

Licensing Sub-Committee

Tuesday, 13th August, 2019

PRESENT: Councillor P Wray in the Chair

Councillors A Hutchison and A Marshall-
Katung

1 Election of the Chair

RESOLVED – That Cllr Wray be elected 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 no formal late items add to the agenda.

However, supplementary information had been published and circulated to all parties prior to the meeting in relation to Agenda Item 6 – Application for the grant of a premises licence for rugby pitch, North, South Stand and Extentia Stands, Emerald Headingley Stadium, St Michaels Lane, Headingley, Leeds, LS6 3BR.

Two applications were received to present additional information in relation to Application for the grant of a premises licence for rugby pitch, North, South Stand and Extentia Stands, Emerald Headingley Stadium, St Michaels Lane, Headingley, Leeds, LS6 3BR, from both the applicant and one of the objectors.

The Licensing Sub-Committee and all interested parties agreed to allow the additional information to be included in the presentations:

- Correspondence and a report on additional sound testing submitted by the applicant
- Audio recording submitted by one of the objectors

5 Declarations of Disclosable Pecuniary Interests

No declarations of disclosable pecuniary interests were made.

6 Certification of Films - Leeds Festival, Bramham Park, Leeds, LS23

The report of the Chief Officer, Elections and Regulatory advised Members of an application from Film Oxford, on behalf of Festival Republic, to show a number of short films in the Cinema Tent, at Leeds Festival, Bramham Park, Thorner Lane, Leeds, LS23.

The films to be shown were currently not certified by the BBFC, to assist Members a copy of the current BBFC Classification Guidelines had been attached at Appendix A. Members had received a brief synopsis and a recommended category which was appended to the submitted report at Appendix B and provided with a link to view each of the films to be shown.

The exhibition of these films was to take place between Thursday 22nd and Sunday 25th August 2019.

Mr Mervin Belle of Film Oxford attended the meeting to answer questions from Members.

Members considered all the information presented to them.

RESOLVED – That the following films be categorised as follows:

1. [UNUM] – 15
2. Christmas on the Moon – 15
3. Dodgy Dave – 12
4. F*CK – 12
5. If you never answered x – 12
6. In a Nutshell – 12
7. Insecurity Questions – PG
8. Jon Hopkins: Singularity – PG
9. Kanari – 12
10. Mitski: A Pearl – PG
11. Mortelle – PG
12. Moth – 12
13. No, I Don't Want to Dance! – 12
14. Sex Ed – 15
15. St Anne's Well – U
16. Stormzy: Vossi Bop – 12
17. Tom Walker: Just you and I – U
18. We Summoned a Demon – 15
19. Wiley: Boasty – PG
20. Wilson – 12
21. WORK - 15

7 Application for the grant of a premises licence for Rugby Pitch, North, South and Extentia Stands, Emerald Headingley Stadium, St Michaels Lane, Headingley, Leeds, LS6 3BR

The report of the Chief Officer, Elections and Regulatory, presented an application for the grant of a premises licence for rugby pitch, North, South and Extentia Stands, at Emerald Headingley Stadium, St Michaels Lane, Headingley, Leeds, LS6 3BR.

The premises licence application was to allow the Emerald Headingley Stadium to host live music events on the pitch on 4 occasions per year. The licence would apply to the:

North, South and East Stands including the Extentia Stand;

Members were advised that at a recent premises licence application process for the South Stand, residents had raised concerns regarding potential music events taking place at the stadium. At the time the Licensing Sub Committee heard that there were no plans to hold live music events. A copy of the decision notice had been appended to the submitted report at Appendix A.

Members noted the following points:

- Applicant was Leeds Cricket, Football and Athletic Company Limited;

- The proposed designated premises supper was to be Mr John Hill;
- The application was for live music and supply of alcohol on Friday & Saturday 12:00 until 23:00 and Sunday 11:00 until 18:00;
- Maximum of 4 events per year with no more than 9,999 spectators on the Friday and Saturday events and no more than 4,999 at the Sunday event;
- The operating schedule was attached at Appendix B. Part M of the operating schedule provided measures offered as a result of consultation between the applicant and responsible authorities;
- The application had attracted representations from West Yorkshire Police. However, an agreed had been reached through negotiations and a copy of the agreement was attached at Appendix F;
- The licensing Authority was in receipt of 4 individual letters of objection on the grounds of public nuisance, redacted copies were attached at Appendix G.

In attendance at the meeting on behalf of Leeds Cricket, Football and Athletic Company Limited were:

Sue Ward

John Hill

Sian Jones

Stephanie Wright

Ms Ward informed the Licensing Sub Committee of the followings points:

- Sound reports had been submitted from tests undertaken on 16th May 2019 and 9th August 2019;
- 'The Club' wished to host 4 events the first of these in September 2019 to host Proms on the Pitch with Lesley Garrett.
- The Stadium already holds a licence for regulated entertainment the stands and now wished to have a further premises licence to hold live music events on the pitch known as the 'Rugby Bowl';
- The application was for Friday and Saturday 12:00 until 11:00pm and Sunday 11:00am until 6:00pm;
- The application was specifically for the supply of alcohol and hosting live music events;
- 30 minutes would be used to wind down and clear up;
- A risk assessment had been undertaken;
- An additional 2 conditions had been added to the operating schedule after negotiations with West Yorkshire Police these were for extra CCTV and that no more than 9,999 spectators at an event with a maximum number of 4 events per year;
- There had been 4 representations on a consistent theme of public nuisance, 'The Club' in their view had addressed the concerns that had been raised;
- The PA System was not to be used for the live music outdoor events. A specialist acoustic company called Three Spires Acoustics would be used;
- The PA System would only be used for the public safety announcements;
- 'The Club' already holds a licence for the hours specified;
- 'The Club' attends a local meeting arranged by the local ward members and the community are invited to these;
- A regular newsletter is sent to all residents;
- No bottle bins would be emptied until the following day;

- South, East and North Stands to be used only;
- A telephone number would be given to residents in case of any issues;
- The residents were invited to contact 'The Club' if they had any complaints.

Residents of The Turnways attended the meeting and informed the Members of the following points:

- The residents of the Turnways are affected by the noise from the stadium currently. They can hear the music and the announcements clearly in their homes and gardens from the numerous rugby and cricket matches;
- Mr Emly said that he had no issue with a 'Peppa Pig' event on an afternoon but raised concerns that noise would be an issue should a rock concert be playing late into the evening;
- Although a residents house on the Turnways had double glazing, music and songs can still be clearly heard in their properties;
- The testing undertaken by Apex Acoustic for a previous application had been undertaken in the South Stand and neighbouring properties, whereas this recent report filed by the applicant shows testing was only conducted within the grounds of the Stadium;
- Mr Emly was of the opinion that 'Rugby Bowl' was not the correct terminology as the stadium was not bowl shaped as it was open to the west side directly in line with the houses on the Turnways and those residents directly in line with the opening were affected by the noise;
- Mr Emly provided the sub-committee with information on the harmful effects of noise which he had got from the World Health Organisation website;
- Concerns were raised about the correlation of noise within the ground and that which can be heard in the neighbouring houses and gardens;
- Mr Shoreman who lives approximately 100 metres from the west stand played a recording which he had taken in his garden on 9th August prior to the start of a rugby match at 7:30pm;
- They said that they did not want to antagonise the applicants but work with them, they had bought the house with the full knowledge that it was close to the Stadium. They share the vision of the stadium however, the noise had become an intolerable nuisance;
- The objectors present were of the view that the assessment made by Apex Acoustic showed that the noise levels had failed on every account.
- Members heard that York and Manchester had a code of practice that they worked to when testing noise levels;
- It was noted that 'The Club' had said that on concert days the noise levels would not exceed 15 decibels. However Mr Shoreman had taken his own readings in his garden where the noise levels had exceeded an acceptable level;
- The applicant needed to realise the impact of the noise on the residents and address the noise levels outside the ground;
- Ms Stafekis and Mr Shoreman had lived at the Turnways for 4 years. Prior to the completion of the new stadium the noise levels had not been an issue. However the issues had started when they were testing the new PA System last year;
- Complaints had been raised with the Environmental Protection Team, and 'The Club' by the residents;
- The residents had been told that volume limiters were in place.

Responding to questions from Members the Sub-Committee were informed of the following points by both the applicant and the residents of the Turnways:

- The speakers are 50 metres in the air;
- All local residents are invited to the meetings hosted and by the 'The Club' on behalf of the local ward councillors. Residents are usually made aware of meetings via email;
- Leeds City Council has no code of practice in relation to noise levels for outside events but uses the national guidelines;
- The most recent volume testing had taken place on 9th August 2019 at a rugby match. Mr Shoreman had also taken his own readings in his garden and he said that the levels were well above the acceptable level;
- Anything over 80 decibels is a risk to hearing damage;
- The PA would not be used for the live music this would be managed by a company called Three Spires Acoustic and the levels would be dependent on conditions set out in the licence.
- Members thought it presumptive of 'the Club' to think that they would get a licence as it had been noted that they were already selling tickets for the Proms on the pitch on 21st September. It was noted that approximately 500 tickets had been sold;
- The applicant said that had they thought that they would be using the pitch for events they would have considered adding it to the licence when they made previous applications.
- The late item in relation to noise testing was specific to the 'rugby bowl' where the loudest point would be deep in the North Stand;
- There is telephone line which is manned to take all calls and complaints should any arise during matches and events;
- Ms Ward said that live music events were not the main role of 'the club' this would remain rugby matches. WYP had specified that there should be no more than 4 events per year with no more than 9,999 spectators;
- Initially this had been a celebration of 'the club's' anniversary in conjunction with Leeds City Council. However, it made good business sense to hold 2 events over a weekend due to time and costs for setting up the stage;
- Sound buffering had not been added to the West Terrace at the time of improvements to the stadium due to lack of funding;
- The residents were of the view that their concerns which had been raised on several occasions had been dismissed;
- The independent report had on noise levels had cost £6,000;
- A noise management plan would be undertaken if the licence was approved.

Members carefully considered all the information provided to them both written and presented at the meeting. In their deliberations Members also considered a number of different options, however some options discussed were not thought to be feasible.

RESOLVED - To grant a licence for the area to allow 2 events over 1 weekend per annum.

The committee also decided to impose the following conditions on the licence:

1. The Event Management Plan shall contain a Noise Management Strategy. The 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 the licence conditions and the Code of Practice on Environmental Noise Control 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

Once agreed the contents of the strategy shall be followed throughout the event.

2. An independent noise consultant to assess the positioning of sound sources prevent and to monitor noise throughout the event must be present. Any testing of sound equipment will not take place before 10:00 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, including from external points at the nearest noise sensitive residential properties. The noise consultant will maintain a noise log which will be available at all times for inspection by an authorised officer and for 31 days following the event.

3. A draft Event Management Plan will be made available to responsible authorities including the local authority no later than 90 days before an event. The final version of the Event Management Plan will be prepared no less than 7 days before the event.