screening is scheduled to take place at The Pyramid Theatre, Leeds University Union, Lifton Place, Leeds, LS2 9JT, on Sunday 8<sup>th</sup> May 2022.

In attendance at the meeting was:

- Wendy Cook – Hyde Park Picture House

The Licensing officer presented the application providing the Members with the following information:

- An application was received from Leeds Grand Theatre & Opera House Ltd., for a film to be appropriately age rating certified. The film is scheduled for screening Sunday, 8th May 2022, at The Pyramid Theatre, Leeds University Union. A copy of the current BBFC Classification Guidelines were attached at Appendix A

- A copy of the application including the synopsis and recommended rating was appended to the submitted report at Appendix B. To assist members with their deliberation officers of the Licensing Authority had viewed the advance screener and confirmed there are no concerns with the applicant's suggested 12A rating when considered in accordance with the BBFC Classification Guidelines.
- An advance screener for the film had been provided for Members of the Licensing Sub Committee to view.

Ms Cook advised members that this film was part of an on-going collaboration of Italian films that are being screened across the city. She explained that the 12A certification was given as a recommendation as the film contained no dangerous behaviour, no bad language and in relation to sexual content there was a slight glimpse of underwear in one scene.

The film is set in a war context and she provided a comparison with the film 'Dunkirk'. There was a recognition that the film covered war and political issues and discussion groups would be set up to discuss any of the issues after the showing of the film.

Members had been provided with a link to view the film prior to the hearing. They had noted the content of the film and read the classification guidelines.

**RESOLVED** – To grant the recommended Certification of 12A.

## **7 Application to vary a premises licence held by Chevin Country Park Hotel, York Gate, Otley, Leeds, LS21 3NU**

The Chief Officer Elections and Regulatory set out an application to vary a premises licence held by Chevin Country Park Hotel, York Gate, Otley, Leeds, LS21 3NU.

Present at the meeting for this item were:

- Claire Savage – Hotel Manager
- Christopher Grunert – John Gaunt and Partners

The Legal Officer outlined the procedure for the meeting.

The Licensing Officer provided the Sub Committee with the following information:

- This was an application to vary a premises licence, made by Diamond Hotel Collection Limited, for Chevin Country Park Hotel, York Gate, Otley, Leeds, LS21 3NU
- A history of the premises was set out at point 2 of the submitted report with the current licensed hours and activities. It was noted that the premises have had various DPS changes and licence transfers over the years, the most recent being in September 2018 to transfer the licence to the current licence holder, Diamond Hotel Collection Limited. Attached to the submitted report at Appendix A was the current application form
- This application was to vary the licence for the following:

- Allow permitted regulated entertainment and the sale of alcohol to take place throughout the licensed area of the hotel until the terminal hour of 02:00hrs daily, in line with the Woodland Suite.
- To draw forward the commencement hour for regulated activities to 10:00hrs daily.
- Remove from the licence all historic Public Entertainment Licence conditions, namely 9 to 115 (inclusive) and replace them with new conditions as specified in section 16 of the application form.
- Add additional regulated activities as specified in the application and allow them to take place throughout the premises, (not limited to the Woodland Suite), namely plays, indoor sporting events, exhibition of a film and boxing and wrestling, between the hours of 10:00am and 02:00, also late-night refreshment, between the hours of 23:00 and 02:00.
- To allow regulated entertainment, currently limited to the Woodland Suite, to take place throughout the premises, namely live music, recorded music, performance of dance and entertainment similar to live music, recorded music or dance.
- To allow non-standard timings as follows: on the morning British Summertime is applied, the terminal hour will be extended to 03:00hrs.
- • From 10:00hrs on New Year's Eve, until 10:00hrs on 1st January without interruption, for provision of plays, provision of films, provision of indoor sporting events, provision of boxing or wrestling.
- • From 23:00hrs on New Year's Eve, until 10:00hrs on 1st January without interruption, for provision of live music and recorded music.
- From 10:00hrs on New Year's Eve, until 02:00hrs on 2nd January without interruption for performances of dance, provision of anything of a similar description to live music, recorded music or performances of dance and sale of alcohol.
- From 23:00hrs on New Year's Eve, until 05:00hrs on 1st January for late night refreshment
- A copy of the application form was appended to the submitted report at Appendix B. The applicant proposes to promote the licensing objectives by taking the additional steps identified in section 16 of the application form.
- Representations had not been received from Responsible Authorities. However, it was noted that three additional conditions had been agreed between the applicant and West Yorkshire Police. A copy of the agreed conditions was appended to the submitted report at Appendix D.
- Entertainment Licensing were in receipt of two individual letters of objection, both opposed to the application on the grounds of noise nuisance. Redacted copies of the letters were attached to the report at Appendix E.

Mr Grunert presented the case for the application, providing the following information:

- The present licence had passed to the Diamond Hotel Collection Limited with 'Grandfather Rights'. He said that some of the imposed conditions would be frowned upon today and the hotel wished to propose a set of modern conditions used by hotels of this type across the country.

- Currently the Woodland Suite is licensed to sell alcohol until 2:00am and play recorded music for 24 hours, whilst other bars and rooms close at different times. This makes multiple events difficult to host.
- The proposal for the variation to the licence requested the unification of hours across all event rooms and bars on the site to 2:00am and for the playing of recorded music.
- He was of the view that the playing of recorded music would not cause a disturbance as the closest individuals would be guests staying at the hotel or in the lodges. The Hotel had not received complaints from any guests in relation to noise disturbance. The hotel wished to promote a setting of tranquility and relaxation at this spa hotel.
- He acknowledged that two representations of objection had been received. However, it was the first time that the hotel had been made aware of any issues in relation to noise disturbance. It was his view that the one of the objectors who owned an Airbnb and placed a curfew of 10pm on his guests was bordering on the commercial aspect rather than being directly affected. Mr Grunert was surprised that a further objection had come from a neighbouring property, as the nearest neighbours were outside the boundary of the hotel and did not think that the noise would travel that far.
- Mr Grunert was of the view that unifying the licence would make the running of the hotel more straight forward.

In responding to questions from Members Mr Grunert said that the hotel was not aware of any issues concerning noise nuisance. Environmental Protection had not raised any objections.

Mr Grunert said the hotel was open to the public as well holding events. However, there was nothing around the hotel so was of the view that people would not travel to use the late-night licensing hours. The hotel booked private events and they were committed to the hospitality and comfort of their guests.

Member's discussions included:

- Standardising of hours throughout the hotel
- The hotel catering for a particular clientele
- Employment in the area
- Wider public interest
- Conditions in place for events such as boxing

**RESOLVED** – To grant the variation to the licence as applied for.

## **8 Temporary event notice for Pedestrianised Area of Merrion Place, Belgrave Music Hall, 1 Cross Belgrave Street, Leeds, LS2 8JP**

The report of the Chief Officer Elections and Regulatory advised Members that three temporary event notices had been received for the same premises, pedestrianised area of Merrion Place, outside Belgrave Music Hall, 1 Cross Belgrave Street, Leeds, LS2 8JP and Leeds City Council Environmental Protection Team had served an objection notice on the grounds of public nuisance.

Present at the meeting were:

- Stevie Mulgrave – Premises User
- Christopher Impett – General Manager, Belgrave Music Hall
- Vanessa Holroyd – Environmental Protection Team

The Legal Officer set out the procedure for the hearing.

The Licensing Officer presented the application providing the following information:

- These premises benefit from a premises licence. A copy of the licence is attached at Appendix A.
- The proposed premises user is Stevie Mulgrave.
- This application is for three temporary event notices which were attached at Appendix B.1, B.2 and B.3.
- The temporary event notices are for three periods:
  - 12:00hrs on Friday 29th April 2022 to 22:00hrs on Monday 2nd May 2022
  - 12:00hrs on Thursday 2nd June 2022 to 22:00hrs on Sunday 5th June 2022
  - 12:00hrs on Saturday 27th August 2022 to 10pm on Monday 29th August 2022
- The licensable activity is the provision of regulated entertainment with a maximum capacity of the events to be 150 people
- The location of the premises can be seen on the map at Appendix C.
- The events to be located in the venue's side street garden area. This event will feature DJs from 12pm to 10pm in the side street before moving inside for the rest of the evening. The area is fully seated and so dancing is not encouraged.
- West Yorkshire Police and Environmental Protection received a copy of the notices on 13th April 2022 attached at Appendix D. No objection was received from the West Yorkshire Police.
- Environmental Protection Team issued an objection notice on 19<sup>th</sup> April 2022 as they considered that allowing the premises to be used in the manner set out in the temporary event notice will undermine the prevention of public nuisance. The objection notice was attached at Appendix E of the submitted report.

Mr Mulgrave addressed the Licensing Sub Committee providing the following information:

- The tables and chairs licence had been in place since the covid restrictions had been relaxed. This licence had been extended until September 2022.
- The event would see International DJ's playing music on the side street from 12:00pm until 10:00pm, then entertainment would move inside the premises.
- Covid had changed the way in which the premises operated and was still affecting the business. This event would celebrate the 10<sup>th</sup> birthday of the premises. The premises still attract international DJ's some of whom prefer to play outside.
- The premises are supportive of the 2023 cultural bid as a venue which will bring income to the city, this does require some events to be hosted outside.

- The premises have operated within the licence for 10 years with no complaints.

Responding to questions from the Sub Committee, Members were informed of the following:

- The premises does have a licence for both indoors and outdoors, with the Roof Terrace open until 11:00pm.
- Monitoring does take place of how many people are both inside and outside the premises. Security is in place at the entrance and exit counting those going in and out. The outside street area is monitored and there is no dancing allowed.
- Once the event has finished at 10:00pm some people will drift away whereas others may wish to go inside. However, should inside be at capacity they would be required to join the queue at the entrance. It was noted that the security staff use radios to constantly monitor the numbers inside, outside on the street and on the roof terrace.
- Entrance to the side street area is through the main entrance. ID checks are used.

Ms Holroyd from Environmental Protection Team informed the Licensing Sub Committee of the following points:

- The Environmental Protection Team had received notification of temporary events to be held on the side street garden area of the premises from 12:00 hours to 22:00 hours, over the next three bank holiday weekends. If granted this would mean DJ's performing externally on the street to 150 customers.
- The premises are close to residential properties in Symons House and Vita Student apartments.
- Two complaints had been received in May and August 2021 alleging loud music from Belgrave Music Hall throughout the day and night. It was alleged the sound of the music could not be stopped even when the windows were shut and had left the residents feeling uncomfortable. It was the view of the Environmental Protection officer that it would be unfair to subject residents in nearby properties to 10 hours of loud music.

Mr Mulgrave in summing up said the events were for three days over the bank holiday period. He offered to use a noise limiter for the outside area and if required change the time of the events and limit the numbers.

The Council had increased payments for the use of the outside area and without this type of event the business would struggle.

Members requested further information in relation to noise limiters. Clarification was provided and it was noted that a Db limiter could be used to set levels which would be controlled by a sound manager and not by the DJ's. Db levels could be checked at the nearest residential properties, this would keep noise to a set level therefore reducing noise disturbance to residents. Mr Mulgrave was agreeable to working with Environmental Protection to set an agreed level. Mr Mulgrave also said he would offer to let the management company of the residential properties have a contact number which could be used should there be any complaints.

**RESOLVED** - To grant the temporary event notices for:

- 29<sup>th</sup> April to 2<sup>nd</sup> May 12:00 hours to 22:00 hours
- 2<sup>nd</sup> June to 5<sup>th</sup> June 12:00 hours to 22:00 hours
- 27<sup>th</sup> August to 29<sup>th</sup> August 12:00hours to 22:00 hours

With the condition that a noise limiter be used to set noise levels agreeable with Environmental Protection and contact details be provided to the management company for Symons House and Vita Student apartments.

*Meeting concluded at 15:35*