



Neil Purves  
1 Oak Wood Road  
Wetherby  
West Yorkshire  
LS22 7QY

Environmental protection team  
Leeds City Council  
Millshaw Park Way  
Leeds  
LS11 0LS

Contact: Mr M Bird  
Tel: 0113 247 7780  
Fax:  
michael.bird@leeds.gov.uk  
Our reference: PREM/03286/001  
14 February 2013

Dear Mr Purves

**Licensing Act 2003**

**Name of Premises: Libby's @ 37 Ltd**

**Address: 37 Main Street, Garforth, Leeds, LS25 1DS**

Thank you for submitting your application for the above premises.

Leeds City Council's environmental action service is of the opinion that your application contains insufficient information about how you intend to meet the licensing objective of the prevention of public nuisance. We therefore confirm that we are submitting a formal objection to your application.

However you could meet this objective by incorporating certain identified measures within your operating schedule. Therefore, please find enclosed a document which at part 1 contains the suggested measures which we consider are proportionate and appropriate to the nature of your application.

If you are in agreement with the suggested measures then please complete and sign part 2 of the enclosed form and return the complete document to me as soon as possible. Once we receive this it will be taken that you wish the licensing authority to amend your operating schedule to incorporate the proposed measures. If you have any questions please do not hesitate to contact me.

If you disagree with the suggested measures, then please complete part 3 and return the complete document to me as soon as possible.

If the opening hours as proposed under this application are different to those on the current planning approval, then you should also make an application for variation of hours to planning services. If you operate without planning permission, this may result in a breach of the relevant planning condition. If you wish to discuss this matter further please contact the development enquiry centre 0113 222 4409.

Yours sincerely

M Bird  
Senior Environmental Health Officer

Encs

## **PART 1**

**To be completed by the responsible authority**

**Leeds City Council's Environmental Action Service  
Proposed Controlled Measures under the Licensing Act 2003**

**Name of Premises: Libby's @ 37 Ltd  
Address: 37 Main Street, Garforth, Leeds, LS25 1DS**

### **Premises Summary**

The application premises has been operating for some time as a private members club within the small town of Garforth, Leeds. The application premises is situated on the Main Street, although when facing the club from Main Street there is residential housing in very close proximity to the rear.

The submitted application is to change from a club premises licence to a general premises licence. The application also seeks to provide live music until midnight, recorded music until 1am, and increase the hours for the supply of alcohol until 1am as well. The new opening hours would be until 01.30 in the morning. This would appear to be a significant increase in the existing terminal hours.

This Department has not previously received complaints from nearby residents in relation to noise from the club. However, it is likely that the existing hours for live music and supply of alcohol until no later than 11pm have helped considerably with this.

The applicant describes these change as allowing the club to rent out the premises to non members, and describes the type of functions under consideration as "funeral tea's". Unfortunately, the changes as applied for would also permit loud music type events typical of 21<sup>st</sup> birthday parties etc. Activities, including the coming and going of patrons and people smoking outside, may occur until 01.30 in the morning.

If granted the application is likely to increase the number of events that take place at the premises as well as the hours these will finish. There may well be an increase in the number of patrons using the outside areas, especially late at night or in the early hours of the morning. Therefore, there is a greater potential for public nuisance to nearby residents if this application is granted. The applicant has submitted a proforma of measures they intend to incorporate into their operating schedule. Unfortunately these measures do not address all the public nuisance issues that are likely to occur at this premises.

Having considered the application under the Licensing Act 2003 for the above premises, the Leeds City Council's environmental action service considers that the following measures are proportionate and necessary in order to promote the following licensing objective:

- Prevention of public nuisance

### **Noise and Vibration**

1. The opening hours of the premises

2. The hours of licensable activity at of the premises shall be restricted to 10.00 to 23.00 Sunday to Thursday and 10.00 to 00.00 on Friday and Saturday.
3. Noise from a licensable activity at the premises will not be audible at the nearest noise sensitive premises, which are residential properties immediately to the East on Lyndon Avenue and Coupland Road.
4. Between 23.00 and 10.00 the following day, smoking by patrons shall only be permitted in the area immediately to the front of the premises which faces onto Main Street.

Signed:

Dated:

**PART 2**

**To be completed by the applicant or applicant's representative**

**Consent for Proposed Controlled Measures under the Licensing Act 2003**

**Name of Premises: Libby's @ 37 Ltd**

**Address: 37 Main Street, Garforth, Leeds, LS25 1DS**

I / We .....

confirm that I am / we are the applicant / the applicant's representative (*delete as appropriate*) for the premises as stated above.

In signing this document I / we agree with the measures proposed by Leeds City Council's environmental action service, and we provide our consent for the licensing authority to incorporate the said measures into the operating schedule for the stated premises.

Signed:

Dated:

Please return this document to:

Environmental protection team  
Leeds City Council  
Millshaw Park Way  
Leeds  
LS11 0LS

**PART 3**

**To be completed by the applicant or applicant's representative**

**Proposed Controlled Measures under the Licensing Act 2003**

**Name of Premises: Libby's @ 37 Ltd**  
**Address: 37 Main Street, Garforth, Leeds, LS25 1DS**

I / We .....

confirm that I am / we are the applicant / the applicant's representative (*delete as appropriate*) for the premises as stated above.

I / We formally advise that we are not prepared to accept the proposed measures as suggested by Leeds City Council's environmental action service.

In this instance we understand that Leeds City Council's environmental action service will maintain their representation to my /our application, which will now proceed to a hearing before the licensing sub-committee.

Signed:

Dated:

Please return this document to:

Environmental protection team  
Leeds City Council  
Millshaw Park Way  
Leeds  
LS11 0LS

## Wood, Jane

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**From:** Neil Purves <npurves@freenetname.co.uk>  
**Sent:** 26 February 2013 13:44  
**To:** Bird, Michael  
**Cc:** Wood, Jane; Entertainment Licensing  
**Subject:** Re: LIBBY'S @ 37 LTD

Michael/Jane

I confirm acceptance of all below.

Regards

Neil

----- Original Message -----

**From:** Bird, Michael  
**To:** Neil Purves  
**Cc:** Wood, Jane ; Entertainment Licensing  
**Sent:** Monday, February 25, 2013 9:15 AM  
**Subject:** RE: LIBBY'S @ 37 LTD

Dear Mr Purves

I refer to your e mail below in response to my letter of 14/02/13.

I am pleased of your acceptance of my proposed conditions 3 and 4.

Your application is to change from a club premises licence to a general premises licence, and increase the hours for the supply of alcohol and live music. The application form describes these changes as allowing the use of the club by non members for functions etc. If granted I would consider that the application is likely to increase the number of events that take place at the premises as well as the hours these will finish. There may well be an increase in the number of patrons using the outside areas, especially late at night or in the early hours of the morning. Therefore, there is a greater potential for public nuisance to nearby residents if this application is granted.

However, I do note the lack of previous complaints in relation to your existing operations. Therefore, I am accepting of your proposed changes to my original conditions. The new conditions being:

1. The opening hours of the premises shall be restricted to 10.00 to 00.30 the following day.
2. The hours of licensable activity at of the premises shall be restricted to 10.00 to 00.00 for the sale of alcohol, and 10.00 to 00.00 Monday to Saturday and 10.00 to 23.00 on Sundays for regulated entertainment.
3. Noise from a licensable activity at the premises will not be audible at the nearest noise sensitive premises, which are residential properties immediately to the East on Lyndon Avenue and Coupland Road.
4. Between 23.00 and 10.00 the following day, smoking by patrons shall only be permitted in the area immediately to the front of the premises which faces onto Main Street.

In order to inform the Licensing Section of this agreement please confirm your acceptance of the above to Jane Wood, the Licensing case officer.

Regards

Mike Bird  
Senior Environmental Health Officer  
Environmental Protection Team  
Leeds City Council  
Millshaw Park Way  
Churwell

Leeds  
LS11 0LS  
0113 3951162

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**From:** Neil Purves [<mailto:npurves@freenetname.co.uk>]  
**Sent:** 20 February 2013 15:09  
**To:** Bird, Michael  
**Subject:** LIBBY'S @ 37 LTD

REF PREM/03286/001

From your letter dated 14th February received 20th February.

The club have already agreed with WYP that the Supply of Alcohol will cease at Midnight with the exception of Christmas and New Years Eve. Opening hours would therefore now be from 10.00 to 00.30 Monday to Sunday.

We do not foresee a significant increase in live music event's, as you have said there have not been complaint's from nearby residents. We are now asking for an increase of an hour Monday to Saturday and half an hour on Sunday

We have no problems with parts 3 and 4 of your letter.

I trust this is acceptable to you.

Thanks

Neil Purves

07415 512397

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