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Woods Whur 2014 Limited  
Devonshire House  
38 York Place  
Leeds  
LS1 2ED

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

Contact: Mr. Mudhar  
Telephone: 0113 3786591

Our reference: PREM/03926/001  
Date: 4<sup>th</sup> January 2017

Dear Sir

**Licensing Act 2003**

**Name and Address of Premises: Space to Eat 7 Hirsts Yard, Duncan Street, Leeds, LS1 6DL.**

We refer to your licensing application for the above premises. We believe you have not given enough information about how you intend to meet a licensing objective, which is to prevent public nuisance. We therefore submit a formal objection to your application that includes information specifically associated with the premises and the area .

You could meet the objective by agreeing to certain measures that we suggest are reasonable and relevant to your application. Please see part 1 of the enclosed document.

If you agree with the measures please complete and sign part 2 of the enclosed form and return it to us as soon as possible. Once we receive the form we will take it that you wish the licensing authority to amend your operating schedule to include those measures as conditions on the licence. If you disagree with the suggested measures then please complete part 3 and return it to us as soon as possible.

If you feel we should consider anything else or you have any questions please do not hesitate to contact us.

Yours faithfully



G S Mudhar  
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 and Address of Premises: 7 Hirsts Yard, Duncan Street, Leeds, LS1 6DL.**

The application premises are situated within Cumulative Impact Policy area; which is of concern based upon an analysis of night time economy-related issues that are relevant to the licensing objectives. We expect applicants to offer additional measures tailored to the problems in that area. You have offered insufficient measures to address concerns related to the prevention of public nuisance.

Although the application premises are situated within a commercial area dominated by licensed venues (pubs and clubs), there is, however, a large residential development (at Regents Court) occupied by Yorkshire Housing Association (YHO) tenants situated to the rear of the premises. The rear elevation of the premises is adjoined by a bungalow occupied by the Housing Association Caretaker thus sharing a party wall between the application premises and the dwelling. It is highly likely that the living accommodation above the Duncan Public House (which backs onto the Hirsts yard) is occupied and, therefore have the potential to be affected by coming and goings of the customers.

The drawings that accompanied the application for the premises licence shows that the food preparation / serving area and the wheelie bins for storage of commercial waste will be segregated by a partition wall. The wheelie bins for holding commercial waste will be sited against the above-mentioned party wall, this has the potential to cause noise nuisance to the occupier of the bungalow by way of the bins striking against the wall and when depositing kitchen waste into the bins.

The food preparation area will contain commercial kitchen appliances for holding hot and cold foods, commercial oven for making pizzas and high wattage microwaves for heating pre-cooked foods and the dish washer etc. All such appliances are fitted with electric motors / fans with the potential to generate noise and vibration which could transmit through the fabric of the building / structure.

There is also the potential for other noises such as staffs voices, footfalls, impact noises from opening and closing of microwave ovens doors and general noises associated with the commercial kitchens. The workers in the commercial kitchens often have the tendency to play amplified music on television or other electronic devices.

The standard of sound insulation of the above-mentioned party wall to resist the passage of sound from the premises (impact and airborne noise) is not known, hence there is the potential for noise nuisance complaints from the occupants of the adjoining bungalow.

Having considered the application under the Licensing Act 2003 for the above premises, we consider that the following measures are relevant and reasonable in order to meet the prevention of public nuisance objective of the Act.

## **Conditions**

1. Ensure that offensive smells from the licensed premises are not permitted so as to cause a nuisance to nearby properties.
2. The licence holder shall ensure that sufficient measures are in place to remove litter or waste arising from their customers and to prevent such litter from accumulating in the immediate vicinity of their premises. Where necessary, the premises licence holder shall ensure that adequate measures are in place to provide customers with sufficient receptacles for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter etc.
3. There shall be no amplified sound / music generating equipment or devices used on the premises.
4. The activities associated with the provision of late night refreshments shall 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.
5. Noise from plant / equipment or machinery shall not be audible at adjoining noise sensitive bungalow.

Signed:



G S Mudhar

Dated: 4<sup>th</sup> January 2017.

**PART 2**

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

**Leeds City Council's Environmental Action Service  
Proposed Controlled Measures under the Licensing Act 2003  
Name and Address of Premises: 7 Hirsts Yard, Duncan Street, Leeds, LS1 6DL,**

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:

### **PART 3**

**Name and Address of Premises: 7 Hirsts Yard, Duncan Street, Leeds, LS1 6DL,**

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