

Prem / 04057/001

Amin, Imtishaam

From [REDACTED]
Sent 21 September 2017 07:40
To Amin, Imtishaam
Subject Zorbas music licencing application

21st September 2017

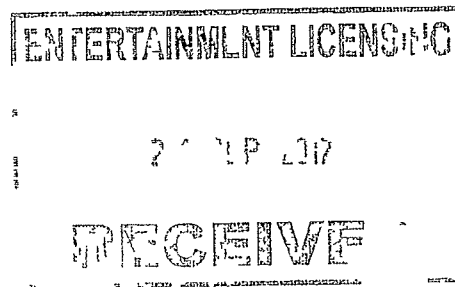
We strongly object to yet more noise in Crossgates at unsociable hours
Many nearby residences will feel the impact of this

Its a no from us

Sincerely

[REDACTED]

Sent from my Samsung Galaxy smartphone



Prem/04057/001

Amin, Imtishaam

From [REDACTED]
Sent 21 September 2017 13:59
To Amin, Imtishaam
Subject Zorbas restaurant

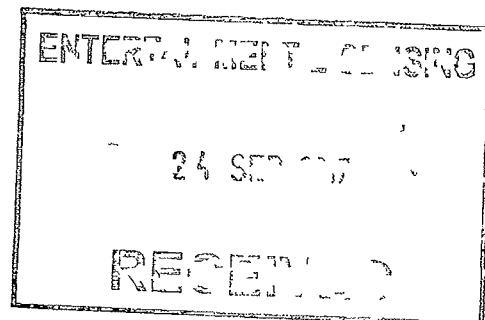
dear sir, please don't give Zorbas restaurant in Crossgates a licence to play loud music as there are a lot of older people live round here, and we have trouble enough being able to sleep. If we had to put up with loud music as well, our health would totally deteriorate as we'd never get any sleep. Thankyou [REDACTED]
[REDACTED]

Amin, Imtishaam

From [REDACTED]
Sent 24 September 2017 17:56
To Amin, Imtishaam
Subject Re-planning for late-night music at 4 Austhorpe Rd LS 15

Dear Sir, As a local resident [REDACTED] I am very concerned about the down-marketing of the Cross Gates area. Wetherspoons already want to disrupt the peace of this relatively quiet part of Leeds, & now yet more noise is to be created by this latest application at No 4 Austhorpe Rd. Much of the Victorian housing has been converted to flats, and the gardens, hedges et al are no longer tended to effectively. People I know have to live somewhere, but in the past few years more and more houses are looking terribly neglected. Unclipped hedges, Uncleaned windows, dirty curtains etc. This will of course cause a downgrading of property values, thence our heritage estate/ assets. I would like you to challenge the decision to allow more noise & late-night car door slamming etc. We age and see a down-grading of an area we have lived in for over 49 years now and feel somewhat neglected by the city council.

Yours Sincerely,
[REDACTED]



4

From:Amin, Imtishaam
Sent:26 Sep 2017 11:28:08 +0100

Subject:RE: Application for Music License at 4 Austhorpe Road LS15 (Zorbas Restaurant)
Attachments:Leaflet - What happens on submitting a rep.pdf

Thanks for your confirmation [REDACTED]

We will include the whole email chain as part of your representation in the committee report for members attention.

With regards to mediation between the applicant and other objectors, in the run up to the hearing the applicant may contact objectors to discuss their representations.

In some instances this mediation leads to withdrawal of representations depending on what clarification/agreements/amendments are made.

We will forward the notice of hearing documentation as soon as possible.

Kind regards

Mr Shaam Amin

Licensing Officer

Entertainment Licensing

Tel: 0113 378 5029

shaam.amin@leeds.gov.uk

www.leeds.gov.uk

[REDACTED]
Sent: 25 September 2017 23:04

To: Amin, Imtishaam

[REDACTED]
Subject: Re: Application for Music License at 4 Austhorpe Road LS15 (Zorbas Restaurant)

Dear Shaam,

I am not too sure of what the procedures are here, and what precisely you are suggesting. But it seems to us that the Licensing Sub-Committee needs to know that a bar is being created for 40 people on the first floor (bedroom floor) — the area shown for this, not including stairs, etc., is about 36.5 sq m or 400 sq ft — of what was a relatively small terraced house in a very condensed corner of Cross Gates, and hence there is a definite need for appropriate air-conditioning and ventilation, yet the only feature shown on the plan which might assist in this is two “openable” windows at the rear. [see Planning application 17/03202/FU.] (Incidentally, the performance area for live music has to be squeezed in somewhere: will some of the seating be removed, or will patrons have to sit closer together?).

At the same time, live music will be performed at any time between 17:00 and 23:45 if Licensing application PREM/04057/001 is approved. It is unlikely that the sound of a live performance can be contained within the premises but will spill out at the rear, possibly also through the window on that level at the front, and, of course, through the walls into adjoining premises.

Hence I am not sure this is a matter for mediation between us and the applicant, but something to be negotiated with the applicant by the Licensing Committee in the light of the comments above and any other relevant considerations. While having no objections in principle to live music, one cannot ignore the practicalities of doing this in front of a large audience in what was the bedroom area of a small terraced house with no obvious ventilation or noise insulation measures exhibited on the plans. This is the issue the Committee must resolve, accompanied by suitable and implementable conditions on the permission, if the Committee is minded to give permission after negotiations with the applicant.

Yours

[REDACTED]

On Mon, Sep 25, 2017 at 4:18 PM, Amin, Imtishaam <Shaam.Amin@leeds.gov.uk> wrote:

Good afternoon [REDACTED]

Thank you for your email.

At this stage in the application process would you prefer your representation to stand with the view for possible mediation between yourself and the applicant prior to the hearing or if necessary further mediation via members at the Licensing Sub Committee?

Kind regards

Mr Shaam Amin

Licensing Officer

Entertainment Licensing

Tel: 0113 378 5029

shaam.amin@leeds.gov.uk

www.leeds.gov.uk

[REDACTED]
Sent: 24 September 2017 22:50

To: Amin, Imtishaam
[REDACTED]

Subject: Re: Application for Music License at [4 Austhorpe Road LS15](#) (Zorbas Restaurant)

Dear Shaam,

Thank you for your email of 22 Sep 17.

Generally we support business developments such as this where they do not impinge undesirably on the peace and quiet that neighbouring residents and properties are entitled to expect.

However, the problem with live music is that it can be intensely annoying and difficult to control because of noise breakout through open windows and doors. The Barnbow pub is a fine example, where in warm weather the fire exit doors are left open during live concerts. There is a non-audibility clause in the licensing agreement, yet live music is often a problem in Park Avenue, where parents complain to us that their children cannot sleep because noise from the pub is clearly audible across Manston Park.

Unfortunately, enforcement in Leeds is not always effective. The practical question for the owner of Zorba's Restaurant is how does he propose to prevent noise breakout yet at the same time maintain adequate ventilation within the premises?

Yours sincerely,

[REDACTED]

On Fri, Sep 22, 2017 at 12:00 PM, Amin, Imtishaam <Shaam.Amin@leeds.gov.uk> wrote:

Thank you [REDACTED] have a great weekend.

Mr Shaam Amin

Licensing Officer

Entertainment Licensing

Tel: 0113 378 5029

shaam.amin@leeds.gov.uk

www.leeds.gov.uk

[REDACTED]

Sent: 22 September 2017 11:52

To: Amin, Imtishaam

[REDACTED]
Subject: Re: Application for Music License at 4 Austhorpe Road LS15 (Zorbas Restaurant)

Dear Mr Amin,

Thank you for fast reply. I'll check what you/the applicant say with the Committee and get back to you by Monday.

Yours

[REDACTED]
Sent from my iPhone

On 22 Sep 2017, at 11:39, Amin, Imtishaam <Shaam.Amin@lccds.gov.uk> wrote:

Good morning [REDACTED]

Thank you for your representation.

For your information the applicant has offered the following conditions on the pro-forma risk assessment relating to public nuisance:

- SIA Registered door staff will be employed and used where queues are likely to form to manage the queues and ensure:
Queues are restricted to cordoned areas to prevent them obstructing footpaths and spilling out onto roads, and to keep noise and obstructions away from residential property.
- 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 will be no external loudspeakers
- Bottles will not be placed in any external receptacle after 23.00 hours and 07.00 hours to minimise noise disturbance to neighbouring properties

Do these measures alleviate your concerns in relation to public nuisance?

Kind regards

Mr Shaam Amin

Licensing Officer

Entertainment Licensing

Tel: 0113 378 5029

shaam.amin@leeds.gov.uk

www.leeds.gov.uk

Sent: 21 September 2017 00:05

To: Amin, Intishaam

Subject: Application for Music License at 4 Austhorpe Road LS15 (Zorbas Restaurant)

Dear Sir

We wish to object to the application for this license for both live and recorded music applied for as per the table below:

Activity	Location	Indoors/Outdoors	Alcohol Con-	Capacity	Time Period	From	To

			sumed				
Performance of Live Music		Indoors			Mon to Saturday	05:00 PM	11:45 PM
Performance of Live Music		Indoors			Sunday	05:00 PM	11:00 PM
Performance of Recorded Music		Indoors			Monday to Saturday	12:00 PM	12:00 AM
Performance of Recorded Music		Indoors			Sunday	12:00 PM	11:00 PM
Entertainment of a similar description		Indoors			Monday to Saturday	07:30 PM	11:30 PM
Entertainment of a similar description		Indoors			Sunday	07:30 PM	10:30 PM
Late Night Refreshment		Indoors			Mon to Saturday	11:00 PM	12:00 AM
Sale by Retail of Alcohol			Both		Mon to Saturday	12:00 PM	11:45 PM
Sale by Retail of Alcohol			Both		Sunday	12:00 PM	10:45 PM

With the following opening hours

Mon-Sat 7.30am-12am

Sunday 8am-1130pm

this makes 114.5 hours in an average week, and music, either recorded or live may thus be played for 107 hours, or over 93% of the time.

At present, apart from the Traveller's Rest and the Station pubs, which are on the periphery of the town centre, no part of the central area of the Cross Gates town centre, and that area closest to residences in Austhorpe Road, and streets joining Austhorpe Road, has a license for live and recorded music. Noise from recorded music, live music and associated crowd noise can be very disruptive and cause loss of amenity and disturbance to residents, workers and those using the area at any time.

It is not acceptable for this license to be granted for the following reasons:

(a) The restaurant is opposite a church, and the hours requested would coincide with times when services were in progress. No details are given of the type and volume of

music which would be played, but it would be almost impossible for this to be done without the sound being heard out in the street and possibly in the church.

(b) The restaurant is very close to residential premises which may be disturbed by the sound, especially late at night. Nearby shop units and businesses may also be disturbed.

(c) Granting of the license would create an undesirable precedent which would be then difficult to refuse for other premises. Nearby a Turkish Restaurant is opening soon. A request to play live and recorded music would be impossible to refuse. Other establishments already operating nearby may wish to do the same creating a cumulative effect along Austhorpe Road.

As a general overview on the preceding points, it has to be pointed out that Cross Gates is a very quiet residential area. From late evening (about 9pm) hardly anything moves. We can provide detailed statistics on this. There is no demand from residents for the creation of a night time economy here. One of the main attractions of living in Cross Gates is that it is so quiet. Allowing music licenses will destroy this benefit of living here and will be a gross disamenity to the residents.

There are four categories of objection defined by The Licensing Act 2003:

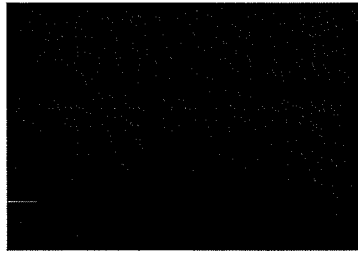
- 1) the prevention of crime and disorder,
- 2) public safety,
- 3) prevention of public nuisance,
- 4) the protection of children from harm,

We have spelled out the detailed nature of our objection. If it is necessary to specify, we would consider the relevant category (or "objective" as it is referred to in the Act) is No. 3, Prevention of Public Nuisance.

Accordingly, we consider this application should be refused. If however the Licensing Committee is nevertheless minded to approve the application, we would ask for the imposition of an inaudibility condition, such that the recorded or live music cannot be heard outside the premises.

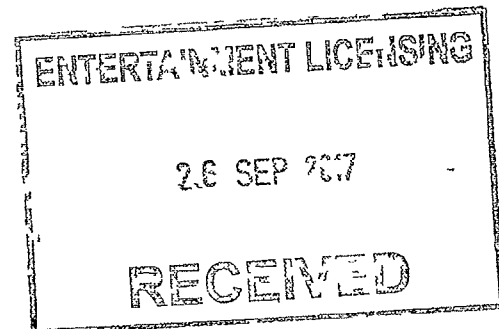
Yours sincerely

From



To Mr Shaam Amin
Licensing Section,
Leeds City Council
The Civic Hall
Leeds, LS1 1UR

Date 24- Sept 2017



Dear Sir

Application for Music License at 4 Austhorpe Road LS15 (Zorbas Restaurant)

I wish to object to the application for this license for both live and recorded music

At present, there is no establishment in the whole of Cross Gates Town Centre which plays any music whether live or recorded (apart from the Station and Travellers Rest pubs on the periphery) Granting of this license will create an undesirable precedent

It is not acceptable for this license to be granted for the following reasons

First, the restaurant is opposite a church and the hours requested would coincide with times when services were in progress. It would be almost impossible for this to be done without the sound being heard out in the street and possibly in the church

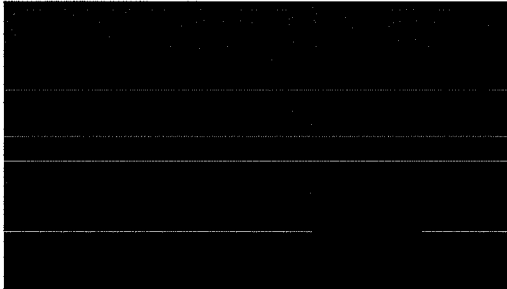
Second, the restaurant is very close to residential premises which may be disturbed by the sound of music, especially late at night

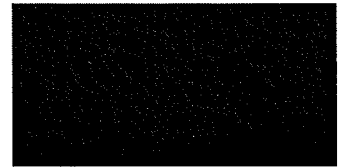
Third, granting of a music license would create an undesirable precedent which would be then difficult to refuse for other similar nearby premises of which there are several

Cross Gates is a very quiet residential area. One of the main attractions of living in Cross Gates is that it is so quiet. Allowing music licenses will destroy this benefit of living here and will be a gross disamenity to the residents

This application should be refused

Yours faithfully





21st September, 2017

Entertainment Licensing,
Leeds City Council,
The Civic Hall,
Leeds, LS1 1UR

Dear Sir or Madam,

PREM/04057/001
Premises Licence - New Application
Zorba's Restaurant, 4, Austhorpe Road, Cross Gates, Leeds, LS15 8DX

The premises consist of a small terraced house, with a tiny front garden, now tarmaced over to be continuous with the footpath on Austhorpe Road, and a small delivery yard at the rear. Being the type of property that it is and very close to the junction of Austhorpe Road and Station Road, No 4, Austhorpe Road, is constrained within, and very close to, a complex of other surrounding buildings.

Some of these (e.g., flats above retail premises) are residential and immediately across Austhorpe Road from No 4 is Tranquility Walk (the name says it all!) with the Methodist Church and, behind the church, Tranquility Court, a home for elderly residents.

Although in Leeds City Council documents Cross Gates is delineated a 'town centre', this is a misnomer. There is no town hall, market square, war memorial, village green, etc. which one normally finds in town centres, such as Otley, Wetherby, Morley or Yeadon. In contrast, Cross Gates is essentially two streets at right angles, offering financial and professional services (banks, estate agents, etc.) together with a number of retail outlets which close at 5.30 pm. Consequently, evenings here are very quiet.

The introduction of live and recorded music in a setting such as No 4, Austhorpe Road, will have a negative impact upon the local environment, passers-by and nearby residents. Consequently, licensing the premises for live and recorded music is contrary to Objective No 3, The Licensing Act 2003, the prevention of public nuisance. As a result, I object strongly to the current application on the above grounds.

It is very difficult to know what "Entertainment of a similar nature", also an element of this application, might mean. The term is mind-boggling in its lack of specificity. A whole range of performance types could be included under this very broad-brush heading. It may, of course, refer to an activity such as karaoke, which includes elements of both live and recorded music, but it is not specified and as such could lead to a range of performances whose impact upon the locality, in terms of public nuisance, could be very severe. Consequently, I object to this element of the application also, on grounds as above, namely that it is contrary to Objective No 3, The Licensing Act 2003, the prevention of public nuisance.

Yours faithfully,



