

# Appendix E



Kevin Jones  
The Red Lion  
47 Kirkgate  
Otley  
Leeds  
LS21 3HN

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

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Our reference: PREM/01891/008  
28<sup>th</sup> February 2013

Dear Mr Jones

## **Licensing Act 2003**

**Name of Premises: Red Lion**

**Address: Kirkgate, Otley, Leeds, LS21 3HN**

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

April Fisher  
Senior Environmental Health Officer

## **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: Red Lion**

**Address: Kirkgate, Otley, Leeds, LS21 3HN**

The application premises is located on Kirkgate with residential premises located on Kirkgate Mews, Church Lane and above commercial premises on Kirkgate. Otley is a semi rural market town with a mix of commercial and residential premises.

The submitted application is to increase the opening hours by changing them to 11.00 to 03.00 Monday to Thursday, 11.00 to 04.00 Friday and Saturday and 12.00 to 00.30 on a Sunday. This would appear to be a significant increase in the existing terminal hours.

This department has previously received complaints from nearby residents in relation to noise from patrons using the application premises but to date this complaint has not been substantiated. However, several noise complaints relating to licensed premises in and around the town centre are being investigated.

Currently there are no licensed premises that open in Otley after 01.30 am and if the application for the extended hours is approved there is likely to be an increase in noise from music and patrons outside the premises.

This type of venue with these operational hours has the potential to cause a loss of amenity to residents not only from the potential of noise from the music but also from people arriving and leaving the premises and congregating outside to smoke and this type of noise is very difficult to control. The applicant has demonstrated how they propose to mitigate the impact this type of noise will cause to the amenity of residents in the area but unfortunately it is felt that these measures may not be adequate to prevent public nuisance.

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 shall be restricted to 11.00 am to 00.30 Sunday to Thursday and from 11.00 am to 02.00 am the following day on Friday to Saturday.
2. The hours of the licensable activity at the premises shall be restricted to 11.00 am to 00.00 am Sunday to Thursday and from 11.00 am to 01.30 am Friday to Saturday.
3. Noise from a licensable activity at the premises will not be audible at the nearest noise sensitive premises which are located on Kirkgate Mews, Church Lane and residential premises above commercial premises on Kirkgate.

4. The activities of persons using the external areas shall be monitored after 23.00 pm and they shall be reminded to have regard to the needs of local residents and to refrain from shouting and anti social behaviour etc when necessary.
5. Between the hours of 23.00 pm and 10.00 am the next day smoking by patrons shall only be permitted in the rear yard with no access from the gated alley.
6. The PLH/DPS will adopt a "cooling down" period where music volume is reduced towards the closing time of the premises.
7. To prevent noise outbreak from music secondary glazing shall be fitted to all windows to the first floor function room.

Signed:

Dated: