

00

PREM/00551/007



Punch Partnerships (PTL) Limited
Elsley Court
20 - 22 Great Titchfield Street
London
W1W 8BE

Environmental Protection Team
Leeds City Council
Millshaw Park Way
Leeds
LS11 0LS

Contact: Mr Gary Mann
Tel: 0113 378 6589
gary.mann@leeds.gov.uk
Our reference: 19/068185/EPLA01
6 September 2019

Dear Sir/Madam

Licensing Act 2003

Name and Address of Premises: Hare And Hounds, 7 Batley Road, Tingley, Wakefield, WF3 1DU

We refer to your licensing application for the above premises. We believe that your application does not give enough information about how you intend to meet an important objective of the licence, which is to prevent public nuisance. We therefore confirm that we are submitting a formal objection to your application.

We base our objection on the following matters:

The potential for noise disturbance from music and patrons in external areas whilst smoking/drinking takes place and during regulated entertainment. Noise from patrons arriving/leaving the premises, including that from vehicles.

We base our objection on experience, including that specifically associated with the premises and the area including data relating to complaints received from members of the public.

Having read the matters we describe below if you feel we should consider anything else please do not hesitate to contact us.

www.leeds.gov.uk

general enquiries 0113 222 4444



Description of the surrounding area

The pub and beer garden area are surrounded by residential properties on Batley Road and Baghill Road. A number of properties gardens adjoin the beer garden with housing only a few meters away (shown in appendix 1A). The appendix also shows the most up-to-date plan of current beer garden operations taken from their recent planning application (appendix 1B). Some of the changes have been superimposed onto Appendix 1A.

The current Designated Premises Supervisor (DPS) has been in place, I believe, since December 2016.

Map of Surrounding Area - Please refer to Appendix 1A

Description of the applicant venue and the application:

- The application proposes to amend the current licensing plan in accordance with drawing 7726-00 dated 21st May 2018 (a schematic version is shown in Appendix 1B). Thus allowing licensable activities (music, singing and dancing etc.) to take place on what is currently classed on the original plans as 'Private Garden' (appendix 1, C&D).
- Extend the opening hours to allow the premises to open from 0800 daily for breakfast, coffee, tea Etc.
- Extend the start time for sale of alcohol on Sunday to 10.00am
- Permit late night refreshment daily from 2300 to 0200 the following day.
- Permit the provision of films daily from 0800 to midnight.
- Remove embedded restrictions 9(a) and 10 on page 6 of the Premises Licence.
- Remove all existing Annex 2 and Annex 3 conditions and replace with updated conditions detailed in the application.

The onus is on the applicant to demonstrate such matters (Items 8.33 to 8.41 of the amended guidance issued under Section 182 of the Licensing Act 2003 – June 2014)

Complaint and other history specific to the applicant premises

There are current noise investigations open regarding noise from live/recorded music and patron noise from the pub beer garden. This includes internal and external music, noise from patrons in external areas, shouting, singing and chanting. Noise from taxis arriving up to 2am collecting patrons.

There is a history of noise complaints going back to 2008, with further complaints in 2009, 2010, 2016, 2017, 2018 and 2019. With enforcement action taken, including abatement notices served in 2009 and 2010. This is relevant as excessive noise in the past has led to impacts on residents of surrounding properties. I am led to believe during the period between 2011 and early 2016 the pub was run differently with less intense use of the pub beer garden which coincides with the lack of complaints.

The current complaints mainly relate to use of the beer garden for parties or events when live or recorded music occurs. Complaints were especially prevalent when the operator had erected a marque in the garden, which was used to host live music. This was up through spring and summer months. Existing beer garden areas cannot be used for licensable activities including regulated entertainment purposes unless a Temporary Event Notice (TEN) is submitted for the areas concerned. These are limited to 15 per year. Environmental Health may object to a TEN if there is reason to believe the premises used in accordance with the TEN will undermine the licensing objectives (i.e. prevention of public nuisance)

Residents have complained of being unable to use their external areas during events taking place with music clearly audible throughout their property. Contact was made with the solicitors to reach an agreement to limit external events to once per month, but no response was received which was assumed to be a rejection of the idea. It can be inferred from this the operators wish to host events more regular than requested. It was advised in the email that an event which took place on 29th June was deemed acceptable, however this took place without a DJ or live music or any form of regulated entertainment. There does not appear to have been any further TEN submissions between 12/7/2019 and 6/9/2019.

Informal action includes a number of visits to the pub from Environmental Health and licensing enforcement officers to discuss noise complaints. There have been visits by Leeds city Council officers on receipt of out of hours noise nuisance complaints but these have been unsuccessful in collecting evidence to pursue enforcement action as the officers did not visit complainants properties.

Appendix 2 details the complaint history of the premises from 2008. The number and length of complaint investigations is indicative of the long protracted nature of entertainment and patron noise complaints. They tend to occur seasonally through the summer months and reduce after September. Which reduces the likelihood of enforcement action.

Complaint history for the area around the venue

This is an entirely residential area, there are no other commercial activities in the vicinity.

Conclusions reached

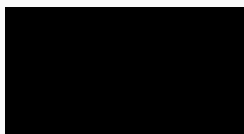
- The application, in essence proposes to allow 'unlimited' regulated entertainment events in an area which was originally intended as a buffer zone between activities in the beer garden and residential properties.

- The application also includes proposals to delete conditions relating to noise. The conditions relate to use of external speakers and inaudibility stipulations at nearest noise sensitive premises. This weakens Leeds city Council enforcement options.
- The introduction of a bar area will 'intensify' use of the beer garden as there will be little need to use internal areas therefore more people occupy external areas, thus leading to more noise.
- We conclude that the surrounding area in which the applicant premises are situated is sensitive to noise. Service requests concerning noise include a significant amount relating to outside areas, some of those those where we could not apply our powers under the Environmental Protection Act 1990 (Statutory nuisance). For example, people on the street or outside the boundary of premises who may cause disturbance to local residents by shouting, talking whilst hanging around waiting for taxis. The pub is licenced until 2am.
- Music used for entertainment purposes in external areas leads to increased occurrences of raised voices, shouting, singing and chanting.
- Proposed set up will attract people from a wider who may be less inclined to behave in an appropriate manner. This will also increase the number of taxis late into the night.
- There is a long history of complaints associated with the premises, under the current and previous operators. Complaints have come from a number of different people some of whom live several streets away.

We recommend that the Sub-Committee refuse the application.

We do not believe that further conditions will resolve the application as it stands.

Yours sincerely



Mr Gary Mann
Senior Environmental Health Officer

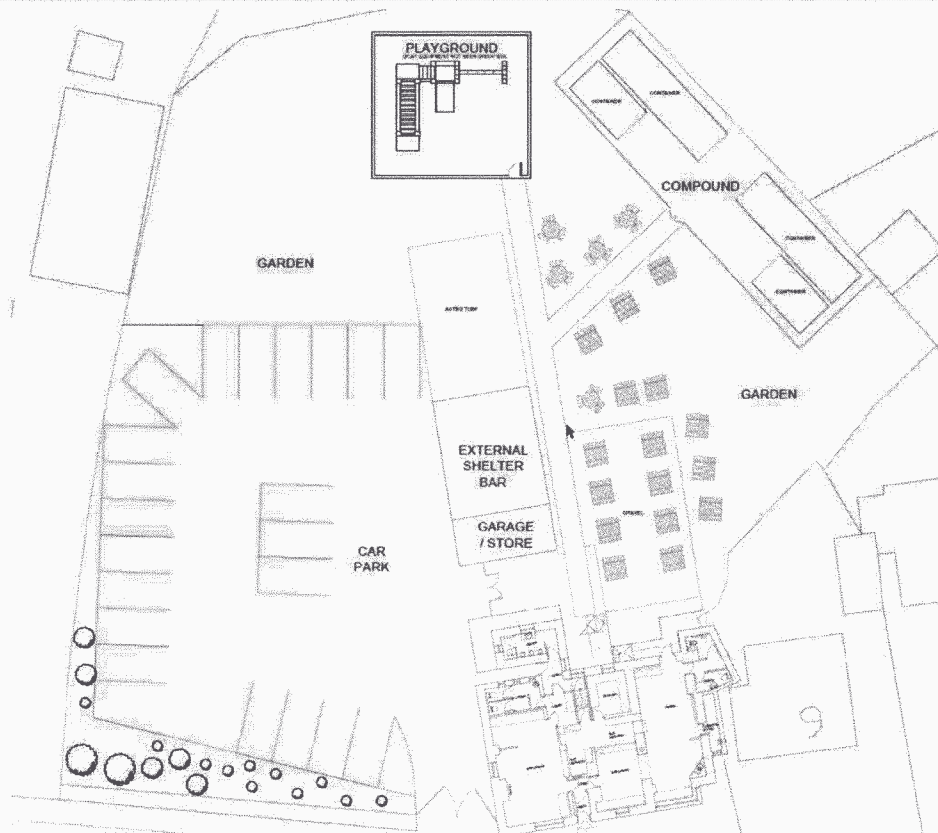
Appendix 1

A) Map of Surrounding Area

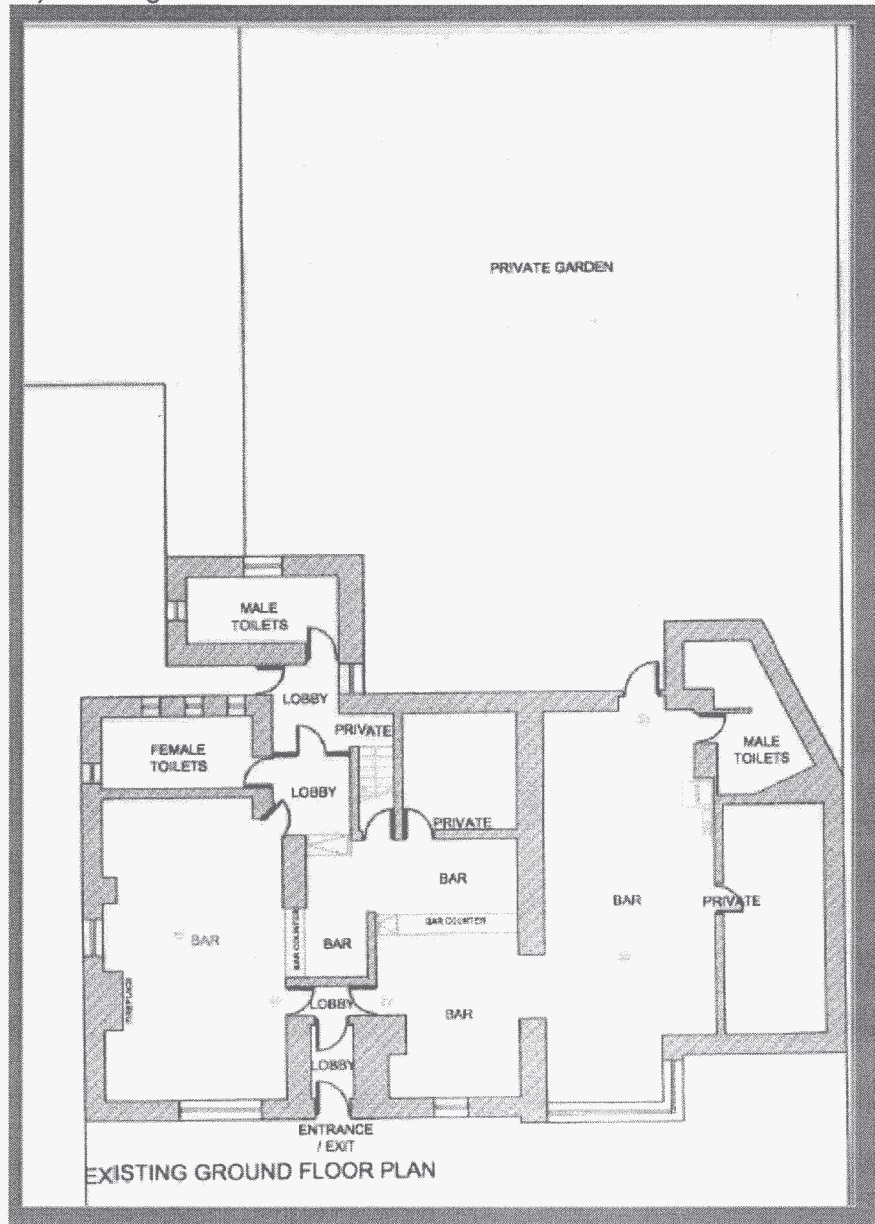


- Red – outline of Beer Garden
- Orange – External bar area
- Yellow – area of extended car park
- Blue – Childrens play area
- Purple – storage area
- Pink – Astro turfed area

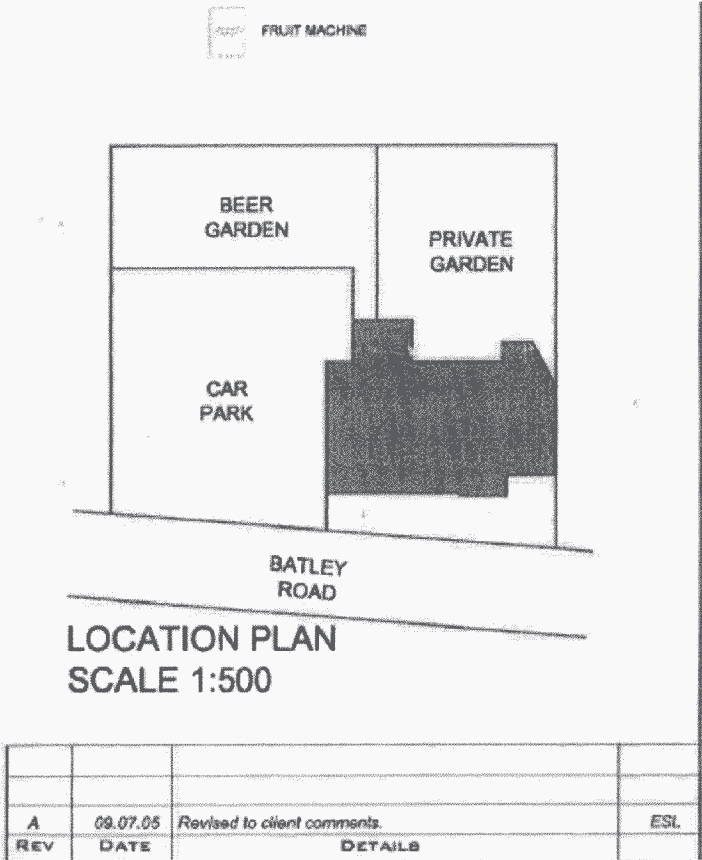
B) Schematic diagram of proposed external area.



C) Existing Plan



D) Existing plan



Appendix 2 Complaints History

All complaints relate to the premises. Details may be provided after the agreement of the Licensing Sub-committee.

Year	reference	Description of complaint
2019	19/032522/EPRN25	Music and patron noise
2019	19/020940/EPRN25	Music, noise from patrons in external areas, screaming shouting, anti-social behavior.
2018	18/073489/EPRN25	Loud music
2018	18/061808/EPRN24	Anti-social behaviour, shouting, screaming, swearing, fighting, violence, blocking of a public road.
2018	18/038151/EPRN25	External music
2018	18/031101/EPRN25	Noise from music and patrons
2018	18/026737/EPRN25	Music from beer garden
2017	17/049721/EPRN25	Noise from music
2017	17/049703/EPRN25	Noise from music
2017	17/044430/EPRN25	Noise from music
2016	16/105359/EPRN02	Music, excessive noise from patrons leaving the premises
2016	16/70673/EPRN24	Excessive noise from patrons leaving the premises
2016	16/61263/EPRN25	Loud music
2010	10/28984/XNOILI	Loud music
2009	09/24263/NOILIC	Loud music patron noise, singing, shouting
2009	09/18701/XNOILI	Loud music, singing, shouting. S80 Abatement notice served 03/08/09
2009	09/18297/XNODOM	Loud music
2009	09/10800/NOILIC	Disturbance from live music.
2008	08/18509/NOICOM	Music, patron noise, singing & Shouting