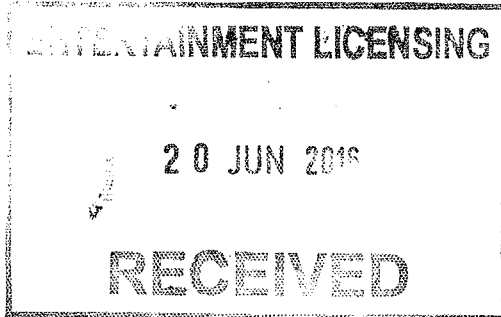


Environmental Protection Team
Leeds City Council
Millshaw Park Way
Leeds
LS11 0LS



Contact:
Tel:
Fax:

Our reference: EPLM/01751/003
20 June 2016

Dear Mr Abrar

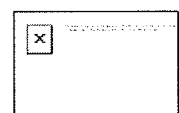
Licensing Act 2003

Name and Address of Premises: 143 - 145 New Road Side, Horsforth, Leeds, LS18 4QD

We refer to your licensing application for the above premises. We believe that your application does not give enough information about how you intend to meet an important objective of the licence, which is to prevent public nuisance. We therefore confirm that we are submitting a formal objection to your application.

We base our objection on the following matters:

- The potential for noise disturbance associated with licensable activities to break out of the premises or pass through the fabric of the building to cause noise disturbance to nearby residential/business premises.
- The potential for noise disturbance from the use of outside areas whilst smoking/drinking in the area/s provided/whilst arriving/leaving, including that from vehicles.
- The potential for the alleged sources of nuisance described above to continue into hours where such disturbance may adversely affect sleep and other loss of the use and enjoyment of a property.
- That the hours of operation applied for would set a precedent in an area already served by late opening venues. If the precedent was set and other businesses granted such hours then there would be a significant added impact of noise disturbance deeper into the early morning hours to the surrounding residential premises. The existing impact includes noise from loud music and from sources outside such as from customers.



- The application premises are situated within the Horsforth Cumulative Impact Policy area; where it is the council's policy, on receipt of relevant representations, to refuse new and variation applications for the following premises:
 - Alcohol led premises such as bars, pubs and clubs
 - Café bars and restaurants
 - Premises seeking late night refreshment such as takeaways and late opening restaurants

We also base our objection on experience including that specifically associated with the premises and the area including data relating to complaints received from members of the public.

Having read the matters we describe below if you feel we should consider anything else please do not hesitate to contact us.

Description of the surrounding area

There are a number of commercial properties along New Road Side including, takeaways, shops & offices. East Horsforth bar and restaurant is next door at 141 New Road Side. Both premises share the same Designated Premises Supervisor (DPS) however different premises license holders. Kobe Bar lies further down across the main road. There are number of residential properties opposite the application site on Rose Avenue and behind on Victoria Gardens. There is another public house and a number of restaurants located further up New Road Side.

Please refer to Appendix 1 Map of Surrounding Area

Description of the applicant venue and the application:

Current licensing hours

Type	Hours
Live Music:	10:00 – 00:00 Friday and Saturday
Performance of dance:	10:00 – 00:00 Everyday
Last night refreshment:	23:00 – 0000 Sunday to Thursday 23:00 – 1:00am Friday and Saturday
Supply of alcohol:	10:00 – 23:00 Monday to Thursday 10:00 - 00:00 Friday and Saturday 12:00 – 22:30 Sunday
Opening hours:	11:00 – 23:00 Monday to Thursday 10:00 – 00:30 Friday and Saturday 12:00 – 23:00 Sunday
Entertainment similar to live music, recorded, music or dance	10:00 – 0000 Friday and Saturday
Performance of recorded music	00:00 – 23:59 Everyday

The applicant has applied for the following:

Type	Hours
Live Music:	10:00 – 00:00 Sunday to Thursday 10:00 – 01:00 Friday and Saturday
Performance of dance:	10:00 – 00:00 Sunday to Thursday 10:00 – 1:00 Friday and Saturday
Last night refreshment:	23:00 – 0000 Sunday to Thursday 23:00 – 1:00am Friday and Saturday
Supply of alcohol:	10:00 – 00:00 Sunday to Thursday 10:00 - 1:00 Friday and Saturday
Opening hours:	10:00 – 1:00 Sunday to Thursday 10:00 – 2:00 Friday and Saturday

The onus is on the applicant to demonstrate such matters (Items 8.33 to 8.41 of the amended guidance issued under Section 182 of the Licensing Act 2003 – June 2014)

Complaint and other history specific to the applicant premises

The applicant premises existed as a restaurant since 1996 to the present. Opening hours are restricted by planning to 0800 hours to 2330 hours Monday to Saturday, and 1200 hours to 2300 hours on Sundays. In 2006 a planning application was received to extend opening hours, the application was withdrawn. Another application was received in 2010 to extend opening hours to 10:00 to 0030 Sunday to Thursday and 10:00am to 0130 Friday and Saturday which was refused.

This department has received complaints relating to noise from loud music, noise from patrons entering/leaving the premises and whilst smoking outside. Complaints were received between 2004 and 2014 which have been resolved informally. Those from the last 6 years have been noted in appendix B. There have been 12 complaints in relation to noise from patrons or music emanating from the premises since 2010. Four of the complaints involve noise from patrons in external areas, this includes noise from patrons smoking and leaving the premises.

We anticipate that the applicant may refer to the temporary events notifications (TENs) at any scheduled hearing. We had no grounds to oppose the TENs, but would like to make the following observations. Any objection to a TEN must be specific to the premises and not the whole of the cumulative impact area as with licensing applications. If we were to receive a TEN from a premises linked to significant complaints, we would consider raising an objection based on the site specific evidence.

We have in the past compared service requests concerning specific premises with their TENs. We and found no significant link between TENs and complaints received for any of the premises involved. What was striking during that exercise was the overall lack of such a link, when considering that most of the premises involved that submitted TENs were at some point the subject of complaints of noise whilst operating as usual.

We believe it is reasonable to disregard any suggestion that TEN events that cause no allegations of disturbance means that the days and times of the TEN would cause no issues if operated routinely.

Complaint history for the area around the venue

A search of service requests received by our team since 2010 was undertaken for an area up to 250m radius of the applicant premises in relation to noise from licenced premises. It revealed there have been 19 complaints. 12 of which were in relation to the applicant's premises, 6 related to 141 New Road Side and 1 related to Kobe Bar. 11 of the complaints relate to noise from patrons in external areas. The complaints are listed in appendix 2.

Conclusions reached

We conclude that the area in which the applicant premises are situated is sensitive to noise. Service requests concerning noise include a number emanating coming from outside areas, which would include those where we could not apply our powers under the Environmental Protection Act 1990 (Statutory nuisance). For example, people on the street or outside the boundary of premises who may cause disturbance to local residents by shouting, talking and whilst hanging around waiting for taxis. If the premises were to open later, patrons are likely to leave more drunk and background noise levels will be lower therefore any external noise or music will be more noticeable.

The application seeks to increase its hours beyond the use of other drinking establishments on New Road Side. It is likely this will result in patrons congregating at the later opening bar increasing the potential for disturbance on the street. In addition this will set a precedent for other bars and restaurants to apply for extend their hours of use.

The application has provided no reasons to show that their application is exceptional so as to warrant an alternative view to that directed within the C.I.P. red area

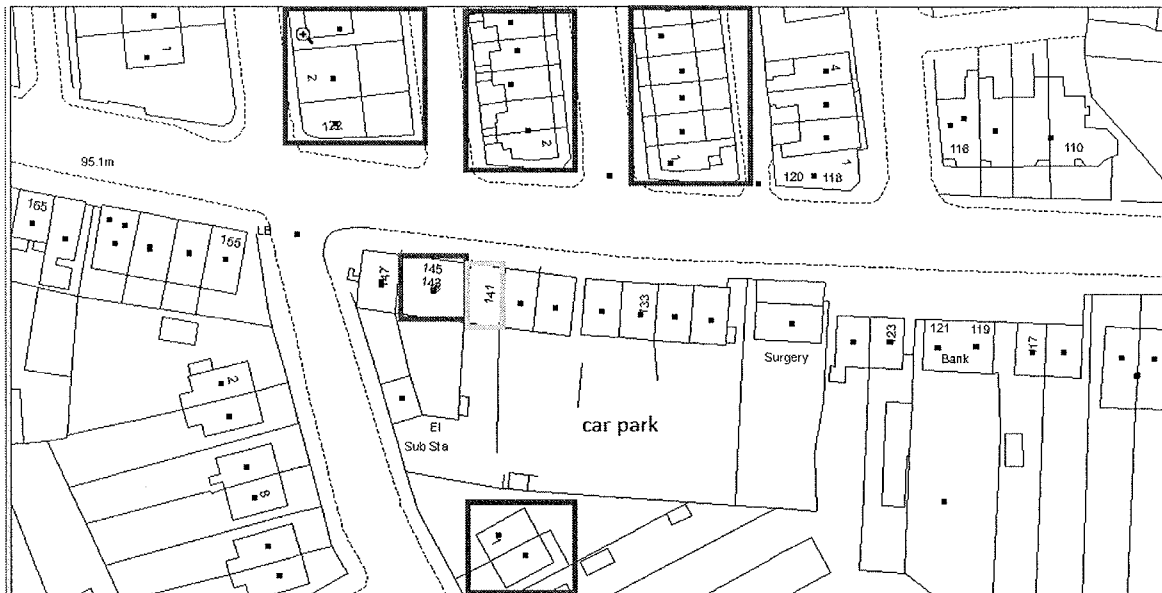
We recommend that the Sub-Committee refuse the application.

We do not believe that further conditions will resolve the application as it stands.

Yours sincerely

Gary Mann
Environmental Health Officer

Appendix 1 Map of Surrounding Area



- Red box indicates the Forge.
- Yellow indicates East Horsforth bar.
- Blue box indicates closest residential properties

Photograph of the same area:



Appendix 2 - History of service requests since 2010 within 250m

Ref	Received	Details	actions
10/25727/XNOILI	6.8.2010	Loud music	No details. resolved, no further action
10/27660/NOILIC	24.8.2010	Noise from patrons leaving premises Thur, Fri and Sat. noise from patrons smoking.	No details
10/39734/XNOILI	23.12.2010	Loud music Fridays and Saturdays for last 3 weeks	Spoke to pub. Monitored. Complaint resolved 27.1.2011
10/22821/XNOILI	17.07.2010	Noise from patrons	Spoke to pub
10/22821/XNOILI	17.07.2010	Screaming/shouting, taxi horns	Contact with dps, no further action
10/24342/NOILIC	28.07.2010	Noise from patrons	Spoke to pub
11/05763/NOILIC	01.03.2011	Noise and shouting from car park	Visit to complainant
11/27653/NOILIC	03.10.2011	Loud music, patrons at rear of premises during TEN event	Letters, discussed with DPS
11/27656/NOILIC	3.10.11	Loud music Fri/day and Saturday nights	As above
11/23963/NOILIC kobe	25.08.2011	Noise from external areas	Visit and letters
12/06271/XNOILI	18.02.2012	Noise from patrons outside	Contacted licensing, meetings
12/06271/XNOILI	18.02.2012	People leaving after midnight, noise in external areas	Planning action meeting with DPS, letters
12/24701/XNOILI	07.07.2012	Loud music, people shouting in external areas	Out of hours (OOH) visit, not a nuisance.
13/00068/XNOILI	22.12.2012	Loud music, excessive shouting outside	Visit to DPS,
13/35469/XNOILI	26.08.2013	Loud music	Call to OOH
13/42876/NOILIC	08.10.2013	Music early in night Noise from patrons	Calls to DPS, visits by licensing, nothing witnessed.
13/54548/XNOILI	22.12.2013	Loud music	Visits, letters
13/46690/XNOILI	2.11.2013	music	Contact with dps
14/00392/NOILIC	06.01.2014	Loud music	One off, letter sent