

Notice of Decision
of the Licensing Sub Committee



Date of Hearing:	Tuesday 7th May 2019
Determination Date:	Tuesday 7th May 2019
Notice of Decision:	Wednesday 19th June 2019
Members:	Cllr M Harland Cllr G Wilkinson
Legal Officer:	R Brown
Committee Clerk:	A Booth
Licensing Officer:	M Nelson
Applicant:	Headingley North-South Stand Limited
Premises:	South Stand, Emerald Headingley Stadium, St Michaels Lane, Headingley, Leeds, LS6 3BR
Application:	Variation of a Premises Licence
Details of Variation as applied for:	To add the licensable provisions; recorded music, live music and performance of dance on Sundays only from 12:00 until 22:30 hours.
Attendees:	Howard Willis (Chadwick Lawrence LLP) Sue Ward (Headingley Stadium) John Hill (Headingley Stadium) [REDACTED]

This application was brought before the Licensing Sub Committee due to the receipt of relevant representations

The Licensing Sub Committee considered:

1. Report from the Head of Elections, Licensing and Registration
2. Licensing Act 2003
3. Guidance issued by the Home Office pursuant to Section 182 of the act
4. Relevant licensing objectives
5. Licensing Act 2003 Statement of Licensing Policy 2014-2018
6. Representations received from responsible authorities
7. Representations received from other persons

Having taken all these matters into account the Licensing Sub Committee have agreed to grant the variation as applied for.

The reason for this decision is as follows:

The Licensing Sub Committee convened to consider the application to vary the premises licence held by Headingley North-South Stand Limited for the South Stand, Emerald Headingley Stadium, St Michael's Lane, Headingley, Leeds, LS6 3BR.

On behalf of the applicant, Mr Howard Willis attended and was accompanied by Sue Ward of Headingley Stadium and John Hill, the proposed Designated Premises Supervisor in respect of the application for the North Stand, and the current Designated Premises Supervisor in respect of the premises licence for the South Stand.

As a preliminary point it was explained to all present that the Committee could proceed with a quorum of two members, attempts to arrange for a substitute third member having failed, provided that there were no objection. All present confirmed that they were content to proceed with only two members sitting. The members had been involved in earlier licensing decisions relating to the stadium but confirmed that they approached these latest applications with an open mind and would decide them on their merits.

Mr Willis explained that the report from Apex Acoustics related only to the North Stand. He said that the Applicant had implemented the mitigating measures recommended by the Report. He said that the variation would have limited effect; primarily during the playing season for Leeds Rhinos and Yorkshire Carnegie. Mr Willis said that a number of temporary event notices had resulted in no adverse reactions.

Mr Willis said that the 10 representations which opposed the application followed a consistent theme – mainly relating to the prevention of public nuisance licensing objective – as was the case in relation to the hearing in December 2018. At that time the Applicant had agreed to the mitigating measures and this, he said, had been endorsed by Environmental Health.

Mr Willis said that meetings with residents had taken place – and would continue to do so – so that the Applicant could hopefully address concerns as they arose.

The Licensing Sub Committee questioned Mr Willis and his clients as to the total number of fixtures and an indication was given that including Yorkshire Carnegie and Leeds Rhinos there would be a total of 16 or 17 Sunday fixtures each year.

██████████ then addressed the Licensing Sub Committee. She said she wished to make a number of points:

██████████ said that consultation had been almost non-existent. She said that she had attended the public liaison meeting – although it was news to her that more were planned – but that most of the focus of the meeting had been on traffic issues. She said that following involvement from Environmental Health noise levels had reduced, which she said was appreciated, but she could still hear the noise when inside her house. ██████████ said that she does not mind sporting events – and likes the sound of the crowds. Her concern was regarding music events.

██████████ said that the area has a significant number of families with young children, whose bedtimes could be disrupted and disturbed by the noise. She said that the first event could be heard as far away as Meanwood and that, although levels had been reduced, it would still be invasive and disturbing.

██████████ also said that the increased footfall from events would add to the problems of littering – discarded bottles and fast food packaging in particular.

She said that allowing the application would have the potential to really reduce the quality of life of residents. She said she felt that the Applicant was more concerned with dealing with residents rather than working with them.

Mr Willis addressed the Licensing Sub Committee again.

With regards to consultation, Mr Willis said that the Applicant had abided by the correct procedures in relation to notices.

He confirmed that the next meeting with residents was scheduled for 29 May 2019. He also said that there was currently no intention to hold music events, just sporting ones.

In response to questions from Licensing Sub Committee, Mr Willis said that the liaison meetings with residents were hosted by the stadium but co-ordinated and arranged by local ward Councillors.

Having adjourned to deliberate, the Licensing Sub Committee's decision was announced.

The Licensing Sub Committee carefully considered the Report of the Head of Licensing and Registration, the relevant provisions of the Licensing Act 2003, the Guidance issued by the Home Office under section 182 of the Act and the Statement of Licensing policy.

The Licensing Sub Committee also took into account the representations made – both in writing and at the hearing of the application.

It was noted that [REDACTED] acknowledged that the noise mitigation measures implemented by the Stadium had made a positive difference, albeit she still felt that noise levels were too high.

The Licensing Sub Committee heard from those present about consultation and ongoing communications between the Stadium representatives and residents, facilitated by local Councillors. It was the Licensing Sub Committee's hope that such liaison would continue, and ideally improve.

The Licensing Sub Committee resolved to grant the variation as applied for. The likely number of events was noted and – although not determinative – so was the fact that the Applicant has no plans to hold live music events. On balance, the Licensing Sub Committee considered that the variation was consistent with the promotion of the licensing objectives; noise mitigating measures which took into account the recommendations of the acoustics report had been proposed and implemented to address noise and nuisance concerns to an extent that the Licensing Sub Committee considered was proportionate and reasonable in all the circumstances.

Right of Appeal

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 receiving this notice.

Appeals should be addressed to the Magistrates Court at:

**Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP**

and be accompanied by a copy of this notice of decision and the court fee of £75. Cheques should be made payable to HMCS.

Please note – Persons making appeals should be aware that the Magistrates have the power to award costs against any party as a result of appeal proceedings.