

## Licensing Sub-Committee

**Tuesday, 4th December, 2018**

**PRESENT:** Councillor B Flynn in the Chair

Councillors M Harland and G Wilkinson

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

**RESOLVED** – That Councillor Billy Flynn be elected to the Chair for the duration of the meeting.

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

There were no appeals against the refusal of inspection of documents.

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

There was no exempt information.

### **4 Late Items**

There were no late items.

### **5 Declarations of Disclosable Pecuniary Interests**

No declarations of disclosable pecuniary interests.

### **6 Application for the grant of a premises licence for South Stand Emerald Headingley Stadium, St Michaels Lane, Headingley, Leeds, LS6 3BR**

The report of the Chief Officer Elections and Regulatory set out the application for the grant of a premises licence for South Stand Emerald Headingley Stadium, St Michael's Lane, Headingley, Leeds, LS6 3BR.

The application was originally scheduled for hearing on 9<sup>th</sup> October 2018 but was adjourned to 4<sup>th</sup> December to allow the applicant to provide an acoustic report to the Committee and residents.

This was the first application for a premises licence for these newly built premises but the former Headingley South Stand Refreshment Room, had held a licence under the Licensing Act 2003. The activities of the previous licence were set out at point 2.1 of the submitted report.

Members were informed of the application as set out at point 3 of the report which included a summary of the licensable activities and timings requested.

A copy of the noise report from Apex acoustics was attached at Appendix D. Correspondence regarding the report from Environmental Health had been provided by the applicant and was attached at Appendix E.

In attendance at the meeting were:

Mr Willis, Solicitor for the applicant;

Mr John Hill, Designated Premises Supervisor

Mr Lee Davidson, resident of the Turnways, Headingley.

All parties had been served with notice of the hearing but not all attended. The Committee were satisfied that sufficient notice had been provided with the details of the hearing and agreed to proceed with the hearing.

Mr Willis confirmed the applicant wished to reduce the hours of recorded music, performance of dance to 13:00 to 23:00 and for the removal of Late Night Refreshment. Mr Willis wished to amend the application for the sale of alcohol; Monday to Saturdays 12:00 – 23:00 and Sundays 12:00-22:30.

Members were informed that the technical report had been submitted. Tests had been undertaken by Apex acoustics outside the ground and monitored on the Turnways, St Michael's Lane, Greyshiel Lane and Broomfield Crescent. It had been suggested that the output at the East and West parts of the stadium be reduced by 4 and 5 decibels respectively as per the recommendations in the report.

Members were advised that there were no fixed limit only guidelines that over 70 decibels was unacceptable. Mr Willis said that the club were happy to comply with the suggested reductions.

Mr Willis drew Members attention to the letter provided by Environmental Health highlighting the following points:

- The vibration assessment concluded PPV vibration measurements were very low whilst PA systems were in operation and the greatest peaks were due to movement of people in the dwelling and the washing machine.
- Overall noise limits were set at 70 dB, which is 5 dB lower than noise council guidelines for urban stadia. The PA noise level exceeds crowd noise by 2 dB, this complies with noise council guidance for concert days of more than 4 per year.
- There were some external exceedances of noise council guidance levels of overall noise levels (Laeq) and at 125 Hz. However this was due to the PA system set with audio gain set to +7, reasonable noise levels at source can be achieved whilst not exceeding noise council guidance at nearest noise sensitive receptors by operating without audio gain.
- It is worth noting noise council guidance levels are taken at an average of 15 minute readings. Our recollection of PA systems at sports stadia is music is mostly short lived with few instances of music being played for longer than 15 minute intervals.

Mr Willis informed Members that consultation had taken place with residents and would continue throughout the development of the stadium. He said that further testing of the PA system would be required as the development of the stadium progressed. However, there would be regular meetings with residents and businesses during the build.

Mr Willis told the Licensing Sub Committee that the applicant would follow the recommendations fully to mitigate all the measures as set out in the report from Apex acoustics.

In response to Members questions it was noted that the licence would operate as it had previously on match days and for special events.

Mr Davidson a resident of the Turnways asked a number of questions in relation to the submitted information from Apex acoustics on behalf of neighbours and himself. Unfortunately some of the questions were of a technical nature and with no representative from Apex acoustics present some of the questions could not be answered by the applicant. However, Mr Willis was able to provide the following information in response to some of the questions:

- Confirmed that measures had been taken from the front of the premises not sure if measures had been taken from the rear of the premises;
- Mr Willis could not confirm whether speakers outside of the South Stand had been tested. The new stand is under construction and will be subject to a separate premises licence application.
- Any complaints should in the first instance be directed to the club who were wanting to work with the community and if not satisfied report the issue to Environmental Health Team;
- This was a hard wired system and technical issues would need to be addressed by the company as per the sighting and angle of the speakers.

It was noted that the applicant had conformed in providing the data as requested and the licensing section had allowed sufficient time for residents to respond and submit any further representations.

Mr Davidson expressed his disappointment that this process had only addressed part of the PA system and that this process would have to be gone through again next year.

Members considered all the points made at both hearings in written form and in information submitted during the hearings.

**RESOLVED** – To grant the premises licence as requested with the reduced hours. The Committee also resolved that there shall be a condition on the licence that the club must adopt the mitigation measures at paragraph 11.2 of the Apex acoustics report dated 12 November 2018, commissioned by Headingley North-South Stand Limited for South Stand Emerald Headingley Stadium at the behest of the licensing sub-committee which heard the application on 9<sup>th</sup> October 2018.

## **7      Certification of Film “Await Further Instructions”**

The report of the Chief Officer Elections and Regulatory advised Members of an application for the certification of film to be shown at the Everymen Cinema, Trinity Shopping Centre, Leeds.

The application for a film certification had been received for the film ‘Await further instructions’ from Trinity Filmed Entertainment Limited, 42a Charlotte Street, London W1T 2NP.

Members were informed that the film had been due to be released on 9<sup>th</sup> December and shown at the Everyman Cinema. However, the Everyman Cinema had withdrawn the use of its facilities to screen the film.

Members had been provided with a brief synopsis and a link to view the film.

The film is a thriller/horror and had received a British Board of Film Classification (BBFC) of 15 for home entertainment purposes. The film distributor stated that there was no sexualised violence or lingering gore.

Nobody from the production company was available to attend the hearing. However, they were available to take calls if necessary.

Members had been provided with information on the age classification scheme used by the BBFC which was appended to the submitted report.

**RESOLVED** -To grant a certification of 18 years to the film 'Await Further Instructions'.