

**Nelson, Matthew**

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**From:** [REDACTED]  
**Sent:** 27 February 2022 20:34  
**To:** Entertainment Licensing; Musson, Martyn  
**Cc:** [REDACTED]  
**Subject:** Re: PREM/04891/001 – Crossgates and District Recreation Hall, Poplar Ave., LS15 8EB

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To: Entertainment Licensing, Martyn Musson, Matthew Nelson

CC: [REDACTED]  
 [REDACTED]

Dear Sir,

PREM/04891/001  
 Crossgates and District Recreation Hall, Poplar Avenue, Cross Gates, Leeds, LS15 8EB

Cross Gates Watch Residents' Association objected on 09 February 2022 to the above licensing application (copy of email appended below for convenience) and since that time it has been brought to our attention that a number of conditions have been appended to the proposed licence, upon which we wish to comment further, as we consider that these conditions are extremely weak and will do little, if anything, to prevent public nuisance, which is the continuing focus of our concern.

We wish to draw the Licensing Sub-Committee's attention to the following conditions, in particular:

**“Members Behaviour:** The highest standard of behaviour are {sic} expected from members at all times. Any member not meeting these standards will be subject to a disciplinary hearing and have their membership suspended or revoked.”

How, we wish to ask, is the term “highest standard of behaviour” to be interpreted and by whom? Is this not extremely vague and subject to interpretation and assessment by the individual in charge at any one particular moment?

**“Anti-Social behaviour:** The board of director/premises supervisor will ensure members/customers who commit acts of anti-social behaviour are removed from the premises. Such members will be subject to a disciplinary hearing and have their membership suspended or revoked.”

What constitutes “anti-social behaviour”? Again, this is extremely vague and subject to personal interpretation. One person's “anti-social behaviour” is another person's “having a laugh”.

**“Noise Sensitivity:** Noise will be minimal at the nearest noise sensitive area.”

What does “minimal” mean? What are the criteria of minimality? How is ‘minimality’ to be assessed? By whom, by what means and when?

Surely, noise should be zero at the boundary of the premises and beyond, not simply minimal at

the nearest noise sensitive area? And which point in the locality is to be assessed as “the nearest noise sensitive area”?

We cannot see that these conditions offer very much at all in the way of protection for local residents, who risk being disturbed at any point during the hours for which the licence is sought, 10 am to midnight, every day of the year.

We would draw the Licensing Sub-Committee’s attention to the situation which exists at Padrino’s, 55, Austhorpe Road, Leeds, LS15 8EQ, less than 100 metres away, in direct distance. The only licensed activities at Padrino’s are the sale by retail of alcohol, 10.00am – 10.30pm, and the performance of recorded music, indoors only, 10.00am – 11.00pm. Padrino’s lies within the designated Cross Gates “town centre” area; Crossgates and District Recreation Hall does not, but is surrounded entirely by residential premises and a bowling green. We do not consider that licensed activities at Crossgates and District Recreation Hall should be permitted to be more extensive and potentially disruptive than they are at Padrino’s.

We have discussed with planners and other relevant experts on a number of occasions the situation regarding the relative status of permissions granted by Planning and those granted by Licensing and it is quite clear that the granting of a license for certain activities does not bestow approval for the performance of those activities at times and places to which planning permission does not exist. To return to the previous example, a condition attached to planning permission at Padrino’s states “No amplified music played at, or television broadcast shown at, the premises shall be audible from outside the premises. In the interests of amenity.” Possession of a licence by Padrino’s conferring permission for the performance of recorded music indoors does not allow performance of type or volume of music which transcends and is audible beyond the strict boundaries of the premises.

We contend that the activities proposed in licensing application PREM/04891/001 at Crossgates and District Recreation Hall not be permitted as planning permission for these activities does not exist. In Licensing terms, there is little or nothing in the proposed activities or conditions of PREM/04891/001 to satisfy licensing objective, Prevention of Public Nuisance; on the contrary, there is considerable opportunity for the proposed activities to create substantial public nuisance in the area, with co-occurring significant loss of amenity.

I am afraid that I am unable to attend the hearing in March [REDACTED]

[REDACTED]. I should say, however, there is nothing I would wish to add to the statement above. The issues with which we are concerned here are ones concerning public nuisance under the licensing laws, and which require objective answers based on evidence to be presented to the Entertainment/Licensing Committee, and which has so far not been presented. They are not issues which can be settled by a conversation between objectors and applicants.

Finally, while I was sent a notice form to complete, given the nature and length of our submission, it is not a practical proposition to use it. We are obviously an interested party, but the basis of our submission is set out above and in the appendix below.

Yours faithfully

[REDACTED]  
CGWRA

**Appendix: Initial submission of 9 Feb 22**

**From:** [REDACTED]  
**Sent:** 09 February 2022 09:27  
**To:** Musson, Martyn [REDACTED]; Entertainment Licensing  
[REDACTED]  
**Cc:** [REDACTED]  
**Subject:** PREM/04891/001

Dear Sir,

**PREM/04891/001 -- Crossgates Recreation Hall, Poplar Avenue, LS15 8EB, licensing application.**

Cross Gates Watch Residents' Association objects to the above licensing application.

With regard to the four fundamental licensing objectives of The Licensing Act 2003, our comments concern primarily the prevention of public nuisance, although there may be some spillover to the other three objectives, also.

We are aware that Planning issues and Licensing issues are, very largely, two separate matters but we need to point out that activities for which a licence exists cannot take place at any times other than those for which planning permission has been granted. The law and Planning Services are very clear on this.

Opening hours at Crossgates and District Recreation Hall are Noon – 11.00 pm, Monday to Saturday, and Noon – 10.30 pm, Sunday. We assume that the Sunday times also apply to Bank Holidays. Planning permission does not exist for openings or operations at any times other than these. It is a matter for Crossgates and District Recreation Hall Limited as to the times for which it seeks a licence but it would seem irrelevant to request times outside those for which planning permission exists.

The current Club Premises Certificate, CPREM/00133, permits the following activities only: the performance of live music, indoors only; the performance of recorded music, both indoors and outdoors; entertainment of a similar description — it is not clear what is entailed here but, as both previous categories are of music, presumably music is involved here, too — both indoors and outdoors; the supply of alcohol, both indoors and outdoors. Permitted hours are 11.00 am – 11.00 pm, Monday to Saturday, and Noon – 10.30 pm, Sunday, fitting reasonably neatly with permitted opening hours.

Licensing application PREM/04891/001 seeks permission for something very different. In addition to the sale by retail of alcohol and the performance of live and recorded music, there are a number of clearly very different activities: the performance of a play; the exhibition of a film; indoor sporting events — a very general category, we wonder what is intended here; boxing or wrestling entertainment; the performance of dance.

Currently, some events are member-only, others are advertised as public events, open to non-members on payment of a fee, £10 per individual ticket, for example. These latter events naturally involve a considerably bigger audience than member-only events.

It is our contention that the type of event for which permission is sought under licensing application PREM/04891/001 — plays, films, dance performances, boxing, wrestling, indoor sports in general — are likely to be public events, open to members and non-members alike, indeed they may only be viable, financially and otherwise, as public events.

This is significant, given the existing location and proposed times of day for public events and the increased attendance.

We need to point out that Crossgates and District Recreation Hall does not lie within Cross Gates “town centre” area (which, in any case, is something of a misnomer, being a local or district centre at most).

Instead, Crossgates and District Recreation Hall lies on Poplar Avenue, one of the roads off Austhorpe Road lying within a quiet residential area. Indeed, roads to the south, such as Poplar Avenue, are effectively cul-de-sacs, the road linking them to the south, Railway Road, being a narrow, footpath-less way, not much used by vehicular traffic at all.

In a quiet area such as this, well-attended events of the type proposed would have a big impact upon residents, in a number of ways:

- (1) Raucous shouting may occur during sporting events.
- (2) There will be a noisy mass of attendees leaving at the same time at the end of an event. Experience shows that loudness of conversation, etc., established during an indoor event does not immediately diminish as attendees step outside. There is a tendency for raised voices to continue for some time. This is especially so where alcohol is involved.
- (3) Slamming of car doors, etc., as people leave the venue is particularly noticeable in a quiet residential area, such as Poplar Avenue. The car park at Crossgates and District Recreation Hall is not large and a number of attendees may need to park on Poplar Avenue itself, in front of the Hall.
- (4) Poplar Avenue is part of the Austhorpe Road residents-only parking scheme but this is time-constrained and does not operate beyond 6.00pm, Monday to Saturday, or at all on Sundays. There is a distinct possibility that attendees at the events described above may park in spaces in front of residents’ homes, preventing parking by the residents themselves, who may have to seek parking in adjacent roads, if any is available. Parking is a well-known and long-standing problem in Cross Gates. Not only would this be inconvenient for residents of Poplar Avenue but parking is sometimes a desperate and stressful situation.

The distances involved, from Crossgates and District Recreation Hall to residents’ homes are not extensive. From the front wall of the Hall building itself to the front porch of houses on the opposite side of Poplar Avenue is about 22 metres; from the wall of the Hall to the front garden gates of these homes is about 17 metres; from the footpath in front of the Hall to the front wall of the homes is about 15 metres. There are no intervening structures and sound travels very easily across these spaces. This will be intrusive and a nuisance for residents, especially in summer time when windows may be open at any time of day or evening or at any time at night for those who prefer or need to sleep with bedroom windows ajar.

Health issues are of paramount importance here. The negative impact of random noise, especially random human noise, on health and wellbeing is well researched and well known. That is why we are including the Leeds City Council Senior Environmental Health Officer in the list of recipients of this objection.

As we indicated above, although our objection concerns primarily the licensing objective of the prevention of public nuisance, it is easy to see that the objectives of public safety — i.e., public health and wellbeing — and the prevention of crime and disorder — i.e., the prevention of disorderly behaviour and possible criminal altercations between rowdy revellers and affected residents — may well also be involved here.

Yours faithfully

  
CGWRA