

Licensing Sub-Committee

Monday, 7th June, 2010

PRESENT: Councillor R D Feldman in the Chair

Councillors J Dunn and T Hanley

6 Election of the Chair

RESOLVED - Councillor R D Feldman was elected Chair for the duration of the meeting

7 Late Items

No formal late items of additional business were added to the agenda. However supplementary information had been submitted and had been despatched to relevant parties prior to the hearings in respect of the following matter:

Agenda item "La Liga" – additional letter of representation from a member of the public who had already made a representation but was not able to attend the hearing (minute 4 refers)

8 Declarations of Interest

There were no declarations of interest

9 "La Liga" - Application for the Grant of a Premises Licence for "La Liga Soccer Centre", Dick Lane, Thornbury, Bradford BD3 7AT

The Sub-Committee, having regard to the Licensing Act 2003, the Statement of Licensing Policy and the Statutory Guidance, considered the application and the written submissions before them relating to an application for the grant of a Premises Licence for "La Liga Soccer centre", Dick Lane, Thornbury.

Representations had been submitted by LCC City Development and two representations from LCC Environmental Protection Team (LCC EPT), the first dated 23 April 2010 which included suggested measures to address the relevant licensing objective and the second dated 24 May 2010. Letters of representation had also been received from the following members of the public - Mr Q Alam; Mr D W Kenyon; Ms J Jones; K D Sharpe; Mr & Mrs Cawthra; Mr D Forrest and Mrs F Mir. Local ward Councillors A Carter; Marjoram and Wood had also submitted a representation and Mrs Mir, who had been unable to attend submitted one supplementary letter. None of the local residents attended the hearing and the Sub Committee resolved to proceed in their absence.

The Sub-Committee first considered representations from Mr C Sanderson on behalf of LCC City Development who outlined the 2001 planning consent for the premises as a detached changing room with ancillary bar and flat above.

The permitted hours of use had been set having regard to the amenity of surrounding local residents and were restricted to:

Monday to Saturday 07:30 until 23:00 hours

Sundays 09:00 until 22:30 hours

Mr Sanderson noted the premises, although near a business park, was not surrounded by a built environment which would prevent noise travelling greater distances towards local residents but was surrounded by open pitches and a former golf course. He explained that complaints had been received about the premises during the last 18 months, and the premises management had been informed. During discussion he reiterated the planning permission stipulated bar use to be ancillary to the main use of the building as a changing room. The structure was sufficient for changing rooms and had not been altered since 2001.

Mr Sanderson concluded by stating the existing planning hours of operation were still appropriate to protect the amenity of local residents.

Mr B Kenny then addressed the Sub Committee on behalf of LCC EPT and explained the two submissions from the Department. The first contained measures proposed in order to address the prevention of public nuisance licensing objective – which the applicant had agreed to. However on 20 May 2010 an event had been held at the premises, and following receipt of complaints, the EPT Out of Hours Team had witnessed loud music at 23:15 hours which was a Statutory Nuisance. A Noise Abatement Notice was subsequently served on 27 May 2010. The Department then submitted the second letter of representation to this application. During discussion Mr Kenny stated that if measures could be implemented to contain noise within the building, then it was possible the Departments' concerns could be addressed.

The Sub Committee then considered the representation made by Mr J Cordingly, Licensing Consultant acting on behalf of the applicant. Mr Cordingly was accompanied by Mr R Blackburn the applicant and Mr S Baker, commercial manager.

Mr Cordingly outlined the premise licence and ownership history of the premises and recent the investment made into the business by the applicant. Mr Cordingly stated the applicant was now aware of the conflict between the requested hours of operation of the premises licence and those conditioned on the planning consent. Previous licensing permissions had been granted which had allowed the premises to operate until 01:00 hours.

Mr Cordingly referred to the measures proposed by the applicant and detailed in Box P of the application which the applicant felt would, with careful management, allay residents concerns. Mr Baker briefly addressed the hearing regarding misuse of the surrounding pitches and car park by people who were not patrons of the Soccer Centre, liaison he had previously undertaken with local residents. He also confirmed the premises were air conditioned and that doors were not left open.

The Sub Committee considered the representations made by the Responsible Authorities, the applicant and by members of the public in their letters of representations. Members were concerned about public nuisance issues, noise issues raised by LCC Development and the event held at the premises on 20th May 2010 at which a Statutory Noise Nuisance was witnessed at 23:15 hours.

The Sub Committee also noted with concern the applicant's admission that the structure of the building and its' tin roof had not been constructed to contain music. However the Sub Committee did not consider their concerns strong enough to merit not granting the application and felt there were steps which could be taken which would address the licensing objectives.

RESOLVED – To grant the application for all the licensable activities requested, but to limit the hours of operation of the Premises Licence as follows:

Monday to Saturday	10:00 until 23:00 hours
Sunday	10:00 until 22:30 hours

- The measures outlined by the applicant at Box P of the application form and those measures agreed with LCC EPT prior to the hearing are imposed as conditions on the Premises Licence
- Where there is a conflict of those conditions, those set by the Responsible Authorities shall take precedence

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

The Sub-Committee, having regard to the Licensing Act 2003, the Statement of Licensing Policy and the Statutory Guidance, considered the application and the written submissions before them relating to an application to vary an existing Premises Licence held at "Sainsbury's", Brudenell Road, Headingley.

A representation had been submitted by LCC Environmental Protection Team (LCC EPT) and Mr B Kenny attended the hearing on behalf of the Department. Mr Kenny described the nature of the premises and surrounding area. He highlighted concerns regarding public nuisance and noise disturbance later into the night to local residents, should the variation be granted.

The Sub Committee then considered the representation made by Mr R Botkai, solicitor on behalf of the applicant. Mr Botkai was accompanied by Ms M Zouch, licensing manager for Sainsbury's and Ms J Brown the Headingley store manager.

Mr Botkai explained the conditions on the current Licence had been imposed when the premises was a Jackson's store. There were no restrictions attached to the planning permission for the store in terms of opening hours and Sainsbury's now sought to open the store 24 hours per day and revise the conditions to match Sainsbury's standard management approach. Mr

Botkai stated the applicant did not intend to sell alcohol after 23:00 hours; the later hours were intended purely to allow staff to take deliveries and re-stock the store. He also referred Members to the liaison which had taken place between the applicant and West Yorkshire Police.

Members considered the application and the representations made at the hearing and paid particular attention to the public nuisance objective. The Sub Committee also noted that no objections to the application had been received from members of the public. Members therefore did not consider that varying the licence in the manner requested would have an adverse impact on the licensing objectives.

RESOLVED – To grant the application as requested.

- Those measures proposed by the applicant (and detailed in Box P of the application) and amended by the Responsible Authorities shall be imposed on the Premises Licence.
- Where there is conflict between the conditions, those suggested by the Responsible Authorities shall take precedence.

11 "Krunch" - Application for the Grant of a Premises Licence for "Krunch", 33 Chapeltown, Pudsey, Leeds LS28 7RZ

The Sub-Committee, having regard to the Licensing Act 2003, the Statement of Licensing Policy and the Statutory Guidance, considered the application and the written submissions before them relating to an application for the grant of a Premises Licence for premises known as "Krunch", 33 Chapeltown, Pudsey.

A representation had been submitted by LCC City Development and Mr C Sanderson attended the hearing on behalf of the Department. Mr Sanderson noted this premises licence application had been adjourned previously to allow time for a simultaneous application to extend the hours of use attached to the planning permission to be determined. Mr Sanderson reported the planning application had been refused having regard to the potential for additional noise and nuisance being generated by this premises. He also reported the original planning consent had been very recently granted in 2009, to the same applicant.

The Sub Committee noted the comment made by the applicant that another premises in the locality was trading past its permitted hours and discussion followed on the steps available to the Department in such cases.

The Sub Committee then heard from Mr M Haider, the applicant who was accompanied by Mr Shah. Mr Haider described the immediate and detailed the other unit which traded past permitted hours. He stated he also had operated his premises past permitted planning hours but had ceased as soon as he had been made aware of the conflict between the hours. Mr Shah highlighted the premises had been trading for a while and no reports of any noise or nuisance had been received.

The Sub Committee noted that no letters of representation had been submitted by members of the public

The Sub Committee carefully listened to the representations made by the Responsible Authority and the applicant at the hearing and considered the application before them. The Sub Committee was not satisfied that this particular premises would cause additional public nuisance to the locality and therefore

RESOLVED – To grant the application as requested

The measures included in Box P of the application and the pro-forma risk assessment will now be included as conditions on the Premises Licence

- The Sub Committee took the opportunity to remind the applicant that the new Premises Licence could not be operated until the planning permission had been varied. Until that time the premises must operate to its permitted planning hours.