



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/hg/townhouse

29th June 2006

APPLICATION FOR THE VARIATION OF A PREMISES LICENCE AT TOWNHOUSE, 25 CROWN STREET, LEEDS, LS2 7DA

On 19th June 2006 the Licensing Sub Committee heard an application by the Townhouse Life Limited, Shears Yard, 21 Wharf Street, The Calls, Leeds, LS32 7EQ for the variation of a premises licence at the above premises.

The applicant sought the following:

To extend licensable activities (detailed below) to the new 'lounge annexe' as marked on the revised first floor plan (number A-001.) This area was previously used as a bin store as marked on the plan number AA02.

Live music, recorded music, provision of facilities for making music, provision of facilities for dancing, provision of facilities for entertainment of a similar description, late night refreshment and sale of alcohol

Sunday to Thursday 11:00 hours until 02:00 hours (as existing)
Friday to Saturday 11:00 hours until 04:00 hours (as existing)

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.



final

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 LCC Environmental Health.

As the applicant failed to attend the hearing after giving notice that they would be in attendance, the Sub Committee resolved to hear the application in absence.

The Sub Committee then went on to consider the application.

The Hearing

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

- There shall be no external loudspeakers;
- Patrons shall not be allowed to use the balcony outside area, or any other external area, after 02:00 hours;
- The activity of persons using the outside area shall be monitored and they shall be reminded to have regard to the needs of local residents where necessary.

However the Sub Committee noted that there was still one outstanding condition which had not been agreed.

final

The decision

The Sub Committee in considering the application for variation noted that a number of agreements had been reached with LCC Environmental Health to prevent noise nuisance. However, the Sub Committee were concerned that there was still one condition outstanding, particularly as a memo from Environmental Health dated 8th June 2006 clearly stated that the premises lay in close proximity to 'an increasing number of residential flats.' The Sub Committee felt that granting the application without this outstanding condition would lead to nearby residential flats suffering noise nuisance from the premises.

Therefore the Sub Committee resolved to grant the variation application as requested, subject to those conditions already agreed with LCC Environmental Health and with the imposition of the outstanding condition. The Sub Committee felt that this was both reasonable and proportionate given the location of the premises.

Conditions

- Noise from the premises shall be inaudible at the nearest noise sensitive premises (i) after 23:00 hours and (ii) at any time when entertainment, as defined by paragraph 2 of schedule 1 of the Licensing Act 2003, takes place on no more than 30 occasions per year.

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.

Yours faithfully,

Hannah Bailey
Clerk to the Licensing Sub Committee