

Public Document Pack

Licensing Sub-Committee

Monday, 7th August, 2006

PRESENT: Councillor V Morgan in the Chair

Councillors T Grayshon and
D Hollingsworth

- 1 **APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT CHARCOAL CHICKEN, 188B ROUNDHAY ROAD, LEEDS, LS8 5PL**
Please refer to the attached decision letter.

- 2 **APPLICATION FOR THE GRANT OF A PREMISES LICENCE FOR THE CHAPEL ALLERTON ARTS FESTIVAL, REGENT STREET, WELL LANE, HAWTHORN ROAD (PART,) CHAPEL ALLERTON, LEEDS, LS7 4PE**
Please refer to the attached decision letter.

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Chief Executive's Department
Governance Services
4th Floor West
Civic Hall
Leeds LS1 1UR

Contact: Hannah Bailey
Tel: 0113 247 4326
Fax: 0113 395 1599
Email: hannah.bailey@leeds.gov.uk
Your reference:
Our reference: A61/hb/charcoalchick

25th August 2006

APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT CHARCOAL CHICKEN, 188B ROUNDHAY ROAD, LEEDS, LS8 5PL

On 7th August 2006 the Licensing Sub Committee heard an application by Mr Zaheer Afzal, 51 Carr Manor View, Leeds, LS17 5AR for the grant of a premises licence at the above premises.

The applicant sought the following:

Late Night Refreshment:

Monday to Sunday 23:00 hours until 05:00 hours

The applicant proposed to provide the service to the public during the following times should the application be granted:

Monday to Sunday 11:00 hours until 05:00 hours

This letter represents the formal decision of the Sub Committee in respect of the application.

Preliminary Procedural Issues

The Sub Committee considered preliminary matters of a purely procedural nature. There were no declarations of interest made.

The Sub Committee then decided that the procedure for the hearing would not be varied. The Sub Committee also considered if the public should be excluded from any parts of the hearing.

The Sub Committee decided to exclude the public from that part of the hearing where Members would deliberate on the application as presented. This would allow them to have a



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full and frank discussion on all matters put before them and this fact outweighed the public interest in not doing so.

Prior to the hearing the Sub Committee had considered the Licensing Officers Report and the written representations received from Environmental Health Services and the Development department.

The Sub Committee permitted each party 10 minutes in which to make their case. This time limit was imposed having regard to the relevant Regulations and in the interests of consistency and the efficiency of business.

The Sub Committee then went on to consider the application.

The Hearing

The applicant was not present at the hearing. Following attempts to contact them by telephone the Sub Committee resolved to proceed in the applicant's absence and consider the application on the basis of their written submissions.

In determining the application the Sub Committee took into account written submissions from the above responsible authorities contained within the report and the Notices of Hearing. These had been circulated to the Parties prior to the hearing.

After considering the evidence and submissions the Sub Committee needed to satisfy itself that granting the licence would promote the licensing objectives.

In reaching this decision the Sub Committee had regard to the provisions of the Licensing Act 2003, guidance under Section 182 of that Act and the Council's own Licensing Policy.

In particular the Sub Committee took into account Sections 34 & 35 of the Act because these were the most relevant to the application and Chapter 7 of the Guidance relating to the prevention of crime and disorder, public nuisance and public safety

The Sub Committee then went on to consider the following paragraphs of the Licensing Policy as the Sub Committee took the view these paragraphs had bearing on the application.

11:05 to 11:10	Crime & Disorder
11:11 to 11:22	Public Safety
11:23 to 11:28	Public Nuisance

Reasons for the decision

The following interested parties attended the hearing:

Richard Bilsborough, Environmental Health Services

The Sub Committee began by considering the verbal representation of Mr R Bilsborough on behalf of Environmental Health Services. Mr Bilsborough explained that the area in which the premises were situated was mixed residential and commercial in nature and there was in fact a residential property adjoining the takeaway. There had been a number of complaints over the years regarding the premises, particularly concerning noise from customers cars and emanating from inside the shop itself. More recently complaints of odour had been received, which had led to a formal notice being issued.

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Whilst the odour issue had now been resolved, Mr Bilsborough continued, Environmental Health Services were still of the opinion that opening until 5:00am was unacceptable due to the location of the premises in close proximity to residential properties. Therefore in their written representation Environmental Health Services had recommended that the opening hours of the premises be restricted to no later than 23:30 hours and a number of conditions be imposed on the licence relating to noise and vibration, odour and litter and refuse. Mr Bilsborough concluded his submissions by urging the Sub Committee to consider this recommendation.

The decision

The Sub Committee had regard to the verbal submissions made by Mr Bilsborough on behalf of Environmental Health Services. Members were persuaded by his representation that granting the licence until 05:00 am would be likely to cause disturbance to nearby residential properties. The Sub Committee also considered a written submission made by the Council's Development department which stated that the premises planning permission did not currently allow opening hours until 05:00 am, again for reasons related to the potential for public nuisance. Therefore the Sub Committee resolved to grant a licence in line with the recommendations made by Environmental Health Services, as detailed below:

Late Night Refreshment and Opening Hours:

Monday to Sunday 11:00 hours to 23:30 hours

Conditions

- Ensure that no nuisance is caused by noise or vibration emanating from the premises;
- Ensure that the rating level of noise from plant and machinery is no higher than 5 dB below the lowest background level at the most affected noise sensitive premises during the operation of the plant. Plant and machinery shall be regularly serviced and maintained to continue to meet the rating level;
- Ensure that the premises are operated so as to prevent the omission of odours which are a nuisance at nearby premises or to persons in the immediate area;
- Ensure that business waste is stored inside closed containers awaiting collection; that litter arising from people using the premises is cleared away regularly; that promotional materials such as flyers do not create litter; and that other street advertising is carried out lawfully.

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 within 21 days of this letter reaching you.

Appeals should be addressed to the Magistrates Court at:
Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP

and accompanied by a copy of this decision letter and the court fee of £75.00.

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Yours faithfully,

Hannah Bailey
Clerk to the Licensing Sub Committee



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Contact: Hannah Bailey
Tel: 0113 247 4326
Fax: 0113 395 1599
Email: hannah.bailey@leeds.gov.uk
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25th August 2006

APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT CHAPEL ALLERTON ARTS FESTIVAL, REGENT STREET, WELL LANE, HAWTHORN ROAD (PART), CHAPEL ALLERTON, LEEDS, LS7 4PE

On 7th August 2006 the Licensing Sub Committee heard an application by The Chapel Allerton Arts Festival Ltd, Regent House, 15 Hawthorn Road, Chapel Allerton, Leeds, LS7 4PH for the grant of a premises licence at the above event.

The applicant sought the following:

Plays, films, live music, recorded music, performance of dance, anything of a similar description, provision of facilities for making music, provision of facilities for making music, and provision of facilities for entertainment of a similar description:

Friday 1 st September 2006	16:00 hours until 23:00 hours
Saturday 2 nd September 2006	10:00 hours until 23:00 hours
Sunday 3 rd September 2006	09:00 hours until 19:00 hours

Supply of alcohol:

Friday 1 st September 2006	17:00 hours until 23:00 hours
Saturday 2 nd September 2006	11:00 hours until 23:00 hours
Sunday 3 rd September 2006	12:00 hours until 19:00 hours

The applicant proposed to open the event to the public during the following times should the application be granted:

Friday 1 st September 2006	16:00 hours until 23:00 hours
Saturday 2 nd September 2006	10:00 hours until 23:00 hours
Sunday 3 rd September 2006	09:00 hours until 19:00 hours



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This letter represents the formal decision of the Sub Committee in respect of the application.

Preliminary Procedural Issues

The Sub Committee considered preliminary matters of a purely procedural nature. There were no declarations of interest made.

The Sub Committee then decided that the procedure for the hearing would not be varied. The Sub Committee also considered if the public should be excluded from any parts of the hearing.

The Sub Committee decided to exclude the public from that part of the hearing where Members would deliberate on the application as presented. This would allow them to have a full and frank discussion on all matters put before them and this fact outweighed the public interest in not doing so.

Prior to the hearing the Sub Committee had considered the Licensing Officers Report and the written representations received from West Yorkshire Police and local residents (as detailed at Appendix A.)

The Sub Committee decided not to impose strict time restrictions on each party in this instance as it was felt that it would be of benefit to all parties to explore the application and the issues surrounding it in full.

Members heard that this was the first application for the grant of a premises licence as historically the event had been operated under an occasional licence.

The Sub Committee then went on to consider the application.

The Hearing

The Sub Committee considered the verbal submissions of the applicant's solicitor, Mr Cohen, which addressed the application and the comments of interested parties.

Mr Cohen asked the Sub Committee for permission to call Mr M Robinson, a sound engineer as a witness in support of the application. Following a brief adjournment and after consultation with local residents, the Sub Committee agreed to Mr Cohen's request. It was also agreed that local residents would be given the opportunity to comment on any points made by Mr Robinson during his submission.

In determining the application the Sub Committee took into account written submissions from the above responsible authorities contained within the report and the Notices of Hearing. These had been circulated to the Parties prior to the hearing.

The Sub Committee noted that the site lay within the Cumulative Impact Policy area for Chapel Allerton.

After considering the evidence and submissions the Sub Committee needed to satisfy itself that granting the licence would promote the licensing objectives.

In reaching this decision the Sub Committee had regard to the provisions of the Licensing Act 2003, guidance under Section 182 of that Act and the Council's own Licensing Policy.

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In particular the Sub Committee took into account Sections 34 & 35 of the Act because these were the most relevant to the application and Chapter 7 of the Guidance relating to the prevention of crime and disorder, public nuisance and public safety

The Sub Committee then went on to consider the following paragraphs of the Licensing Policy as the Sub Committee took the view these paragraphs had bearing on the application.

11:05 to 11:10	Crime & Disorder
11:11 to 11:22	Public Safety
11:23 to 11:28	Public Nuisance

Reasons for the decision

The Sub Committee noted that the following agreement had been reached between the applicant and Environmental Health regarding their suggested conditions:

- A Noise Management strategy shall be provided to the satisfaction of Leeds City Council Environmental Health Services at least 90 days before the commencement of any event. The said strategy shall identify how noise arising from the holding of the event will be effectively controlled so as to prevent public nuisance and show full compliance with licence conditions and with the Code of Practice on Environmental Noise Control at concerts (Published by the Noise Control Council ISBN 2900103515.) this strategy shall include proposals for dealing with noise from:
 - Regulated entertainment
 - Concessions including funfair rides
 - Fireworks and other pyrotechnics
 - How any overrun will be prevented or controlled.
- A noise propagation test will be undertaken and completed in the morning prior to the start of any music event, or the day before the event. Appropriate control limits at the sound mixer position and adjustments to sound amplification equipment will be fixed as a result of the testing. The sound system will be configured and operated in a similar manner as intended for the event. The sound source used for the test will be similar in character to the music likely to be produced for any major music event;
- An independent noise consultant to assess the positioning of sound sources pre-event and to monitor noise throughout the event must be present. Any testing of sound equipment will not take place before 10:00 hours and will last for a maximum of 2 hours on any one day. The noise consultant will be available throughout the duration of the event and will have complete authority to ensure licence compliance without interference from the Premises Licence Holder or any other party on behalf of the event and will have an on site team to monitor noise throughout the event. The noise consultant will maintain a noise log which will be available at all times for inspection by Leeds City Council or any other relevant agency;
- Bottle banks, plant and machinery, food preparation, cleaning, waste collection and other activities that might generate noise will be carefully located as far as possible from residential properties and other noise sensitive properties;
- A litter and waste management strategy will be provided to the satisfaction of Leeds City Council Environmental Health Services at least 90 days prior to the commencement of any event. The said strategy will identify:
 - Location and number of containers;
 - Emptying and replacement schedule;

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- Steps to remove litter throughout the event;
- Standby procedures to address any identified refuse accumulations, e.g., overflowing receptacles;
- After-event cleaning schedule;
- Steps to prevent litter from being dropped offsite;
- Steps to remove litter along roads, entrances and exits adjacent to the site;
- Arrangements for waste produced by traders;
- Methods proposed to evidence that the above steps have been taken.

Once agreed the contents of this strategy will be followed throughout the event.

- The Licensee will ensure all lighting in the premises is of a suitable intensity and positioning. All lighting on or at the premises will be operated in a manner which will not cause a nuisance to nearby properties;
- Food vendors shall be so located and be operated in such a manner which will prevent unwanted odours causing a nuisance to persons in the immediate area or nearby properties.

These conditions would be included in the applicant's Operating Schedule, and eventually the licence, should the application be granted.

The Sub Committee noted that the following agreement had been reached between the applicant and West Yorkshire Police regarding their suggested conditions following publication of the Officer's report:

- The start and finish times of the event to be agreed by the West Yorkshire Police and subsequent years any variation in times must be agreed by the West Yorkshire Police;
- The Licence Holder shall give written notice of any event to be held at the site no later than 124 days prior to the event to Leeds City Councils Licensing Department, West Yorkshire Police, West Yorkshire Fire and Rescue Service and West Yorkshire Ambulance service. No event shall be held if less than such notice is given unless notice is waived by the above parties;
- The Licence Holder will ensure that an event specific Event Management Plan (EMP) is received by each Responsible Authority and the Licensing Authority. The Licence holder will ensure that the EMP is received at least 90 days prior to each event;
- The EMP shall be accompanied by detailed gridded plans, identifying the licensed area, all fencing, access and exit routes, permanent and temporary structures, barriers, lighting points, all gradients and steps, the layout of any backstage area and the base of the organizer;
- Where identified the Premises Licence Holder will convene multi-agency meetings;
- If requested by the police, fire or ambulance service, a final inspection meeting shall be held at the site on a date and time to be determined by the responsible authorities. The PLH will not permit the admittance of the public to specified licensed areas until agreements have been reached by the relevant responsible authorities;
- The PLH must make adequate provisions for monitoring the number of persons entering the licensed site and any marquee/s. The arena shall not exceed a number to be determined persons, as determined by the relevant responsible authorities;

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- The PLH shall arrange for the attendance of as many Police Officers within the site and its environs as the Police consider adequate to secure orderly and decent behaviour within the event site and its environs;
- The supply of alcohol to end a half hour before the end of entertainment i.e. 21:30 on Friday, 20:30 on Saturday and 17:30 on the Sunday and that in subsequent years the West Yorkshire Police must agree timings for the supply of alcohol;
- That the Event Management plan have an identified Event Manager and Safety Officer;

These conditions would be included in the applicant's Operating Schedule, and eventually the licence, should the application be granted.

The Sub Committee were duly informed that the applicant had agreed to amend the hours of operation for the event in 2006 to those detailed below;

Friday 18:00 hours until 22:00 hours with the sale of alcohol until 21:30 hours

Saturday 11:00 hours until 21:00 hours with the sale of alcohol until 20:30 hours

Sunday 10:00 hours until 18:00 hours with the sale of alcohol until 17:30 hours

The following parties attended the hearing:

Mr H Cohen – Solicitor for the applicant

Mr S Hunter – the applicant

Mr M Robinson – Sound Engineer

Mr T Roebuck, Mr & Mrs D Haworth, Mrs A Jones & Mrs K Aldgate – Local residents

PC McGlennon, Sgt Bullock & PC Pick – West Yorkshire Police (Observing only)

J Norman, R Morris, M & L Elliott – Festival Committee (Observing only)

Councillor M Rafique – Ward Member for Chapel Allerton (Observing only)

The Sub Committee began by considering the verbal representation of local residents objecting to the application. Mrs Haworth began by stating that the event had outgrown the venue in recent years and it was inappropriate to have so many people congregated in a residential area close to properties. At the 2005 event Mrs Haworth claimed that there was no visible Police presence during the day, with a video van only present at 10 pm to ensure the festival was shutdown. Even after this time people remained on the streets and there were incidents of fighting, Mrs Haworth continued.

Mr Haworth went onto discuss issues surrounding this years event. He stated that although there was only one beer tent planned, there were four pubs and a wine bar all within 100 yards of the site, all of which would also be open for people to purchase alcohol. Mr Haworth claimed that although the organisers had agreed to scale the festival down this year, it had still been advertised in a local publication, that was circulated to 5,000 homes, local newspapers and on lamp posts.

In previous years, despite assurances, music had not stopped on time and noise levels had not died down until 2 am, Mr Haworth continued. Streets became blocked and local residents living on the streets in question were unable to manoeuvre their cars down the road. Although organisers had agreed that there would be more toilets available this year, in previous years local residents had suffered with people urinating in gardens and on the

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streets, Mr Haworth continued. A cleaning team had visited the area after the 2005 event but had failed to remove stains from the streets caused by people dropping food and vomiting on the pavements. This situation was totally unacceptable in a residential area with Conservation Area status, Mr Haworth concluded.

Following the submissions from local residents, the Sub Committee enquired as to a letter sent by the festival organisers to those residents who had raised objections to the event. Local residents confirmed that they had received the letter but had chosen not to take up the offer of a meeting with the organisers to discuss issues surrounding the application as the residents claimed they did not want the festival to take place in this location in any event. Residents claimed that there were other more suitable areas, such as Chapel Allerton Park which were much more suitable.

The Sub Committee went on to consider the verbal submissions made by Mr Cohen in support of the application. Mr Cohen opened his representation by stating that due to its village feel and sense of community, Chapel Allerton was the right place to host an arts festival. Mr Cohen stressed that the event was an arts festival, it was not intended to be a music or beer festival. There was one planned beer stall which would sell real ales and not alcopops or any drinks that might appeal to underage patrons. Mr Cohen acknowledged that there were a number of licensed premises in the area, but unfortunately the festival had no control over these outlets.

The festival had now been in existence for seven years the Sub Committee heard. For 2006 it was intended that there be around seventy stalls, of which four would be selling food, with the rest focussed on arts and crafts. The event was family-orientated, Mr Cohen continued. Photographs were circulated for consideration by the Sub Committee showing various events from the previous festival, such as Sunday morning hymns on the street.

The Festival Committee was a non-profit making body responsible for organising the event, the Sub Committee heard. The Committee consisted of a variety of individuals from the local community, all of whom were upstanding citizens, Mr Cohen stated. Since last years event there had been ongoing multi-agency meetings and numerous agreements had been reached to ensure that the festival ran smoothly and did not cause undue annoyance to those residents living closest to the site.

Mr Cohen then went on to outline some statistics compiled by Mr Hunter for the Sub Committee. Members heard that the Chapel Allerton ward had a population of around 18,000 which translated to approximately 7,949 households. Of these households, 12 had raised objection to the festival. Whilst Mr Cohen accepted that all the complainants lived in close proximity to the streets in question, he also pointed out that there were another 351 households within 200m of Regent Street who had not raised any objections. Reference was also made to a petition submitted in support of the festival in advance of the hearing, of which 72% of the signatories had Leeds 7 postcodes.

Notwithstanding this, Mr Cohen informed the Sub Committee that objections from local residents had been taken very seriously by the Festival Committee who had gone to great lengths to mitigate the impact of the event. For example, at the 2006 event there would be no street collections taking place as some residents had stated that this was intimidating. More litter bins and toilets would be made available and a team of private cleaning contractors would be employed this year. In terms of music and noise levels, every effort was being made to ensure that bass was redirected away from residential properties. Mr Cohen suggested that a sense of balance be applied by the Sub Committee when considering the application, which was of great benefit to the local community overall.

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Mr Cohen then introduced Mr Robinson to the Sub Committee, a sound engineer with fifteen years of experience of hosting outdoor events. Mr Robinson briefly addressed the meeting, stating that he had worked on the festival the previous year and would be employed again this year. Most complaints received had focussed on the bass levels emanating from the stage, Mr Robinson continued, however it was now possible to build speakers capable of directing bass. This method would be used this year and would be closely monitored throughout the weekend. If the level exceeded a reasonable level this would be reduced, Mr Robinson concluded.

Local residents were given the opportunity to raise points in response to Mr Robinson's submissions. Mr Roebuck stated that local residents merely wanted an assurance that music levels would be lower than those suffered by residents in previous years.

In conclusion Mr Cohen briefly stated that the festival was a family event, run by a sensible committee for the benefit of the local community. He urged the Sub Committee to keep this in mind when considering the application.

The decision

The Sub Committee had regard to the submissions made by Mr Cohen in support of the application and also those from local residents objecting to the event. It was noted that extensive multi-agency talks had taken place resulting in a number of stringent conditions having been agreed with the responsible authorities along with a reduction in the hours of operation applied for. It was also noted that the Festival Committee had contacted local residents who had made objections inviting them to contact the Committee to discuss their concerns.

The Sub Committee considered the location of the event within the Cumulative Impact Policy area for Chapel Allerton. However, Members did not feel that this event would add to the cumulative impact of existing premises in the area, particularly due to the reduction in hours for the sale of alcohol.

The Sub Committee felt that on balance granting the licence would not undermine the promotion of the licensing objectives of the city. Therefore, for 2006 a Premises Licence is granted in accordance with the application as amended by the agreement as to operating hours with West Yorkshire Police. The conditions agreed with the Police and Environmental Health Services are to be incorporated into the operating schedule.

For future years, the application is granted as requested subject to conditions to be agreed at future multi-agency meetings with West Yorkshire Police and Environmental Health Services which will be incorporated into the operating schedule.

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 within 21 days of this letter reaching you.

Appeals should be addressed to the Magistrates Court at:
Clerk to the Justices
Leeds Magistrates Court
Westgate
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LS1 3JP

and accompanied by a copy of this decision letter and the court fee of £75.00.

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Yours faithfully,

Hannah Bailey
Clerk to the Licensing Sub Committee

Appendix A

Mr P & Mrs J Westerman
Mr D Coates
Mr R & Mrs P Taylor
Mrs M Price
Mrs A Jones
Mr P & Mrs M Lowry
D Haworth
Mrs M Oriel
Mr B Bell
Mr T & Mrs L Roebuck
Mr L & Mrs K Aldgate
Mrs P Hardy