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## **LICENSING SUB-COMMITTEE**

**TUESDAY, 22 MARCH 2016**

## **SUPPLEMENTARY INFORMATION**

Agenda Item 7 – Application to vary a premises licence held by Dixy Chicken (formerly Downtown Pizza), 58 Town Street, Horsforth

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## **APPLICATION TO VARY A PREMISES LICENCE**

**PREMISES: DIXY CHICKEN (FORMERLY DOWNTOWN PIZZA BAR), 58 TOWN STREET, HORSFORTH, LEEDS, LS18 4AP**

### **HEARING 22ND MARCH 2016**

#### **PRE-LIMINARY:**

1. I advised the entertainment licensing authority that I will not be in the UK from the 9<sup>th</sup> March 2016, upon being informed that the application is likely to be placed before a licensing committee at the end of the representation period. I did request that the hearing be scheduled before I leave in order for me to attend in person. However I was advised by the licensing officer that due to time constraints this would not be possible. I am out of the UK until 4<sup>th</sup> May 2016. Therefore my representative Asad Bilal Chaudhry will be attending the hearing on 22<sup>nd</sup> March 2016 on my behalf. He is also manages the business and therefore is best placed to address matters.

#### **PUBLIC NOTICE :**

2. The Notice of full variation was placed in the Wharf Valley Times on 4<sup>th</sup> February 2016, (free newspaper) highly circulated within the Horsforth area amongst residential addresses. Leeds City Council was advised of the newspaper and the public notice was sent to them before being published in the newspaper. See attached Public Notice for your reference.

#### **BACKGROUND TO BUSINESS:**

3. I have an established Franchised takeaway, namely Dixy Chicken which I have had for almost four years in Town Street, Horsforth. The current business late night refreshment hours are Sunday to Thursday 23.00 hours to 00.00 and Friday and Saturday 23.00 hours to 01.00 hours. I have made a full variation application to extend the late night refreshment until 02.00 hours on Friday and Saturday.

#### **REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES:**

##### **WEST YORKSHIRE POLICE – WITHDRAWN**

4. West Yorkshire police have requested that a CCTV system will be incorporated as part of the operating schedule and also at the premises in accordance with their requirements. Upon an undertaking provided by myself to this effect, West Yorkshire Police are satisfied that the licensing objectives will be met and have withdrawn their representation. Please see attached email from Bob Patterson, of West Yorkshire Police to entertainment licensing, Leeds City Council.

##### **ENVIRONMENTAL HEALTH- LEEDS CITY COUNCIL- NO OBEJECTION.**

5. Mark Everson, Environmental Health Officer confirms that the application has been assessed against the licensing objective of the prevention of public nuisance, and has no objection to the application.

##### **LICENSING AUTHORITY– LEEDS CITY COUNCIL**

6. With reference to representations made by Susan Holden of Licensing authority, I will say that there is a premises that already has a licence to open for late night refreshment until 02.00 am Thursday to Saturday on Town Street, namely the Old Kings Arms

(PREM/01647/004), please see attached late night premises information attached for your reference, therefore the Licensing authority would not be setting precedence by extending my current opening hours for late night refreshment by one hour. I would also like to add that each application should be considered on its own merit I am not serving alcohol or providing any form of entertainment. In fact it is reasonable to say that providing food to members of the public who may be under the influence of alcohol will most likely decrease the likelihood of any anti-social behaviour.

7. Their representations state that although we have opened until 02.00 hours for a number of weeks does not prove that I would be able to continue to do so without complaint from members of the public. I would like to highlight that I have opened until 02.00 hours for 10 consecutive Fridays and Saturdays from 26<sup>th</sup> December 2015 until 28<sup>th</sup> February 2016. This is more than a few weeks and I would say sufficient time in which if there was going to be any incidences of crime and disorder or public nuisance residents would have made a complaint. To date it is my understanding that no residents have made any representations or complaint.
8. More importantly the Public Notice was placed in the Wharf Valley Times which is a free newspaper highly circulated in the LS18 postcode. Therefore again residents in and surrounding and Town Street itself would have had sufficient notice to make any representations.
9. The licensing authority should consider that the Environmental Health Authority are best placed to make an assessment in relation to public nuisance. Mark Everson an Environmental health officer states in his email dated 13<sup>th</sup> February 2015, that he has **assessed the application** against the licensing objective and has no objection against the application was made. It would be reasonable to say that the licensing authority should have consulted the environmental health regarding the levels of noise and whether their assessment finds that an extension of late night refreshment would meet the licensing objectives.

**HORSFORTH TOWN COUNCIL, HORSFORTH CIVIC SOCIETY AND COUNSILLOR DAWN COLLINS.**

10. I would again ask you to consider we have had no representations put forward from Town Street residents or from surrounding areas. This indicates that they have no objections or concerns for the extension in late night refreshment being extended by an hour especially given that we have successfully opened for 10 weekends and no complaints were received which would be considered as a reasonable time in which complaints would be made.
11. Regarding residential dwellings there are no residences directly above the premises or in direct vicinity of the premises the closest one approximately 127 yards on the left side of the premises on the opposite side of the road at the side of Morrison. This is on the first floor of commercial premises in particular a Betting shop. On the right side of the premises, residential property is next door to a Bar, namely Maverick who already open until 1am yet neither of these residence have objected given that our notice was displayed as per the requirements in the premises window and published in the newspaper. They clearly have no objections. The residential dwellings are not directly above, to either side or opposite the premises, therefore any noise generated from the premises would not be audible to these properties hence they have not come forward with any objections. I would also like

to add that at the rear of the premises there is a large office block namely Jason House, opposite which is located more offices White Sea Baltic co Ltd. To the side of these buildings falls New Street if way back from the premise location.

12. Any noise that is generated from the premises will be minimal as there will be no music and our premises is very small therefore at the most we would be serving four to five customers at a time. We will also ensure that our window and doors are closed at all times. Therefore any noise would not be audible and would be cushioned by the passing traffic and members of the public already on Town Street, waiting to be picked up by taxis or making their way home.
13. I would like to add that we would not be promoting any anti-social behaviour as no alcohol or adult entertainment is provided at our premises, if anything we would serve food that would diminish the effects of alcohol.
14. On the first floor of the business premises there is a 24 hour taxi base, namely that Abbey Cars. Members of the public wait outside for a taxi well after 02,00 hours given that when they have left other premises at 01.00 hours they tend to congregate before making their way to get a taxi. I even find that I have members of the public knocking on the windows wanting to be served (whilst we are cleaning after the premises is closed). Most customers ordering food from my takeaway will be waiting for their taxi to arrive anyway, therefore to keep nuisance and disorder to a minimum serving them food would be better than to let them loiter on the main street waiting to be picked increasing the likelihood of nuisance and disorder.
15. I again would urge you to consider that Environmental Health Authority should be the main source of advice on matters relating to public nuisance for the Licensing Authority and the considering Environment Health Officer Mr Everson had no objection neither should the Licensing Authority .
16. The representations made by Town Council, the Civic Society and Councillor Collins should be considered as objections from responsible authority as they have not expressed any personal interest in the application nor have they declared that they reside on Town Street. Therefore if there are no objections put forward by residents and Environmental Health then this is a strong indication in my opinion that we meet the licensing objectives in that there would be additional public nuisance on Town Street. This should have been given consideration by the Licensing Authority and the Councillors they consulted before putting forward their representations. Their representations are no supported by any form of evidence from residence of Environmental Health or West Yorkshire Police.
17. The Civic Society and Horsforth Town Council are both located within the Mechanic Institute, Town Street and both operate during office hours therefore they would not be directly affected by the late night opening hours. I also believe they are not considered as responsible authorities according the provision stipulated by Leeds City Council for inform responsible authorities of the application.
18. I would say that if anything serving food to people who would be usually waiting around outside would help reduce the noise and congregation of people waiting for taxis, They would be offered refreshments therefore the influence of alcohol would be considerably

decreased having a positive effect on anti-social behaviour.

19. Also our delivery service ends at 23.30 hours and therefore we have full staff on during late night business hours who are fully trained and have sufficient experience in dealing with late night opening, they are competent to be able to defuse any disorder or nuisance causing behaviour.

20. I have an unblemished track record of no authority having to deal with issues of nuisance of criminal disorder ever since my husband and I have been in this trade, for almost 16 years. I feel that I have demonstrated through the Temporary Events that consecutively I have been able to open late successfully for near 10 weeks at the current premises with no problems at all.

21. Having considered the risk assessment document provided by Leeds City Council in respect of how to be meet the licensing objectives, I will meet the objectives as follows:

#### **CRIME AND DISORDER**

- Closed-Circuit Television (CCTV) system will is be operational at the premises at all times and will be when licensable activities are being carried out and at any other times where members of the public are present on the premises.
- The CCTV system covers all areas of the premises occupied by the public under the terms of the licence,
- It does cover the main entrance and exit and designated emergency egress routes from the premises.
- The location of CCTV cameras are identified on the site plan of the premises. No amendments to the locations of the cameras will be made without prior consultation with West Yorkshire Police/British Transport Police and the Licensing Authority
- The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.
- The CCTV system will contain the correct time and date stamp information.
- The CCTV system will have sufficient storage retention capacity for a minimum of 31 days' continuous footage which will be of good quality.
- The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has accessed the system, the reason why and when.
- A designated member of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority.
- The data controller, under the Data Protection Act 1998, who is responsible for any CCTV images caught on cameras on the premises will, on the lawful request of an authorised officer of a Responsible Authority (under the Licensing Act 2003), be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. Where the CCTV images are not supplied at the time of the request being made the data controller will ensure that it is secured to prevent any overwriting.
- The CCTV system will be capable of securing relevant pictures for review or export at a later date.

- The CCTV system will be adequately maintained and be capable of transporting recorded material onto a removable media.
- The CCTV system replay software must allow an authorised officer of the Licensing Authority or Responsible Authority to search the picture footage effectively and see all the information contained in the picture footage.
- It must be possible to replay exported files immediately e.g. no re-indexing of files or verification checks.
- A Supervisor's Register will be maintained at the licensed premises, showing the names, addresses and up-to-date contact details for the DPS and all personal licence holders.
- The Supervisors Register will state the name of the person who is in overall charge of the premises at each time that licensed activities are carried out, and this information will be retained for a period of twelve months and produced for inspection on request to an authorised officer.

#### **PUBLIC NUISANCE:**

- Licensable activities will be conducted and the facilities for licensed activities will be designed and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties
- Noise from a licensable activity at the premises will be inaudible at the nearest noise sensitive premises.
- There are no external loudspeakers
- There are no external areas of the business accessible to the public.
- The PLH/DPS will adopt a "cooling down" period where music volume is reduced towards the closing time of the premises.
- Notices will be displayed to customers to leave quietly and keep noise level to a minimum
- The PLH/DPS will ensure that litter arising from people using the premises is cleared away regularly and that promotional materials such as flyers do not create litter
- We have litre bins on the premises
- Notices will be displayed to customers prompting them to use the litre bins provided
- Instructions to staff to periodically clear litter from the street around the premises
- Clear and legible notices will be displayed at exits, car parks and other circulatory areas requesting patrons to leave the premises quietly having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos and anti-social behaviour.
- The premises supervisor and any door supervisors will monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.
- A facility will be provided for customers to order Hackney taxis/private hire vehicles. Telephone numbers for taxi firms/private hire companies will be displayed in a prominent position on the premises. Taxi bases on first floor of premises.

**CONCLUSION:**

22. I believe that I have satisfied that I am able to meet the licensing objectives in accordance with the Licensing Act 2003, in particular the two that are in issue Crime and Disorder and Public Nuisance. I have provided an undertaking to West Yorkshire Police regarding CCTV on the premises and will ensure that the above mentioned measures are in place to meet the objective and fit for their requirements.
  
23. Likewise I would ask you to consider the Environmental Health Authority are best placed to assess whether my application would cause public nuisance, their email confirms they have carried out an assessment and are satisfied that the licensing objectives are met. This along with the fact that we have not received any residential representations strongly suggests that our application would not further have an impact the Cumulative Impact Zone and we would not cause any residence disturbance or disruption.
  
24. I invite you to grant this application.

**ASMA CHAUDHRY**



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## Premises Licence Variation - Dixy Chicken, 58 Town Street, Horsforth LS18 4AP - 16/09461/EPLA01

From: **Everson, Mark** (Mark.Everson@leeds.gov.uk)  
Date: 13 February 2016 10:15:21  
To: **Mr Chaudhry** (Mr.Chaudhry@leeds.gov.uk)  
Cc: **Entertainment Licensing** (Entertainment.Licen@leeds.gov.uk)

Mr Chaudhry

We refer to your application to vary the premises licence at the above business. This application has been assessed against the licensing objective of the prevention of public nuisance. We would have no objection to your application and have copied in our colleagues in Entertainment Licensing to advise them of this fact.

Regards

Mark Everson MCIEH  
Environmental Health Officer  
Leeds City Council  
Millshaw Parkway  
Leeds  
LS11 0LS  
Tel: 07891 277043

[Leeds Apprenticeship Recruitment Fair](#) - Monday 14th March 5pm – 8pm, at First Direct Arena. Over 90 fantastic exhibitors, all with vacancies to fill, including:- British Gas, British Telecom, ITV, Leeds & York NHS, Lloyds Bank, Superdrug, Unilever, Volkswagen, Yorkshire Ambulance, Yorkshire Water and many more.

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## **RE: DIXY CHICKEN HORSFORTH - VARY PL - POLICE REPRESENTATION [NOT PROTECTIVELY MARKED]**

**From:** Patterson, Bob (bob.patterson@westyorkshire.pnn.police.uk)  
**Sent:** 26 February 2016 12:33:45  
**To:** ASMA ISHFAQ (emma.white@leeds.gcsx.gov.uk); Deighton, Charlotte (emma.white@leeds.gcsx.gov.uk), Deighton, Charlotte (charlotte.deighton@leeds.gcsx.gov.uk); 'Entertainment Licensing' (entertainment.licen@leeds.gcsx.gov.uk)  
**Cc:** Sanderson, Catherine (catherine.sanderson@westyorkshire.pnn.police.uk)

Dear Asma

Thank you for your quick reply

Emma / Charlotte,

The previous reply from Asma below should have the signature attached for you to see

Could you please now withdraw the police representation in the matter in respect of course to the agreed measures appearing as conditions of the licence. I will be happy to help you with this.

Thank you in advance.

Best regards,

Mr Bob Patterson

Leeds District Licensing Officer

Leeds District Licensing Department

Elland Road, Leeds, LS11 8BU

Internal: 50213

External: 0113 3859413

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**From:** ASMA ISHFAQ [mailto:asmaishfaq@hotmail.com]  
**Sent:** 26 February 2016 12:19  
**To:** Patterson, Bob <bob.patterson@westyorkshire.pnn.police.uk>; Emma.White@leeds.gcsx.gov.uk; Deighton, Charlotte <charlotte.deighton@leeds.gcsx.gov.uk>; 'Entertainment Licensing' <entertainment.licen@leeds.gcsx.gov.uk>  
**Cc:** Sanderson, Catherine <catherine.sanderson@westyorkshire.pnn.police.uk>  
**Subject:** RE: DIXY CHICKEN HORSFORTH - VARY PL - POLICE REPRESENTATION [NOT PROTECTIVELY MARKED]

Dear Mr Patterson

Please find attached my signed consent to the measures to be added to the operating schedule. We currently already have CCTV measures in place at the take-away and will ensure that meet your requirements.

I would like to take the opportunity to thank you for your co-operation in the matter.

*Azma Bilal / Catherine*

0113 2751000



From: bob.patterson@westyorkshire.pnn.police.uk  
To: Emma.White@leeds.gcsx.gov.uk; Charlotte.Daughton@leeds.gcsx.gov.uk;  
Entertainment.Licen@leeds.gcsx.gov.uk  
CC: catherine.sanderson@westyorkshire.pnn.police.uk  
Subject: DIXY CHICKEN HORSFORTH - VARY PL - POLICE REPRESENTATION [NOT PROTECTIVELY  
MARKED]  
Date: Fri, 26 Feb 2016 11:20:48 +0000

Emma / Charlotte,

After yesterday's conversation with Emma White of Leeds City Council, please see attached a letter of representation from West Yorkshire Police, in relation to the application for a variation of the premises licence for Dixy Chicken at 58 Town Street Horsforth.

The applicant / premises licence holder is copied into this email.

The letter should prove self-explanatory, but just to confirm that the measures requested by the police in the letter, are merely a different worded version of those already offered by the applicant, and extracted from Leeds City Council's official V7 Pro-forma risk assessment.

Regards.

Mr Bob Patterson

Leeds District Licensing Officer

Leeds District Licensing Department

Elland Road, Leeds, LS11 8BU

External: 0113 3859413

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