

L Nicholson  
Project Assistant  
City Centre Leeds  
6<sup>th</sup> Floor  
Leonardo Building  
2 Rossington Street  
LEEDS LS2 8HD

**Chief Executive's Department**  
Governance Services  
4<sup>th</sup> Floor West  
Civic Hall  
Leeds LS1 1UR

Contact: Helen Gray  
Tel: 0113 247 4355  
Fax: 0113 395 1599  
Email: helen.gray @leeds.gov.uk  
Your reference:  
Our reference: A61/hg/LCC event spaces

14 October 2008

**APPLICATION FOR GRANT OF PREMISES LICENCE – “LEEDS CITY CENTRE AND EVENT SPACES” – VARIOUS SITES WITHIN LEEDS CITY CENTRE**

On 15<sup>th</sup> September 2008 the Licensing Sub Committee heard an application by Leeds City Council Department of Development, “City Centre Leeds”, 6<sup>th</sup> Floor Leonardo Building, 2 Rossington Street, Leeds LS2 8HD for the grant of a Premises Licence for various sites within Leeds City Centre including Briggate; Dortmund Square; Albion Place; Albion Street; Central Square; Bond Court; Chancellor Court and City Square (for cultural events).

The applicant already operated a licence for several city centre spaces but sought to increase the hours of operation and include further activities and spaces. The applicant indicated the existing licence would be relinquished if this application was granted.

The applicant sought the following:

Performances of plays, live music, recorded music, dance; provision of facilities for making music/dancing and provision of facilities for entertainment similar to making music/dancing:

Monday to Sunday 09:00 until 23:00 hours

As the sites were public open spaces, the sites would be open:

Monday to Sunday 00:00 until 23:59 hours

This letter represents the formal decision of the Sub Committee in respect of the application

**Preliminary Procedural Issues**

The Sub Committee considered preliminary matters of a purely procedural nature. Members considered the issue of declarations of interest very carefully, noting the applicant was Leeds City Council. All Members stated that they had no decision making role on any other Board/Panel or Committee of the Council which dealt with events related matters, therefore no declarations of interest were made.

## **FINAL**

The Sub Committee decided the procedure for the hearing would not be varied and considered whether the public should be excluded from any parts of the hearing. The Sub Committee decided to exclude the public from that part of the hearing where Members would deliberate on the application as presented. This would allow them to have a full and frank discussion on all matters put before them and this fact outweighed the public interest in not doing so.

Prior to the hearing the Sub Committee had considered the Licensing Officers Report which contained a copy of the application as submitted including several maps showing the location of each event space and a copy of "City Centre Spaces – Policy and Procedure" submitted in support of the application. Two letters of representation received from Knight Frank LLP and F&C Property Asset Management PLC as interested parties were also included. No representative of F&C Property Asset Management PLC attended the hearing and the Sub Committee resolved to consider the written submission in their absence.

The Sub Committee permitted both parties 10 minutes in which to make their case. This time limit was imposed having regard to the relevant Regulations and in the interests of consistency and the efficiency of business.

The Sub Committee then went on to consider the application.

### **The Hearing**

The following attended the hearing

Ms Karen Butler, LCC City Centre Leeds - the applicant

Ms Laura Nicholson, LCC City Centre Leeds – the applicant

Mr C Tolson – representative of Knight Frank LLP

In determining the application the Sub Committee took into account all written submissions contained within the report which had been circulated to the Parties prior to the hearing. After considering the evidence and submissions the Sub Committee needed to satisfy itself that granting the licence would promote the licensing objectives. In reaching this decision the Sub Committee had regard to the provisions of the Licensing Act 2003, guidance under Section 182 of that Act and the Council's own Licensing Policy.

In particular the Sub Committee took into account Sections 17 & 18 of the Act because these were the most relevant to the application and Chapter 8 of the Guidance relating to the prevention of public nuisance. The Sub Committee then went on to consider the following paragraphs of the Licensing Policy as the Sub Committee took the view these paragraphs had bearing on the application:

12:22 to 12:32      Public Nuisance

### **Reasons for the decision**

The Sub Committee heard representation from Mr C Tolson on behalf of Knight Frank LLP. Mr Tolson explained that Knight Frank occupied premises adjacent to the Bond Court site and the concerns he would raise would be in relation to this site only. Mr Tolson went on to outline his three main areas of concern as

- All of the proposed activities were noise generating activities and may well cause nuisance and/or annoyance to businesses around the site and may well render the premises unusable.
- Access to Bond Court may be adversely affected depending on the size, nature and scope of the entertainments on offer
- The amenity value of the area could be adversely affected depending on the size and nature of the entertainments planned in the area

## FINAL

Mr Tolson concluded by stating his overall concern was the scale and scope of activities intended as the application contained no detail of these. He suggested that conditions could be imposed to control the size of events, amenity of the area and access to the site.

In response to a query about suitable music events, Mr Tolson stated he would be concerned about any proposals for live music in the area, as it was predominantly an office environment. The application requested a licence between 09:00 until 23:00, but the sites were publicly accessible all day, plus the applicant would be able to provide any of the entertainments between those times. Finally Mr Tolson confirmed that Knight Frank operated from its premises between 09:00 until 17:30 hours Monday to Saturday, although was not currently operating Saturdays.

The Sub Committee heard representation from Mrs K Butler on behalf of the applicant who explained that the current licence covered the majority of the spaces listed on this new application and was used to control the commercial and cultural activities held in city centre spaces. This new application was intended to control busking and regularise activities already taking place plus include newly refurbished city centre spaces.

Ms Butler stated the size and scale of the space would determine the type of events staged there. She did not anticipate anything remotely large scale on Bond Court and confirmed that events were scheduled appropriately and in liaison with businesses around the spaces. She did not envisage a rock concert being held on Bond Court. Most of the big events were held on Briggate, with other spaces providing low key events which did not include live music.

In response to a question from the legal adviser, Mrs Butler confirmed the applicant would be willing to accept a restriction which would prevent the provision of live music on Bond Court between 09:00 and 17:30 hours Monday to Fridays. She concluded by explaining the spaces were used for events to attract pedestrian footfall to the centre to the benefit of all, in liaison with local business and it was not their intention to cause nuisance

The Sub Committee then moved on to ask questions and Ms Butler provided the following details:

- Acknowledging that Bond Court was predominantly a business area, she explained it had been added to the list of spaces following refurbishment. The area was intended to provide rest and relaxation for users, and included a Petanque court used by local businesses which also needed regulation
- She envisaged very small scale entertainments on Bond Court, which may include dance performances, yoga displays etc. No events were actually planned for the space at this time although this application would provide an opportunity for future use
- Ms Nicholson additionally stated that with the proposed restriction in place, busking was unlikely on this space, more likely the department would rent out spaces on Bond Court for promotional activities

The Chair of the Sub Committee invited Mr Tolson to comment who confirmed the Bond Court restriction would substantially address his concerns. However as the applicant sought a wide range of activities/times; he felt too much reliance was being put on LCC City Centre Management to police its own activities. He was concerned that the applicant intended to sell the facility to users and it was difficult to ascertain what conditions could be meaningfully imposed to regulate noise and amenity. Mr Tolson concluded by stating Knight Frank had located its meeting rooms on the ground floor of the building, and the building may need to be reconfigured if the activities affected the use of these rooms

The Legal Adviser advised all present that existing statutory noise nuisance legislation was in place and LCC had to abide by that. Additionally, should Mr Tolson or any other businesses

## **FINAL**

experience noise problems these should be reported to LCC Out of Hours Noise Nuisance Team and continuing problems could be dealt with by application for a Review of the Licence

### **The Decision**

The Sub Committee had read the application as submitted and the written representations. Members carefully considered the representations made at the hearing by Mr Tolson and Mrs Butler. Members noted the measures included within the accompanying documents submitted by the applicant proposed to address the licensing objectives. The Sub Committee also noted the applicant had offered to accept a condition restricting provision of live music at the Bond Court event space

Members were satisfied that granting the licence in the terms requested would not undermine the licensing objectives. The Sub Committee therefore resolved to grant the application as requested, but to impose one condition.

To clarify:

Performances of plays, live music, recorded music, dance; provision of facilities for making music/dancing and provision of facilities for entertainment similar to making music/dancing:  
Monday to Sunday 09:00 until 23:00 hours

As the sites are public open spaces they will be open to the public 24 hours per day, seven days per week

### **Conditions**

- Bond Court Event Space - No amplified music to be played between the hours of 09:00 and 17:30 hours Monday to Friday (except Bank Holidays)

The Sub Committee took the opportunity to request the applicant update the City Centre Spaces – Policy and Procedure” document to include reference to the new spaces and activities

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the Sub Committee. You must make this appeal within 21 days of this letter reaching you.

Appeals should be addressed to the Magistrates Court at:

Clerk to the Justices

Leeds Magistrates Court

Westgate

Leeds

LS1 3JP and accompanied by a copy of this decision letter and the court fee of £400.00 if you are the premises licence holder and £200.00 for all other parties. Cheques should be made payable to HMCS.

Yours faithfully

**Helen Gray**  
**Clerk to the Licensing Sub Committee**