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PREM/04194/001

SA

Musson, Martyn

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**From:** [REDACTED]  
**Sent:** 22 June 2018 09:54  
**To:** Entertainment Licensing  
**Cc:** [REDACTED]  
**Subject:** 22 JUN 2018 Premises Licence application PREM/04194/001 at 39-41, Austhorpe Road, Cross Gates, Leeds, LS15 8BA

[REDACTED]

To: Entertainment Licensing,  
Leeds City Council,  
Civic Hall,  
Leeds,  
LS1 1UR.

Date: 22 06 18

Dear Sir,

**Re: Premises Licence application PREM/04194/001 at 39-41, Austhorpe Road, Cross Gates, Leeds, LS15 8BA**

This is an objection to this application. Whether the operator is Wetherspoons or any other chain, this is not an appropriate place to have a pub operating.

Before explaining why this is so, it is important to point out two things. First, the application does not appear to be compliant with the format required by the Licensing Act, 2003 (revised guidelines April 2018). Second, the public notice posted on the building at 39-41 Austhorpe Road does not seem to be consistent with the details posted on the portal, and could give a misleading

impression of what is proposed: namely the notice posted on the building gives the impression that the opening hours will be 2.5 hours shorter daily than what is cited on the portal.

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- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

In considering these objectives, it is important to note that the site is at the extreme eastern edge of the area designated by LCC as Cross Gates 'Town Centre', and the premises are as close to residences as can be. Three dwellings are actually attached to the premises, the dwellings in Beulah Terrace on North Road look directly from bedroom windows across the road into the beer garden, and the dwellings at East view behind the site are literally adjacent to it. There is no hint of this, or any other factual information about the relationship of the site to its surroundings, as the text is entirely generic, contrary to the April 2018 Guidance. This is apparent in the consideration of each of the licensing objectives in relation to the specific site.

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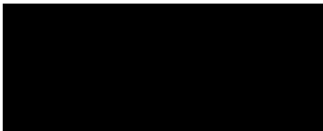
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Consequently, far from helping to promote the statutory licensing objectives, this application actively works against them, especially in terms of its cumulative impact. Accordingly, the application should not be approved, especially in its current noncompliant form. If the Entertainment Licensing Panel is nevertheless minded to approve the application, strong conditions should be applied to limit harm to nearby residents. In particular limiting hours of opening from midday until 11pm every day, with no weekend late night refreshment. A ceiling on maximum numbers in the pub, say 250, would be appropriate too.

ENTERTAINMENT LICENSING

Yours faithfully,



22 JUN 2018

RECEIVED

②

PREM/04194/001

Musson, Martyn

ENTERTAINMENT LICENSING

From:

Sent:

To:

Subject: 22 JUN 2010

22 June 2018 22:34

Entertainment Licensing

Wetherspoon Crossgates

SA

RECEIVED

I support the above application

Sent from my iPhone

3



PREM/04194/001

SA

To: Entertainment Licensing,  
Leeds City Council,  
Civic Hall,  
Leeds,  
LS1 1UR.

25 JUN 2018  
RECEIVED

Date: 22nd JUNE 2018

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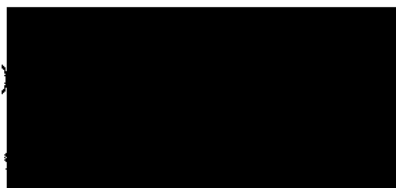
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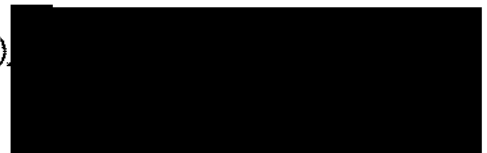
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Yours faithfully,

SIGNATURE(s)



NAMES(s)



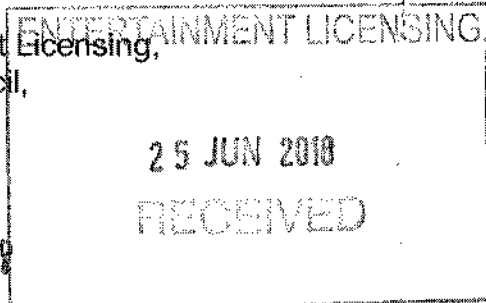
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PREM/04194/001

JA



To: Entertainment Licensing,  
Leeds City Council,  
Civic Hall,  
Leeds,  
LS1 1UR.



Date: 22/6/18

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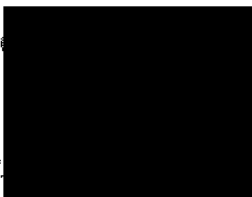
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SIGNATURE(s)



NAMES(s)





5

Prem / 04194/001

ENTERTAINMENT LICENSING

26 JUN 2018  
RECEIVED

To: Entertainment Licensing,  
Leeds City Council,  
Civic Hall,  
Leeds,  
LS1 1UR.

Date:

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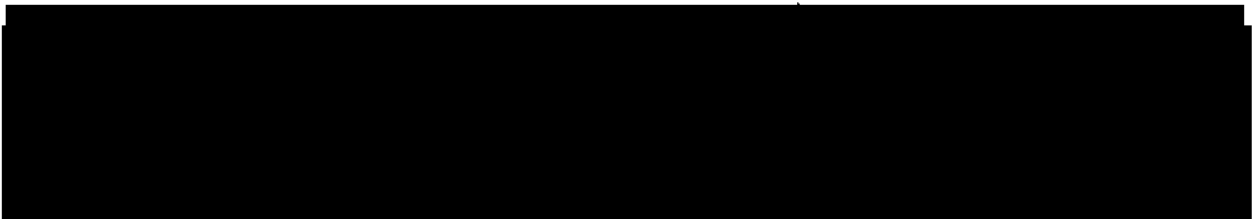
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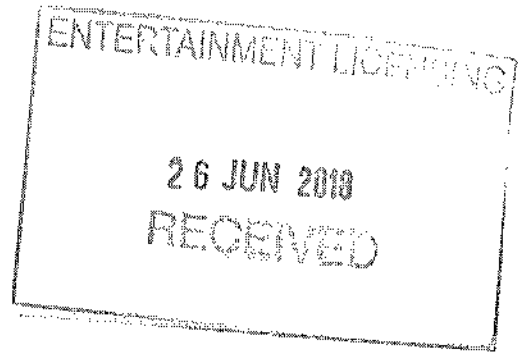
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Yours faithfully,

A large black rectangular redaction box covering the signature and name of the sender.



⑥

To: Entertainment Licensing,  
Leeds City Council,  
Civic Hall,  
Leeds,  
LS1 1UR.

Date: 23d June 2019

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The attraction of large numbers of cars to the site will cause parking problems for residents in already overcrowded streets. Residents, who already use the residents parking scheme, regularly return home to find people whom are using the Estate Agents & Banks, parking outside their houses and in their parking spaces. The application makes no mention of any of these factors, or the shortage of parking spaces at the venue, or how they are to measure this impact on the residents, who will be affected by increase of cars and people.

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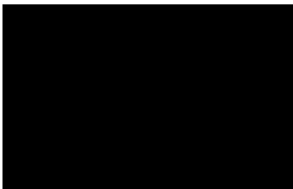
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Yours faithfully,

SIGNATURE(s)



NAMES(s)



7

PREM/04194/001

Musson, Martyn LICENSING

From: [REDACTED]  
Sent: 26 June 2018 19:59  
To: 26 JUN 2018 Entertainment Licensing  
Subject: RECEIVED Licensing application ref PREM/040194/001 39-41 Austhorpe Road Leeds 15

JA

[REDACTED]

I wish to strongly express my concerns over the proposal of the licensing hours on the above development. First and foremost because of its location ...the public nuisance factor will always be a major concern. The patrons of this establishment will have no thought or consideration when leaving to head home after midnight..

Wetherspoons can enforce responsible behaviour only up to the point when patrons vacate their building....after that...rowdy..aggressive behaviour will be very likely after hours of cheap drinking. Austhorpe Road is a black site for fatal accidents...this will be exacerbated 100% when irresponsible drinkers leave the pub...nipping over the road for taxis..buses or in search of takaways. We must also not forget...the beer garden practically runs along/back onto peoples back gardens and side streets where children play... Who.s to say..less scrupulous patrons ..those with unsavoury intentions..would use the opportunity and location to use inappropriate behaviour and foul talk around these minors. Again I say..Wetherspoons have no control over any behaviour that happens outside the confines of their doors.

The refusal or approval of this application...should be given serious and deep thought on these and other concerns that have been expressed.

Yours faithfully

[REDACTED]

Sent from my Samsung Galaxy smartphone.

8

PREM/04194/001

Musson, Martyn

ENTERTAINMENT

From: [REDACTED]  
Sent: 27 June 2018 07:08  
To: Entertainment Licensing  
Subject: 27 JUN 2018 Wetherspoons Application Leeds 15

JA

RECEIVED

Dear Sirs,

**RE: Premises Licence Application PREM/04194/001. Austhorpe Road, Crossgates, LEEDS LS15 8BA**

We wish to object to the granting of the above application on the following grounds.

Prevention of public nuisance and impact on local community.

Planning for 550 customers, even if not always filled to capacity, is bound to generate noise both during opening hours and as people are leaving, no doubt many in groups and in a state of inebriation. Additional noise will come from banging of car doors and taxi horns and their inappropriate parking. The latter may be against the law, but is one a local taxi company totally disregard. Any company will have no impact upon the behaviour of customers who have left the premises. No parking is available to meet the requirements of customers and it is suggested nearby residential streets will us used. Public nuisance will certainly be the result when groups of people are walking to their cars, possibly in the early hours of the morning. Also residents may have to park several streets away to get to their own homes!

Crime Prevention.

A large percentage of domestic burglary and damage happens late at night, with alcohol being an important factor. It can be expected that an increase in the numbers of people in this residential area who may be affected by drink will have a corresponding increase in the instances of public disorder. The later the closing time, the greater the possibility for customers to have become more inebriated and display anti social behaviour with disruption to the local community. A feature of this locality is many small unlit ginnels and back streets where illegal activities such as drug dealing, burglary and assaults could become a problem.

Public order and safety

The proposed premises is equidistant from four other pubs in the area, the Barnbow, the Station, The Travellers and The Devon. There is a definite potential for groups travelling between these premises to cause noise, disruption and public order in surrounding streets. This already happens to a lesser degree in my own street with groups travelling between the Barnbow and the Station Hotel. Litter is thrown into gardens, items stolen and wing mirrors smashed. This situation can only get worse should this application be allowed. Additionally Austhorpe Road is already very busy and large numbers of customers affected by beer may cause accidents and injuries. This is a very real danger, the latest near miss when two young men ran across the road without looking and a serious accident narrowly avoided happened only yesterday evening. One of the major issues that I do not feel has been appropriately addressed is the danger to the public and vehicles of the planned deliveries to these premises. The frontage of the site is already busy all day due to the bus stop, often with up to 40 people waiting for the buses which arrive every 5 minutes or so. To even suggest unloading a HGV and delivering barrels of beer and other beverages though this crowd of people is ludicrous. Unlike the Wetherspoons management and those who approved planning, I am a frequent user of this bus stop, and know most of the passengers are either elderly, disabled or with small children. Also, traffic here is already a serious problem, please see recent notices of concern on the Crossgates local facebook pages.

We are aware of the planning permission for this site, but do not consider that sufficient attention has been given to local concerns about the impact the proposal will have on surrounding areas where there is more than sufficient capacity to meet the needs of customers. Should this licencing application be approved I suggest there be limitations made on opening hours to bring them into line with other premises, closing times to be 11pm and with no late night opening. A reduction on proposed numbers from 550- 250 would also be appropriate.

Regards



9



PREM/04194/001

SA

To: Entertainment Licensing,  
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Leeds,  
LS1 1UR.

27 JUN 2018

Date:

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Public Safety: the location of the pub almost equidistant between three other pubs (The Station, Bambow and New Travellers Rest) will encourage crowds, accentuating the risk of affrays, and malicious damage to surrounding properties (as we experienced in the past when the old Manston pub operated). There are not sufficient police available in the event of serious disturbances. Further, having a pub at this busy location raises the risk of road accidents with patrons passing back and forth between the pub and the shopping centre: you don't have to be drunk to be at risk, small amounts of alcohol may cloud your judgement as you dodge in and out of the traffic flow. The last fatal accident near this site was to an 83 year old lady on 26 November 2014, struck by a lorry. The application makes no mention of these safety issues.

Protection of Children from Harm: unsupervised children of teenage years will be drawn to a facility such as this at late hours, even if they do not succeed in getting in. No mention is made of this in the application. *Children of school age may also be harmed as the close location to homes could keep children awake at night which could have knock on effect at school.*

Consequently, far from helping to promote the statutory licensing objectives, this application actively works against them, especially in terms of its cumulative impact. Accordingly, the application should not be approved, especially in its current noncompliant form. If the Entertainment Licensing Panel is nevertheless minded to approve the application, strong conditions should be applied to limit harm to nearby residents. In particular limiting hours of opening from midday until 11pm every day, with no weekend late night refreshment. A ceiling on maximum numbers in the pub, say 250, would be appropriate too.

Yours faithfully,

SIGNATURE(s)



NAMES(s)



10

SIA

PREM/04194/001

Musson, Martyn

ENTERTAINMENT LICENSING

From: [REDACTED]

Sent: 27 June 2018 20:36

To: Entertainment Licensing

Cc: [REDACTED] Grahame, Cllr Pauleen; Gruen, Cllr Peter; [REDACTED]

27 JUN 2018

Subject: Objection to Licensing Application LS15 8BA

Please find attached a letter written by [REDACTED] I attach this as it covers the concerns of myself and my husband quite well but I would like to add some personal experience to this in order to show how the points outlined below are actually affecting residents.

We live very closely to the site acquired by Wetherspoons and have a number of concerns about the operating of any public house this close to residential homes. There are already a number of antisocial individuals that cause disruption when they choose to, a public house this close to homes is only going to exacerbate this situation. If police are called they either don't attend or come the next day when nothing can be done. When police do come, they move individuals only for them to return later.

Traffic and parking is particularly difficult in this location. The council have already acknowledged this and implemented various changes to the roads to reduce accidents on this particular stretch of road following accidents, near misses and deaths. I do not feel that any of the measures have helped (especially the one way system on Tranquility which is now more dangerous than ever with people speeding the wrong way down the road when they realise their error and the trouble encountered when deliveries are made to local businesses) but certainly adding to the burden with more deliveries is only going to increase pressure along this road and cause more accidents.

Drivers do not take any notice of the parking restrictions; they park on pavements, in restricted areas and block driveways. An increase in congestion and the number of cars visiting the area (however slight the increase) is going to add to the problems. We have personally suffered losses when a truck delivering to [REDACTED] and one of our cars repeatedly when parked cars nearby made manoeuvring difficult. The driver quite literally lost his patience and just drove into everything and anything in his way to get out of the area. People could have been killed, there were plenty about in cars and on foot and the driver eventually sped off like a lunatic. We are still suffering from increased home and motor insurance policies despite the lack of fault on our part.


We have previously suffered damage to our cars on an evening by vandals, we've had wing mirrors broken off (several), paint poured over one car, damage to another by drunks kicking it. We have had to pay thousands of pounds for our back garden to incorporate a drive to help reduce these issues.

Just recently, I feel the level of antisocial behaviour seems to have reduced. I finally feel that our area has returned to its original peaceful state and I enjoy living here again. We now have a number of successful local businesses operating that do not attract the kind of clientele I fear Wetherspoons will. We have La Cantina, Nawaz, Masala Hut, The Black Olive, Zorbas and Bar Locus that all offer a variety of offerings without antisocial behaviour. We have 3 public houses in the vicinity that offer the "pub experience" for those wanting it and a number of food outlets for snacks and meals throughout the day. Walking past the

pubs is unpleasant at best with hoards of people all smoking in the doorway. I don't feel that we need another pub in the area but if Wetherspoons did want to introduce themselves to the area I feel there must be better locations than the building they seem hell bent on!! They do not seem to have any consideration for those around the building (only the profit they see they can make!!) Deliveries will be awkward, outdoor drinking will be limited (or will overflow close to people's houses) and disruptive, parking for families who choose to visit for cheap food will end up being local residential streets since there are barely any traffic wardens visiting any more and causing more congestion and misery for local residents.

It is a well known fact that the consumption of alcohol increases the likelihood of antisocial behaviour occurring. It seems wholly unfair that this ought to be on people's doorsteps who do not want this in the first place! The needs (or wants) of the wider community seem to be taking precedence over the inconvenience of those in the immediate vicinity who will be affected daily by this new business. If this public house really must go ahead, then can we at least have some sensible licensing arrangements? Both of my daughters have worked for Wetherspoons whilst students, when licensing finishes at a given time, clearing up can take a good 3 hours after this! So a closing time of midnight for example could still see noise and disruption until 3am for houses attaching or nearby. Early morning deliveries are made as people are leaving for work causing more problems on the roads and noise for those at home.

Please consider carefully the benefits of this public house when agreeing licensing terms. If this must go ahead against our wishes then surely they timings can be negotiated...?



To: Entertainment Licensing,  
Leeds City Council,  
Civic Hall,  
Leeds,  
LS1 1UR.

Date: 27th June 2018

Dear Sir,

**Re: Premises Licence application PREM/04194/001 at 39-41, Austhorpe Road, Cross Gates, Leeds, LS15 8BA**

This is an objection to this application. Whether the operator is Wetherspoons or any other chain, this is not an appropriate place to have a pub operating.

Before explaining why this is so, it is important to point out two things. First, the application does not appear to be compliant with the format required by the Licensing Act, 2003 (revised guidelines April 2018). Second, the public notice posted on the building at 39-41 Austhorpe Road does not seem to be consistent with the details posted on the portal, and could give a misleading impression of what is proposed:

namely the notice posted on the building gives the impression that the opening hours will be 2.5 hours shorter daily than what is cited on the portal.

The licensing objectives, under current legislation, are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

In considering these objectives, it is important to note that the site is at the extreme eastern edge of the area designated by LCC as Cross Gates 'Town Centre', and the premises are as close to residences as can be. Three dwellings are actually attached to the premises, the dwellings in Beulah Terrace on North Road look directly from bedroom windows across the road into the beer garden, and the dwellings at East view behind the site are literally adjacent to it. There is no hint of this, or any other factual information about the relationship of the site to its surroundings, as the text is entirely generic, contrary to the April 2018 Guidance. This is apparent in the consideration of each of the licensing objectives in relation to the specific site.

Prevention of Public nuisance: A pub with 550 seating capacity plus beer garden is bound to generate noise while open till late, and commotion as it empties. Raised voices, slamming of car doors, general comings-and-goings at the times envisaged, immediately adjacent to a quiet, residential area, constitute public nuisance. No amount of signage inside the pub will stop this. The attraction of large numbers of cars to the site will cause parking problems for residents in already overcrowded streets nearby. The application makes no mention of any of these factors.

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Consequently, far from helping to promote the statutory licensing objectives, this application actively works against them, especially in terms of its cumulative impact. Accordingly, the application should not be approved, especially in its current noncompliant form. If the Entertainment Licensing Panel is nevertheless minded to approve the application, strong conditions should be applied to limit harm to nearby residents. In particular limiting hours of opening from midday until 11pm every day, with no weekend late night refreshment. A ceiling on maximum numbers in the pub, say 250, would be appropriate too.

Yours faithfully,

SIGNATURE(s)

A solid black rectangular redaction box covering the signature area.A solid black rectangular redaction box covering the name area.

Sent from my iPad

11

PREM/04194/001

SIA

To: Entertainment Licensing,  
Leeds City Council,  
Civic Hall,  
Leeds,  
LS1 1UR.

Date:

27 JUN 2018

Dear Sir,

**Re: Premises Licence application PREM/04194/001 at 39-41, Austhorpe Road, Cross Gates, Leeds, LS15 8BA**

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Yours faithfully,

SIGNATURE(s) 

12

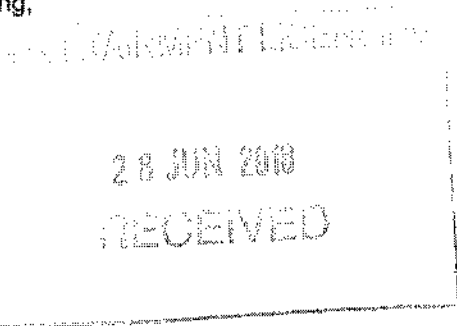
From



PREM/04194/001

JA

To: Entertainment Licensing,  
Leeds City Council,  
Civic Hall,  
Leeds,  
LS1 1UR.



Date: 23/6/18

Dear Sir,

**Re: Premises Licence application PREM/04194/001 at 39-41, Austhorpe Road, Cross Gates, Leeds, LS15 8BA**

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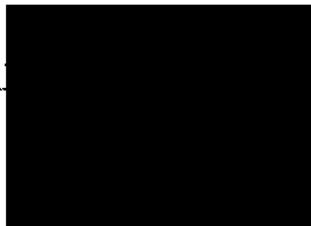
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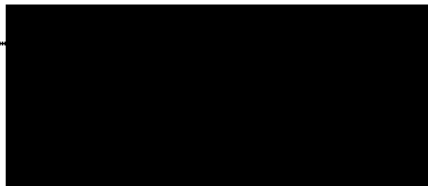
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Yours faithfully,

SIGNATURE(s)



NAMES(s)



13

From:



ENTERTAINMENT LICENSING

PREM/04194/001

28 JUN 2018

SA

RECEIVED

To: Entertainment Licensing,  
Leeds City Council,  
Civic Hall,  
Leeds,  
LS1 1UR.

Date: 28<sup>th</sup> June 2018

Dear Sir,

**Re: Premises Licence application PREM/04194/001 at 39-41, Austhorpe Road, Cross Gates, Leeds, LS15 8BA**

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Yours faithfully,

[Redacted]

SIGNATURE:

[Redacted]

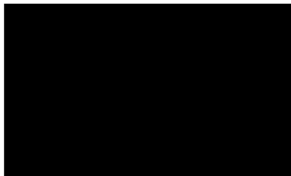
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28 JUN 2018

RECEIVED

PREM/041914/001

SIA



Entertainment Licensing Department  
Leeds City Council  
Civic Hall  
Leeds  
LS1 1UR


(Original sent by email)

28 June 2018



Dear Sir,

Please find attached an objection to the license application by JD Wetherspoon for 39-41 Austhorpe Road in Leeds.

For clarification, I do not live in the area of the proposed pub. I have been asked to make this representation on behalf of concerned local residents who live in Crossgates, specifically  and the members of Cross Gates Watch.

The residents that make up this group cannot afford the same professional representation as the applicant, and I am providing expert advice and advocacy to them on a pro-bono basis.

**Advertisement**

I note that the blue notice posted at the site by the applicant specifies opening times as follows:

**Sale of Alcohol**

Sun - Thu      09:00 - 23:00  
Fri & Sat      09:00 - 00:00

This conflicts with the application lodged with the authority, which specifies:

Sun - Thu      07:00 - 23:30  
Fri & Sat      07:00 - 00:30

I note that the blue notice is a key requirement under the Licensing Act. I note that under the latest S182 guidance, the inclusion of accurate opening times are listed as a requirement for

such notices in para 8.82.

I note that the function of the blue notice is to inform local residents of the proposed opening hours, which are a key factor in deciding whether to lodge an objection. I also note that in the case of this site, the blue form has been reproduced on social media, where it has gained further publicity.

*To ensure consistency, the application form must be amended to reflect the times posted on the blue notice at the site (0900-2300 and 0900-0000.)*

### **Public Nuisance**

Residents living near the site have significant concerns about the impact of the proposed pub, specifically:

- i. Noise from the beer garden impacting on their amenity, particularly before 9am and after 11pm. Noting that there are a number of children and elderly people who live close to the site.
- ii. Noise from people exiting the premises in the evening, with particular concern at noise after 11pm which will disturb sleep.
- iii. Noise from ventilation equipment and related plant at the site, with particular concern at plant that runs after 11pm.
- iv. Customers who use the smoking shelter will over-spill into the beer garden causing consequent noise after the agreed cut-off time of 22:00.

### *Beer garden noise*

The applicant has accepted that this is a sensitive site, having made changes to their design, for example, by conducting a noise study, and incorporating a 3m high wall to reduce noise levels.

I note that the noise study commissioned by the applicant was the subject of significant dispute during the planning process. I also note that the consultant made a series of projections for noise levels at the site as a result of activity in the beer garden. Such projections were disputed by the local councillors, but accepted by the inspector.

Although the method used by the noise consultant was disputed, it is agreed by all parties that *if* noise levels from the beer garden stay within the levels predicted, the likelihood of disturbance will be reduced. I note that the EHO was willing to accept the scheme only on the basis of the noise predictions made.

It is therefore reasonable to ask the licensing authority to consider measures that will ensure noise levels are maintained within the limits predicted by the applicant.

The applicant has accepted in their noise report, and in proposed conditions, that customers will raise their voices on occasion. They suggest a condition that encourages bar staff will deal with this on an ad-hoc basis.

This condition is inadequate, imprecise and difficult to enforce. It fails the tests of the S182 guidance for conditions (which are noted below.)

In respect of the beer garden, I note that it is unlikely that staff working at the bar (inside the premises) will be aware of behaviour in the beer garden (which is unstaffed). I also note that noise is most likely to occur when the premises is busy, at which time staff will be focussed on other activities (such as serving food and drink.)

Given that: 1) the applicant is asking for approval on the basis noise does not exceed the predicted levels; 2) noise from the beer garden is a clear and identified public nuisance risk; and 3) that this matter is a key concern for residents and councillors; the condition should be changed to require installation of a noise monitoring unit in the beer garden, with a visual alert behind the bar. This will ensure that should noise exceed predicted levels, staff are made immediately aware of the issue, and can address the situation pro-actively.

Such monitoring does not disadvantage the operator, as it simply ensures that should noise exceed the predicted and agreed levels, that staff are made aware of it in a timely manner.

I note that noise monitoring systems are a common feature in nightclubs, industrial units, hospitals and classrooms. There are a number of systems on the market that provide a visual warning when the noise level exceeds a pre-set level.

In the case of the Austhorpe Road site, such a system would allow staff be pro-active in managing customer noise. The resultant prompt intervention by staff will help ensure that nuisance by way of noise does not impact the residents of adjoining properties. It will also avoid unnecessary calls and expense for the councils environmental health department. This is a positive situation for all parties.

Such a condition is consistent with the S182 guidelines which state that all conditions:

- \* must be appropriate for the promotion of the licensing objectives;
- \* must be precise and enforceable;
- \* must be unambiguous and clear in what they intend to achieve;

I note that such systems are low cost (in relation to the overall development) costing in the range of £500-£1,000.

In summary, installation of a noise monitor in the beer garden, with a warning light behind the bar, would allow staff to intervene should levels exceed the levels specified in the applicants

noise report. This would mitigate the main risk from the development in terms of disturbance due to noise. A condition requiring a noise monitor is effective and precise and does not disadvantage the operator. It thus meets the tests put forward in the S182 guidance in a way that the current proposed control measures do not.

#### *Smoking Shelter*

The applicant accepts that the beer garden should close at 22:00 but proposes a smoking shelter to remain open until 23:00. The beer garden and smoking area are not separated, and utilise the same exit at the rear of the premises.

There will be no physical barrier to stop people using the beer garden when they use the smoking shelter, and it is thus inevitable that people will spill out into the beer garden after 22:00 contrary to the conditions of the development.

To prevent this from occurring we propose a physical barrier (for example a rope line) is erected each day at 22:00 to prevent customers from accessing the main beer garden. This measure is low cost and straightforward to implement, and will greatly reduce the risk of customers spilling out into the beer garden contrary to the agreed conditions.

#### *Summary*

In summary, to address the public nuisance issues the following conditions are proposed:

C1) Installation of a noise monitor that records levels of noise from the beer garden. The monitor will alert staff when noise exceeds the level projected by the applicant (65db or other level to be advised by EHO) such that customers can be advised accordingly.

C2) Temporary physical barrier to be erected in the beer garden each day at 22:00, to prevent customers spilling out from smoking shelter to the beer garden.

C3) Ventillation equipment and other plant to be switched off by 22:00 every day of the week.

#### **Protection of Children from Harm**

I note that there are four schools in close proximity to the site, these being:

Manston Primary  
Manston St James  
Cross Gates School  
Parklands Primary

In addition to schools, there are a number of private nurseries near the site which provide child-care to children below school age.

While the schools and nurseries do not immediately adjoin the site, it is important to recognise that 39 Austhorpe Road is immediately adjacent to a bus stop which serves several routes in and out of central Cross Gates. This bus stop is very busy, and is often used by children who are transitting to and from school, or to and from the town centre. As a result, children will often sit at the bus stop for prolonged periods.

The main frontage of the proposed pub is directly adjacent to the bus stop where children wait.

To protect such children, the following conditions are proposed:

C4) No advertising that promotes low cost alcohol to be placed in the windows or other signage that faces Austhorpe Road.

C5) Staff to conduct regular checks at the front of the building to ensure no loitering customers, broken glass, or other risks - during times when school children will be using the bus to and from school (8-9am if 7am opening allowed, and 3-5pm, on weekdays)

#### **Public Safety**

As noted above, there is a major bus stop immediately adjacent to the site.

The transport department has identified risks with deliveries and the applicant has accepted during the planning process that deliveries will be problematic. I note that the applicant has made modifications to their scheme to take this into account. I note that the applicant has also agreed to contribute to changes in the road layout through a S106 obligation.

Deliveries to the site will be made by truck, and delivery crew will need to wheel large cages and beer barrels to and from the kerbside, past the bus-stop, to the lift at the front of the building. Such cages and barrels are heavy, and will from time to time topple over causing risk to members of the public.

To ensure that public safety is maintained during deliveries the following condition is required:

C6) To ensure safety of the public during deliveries, a staff member will at all times supervise the movement of goods from the delivery lorry to the loading bay and ensure that individuals using the pavement and bus stop are not put in danger.

#### **Summary**

The application in it's current form does not match the blue notice posted at the site. The opening hours in the application must be amended to match the blue notice.

The site is in a sensitive location, and there are a number of issues that the applicant has not considered in making their application.



These issues can be addressed by inclusion of the following conditions:

C1) Installation of a noise monitor that records levels of noise from the beer garden. The monitor will alert staff when noise exceeds the level projected by the applicant (65db or other level to be advised by EHO) such that customers can be advised accordingly.

C2) Temporary physical barrier to be erected in the beer garden each day at 22:00, to prevent customers spilling out from smoking shelter to the beer garden.

C3) Ventillation equipment and other plant to be switched off by 22:00 every day of the week.

C4) No advertising that promotes low cost alcohol to be placed in the windows or other signage that faces Austhorpe Road.

C5) Staff to conduct regular checks at the front of the building to ensure no loitering customers, broken glass, or other risks - during times when school children will be using the bus to and from school (8-9am if 7am opening allowed, and 3-5pm, on weekdays)

C6) To ensure safety of the public during deliveries, a staff member will at all times supervise the movement of goods from the delivery lorry to the loading bay and ensure that individuals using the pavement and bus stop are not put in danger.

Without such conditions, we suggest the application does not fulfill the requirements of the Licensing Act, and must be refused.

Yours faithfully

A solid black rectangular box used to redact the signature of the official.

**Musson, Martyn**

---

**From:** [REDACTED]  
**Sent:** 28 June 2018 18:42  
**To:** Entertainment Licensing  
**Subject:** 28 JUN 2018 Representation in relation to 39 Austhorpe Road  
**Attachments:** austhorpe\_road.pdf

Hi,

Please find attached a representation in relation to the above site and the application by JD Wetherspoon PLC for a premises license.

Please acknowledge receipt.

Thanks

[REDACTED]

15

PREM/04194/001

Musson, Martyn

ENTERTAINMENT LICENSING

From: [REDACTED] SA

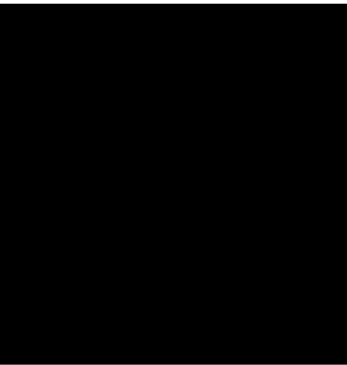
Sent: 28 June 2018 19:33

To: Entertainment Licensing

Cc: 28 JUN 2018 [REDACTED]

Subject: Licensing application for proposed Wetherspoon (application number PREM/04194/001) at 39-41 Austhorpe Road, Leeds, LS15

From:



To: Entertainment Licensing,  
 Leeds City Council,  
 Civic Hall,  
 Leeds,  
 LS1 1UR.

28/06/18

Re: Premises Licence application PREM/04194/001 at 39-41, Austhorpe Road, Cross Gates, Leeds, LS15 8BA

I would like to object to the application for a license at the premises above.

- The location is entirely unsuitable for a pub which will have a capacity of 500+ seats, as it is very close to a large number of private residences. One private residence is actually attached to the building, and there are two other rows of terraced housing which are very close. (Beulah Terrace is 20 feet from the proposed Wetherspoons, and East View is 17 feet away.) The noise for these residents will make living in their houses intolerable.
- There is little dedicated parking. The Crossgates Centre paid for parking closes around 6pm, which means that after this time, customers of Wetherspoons will be parking on quiet residential streets. Most of these streets do not have allocated parking spaces, which means that residents will be competing with customers of Wetherspoons in order to park their cars, and will be woken by noise late into the night as customers leave the pub. In a city centre Wetherspoons it is fine to have no parking, as the city centre has excellent transport links, however in the evening the majority of customers in Crossgates will drive or be picked up by taxi.

- The opening hours are entirely unsuitable for a pub located in this quiet residential location. Residents will be disturbed by antisocial behaviour particularly as the pub empties. There is a large beer garden which will create a great deal of noise well into the early hours. Wetherspoons may argue that the pub is in the middle of a busy commercial area, however it will be located right on the edge of the shopping area, directly adjoining residential areas and everything is closed in Crossgates by 11pm, except from a small handful of takeaways.
- There is no market need for a Wetherspoons in Crossgates, either for people dining or drinking in the evenings. In the daytime the Crossgates centre provides a large number of different places to eat, including places which serve very similar food to Wetherspoons as well as other cafes and restaurants. In the evening there are two other large capacity pubs which sell drinks at a reasonable price and importantly have large capacity car parks. (The Traveller's Rest and the Barnbow.) There are also several smaller capacity pubs in addition to these two large establishments.
- There are also road safety concerns, as the Wetherspoons pub would be located directly outside a busy bus stop (250 buses per day). As it wouldn't have a suitable car park, there will be serious problems with taxis or private cars dropping off customers. These problems will cause congestion but also pose a hazard to pedestrians. (As a worst case example of the danger of this busy road, there was a fatality in 2014 on Austhorpe Road when a lorry killed a pedestrian in the middle of the day.)

In conclusion, the proposed large capacity Wetherspoons is in entirely the wrong place (a quiet residential area), and does not meet a particular need in the community of Crossgates which already has a good selection of reasonably priced pubs and eateries. Instead it will significantly reduce the quality of life of a large number of residents. It may fill a vacant building, but at great cost to the residents of Crossgates who will suffer as a result.

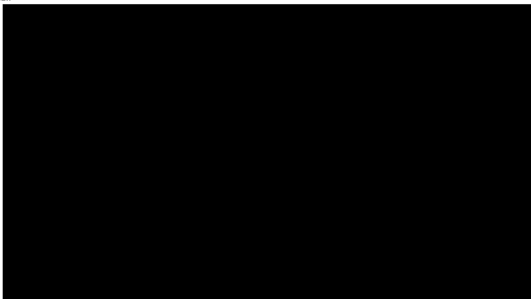
Please register our objection and reject this licensing objection.

Yours faithfully,



16

PREM/04194/001



To: Entertainment Licensing,  
Leeds City Council,  
Civic Hall,  
Leeds,  
LS1 1UR.

Date: 26/6/2018

20 JUN 2018  
10:54 AM

Dear Sir,

**Re: Premises Licence application PREM/04194/001 at 39-41, Austhorpe Road, Cross Gates, Leeds, LS15 8BA**

This is an objection to this application. Whether the operator is Wetherspoons or any other chain, this is not an appropriate place to have a pub operating.

Before explaining why this is so, it is important to point out two things. First, the application does not appear to be compliant with the format required by the Licensing Act, 2003 (revised guidelines April 2018). Second, the public notice posted on the building at 39-41 Austhorpe Road does not seem to be consistent with the details posted on the portal, and could give a misleading impression of what is proposed: namely the notice posted on the building gives the impression that the opening hours will be 2.5 hours shorter daily than what is cited on the portal.

The licensing objectives, under current legislation, are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

In considering these objectives, it is important to note that the site is at the extreme eastern edge of the area designated by LCC as Cross Gates 'Town Centre', and the premises are as close to residences as can be. Three dwellings are actually attached to the premises, the dwellings in Beulah Terrace on North Road look directly from bedroom windows across the road into the beer garden, and the dwellings at East view behind the site are literally adjacent to it. There is no hint of this, or any other factual information about the relationship of the site to its surroundings, as the text is entirely generic, contrary to the April 2018 Guidance. This is apparent in the consideration of each of the licensing objectives in relation to the specific site.

Prevention of Public nuisance: A pub with 550 seating capacity plus beer garden is bound to generate noise while open till late, and commotion as it empties. Raised voices, slamming of car doors, general comings-and-goings at the times envisaged, immediately adjacent to a quiet, residential area, constitute public nuisance. No amount of signage inside the pub will stop this. The attraction of large numbers of cars to the site will cause parking problems for residents in already overcrowded streets nearby. The application makes no mention of any of these factors.

Prevention of Crime and Disorder: A pub operation such as this, at this time of night, has the distinct possibility of encouraging undesirable elements, from near and far, to congregate in the one spot, with criminal activities of many kinds (drug-dealing being one) ensuing. We have past experience of this. But the dark nooks and crannies and unlit ginnels and streets behind the pub will provide an ideal environment for diverse criminal activities. The application makes no mention of this.

Public Safety: the location of the pub almost equidistant between three other pubs (The Station, Barnbow and New Travellers Rest) will encourage crowds, accentuating the risk of affrays, and malicious damage to surrounding properties (as we experienced in the past when the old Manston pub operated). There are not sufficient police available in the event of serious disturbances. Further, having a pub at this busy location raises the risk of road accidents with patrons passing back and forth between the pub and the shopping centre: you don't have to be drunk to be at risk, small amounts of alcohol may cloud your judgement as you dodge in and out of the traffic flow. The last fatal accident near this site was to an 83 year old lady on 26 November 2014, struck by a lorry. The application makes no mention of these safety issues.

Protection of Children from Harm: unsupervised children of teenage years will be drawn to a facility such as this at late hours, even if they do not succeed in getting in. No mention is made of this in the application.

Consequently, far from helping to promote the statutory licensing objectives, this application actively works against them, especially in terms of its cumulative impact. Accordingly, the application should not be approved, especially in its current noncompliant form. If the Entertainment Licensing Panel is nevertheless minded to approve the application, strong conditions should be applied to limit harm to nearby residents. In particular limiting hours of opening ~~to 11pm~~ until 11pm every day, with no weekend late night refreshment. A ceiling on maximum numbers in the pub, say 250, would be appropriate too.

Yours faithfully,

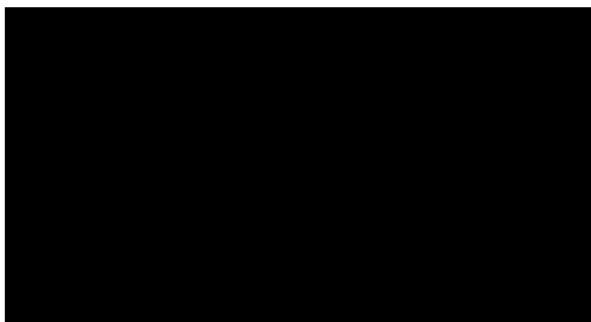
SIGNATURE(s) \_\_\_\_\_

[REDACTED]

NAMES(s) \_\_\_\_\_

[REDACTED]

17



27/06/18

PREM/04194/001

SA

To: Entertainment Licensing,  
Leeds City Council,  
Civic Hall,  
Leeds,  
LS1 1UR.

23 JUN 2018

Date:

Dear Sir,

**Re: Premises Licence application PREM/04194/001 at 39-41, Austhorpe Road, Cross Gates, Leeds, LS15 8BA**

This is an objection to this application. Whether the operator is Wetherspoons or any other chain, this is not an appropriate place to have a pub operating.

Before explaining why this is so, it is important to point out two things. First, the application does not appear to be compliant with the format required by the Licensing Act, 2003 (revised guidelines April 2018). Second, the public notice posted on the building at 39-41 Austhorpe Road does not seem to be consistent with the details posted on the portal, and could give a misleading impression of what is proposed: namely the notice posted on the building gives the impression that the opening hours will be 2.5 hours shorter daily than what is cited on the portal.

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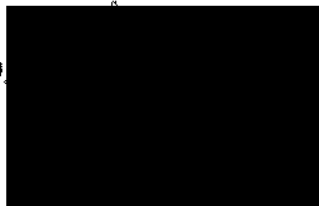
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Yours faithfully,

SIGNATURE(s)



NAMES(s)



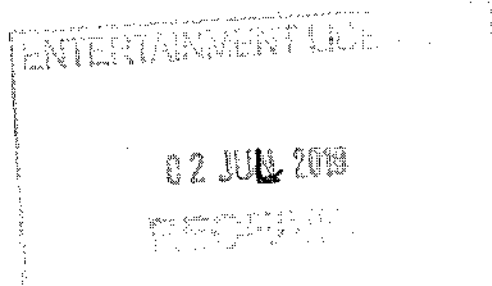


PREM/04194/001 SA

To: Entertainment Licensing,  
Leeds City Council,  
Civic Hall,  
Leeds,  
LS1 1UR.

Date:

Dear Sir,



**Re: Premises Licence application PREM/04194/001 at 39-41, Austhorpe Road, Cross Gates, Leeds, LS15 8BA**

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SIGNATURE(s) \_\_\_\_\_ NAMES(s) \_\_\_\_\_

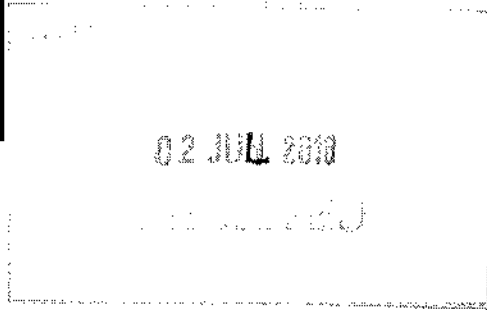
I totally agree with the points raised here. This development will severely impact on the residents of the cottages Beulah Terrace + East View + diminish their well being. There are already five restaurants on Amsthorpe Road - four with alcohol licence - with the possibility of another! This is the wrong development in the wrong place.

19

PREM/04194/001

SA

From:



To: Entertainment Licensing,  
Leeds City Council,  
Civic Hall,  
Leeds,  
LS1 1UR.

Date: 27<sup>th</sup> June 2018

Dear Sir/Madam,

**Re: Premises Licence application PREM/04194/001 at 39-41, Austhorpe Road, Cross Gates, Leeds, LS15 8BA**

This is an objection to this application. Whether the operator is Wetherspoons or any other chain, this is not an appropriate place to have a pub operating.

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Yours faithfully,

SIGNATURE\_

SIGNATURE\_



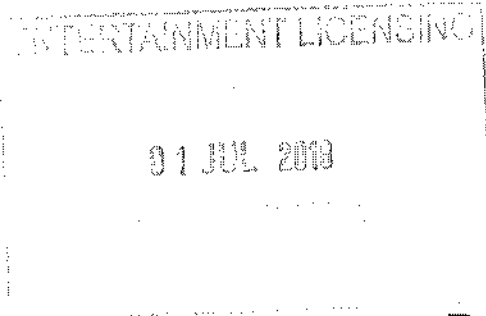
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Specs

PREM/04194/001



SA



**Cross Gates Watch**  
**Residents Association**  
[www.crossgateswatch.org](http://www.crossgateswatch.org)

**Premises Licence Application**  
**PREM/04194/001**  
**by**  
**J D Wetherspoon Ltd**  
**at 39-41, Austhorpe Road,**  
**Cross Gates, Leeds, LS15 8BA**

**Objection by**  
**Cross Gates Watch Residents' Association**

**1<sup>st</sup> July 2018**

## **SECTION 1 INTRODUCTION**

This objection to the licensing application of J D Wetherspoon for a drinking establishment at 39-41 Austhorpe Road, Leeds LS15 8BA is set out as follows. After this introduction, Section 2 sets out the key features of the application as posted to the portal. Section 3 then outlines the requirements which applications under the 2003 Licensing Act should conform to, taking particular note of the revised guidelines of the Home Office published in April 2018.

Section 4 then lists the licensing objectives. Section 5 briefly describes the site. Sections 6, 7, 8 and 9 deal in detail with the four licensing objectives, and the extent to which the application has addressed them, namely, prevention of public nuisance (Section 6), prevention of crime and disorder (section 7), public safety (section 8), and protection of children from harm (section 9). Section 10 concludes, and lists a number of suggested conditions if the Licensing Panel is minded to approve the application.

## **SECTION 2 THE KEY PARAMETERS OF THE APPLICATION**

- The opening hours requested are: Sunday to Thursday 7am – 1130pm, and Fri & Sat 7am – 1230am, i.e. 0030am. Late night refreshment is asked for on Friday and Saturday (that is, from 11pm to midnight).
- However, the notice posted to the front of the building says alcohol will be sold from 9am to 11pm Sunday to Thursday, and from 9am to midnight on Friday and Saturday, giving the impression that these are the opening hours.
- There is a long list of conditions which are reproduced in the actual licensing application submitted by the applicant. These conditions (such as not serving alcohol to under age people, etc) are generic, and are similar across all Wetherspoons pubs, and do not specifically apply to this site.
- No request is made for extended opening hours on public holidays.
- The application form is 18 pages long, but includes hardly any information which actually relates to the specific site.

## SECTION 3 LICENSING ACT 2003 - REVISED GUIDELINES AND THE OBLIGATIONS ON APPLICANTS IN RELATION TO THE LICENSING OBJECTIVES

- The application does not appear to be compliant with the format required by the Licensing Act, 2003 (Home Office revised guidelines April 2018) in relation to licensing objectives.
- The following brief extracts highlight key points on which the application is not compliant.
- At para.8.41 it is stated that the applicant is expected to *“demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives”*.
- At para. 8.42 the applicant is expected to show he understands:

- *the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*

- *any risk posed to the local area by the applicants' proposed licensable activities; and*
    - *any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.*

- At para. 8.43 it is stated: *“Applicants are expected to include positive proposals in their application on how they will manage any potential risks.”*
- At para. 8.44 it says: *“It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing*



*objectives, and where there are no known concerns, acknowledge this in their application. "*

- *And most importantly, para. 8.47 says: "Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises."*

**We shall show below when considering each of the licensing objectives that none of these points in the Revised Guidelines have been taken notice of in framing the application.**

## **SECTION 4 THE LICENSING OBJECTIVES**

The licensing objectives, under current legislation, are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

The issues associated with each of these objectives in relation to this specific site are discussed seriatim below. But first it would be relevant to say a few words on the location of the site.

## **SECTION 5 THE LOCATION OF THE SITE**

- It is important to note that the site is at the extreme eastern edge of the area designated by LCC as Cross Gates 'Town Centre', and far away from what might be called any central point in that 'Town Centre'.
- Given its peripheral position, the premises are as close to residences as can be. Three dwellings are actually attached to the premises (43, 45a and 45b Austhorpe Road), the dwellings in Beulah Terrace on North Road look directly from bedroom windows into the beer garden, and the dwellings at East view behind the site are literally adjacent to it. All the dwellings in Marshall Street across Austhorpe Road can see the building if they look out of their bedroom windows.
- There is no hint of this, or any other factual information about the relationship of the site to its surroundings, as the text is entirely generic, contrary to the April 2018 Guidance.
- This is apparent in the consideration of each of the licensing objectives in relation to the specific site. These we now consider.

## **SECTION 6 PREVENTION OF PUBLIC NUISANCE:**

There are a large number of aspects of this proposed development which generate concern about the potential for public nuisance, and where, according to what is stated in the Revised Guidelines referred to above, you would expect an applicant to state what these concerns are, and argue why the development will not cause these anticipated effects. The more notable of these aspects are discussed one by one below:

- **The Scale of the Development**
- The scale of the pub is not clear, and needs to be clarified.
- No plans are available to the public, but a single floor plan at A3 size is available for inspection at Entertainments Licensing but cannot be copied or photographed (due to copyright apparently, but virtually the same plans for parallel planning applications can be downloaded from the LCC portal).
- Inspection of this plan on 19 June seems to indicate seating for about 175 people inside (with much space around the seating which would allow many to stand), plus 64 in the beer garden, and perhaps 12 in the smoking shelter.
- However, plans submitted for the planning application early on indicated seating for 550 inside, though this lettering was dropped from later versions of the plans.
- It was noted verbally by Licensing that specification of maximum numbers was selfregulated, that is, the applicant decided for himself what it should be.
- It is critical that the maximum number of patrons allowed in the pub should be stated clearly. This is critical for the safety of the patrons in case of fire or other emergency, and for the safety of surrounding residents if excessively large numbers of people leave the premises at the end of an evening and start flowing through adjacent streets.
- Should the application be approved, a condition should be attached to the approval which states the maximum number of patrons allowed. If the applicant imagines that it could accommodate 550 sitting, plus the beer garden, this is greater than the population of the surrounding streets.

- **Opening hours**

- As noted above, the public notice posted on the building at 39-41 Austhorpe Road does not seem to be consistent with the details posted on the portal, and could give a misleading impression of what is proposed: namely, the notice posted on the building gives the impression that the opening hours will be 2.5 hours shorter daily than what is cited on the portal. Only the hours for sale of alcohol are cited in the notice, and not the overall opening hours.
- Opening at 7am, far earlier than any other premises are opened in the Town Centre, means that residents near by will get disturbed by the noise of cars parking up from about 6.45am.
- Opening until 1230am on Friday and Saturday (even if alcohol sales cease at midnight) means noise in streets from people going home will continue till 1am or 1,30am.
- Provision of late night refreshment on Friday and Saturday, instead of meal provision ceasing at 2200, means that extended kitchen operations will keep air extraction noise going on for longer.
- Overall, the hours should be as posted on the building. This is what the vast bulk of people have seen.
- Should Licensing see fit to approve the application, conditions should be imposed on the permission to:
  - Make the submitted application consistent with the notice posted on the building, with opening hours of 9am to 11pm every day
  - Meal provision to cease at 10pm every day

- **Noise generation during operational hours**

- A pub with 550 seating capacity plus beer garden is bound to generate noise while open, and commotion as it empties. Raised voices, slamming of car doors, general comings-and-goings at the times envisaged, immediately adjacent to a quiet, residential area with many children and elderly people, constitute public nuisance. No amount of signage inside the pub will stop this.
- The overhead image below shows the close proximity of Beulah Terrace to what

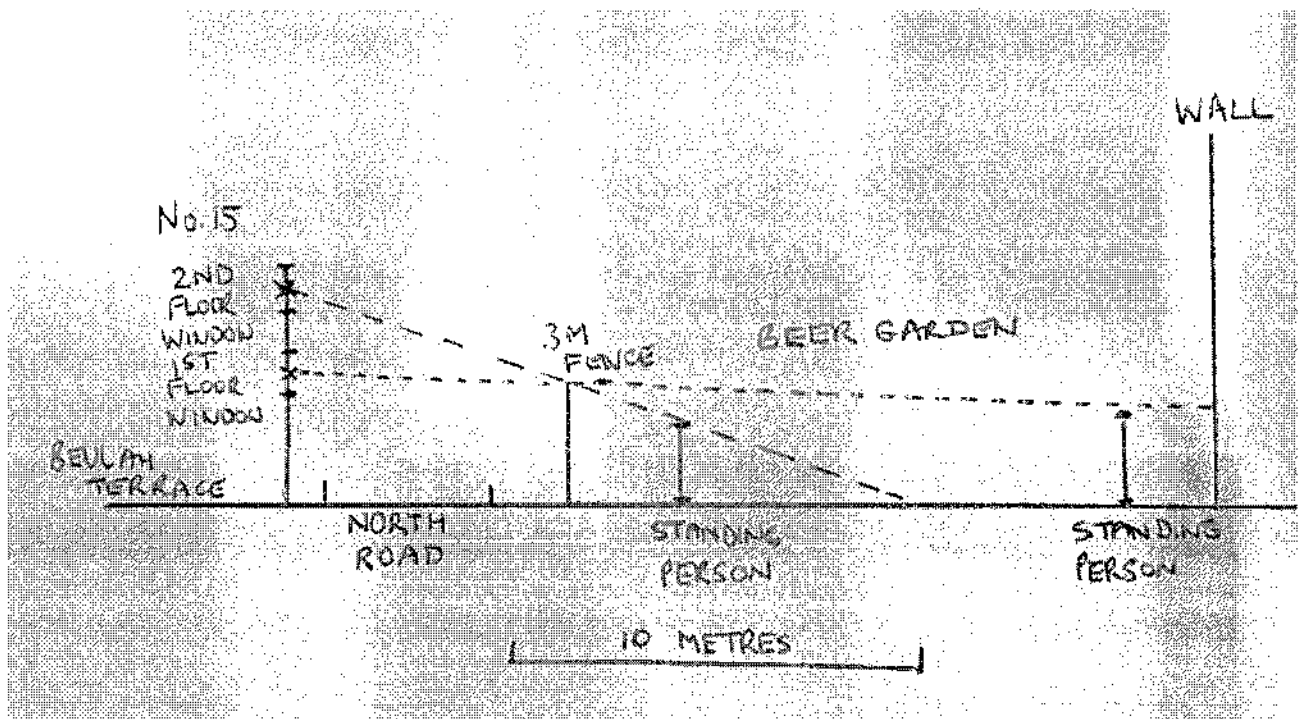
will be the beer garden.



**Figure 1 Aerial view of North Road showing Beulah Terrace in proximity to what will be the beer garden.**

- The next figure shows a cross section from the end of the gable end of 15, Beulah Terrace across to the end wall enclosing the beer garden. It shows the view down from the gable end second floor window and first floor window of 15 Beulah Terrace (the latter would be similar similar from the first floor windows of 13,11, 9 etc).
- This shows that, apart from the alcove containing the smoking shelter, a significant portion of the beer garden would be seen by someone looking midway through the second floor window over the top of the three metre acoustic barrier. The heads of people standing would be seen from the first floor windows of 15 and the other houses. Noise of course does not travel in straight lines and would flow over and around the acoustic barrier. Note also that the crosssection is drawn as if the gable end was directly opposite the beer garden, but it is actually off set, so that the site lines would be somewhat diagonally inclined, and give a deeper view into the beer

garden than suggested by the diagram below.



**Figure 2 Sight lines from Beulah Terrace gable end windows into beer garden**

(Note: 2<sup>nd</sup> floor bedroom window 4.94m from pavement to bottom, and 5.93m to top, 1<sup>st</sup> floor bedroom window 3.20m from pavement to bottom, and 4.27m to top).

- Signs asking people to be quiet in the beer garden so as not to disturb nearby residents have little prospect of being effective. People drinking together in large numbers have to raise their voices, and have no idea of whether they are loud or not.
- Equally, the beer garden is not staffed, so staff will only belatedly know if something is possibly wrong, but will never be sure if the noise limits the applicant is required to adhere to are actually being observed.
- Good quality noise meters are very inexpensive these days, and a system to warn staff in the bar about excessive noise could be cheaply installed.
- Also, one in the beer garden to warn the patrons of excessive noise would be sensible too. And the patrons would probably appreciate the benefits of the quieter surroundings.
- If Licensing sees fit to approve the application, conditions should be attached to the permission to:
  - Require a warning indicator to be installed behind the bar to warn staff if noise in the beer garden exceeds the permitted level

- Require a highly visible indicator to be installed in the beer garden to alert patrons to the fact they are exceeding permitted noise levels (rather after the fashion of on street indicators to warn drivers that they are exceeding the speed limits)

- **Noise generation at closing time**

- The site is within easy walking distance of areas to the north where most of the pubs have been demolished (five pubs of eight).
- There are a number of possible walking routes home, but a favourite one will start by turning right into North Road after exiting the pub, and working your way through the unlit alleyways and ginnels and narrow streets.
- This route will take most people along North Road at the back of East View and next to the downstairs windows of these small former miner's cottages. Whereas, at the present time, nothing very much moves along North Road after 11pm, large numbers of people exiting after the pub is operational will be very disturbing. Apart from waking up people sleeping above, not more than a few feet above the heads of the people walking by, there is also the possibility of pub goers knocking on the downstairs windows, or even putting their fists or a brick through them.
- The behaviour of people leaving the pub at closing time is a matter of great concern to residents as memories are still fresh about what it was like in 2006 and before. This ought to be acknowledged by the Licensing Committee under this licensing objective, even if by no one else. The applicant could be asked to position staff at the entrance to North Road to discourage patrons from exiting by this route (as well as ensuring no one tries to leave from the beer garden gate).
- Apart from the disturbance which will be caused by those making their way home by foot, people going home by taxi or car will also create noise, standing about talking, laughing, shouting. No matter how many notices go up in the pub, at the end of an evening, as copious research shows, people's inhibitions are considerably reduced, and behaviour much relaxed. They won't be able to stop themselves.
- Overall, if Licensing is minded to approve the application, a condition on the

approval limiting opening hours from 9am until 11pm every day will be most effective so that nearby residents are not disturbed after 11pm, or before 9am (even better, 12 midday).

- **Parking**

- The attraction of large numbers of cars to the site will cause parking problems for residents in already overcrowded streets nearby. No parking is available on site (except for the dentist) as the parking space is taken by the beer garden.
- There is no public car park except in the shopping centre. Its charges are significant, and it closes at 6pm. Residents risk not being able to park anywhere near their homes if they do not arrive home early enough, or risk being blocked in in their drives by inconsiderate parkers.
- The Inspector's Report from the nondetermination appeal acknowledges at para. 22 the large potential parking demand which may be generated by this development:
  - *"Notionally, the SPD would require premises with the capacity of the proposed development to have 122 parking spaces but that is not appropriate for a town centre location with good public transport and pedestrian access. It is also likely that many users of the site would be in the town centre for other purposes, particularly during the daytime when shops and other premises are also open."*
- The logic here is not clear: car drivers will not automatically switch to public transport and walking just because it is a so called "Town Centre". They will attempt to find spaces. The linked trip idea has no evidence going for it, and in any case, few people will spend good parking money to extend a visit to a pub on the edge of the town centre when the bulk of the parking spaces are more than a reasonable walk from the pub (the nearest centre car park has only about 35 spaces and it is a five minute walk from the proposed pub to the largest car park in the centre).
- The advantage of a chain like Wetherspoons, as pointed out by the Judge at the Wetherspoon Headingley appeal against refusal of licensing, is the low price of the alcohol. During the day they won't bother as parking in the surrounding streets is time limited (60 minutes), but they will not be time limited in the evening, but the



shopping centre car park is closed at 6pm. So they will park in nearby streets after 5pm, to the inconvenience of residents who already have parking problems in some streets.

- Even if some did want to grab a quick drink and a meal alongside other business in a linked trip, and wanted to use the car park, the nearest car park is so small that the only practical possibility is the far car park some five minutes walk away. Parking here would be closest to all the banks and building societies on Station Road, and also far closer to the Station Hotel and New Travellers Rest if they also wanted a meal and a drink on a so called linked trip. This is illustrated in the aerial photo below.
- It is hard to see what conditions can be imposed at this stage to ameliorate the situation if Licensing is minded to approve the application, and a response may have to await the carrying out of studies (using the £15,000 sum set aside) to make appropriate parking adjustments after the pub is operational.



**Figure 3 Aerial view of Cross Gates Shopping Centre**

(Notes to Figure 3: the proposed Wetherspoon is in the top righthand corner, the main car park is in the bottom left hand corner with the bottom portion cropped out of the picture along with the Station Hotel next to it.)

- These are a selection of issues related to public nuisance where you would expect an applicant to both identify the issues, and respond to them, in accordance with paras. 8.41 to 8.48 of the revised guidelines. But the application makes no reference at all to any of these: any discussion is entirely generic and not related to the specific site.

## **SECTION 7 PREVENTION OF CRIME AND DISORDER:**

- **Previous experience under this licensing objective**
- An operation such as this, particularly at night, has the distinct possibility of encouraging undesirable elements, from near and far, to congregate in the one spot, with criminal activities of many kinds ensuing: drug-dealing is an obvious one, which can be observed taking place now if you stand and watch for it. We also have affrays, burglaries, assaults.
- We have past experience of this with the former Manston pub nearby (see Yorkshire Evening Post, 30 June 2006: "*Councillors meet today to decide the fate of a controversial Leeds pub. West Yorkshire Police asked Leeds City Council to review the licence of the Manston Hotel in Austhorpe Road, Cross Gates, citing concerns about its links to crime and anti-social behaviour.*").
- While the range of issues which concerned the police (and residents) was wide and serious, the most serious and notable incident was a shooting which took place in the Manston pub on 24 June 2002 (reported in Yorkshire Post 25 June 2002) in which four people were shot inside the pub (the landlord, a customer and two door staff).
- We have had over ten years of relative peace since the ending of the troubles caused by this pub. But the dark nooks and crannies and unlit ginnels and streets behind the proposed pub will provide an even better environment than the Manston pub did for diverse criminal activities after closing time.
- While most patrons will be normal, if rather noisy, a pub like this will attract many people who would not otherwise be in the area. On the basis of past experience local residents have justifiable fears that matters could be worse on crime and disorder than previously, as the next point discusses.
- **Level of police backup**
- There are not sufficient police available in the event of serious disturbances.

- Whereas in 2006 and before, we were well used to the sound of police sirens on a Friday and Saturday night screaming past our houses to the Manston, there would be much less prospect of police backup now if anything happened: there just aren't the officers available (police numbers in England and Wales decreased by 23% between 2010 and 2017 (see *Police Service Strength* by Grahame Allen and Lydia Jackson, House of Commons Library Briefing Paper Number 00634, 23 March 2018).
- Even if security staff inside the pub can keep a lid on things, they cannot control what happens out in the street. Nothing much moves after 11pm on Austhorpe Road now, but that would be likely to change. Not because it is a Wetherspoons, but simply because it is a pub in the wrong place.
- At an early meeting of Cross Gates Forum this year, it was reported to the meeting with satisfaction that because of the current spike in burglaries, money had been found to increase the number of police on duty in Cross Gates and Whinmoor from **one** to **two**. In the event that support was needed they would have to call on Elland Road.
- The comments of the police in their consultation response to this application are most revealing. Four points are made which if agreed to by the applicant, then the police are prepared to drop their objections. One of these is that there should be a policy of searching patrons on entry into the pub. Given the existing level of drug dealing in the area, this is sensible, as the pub will be a magnet for dealers. (Employing a sniffer dog is also a possibility).
- Also, spotting concealed weapons is important. As reported in the Daily Telegraph of 29 June 2018, page 7, Judge Robert Mayo at the trial of an 18 year old man accused of stabbing to death a 17 year old opposite a primary school in Northampton, observed that: "*The jury was exposed to a culture where kids carry knives like they were mobile phones*". The accused would be old enough to enter the proposed pub.
- One might also suggest that patrons be searched on exit after 9pm to spot concealed drink bottles and glasses being removed.

- Equally, a condition needs to be put that the acoustic fence and beer garden fire escape gates be constructed so that weapons and packets of drugs cannot be slipped through small apertures (with netting at the top of the fence to guard against drugs and weapons being thrown over from North Road). A pub like this will attract all sorts of people from a very wide area, mostly normal, but some decidedly not so.
- At the present time with the debate on the appalling level of crime clear up by the police (eg see Sunday Times 24 June 2018, p.12 "Failing police help house burglars to 'easy pickings'"), one would have expected some reference to this in the application, given the past experience in the area. As on all the previous sections so far, there is no hint of any comment under this objective which actually relate to the site.
- The applicant has a stark choice here: keep the normal patrons who will provide most of the profit, and keep out undesirable patrons; or, let in the undesirable patrons and lose the normal ones. The Wetherspoons in Garforth is only two miles down the road, and it is only a split second decision to decide to go to that instead, or go to Cross Gates and risk trouble.
- If Licensing is minded to approve this application, conditions should be added to the permission to:
  - Require that patrons be searched on entry (and on exit after 9pm).
  - Require that the acoustic fence to the beer garden, and the fire exit gates be constructed to be apertureless, so that items like drug packets and weapons cannot be slipped through. Netting at the top to prevent the same from being thrown over the fence would be an extra precaution.

## **SECTION 8: PUBLIC SAFETY:**

The licensing objective of promoting public safety is clearly important, and one would expect any application to address the issues. The aspects discussed below are fairly obvious.

- **Problems of crowds gathering**
- The location of the proposed pub almost equidistant between three other pubs (The Station, Barnbow and New Travellers Rest) will encourage the coalescence of different groups from all pubs, accentuating the risk of affrays, and malicious damage to surrounding properties (as we experienced in the past when the old Manston pub operated).
- There is no consideration of this. But the gathering of crowds of youths near the takeaways outside the bus stops is not unusual, though not continuous, but it can be disturbing for people waiting at the bus stops.
- If Licensing is minded to approve the application, a condition to the permission requiring the pub to close by 11pm daily would attenuate the risk of large crowds gathering.
- **Fire risks**
- The need to evacuate the building from the rear cannot be disregarded.
- If there was an emergency at the front of the building which required evacuation from the rear, it is not clear if this could be effected easily, given the number of tables and chairs that would be in the way of people fleeing from the beer garden.
- Equally, how do staff and patients get out of the dentists if there is something blocking the front and only exit?
- It is surprising that the fire and rescue service have raised no issues under this heading.

- **Road safety**

- Having a pub at this busy location raises the risk of road accidents with patrons passing back and forth between the pub and the shopping centre: you don't have to be drunk to be at risk, small amounts of alcohol may cloud your judgement as you dodge in and out of the traffic flow.
- The Inspector noted in para 8 of his report on the nondetermination appeal (13 Feb 2018) that: *"Interested parties have referred to road traffic collisions on this busy stretch of the highway. However, the Council has confirmed that there have been no recorded accidents in the immediate vicinity of the site and the nearby junctions with North Road and Church Lane over the last 5 years."*
- Alas, the Council is very wrong, if in fact it did inform the Inspector so. The Yorkshire Evening Post reported on 26 November 2014, and under the headline: *"Driver released on bail after elderly woman dies in Leeds road accident "*, there is the following statement: *"The 83-year-old pedestrian was struck by a wagon in Austhorpe Road, Cross Gates, at about 10.50am yesterday (Wednesday). She was pronounced dead at the scene."* As the decision date was 13 Feb 2018, it was only three years and two months since the accident, which occurred a matter of only yards from the proposed pub site.
- As the road is so busy, traffic is frequently crawling along it very slowly, and it is easy for pedestrian to nip in and out between vehicles, and also for drivers of tall vehicles to miss someone out of direct line of sight. Someone may not be drunk, but senses may not be as sharp as they should be. The advice of NIDirect on being a safe pedestrian is sobering (at: <https://www.nidirect.gov.uk/articles/be-safe-pedestrian>, accessed 28 June 2018)
  - *"Drunken pedestrians are a danger to themselves and other road users. Alcohol slows reaction times, impacts upon your judgement and decision making, including increasing risk taking behaviour. If you have had one too many, don't attempt to walk – use a taxi, public transport or get a lift from a designated driver.*
  - *You may not be able to judge the speed of vehicles or estimate their distance from you, all of which will increase your risk of injury on the road."*

- But you don't actually have to be drunk for alcohol consumed to affect your judgement when crossing the road.
- The fond idea of spending a leisurely afternoon in this pub, and nipping out occasionally to the shopping centre for something while a friend looks after the kids is fraught with danger.
- There is not much can be done to improve matters on this point, except for locating the pub at a safer sight.

- **Pedestrian conflict and danger near busy bus stops**

- A topic which attracted much attention in consideration of the planning application was how deliveries would take place on a busy road next to a bus stop without blocking the highway. While this is not strictly an issue for the licensing application, it has public safety aspects to it.
- We have pointed out on numerous occasions that the unloading proposals pose a significant danger to pedestrians using the pavement, or standing waiting at the bus stop.
- The pavement where unloading will take place forward of the bus stop is very narrow, and the space available for offloading barrels and roller cages is less than recommended. Also, the busy pavement will be blocked during the unloading process: what are pedestrians supposed to do? Walk out into the road (with prams and pushchairs and mobility vehicles)? Or wait in a queue on the pavement for 30-45 minutes?
- At the same time, staff will be running backwards and forwards with wheelbarrows with barrels or roller cages (the Inspector at the nondetermination appeal made bold to say in his report that any user of the building would have the same issue of unloading here, though he granted that the pub's lorries would be rather bigger. Not so! For the last hundred years, deliveries took place to the rear of the building).
- So, the wheelbarrows and roller cages will be going back and forth on a busy pavement next to a bus stop where 250 buses per day load and unload passengers.
- What are the dangers? While the statistics on accidents connected with the use of



roller cages could be better in providing estimates of risk, it is clear from the sources available that accidents are common, and in a wide range of industries which use roller cages, they are a predominant factor in all accidents, and whopping fines have been imposed on companies for not protecting employees adequately (for an accident to one person Wilko were fined £2.1 mn).

- Clearly, the whole process of unloading needs to be supervised by someone who is not actually doing the unloading, but is just watching for dangerous situations with the bus queue and ordinary pedestrians. It only requires a slight slip for a tragic accident to occur. But there is not the slightest mention of this.
- Public safety is a critical issue, especially given the past history of the area, and you would expect an application to make explicit reference to the risks. But there is no pertinent detail related to the site in relation to public safety.
- If Licensing is minded to approve the application, conditions should be attached to the permission to:
  - Require the unloading/delivery process to be supervised by a member of staff not actually involved in the unloading, but simply observing and being alert for dangerous situations.

## **SECTION 9: PROTECTION OF CHILDREN FROM HARM:**

- **Setting a good example?**

- Given the growing evidence of health harm from alcohol consumption, the example we set to our children is important.
- The impact on children going to school in the morning to several nearby schools, and passing a functioning pub open from 7am, or standing waiting for a bus outside it, does not set the right example, even if they do not sit all day in the pub with their parents. Equally, children and parents going to the nearby churches on a Sunday morning and passing a functioning pub open from 7am does not seem appropriate.
- Advertising in the pub windows announcing cheap drink offers are inappropriate for children passing by or waiting at the bus stop to be able to read. Equally, patrons inside should not be visible to children passing by, or waiting for extended periods at the bus stop. Frosted glass, or venetian blinds to a suitable height can easily avoid this.
- Accordingly, if Licensing is minded to approve this application, the following conditions should be attached to the permission:
  - No opening before 9am (and preferably 12 midday).
  - No advertising in the windows visible from the pavement offering reduced price alcohol.
  - Patrons inside to be not visible from the pavement.

- **Problematic gatherings of teenage children**

- We have had from time to time situations where large crowds of youths gather along Austhorpe Road. This can be intimidating generally, and especially if you are waiting at one of the bus stops. Combined with takeaways, the effect of a new pub at this location may be to boost such gatherings at late hours, even if they do not succeed in getting in to the pub.
- Again, a condition of an 11pm closing time every day may help somewhat on this issue.

- As has been the case on all points so far, there is no mention of anything under this licensing objective which is specific to the site.

## SECTION 10: CONCLUSION

- Far from helping to promote the statutory licensing objectives, unless this application actually addresses the issues pertinent to this site, as per the legislation, one can only conclude that this application is actively working against them, especially in terms of its cumulative impact.
- Accordingly, the application should not be approved, especially in its current noncompliant form.
- If the Entertainment Licensing Panel is nevertheless minded to approve the application, strong conditions should be applied to limit harm to nearby residents and road/pavement users. All the suggested conditions mentioned earlier in this document are gathered together here below:
  1. specification of the maximum number of patrons allowed, eg 250 maximum.
  2. opening hours of 9am (and preferably 12 midday) to 11pm every day
  3. meal provision to cease at 10pm every day
  4. a warning indicator to be installed behind the bar to warn staff if noise in the beer garden exceeds the permitted level
  5. a highly visible indicator to be installed in the beer garden to alert patrons when they are exceeding permitted noise levels
  6. patrons be searched on entry (and on exit after 9pm).
  7. the acoustic fence to the beer garden, and the fire exit gates to be apertureless, so that items like drug packets and weapons cannot be slipped through. Netting at the top to prevent the same from being thrown over the fence.
  8. the unloading/delivery process to be supervised by a member of staff not actually involved in the unloading, but simply observing and being alert for dangerous situations.
  9. no advertising in the windows visible by children from the pavement offering reduced price alcohol.
  10. patrons inside to be not visible from the pavement.

Musson, Martyn

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From: ENTERTAINMENT LICENSING [REDACTED]  
Sent: 01 July 2018 11:20  
To: Entertainment Licensing  
Cc: Amin, Imtishaam; Gruen, Cllr Peter; Grahame, Cllr Pauleen  
Subject: 01 JUL 2018 Premises Licence application PREM/04194/001 at 39-41, Austhorpe Road, Cross Gates, Leeds, LS15 8BA  
Attachments: Wetherspoons XG - Licensing - objection from XGWRA - 1jul18.docx

[REDACTED]

To: Entertainment Licensing,  
Leeds City Council,  
Civic Hall,  
Leeds,  
LS1 1UR.

1 July 2018

Dear Sir,

**Re: Premises Licence application PREM/04194/001 at 39-41, Austhorpe Road, Cross Gates, Leeds, LS15 8BA**

Attached is an objection to this application on behalf of Cross Gates Watch Residents' Association. It is not an objection to Wetherspoons. Whether the operator is Wetherspoons or any other chain, this is not an advisable place to have a pub operating.

The grounds of our objection are set out in the attached document. In the event that members of the Licensing Panel are minded to approve the application, a number of conditions are suggested in the concluding section (having been introduced in the preceding discussion) to be attached to the approval.

Yours faithfully

[REDACTED]  
[REDACTED] Cross Gates Watch Residents' Association

PS The red lettering above and now has no significance: it just suddenly appeared.

21

PREM/04194/001

Musson, Martyn

From: [REDACTED]  
 Sent: 02 July 2018 13:56  
 To: Entertainment Licensing  
 Subject: wetherspoons crossgates LS 15 licence application

SA

I am in support of this application

[REDACTED]

20

PREM/04194/001 3A

Musson, Martyn

ENTERTAINMENT LICENSING

**From:** [REDACTED]  
**Sent:** 02 July 2018 19:19  
**To:** Entertainment Licensing  
**Cc:** 02 JUL 2018 [REDACTED]  
**Subject:** RECEIVED Premises Licence application PREM/04194/001 at 39-41 Austhorpe road LS15 8BA

This is an objection to the above application on the following basis:-

Prevention of public nuisance- a pub is not an appropriate use for this site given its proximity to housing.

We live on [REDACTED] and are concerned about noise and litter.

Prevention of crime and disorder. We are concerned about large numbers of people congregating and drinking large amounts of cheap alcohol.

Public safety: we are concerned about the proximity of the site to a busy road.

Protection of Children from harm: we are concerned about children being attracted to hang about the site and get into trouble and take part in anti social behaviour.

We would prefer the application to not be approved but if it is, would appreciate strong conditions being applied to limit harm and impact on local residents. This would include limiting numbers permitted in the pub at any one time and opening hours particularly week days. Also if there are opportunities to ask Wetherspoons to contribute to local cleansing arrangements.

Thank you

[REDACTED]

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