



Report of the Assistant Chief Executive (Corporate Governance)

Report to the Licensing Sub Committee

Date: 11th October 2010

Subject: Application for the Grant of a Premises Licence for Nabu, 20-22 Harrogate Rawdon, Leeds LS19 6HJ

Electoral Wards Affected:

Guiseley & Rawdon



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

This report informs members of an application for the grant of a Premises Licence for premises situated at 20 - 22 Harrogate Road, Rawdon, Leeds, LS19 6HJ, trading as Nabu.

Briefly the application consists of:

An application for the sale by retail of alcohol for consumption both on and off the premises. This is the first application for the grant of a premise licence in relation to these premises.

The responsible authorities are served with copies of the application by the applicant and Ward Members have been notified of the application.

Purpose of this Report

1.1 To advise Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for a Premises Licence in respect of the above mentioned premises.

1.2 Members are required to consider this application due to the receipt to representations.

2.0 History of Premises

2.1 The premises previously traded as a café bar known as Mocha Express at 22 Harrogate Road but have been extended and now incorporate 20 Harrogate Road into the premises. If granted the premises would provide daytime café with food and beverages for the public serving wines, beers with the above

3.0 The Application

3.1 The applicant is Mr Bedal Zengin,

3.2 The location of the premises can be found on the map attached as Appendix A.

3.3 A copy of the application and operating schedule are attached as Appendix B to this report. For the assistance of members, the Operating Schedule shows:

3.4 Proposed licensable activities

Sale by retail of alcohol

3.5 Proposed hours of licensable activities

The proposed hours of licensable activities are as follows:

Sale by retail of alcohol

Monday to Friday

08:00 - 21:00

Saturday

08:00 - 23:00

3.6 Proposed times when the premises is open to the public

The premises propose to open to the public between the following hours

Monday to Friday

08:00 - 21:00

Saturday

08:00 - 23:00

3.7 Steps to promote the licensing objectives

The applicant proposes to take the steps identified in section "P" of the application form to promote the licensing objectives.

3.8 Proposed Designated Premises Supervisor

Mr Mehrdad Kanani is nominated as the Designated Premises Supervisor.

4.0 Relevant Representations

4.1 Under the Act representations can be received from responsible authorities or interested parties. Representations must be relevant and, in the case of an interested party, must not be frivolous or vexatious.

Responsible authorities have made the following representations:-

- **Leeds City Council Environmental Protection Team – Full Objection**

Members are invited to consider Appendix C of this report.

- **Leeds City Council Development Department**

Members are invited to consider Appendix D of this report

4.2 Interested Parties have made the following representations:

- **Local Residents**

Members are invited to consider Appendix E of this report.

- **Cllr G Latty**

Members are invited to consider Appendix F of this report

4.3 **Agreed Representations**

Representations may be submitted by Responsible Authorities and agreed prior to a hearing.

Conditions agreed with the following Responsible Authorities

- **Leeds City Council Health and Safety Department**

Members are invited to consider Appendix G of this report

- **West Yorkshire Police**

Members are invited to consider Appendix H of this report

5.0 **Matters Relevant to the Application**

5.1 Members of the Licensing Sub Committee must make decisions with a view to promoting the licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

5.2 In the making of their decision Members are obliged to have regard to the national guidance and the council's licensing policy. Members will be aware they must also have regard to the relevant representations made and evidence they hear.

6.0 **Options available to members**

6.1 The licensing sub-committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- Grant the application as requested.
- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates.
- Refuse to specify the said person as the Designated Premises Supervisor.
- Reject the whole or part of the application.

6.2 Members of the Licensing sub committee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

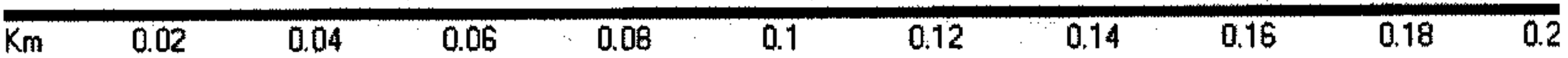
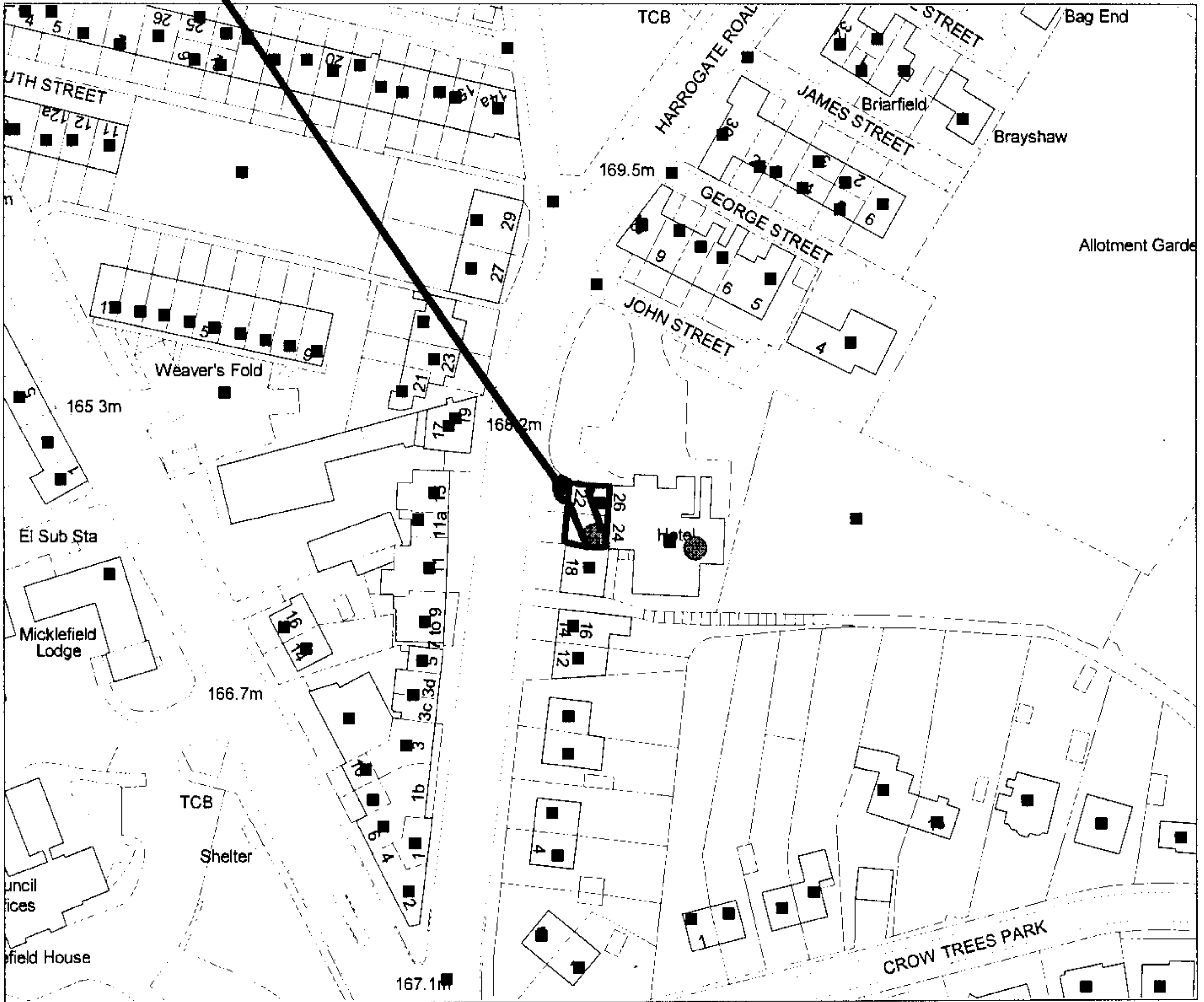
Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy



NABU, 20-22 Harrogate Road, Rawdon, Leeds LS19 6HJ

Application for the Grant of a Premise Licence



This map is based upon the Ordnance Survey's Digital Data with the Permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office

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Date:	28 September 2010
Scale:	1:1250

15 JUL 2010

PREM1

BC

PREM102920

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

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

30 JUL 2010

I/We PADAL ZADIN
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description <u>HARROGATE ROAD, RIMDAL</u>	
Post Town <u>LEEDS</u>	Postcode <u>LS19 6FF</u>

Telephone number at premises (if any) ?

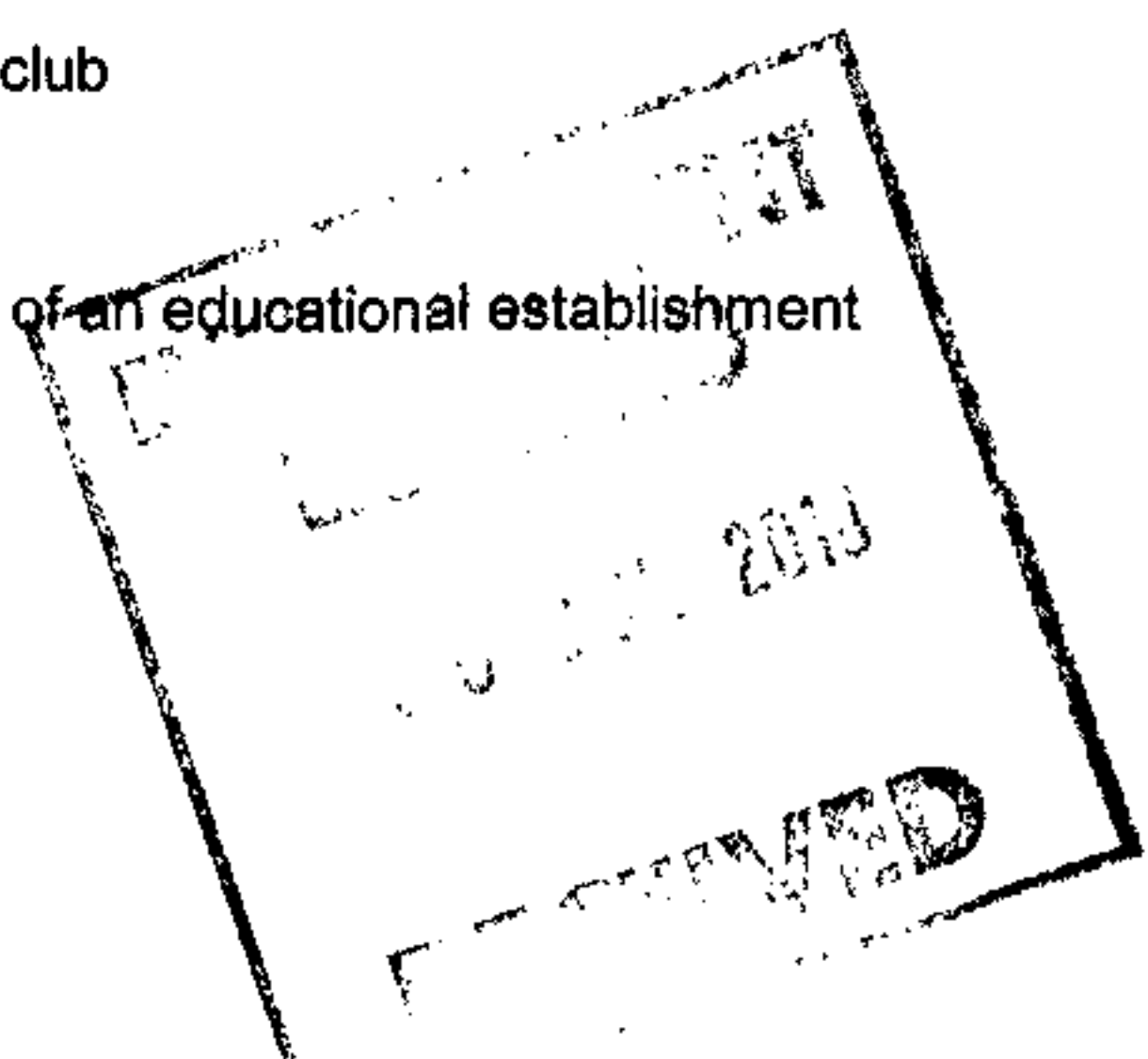
Non-domestic rateable value of premises £ 4000 530

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick Yes

- a) An individual or individuals* please complete section (A)
- b) a person other than an individual*
 - i) as a limited company please complete section (B)
 - ii) as a partnership please complete section (B)
 - iii) an unincorporated association or please complete section (B)
 - iv) other (for example, a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)



- f) a health service body please complete section (B)
- g) a person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an Independent hospital please complete section (B)
- h) the chief officer of a police force in England & Wales please complete section (B)

*If you are applying as a person described in (a) or (b), please confirm:

- I am carrying on or proposing to carry on a business which involves the premise for licensable activities, or:
- I am making the application pursuant to a
 - statutory function or Please tick Yes
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
(Rev, Dr, etc)

Surname: First Name:

I am 18 years old or over.

Please tick Yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)

Mr

Mrs

Miss

Ms

Other title
Rev, Dr, etc)

Surname:

First Name:

I am 18 years old or over.

Please tick Yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate, please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name:
Address:
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number (if any)
Email address (optional)

Part 3 - Operating Schedule

When do you want the premises licence to start?

Day		Month		Year		
0	1	0	8	2	0	0

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year		

If more than 5000 people are expected to attend the premises at any one time, please state the number expected to attend.

Please give a general description of the premises (please read guidance note 1)

~~THE~~ PROPERTY IS TO BE PROVIDING DAYTIME
CAFE, FOOD AND BEVERAGES TO THE P.P.
SERVING WINE, BEERS WITH THE ABOVE.

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment:

- | | Please tick <input type="checkbox"/> Yes |
|--|--|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities for:

- | | |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (I) or (J)(if ticking yes, fill in box K) | <input type="checkbox"/> |

L) Provision of late night refreshment (if ticking yes, fill in box L)

M) Supply of alcohol (if ticking yes, fill in box M)

In all cases, complete boxes N, O, and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - Please tick [Y] (Please read guidance note 2).	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue			State any seasonal variations for performing plays (please read guidance note 4)	
Wed				
Thurs				
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5).	
Sat				
Sun				

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both - Please tick [Y] (Please read guidance note 2).	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue			State any seasonal variations for the exhibition of films please read guidance note 4)	
Wed				
Thurs				
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5).	
Sat				
Sun				

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details here (please read guidance note 3)
Day	Start	Finish	
Mon			Please give further details here (please read guidance note 3)
Tue			
Wed			State any seasonal variations for indoor sporting events (please read guidance note 4)
Thurs			
Fri			Non standard timings. Where you intend to use the premises indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5).
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or out doors or both - Please tick [Y] (Please read guidance note 2).	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Will the boxing or wrestling entertainment take place indoors or out doors or both - Please tick [Y] (Please read guidance note 2).	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thurs					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5).		
Sat					
Sun					

E

Live Music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both - Please tick [Y] (Please read guidance note 2).	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)	
Wed				
Thurs			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5).	
Fri				
Sat				
Sun				

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both - Please tick [Y] (Please read guidance note 2).	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue			State any seasonal variations for playing recorded music (please read guidance note 4)	
Wed				
Thurs			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5).	
Fri				
Sat				
Sun				

G

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - Please tick [Y] (Please read guidance note 2).	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)	
Thurs				
Fri				
Sat				
Sun			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5).	

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both - Please tick [Y] (Please read guidance note 2).	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)	
Wed				
Thurs				
Fri				
Sat			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)	
Sun			Non standard timings. Where you intend to use the premises for entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5).	

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing		
Day	Start	Finish	Will the facilities for making music be indoors or outdoors or both - Please tick [Y] (Please read guidance note 2).	Indoors	<input type="checkbox"/>
Mon					Outdoors
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thurs			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 5).		
Sun					

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - Please tick [Y] (Please read guidance note 2).		Indoors	<input type="checkbox"/>
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing			
Mon						
			Please give further details here (please read guidance note 3)			
Tue						
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)			
Thurs						
Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5).			
Sat						
Sun						

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both - Please tick [Y] (Please read guidance note 2).	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thurs			State any seasonal variations for the Provision of facilities for entertainment of a similar description to that falling within J or K (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the Provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5).		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick [Y] (Please read guidance note 2)		Indoors	<input type="checkbox"/>
Day	Start	Finish			Outdoors	<input type="checkbox"/>
Mon	08:00	21:00			Both	<input checked="" type="checkbox"/>
Tue	08:00	21:00	Please give further details here (please read guidance note 3)			
Wed	08:00	21:00				
Thurs	08:00	21:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
Fri	08:00	21:00				
Sat	08:00	23:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5).			
Sun						

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick [Y]) Please read guidance note 7).	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input checked="" type="checkbox"/>
Mon	08:00	21:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	<input checked="" type="checkbox"/>
Tue	08:00	21:00			
Wed	08:00	21:00			
Thurs	08:00	21:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5).		
Fri	08:00	21:00			
Sat	08:00	23:00			
Sun					

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name BEDAL ZOLIN

Address 20 HARROGATE ROAD RATHMON

Postcode LS19 6HJ

Personal Licensing Number (if known) _____

Issue Licensing Authority (if known) _____

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

None

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	00:00	21:00	Non standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 5).
Tue	09:00	21:00	
Wed	09:00	21:00	
Thurs	09:00	21:00	
Fri	18:00	21:00	
Sat	09:00	23:00	
Sun			

- I have made or enclosed payment of the fee *by phone* Please tick Yes *X*
- I have enclosed the plans of the premises *by email* *X*
- I have sent you copies of this application, and the plan to responsible authorities and others where applicable
- I have enclosed the consent form produced by the individual I wish to be premises supervisor, if applicable *X*
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements, my application will be rejected.

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE OF UP TO LEVEL 5 ON THE STANDARD SCALE [£5000], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4--Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature: *[Signature]* (agent)
 Date: 19.7.10
 Capacity: agent

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12) If signing on behalf of the applicant, please state in what capacity.

Signature: *[Signature]*
 Date: 19.7.10
 Capacity: agent

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
<i>LEW BARONNE - CUB LTD</i> <i>8 RUFFORD DRIVE</i>	
Post Town <i>LEEDS</i>	Postcode <i>LS19 2RE</i>
Telephone number (if any) <i>07807 327587</i>	
E-mail address (optional) <i>ceel @ caddesign.uk.com</i>	

P. J. Prem 2010



APPENDIX C

Mr Bedal Zengin
10 Brackendale Lodge
Bradford
BD10 0AP

Environmental Protection Team
Leeds City Council
Kent Road
Pudsey
Leeds
LS28 9BN

Contact: Mr Simon Clothier
Tel: 0113 214 6247
Fax: 0113 214 6250
Simon.clothier@leeds.gov.uk

Your reference:
Our reference: PREM/02920
20th September 2010

**ENTERTAINMENT
LICENSING**

20 SEP 2010

RECEIVED

Dear Mr Zengin,

Licensing Act 2003

Name of Premises: Nabu

Address: 20 -22 Harrogate Road, Rawdon, Leeds, LS19 6HJ

I refer to your application dated 6th August 2009 in respect of the above premises. I write to inform you this department shall be fully objecting to your application and a copy of this letter will be sent to the licensing section of the Authority.

The application premises is situated in an area with shops with residential above and a hotel directly behind. The planning history shows a number of restrictions placed on the premises to protect the occupants of the hotel and surrounding residential uses primarily from noise and odour.

The license application is for the supply of alcohol between the hours of 0800 to 2100 Monday to Friday and 0800 to 2300 on Saturdays. Whilst the premises is relatively small, the concern is that this application will result in a material change in use of the premises from a coffee and sandwich shop to a restaurant/bar use. The resulting noise from patrons leaving the premises at later hours increases the risk to residents and customers of the hotel to suffer public nuisance.

For your information I have listed the planning conditions placed on the premises that support our objection to this application.

2002 Change of use from shop to A3 use

The premises shall not be used other than for coffee/sandwich bar nor any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification.



Reason: As only the proposed use is considered to be acceptable.

The opening hours of the premises shall be restricted to 08.00 hours to 18.00 hours Monday to Saturday, with no opening on Sundays or Bank Holidays.

Reason: In the interests of the amenity of nearby residents.

2004 Application for change of use to restaurant refused on the following grounds:

The Local Planning Authority consider that the proposed change of use is unacceptable in that it would lead to a demand for car parking that cannot be accommodated within the site and which would lead to on-street parking and manoeuvring of vehicles to the detriment of the safe and free movement of traffic and pedestrians, contrary to Policy T2 of the Leeds Unitary Development Plan.

The proposed use is unacceptable in that the comings and goings of customers and their cars would be a source of noise and general disturbance to nearby local residents especially late at night, contrary to Policy GP5 of the Leeds Unitary Development Plan.

The proposal is considered to be unacceptable as the installation of any extract ventilation system would lead to disturbance and nuisance to the residents of the Peasehill House Hotel, to the rear of the unit, to the detriment of their amenity.

2005 Amendment of conditions

The opening hours of the premises shall be restricted to 08.00 hours to 17.00 hours Monday to Saturday, with no opening on Sundays or Bank Holidays.

Reason: In the interests of the amenity of the nearby residents.

2006 Application to vary opening hours refused under following grounds:

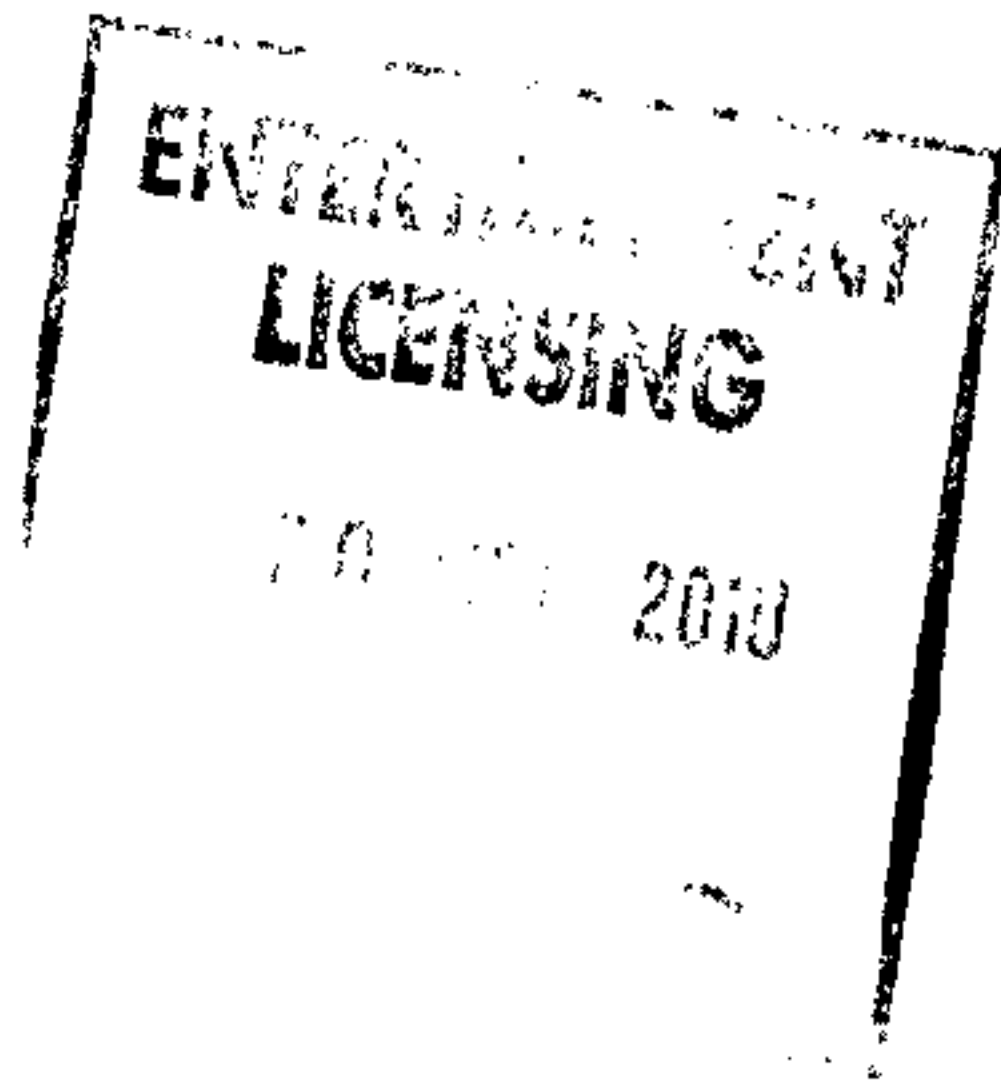
The Local Planning Authority considers that the proposed extended opening hours would result in unreasonable levels of noise, disturbance and an increased likelihood of cooking odour affecting the residents of the nearby hotel. The associated levels of noise and disturbance both generated from within the establishment and external disturbance from customers and cars entering and exiting the premises are considered likely to result in a significant source of nuisance to the detriment of the amenity of the hotel residents. The later opening hours are considered likely to put pressure upon the strictly conditioned use with the premises operating more as a restaurant/café requiring flues and resulting in cooking odour affecting the hotel residents. The proposal is therefore considered contrary to Policy GP5 of the Unitary Development Plan.

The Local Planning Authority considers that extending the opening hours would create a parking demand that cannot be accommodated within the site. This would result in on-street parking in the vicinity of major controlled junction, which in turn would be detrimental to the safe and free flow of traffic contrary to policy T2 of the Unitary Development Plan.

Therefore this Department fully objects to the application being granted. Should you have any questions regarding this letter please do not hesitate to contact me on the above telephone number.

Yours sincerely,

Mr Simon Clothier
Senior Scientific Officer



Nabu
20-22 Harrogate Road
Rawdon
Leeds
LS19 6HJ

City Development Department
The Leonardo Building
2 Rossington Street
LEEDS
LS2 8HD

Contact: **Chris Sanderson**
Tel: 0113 2478216
Fax: 0113 2478230

Your Ref:
Our Ref: Licence Applications

Date 17th September 2010

Dear Sir/Madam,

Subject: APPLICATION FOR PREMISES LICENCE

PART A

Thank you for submitting your application for licensed activities at:

Name of venue:- Nabu

Address:- 20-22 Harrogate Road, Rawdon, Leeds, LS19 6HJ.

We write to inform you we shall be objecting to your application and a copy of this letter will be sent to the Licensing Authority.

The premises at 22 Harrogate Road were granted planning permission for the change of use of shop to a café use in August 2005 subject to a condition restricting the use of the premises to a café and also the hours of use of the premises. Also the premises at 20 Harrogate Road were granted planning permission for a café use in May 2010 subject to the same conditions. The proposed hours of use set out in your premises license application exceed those allowed by the planning permission. The Development Department objects to the granting of a Premises License in the terms as applied for due to noise and disturbance being caused to nearby residential occupiers as a result of the comings and goings of customers and their motor vehicles, from customers congregating on the street in the vicinity of the building and from activities within the building. It is considered that the opening hours applied for at these premises would conflict with the Licensing objective of preventing public nuisance. The City Development Department considers that the extended opening hours proposed are unlikely to be acceptable and that a Premises Licence should not be granted outside the hours specified in the existing planning permission unless and until an express planning permission or a Certificate of Lawful Development is obtained by the operator of the premises to extend those operating hours. If you are willing to amend your application to the hours as specified in the existing planning permission, details of which are contained in Part B, then we shall withdraw our objection.



PART B

Licensing Act 2003 – Application for Premise Licence

On behalf of :

Nabu

For the premises known as and located at :

20-22 Harrogate Road, Rawdon, Leeds, LS19 6HJ.

I am the applicant / representative authorised by the applicant (delete as appropriate)

In signing this document I request that the Licensing Authority accept this letter signifying my wishes to amend the application to reflect the hours as detailed in the existing planning consent, as follows :

Planning permission has been granted for the change of use of the former shop to café at 22 Harrogate Road (permission ref 29/192/01/FU dated 05-08-2005). Also planning permission has been for change of use of shop to café at 20 Harrogate Road (permission ref 10/01082/FU dated 05-05-2010) subject to the following conditions:

THE OPENING HOURS OF THE PREMISES SHALL BE RESTRICTED TO 8AM TO 6PM.

THE REASON FOR THE CONDITION WAS IN THE INTERESTS OF AMENITY OF NEARBY RESIDENTS.

THE PREMISES SHALL NOT BE USED OTHER THAN AS A CAFÉ.

IN THE INTERESTS OF HIGHWAY SAFETY AND AMENITY

Signed :

Dated :

Please return this document to :

Development Department
The Leonardo Building
2 Rossington Street
LEEDS
LS2 8HD

Yours faithfully

Chris Sanderson
Principal Compliance Officer

Glover, Barry

From: Entertainment Licensing
Sent: 06 September 2010 09:05
To: Glover, Barry
Subject: FW: PublicAccess for Licensing - Application Comments (PREM/02920)

(2)

For you Barry
 Printed and in post

-----Original Message-----

From: publicaccess@leeds.gov.uk [mailto:publicaccess@leeds.gov.uk]
Sent: 05 September 2010 17:15
To: Entertainment Licensing
Subject: PublicAccess for Licensing - Application Comments (PREM/02920)

PublicAccess for Licensing - Application Comments (PREM/02920)

IAN THOMPSON has used the PublicAccess website to submit their comments on a Licensing Application. You have received this message because you are the Case Officer for this application or because this is a designated mailbox for PublicAccess comments submissions.

Comments were submitted at 05/09/2010 17:14:58 from IP 192.168.13.86.

Application Summary

 Application Number:
 PREM/02920

Address:
 20 -22 Harrogate Road
 Rawdon
 Leeds
 LS19 6HJ

Licence Description:

Case Officer:

Customer Details

 Name:
 IAN THOMPSON

Address:
 PEASEHILL HOUSE HOTEL
 HARROGATE ROAD
 RAWDON
 LEEDS

Postcode:
 LS19 6HJ

Email:
 info@peasehillhouse.com

Phone Number:
 0113 2503629

Comments

 Representation Type:
 Neighbour

Objection Type:
Disagrees with proposed conditions

Comments:

Dear Sirs,

After previous historical applications for this property, which were all refused (over the the period of nearly 20 years we have owned the adjacent hote),¹ the property was recentley granted A3 consent to trade with various restrications 1..the property should not be used other than a cafe with restricted trading hours been 8 till 6.00 pm I note the application for the sale of alchol is mon till friday until 2100 hours and until 2300 hours on a saturday this therefore would be in breech of the restrictions already applied.

If these premises were granted a alchol licence I fear that noise from the said premises would affect the sale of our hotel bedrooms that are directly above and therefore affect the nature of our business.

Rawdon at the moment is a pleasant place to be on a evening and if these premises were to attract a younger crowd with yet another licensed premises then I fear we could become the next drinking circuit with doormen then needed at certain times and large groups of younger generation spoiling what is a nice place to live and work.

Whilst I have no grevience with the present applicant I do fear what may happen long term to our business and the immediate area if a alchol licence was to be granted to these premises. We have seen many occasions in and around Yeadon and Guiseley where premises have been granted a licience if they sell food. However most of these pklaces have become predominantly places for young people to drink and cause major disturbances. We also know that the applicant is broadcasting to locals that he plans to have decking outside and encourage people to stop for a drink on the way home from work. This can already be done at several nearby businesses which have car parks, and space within their grounds without causing either a noise nucience to people living in the neighbourhood or a traffic hazzard with it having no car parking and being placed on a very busy, blind bend in the main road.

YoursIan Thompson.

PublicAccess for Licensing. (c) CAPS Solutions Ltd.

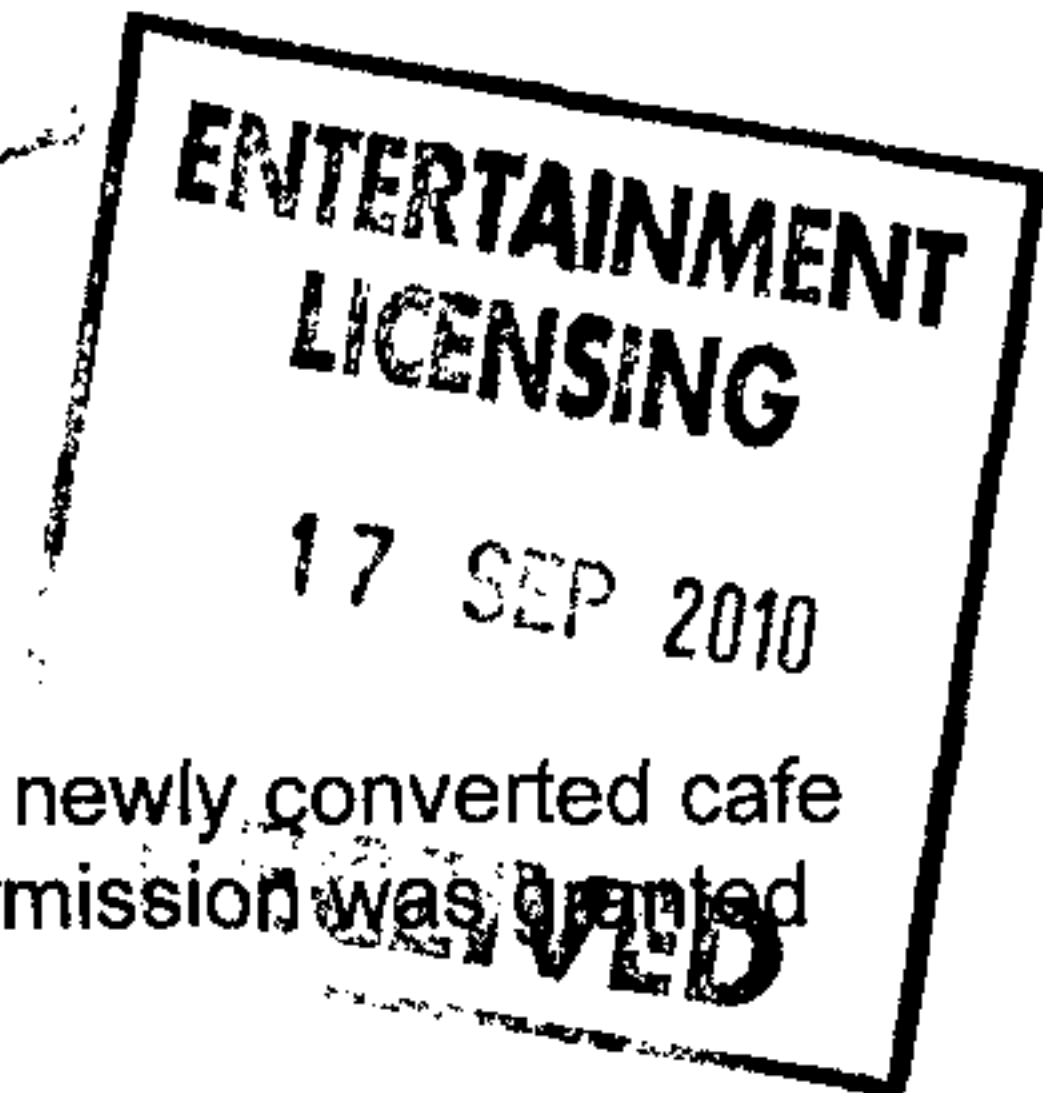
Prem/ 02920.

(3)

29 Harrogate Road
Rawdon
Leeds
LS19 6HW
15th September 2010

Entertainment and Licensing
Leeds City Council
Civic Hall
Leeds LS1 1UR
Address

17 SEP 2010



Dear Sir

**20 Harrogate Road , Rawdon, Leeds LS19.
Application for licence to serve alcohol.**

I write to comment on the above application, which concerns newly converted cafe premises at the above address. I am aware that planning permission was granted earlier in 2010 for A3 cafe use.

The current application is to serve alcohol each evening until 9pm, and Saturday till 11pm. In principle I have no objection to wine being served with meals only, but I would ask for the following to be taken into account:

- The use of the forecourt for outdoor seating has been doubled. Outdoor eating, and particularly evening drinking, may cause noise and nuisance to the nearby residential properties and to Peasehill House Hotel, the side wall of which adjoins the rear wall of the cafe.
- This is an area of mixed commercial and residential use. There is housing 20m to the south, nearby terraces to the north and flats above the shops opposite on Harrogate Road, all of whom may experience noise from late night drinking.
- The granting of a licence for the hours requested is completely inconsistent with the opening restrictions placed upon planning application 10/00295 for A3 use at 4 Harrogate Road, earlier in 2010, when such hours were not approved by planning.
- I would be concerned if granting a licence set a precedent for bar use, rather than restaurant use.
- There is nowhere to store the bins which would be necessary for a restaurant of this size. The only place would be the pavement.

In summary, my concern is not with the serving alcohol if this is served only with meals. The cafe/restaurant has been extensively refurbished and provides an amenity for local people. . My concern is with the noise and nuisance to nearby residential properties created by late opening hours and the evident use of use outdoor seating.

Yours sincerely

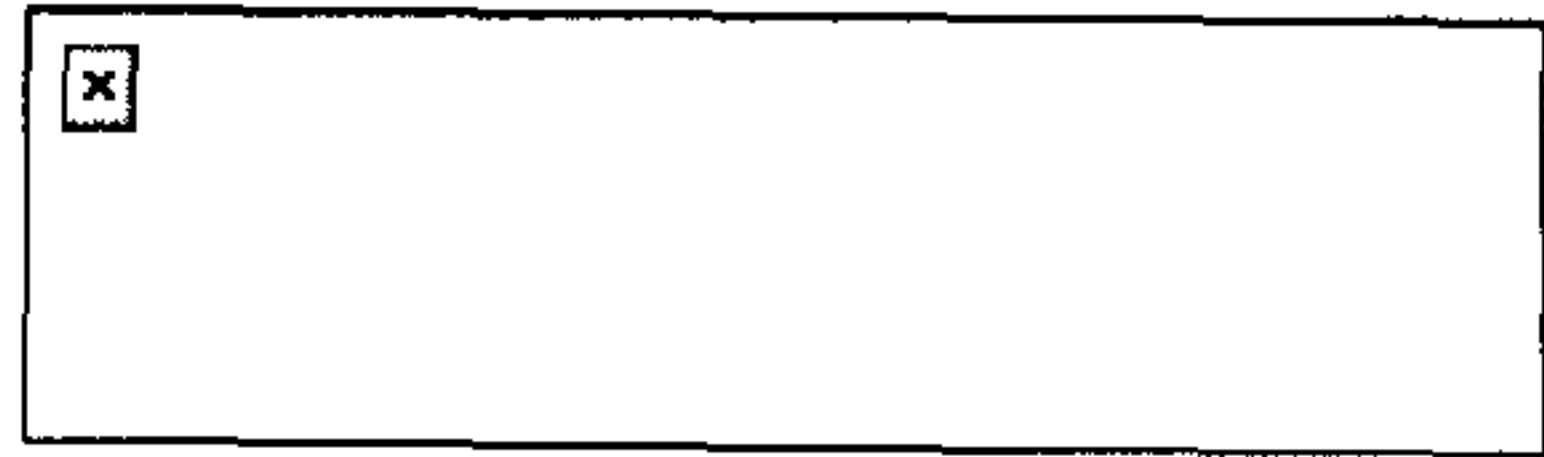
P. R. THOMPSON

Glover, Barry

From: Latty, Cllr Graham
Sent: 13 September 2010 09:46
To: Glover, Barry
Cc: Latty, Cllr Pat
Subject: RE: PREM/02920. Nabu, Harrogate Road, Rawdon.

Thank You. In that case I believe that the possibility is that should this café be successful then the parking it will generate will constitute a public safety problem in that there is little or no parking and in those circumstances people will park thoughtlessly. Surely is this not also a public nuisance ? The site is just round a bend in the major road and about 30 yards from traffic lights so any careless parking will be a hazard. Again it is a parade of shops used by pupils from Benton Park School and this would be putting temptation in their way. They already use the place for coffee and soft drinks so will be exposed to alcohol.

Cllr Graham Latty
Guiseley & Rawdon Ward
Deputy Conservative Whip



Mr Bedal Zengin
20 -22 Harrogate Road
Rawdon
Leeds
LS19 6HJ

Health and Safety Services
Leeds City Council
Millshaw Park Way
Churwell
Leeds
LS11 0LS

Contact: MS C A Copley
Tel: 0113 3950686
Fax: 0113 247 6282
Claire.copley@leeds.gov.uk
Your reference:
Our reference: PREM/02920
26 August 2010

Dear Sir

LICENSING ACT 2003

PREMISES : Nabu, 20 -22 Harrogate Road, Rawdon Leeds LS19 6HJ

Thank you for submitting your application for the above premises.

Health and Safety Services are of the opinion that your application contains insufficient information about how you intend to meet the licensing objective/s. We therefore confirm that we are submitting a formal representation against your application on the grounds of Public Safety. However, Health and Safety Services are of the opinion that the said objectives could be met should you be prepared to incorporate certain identified measures within your operating schedule.

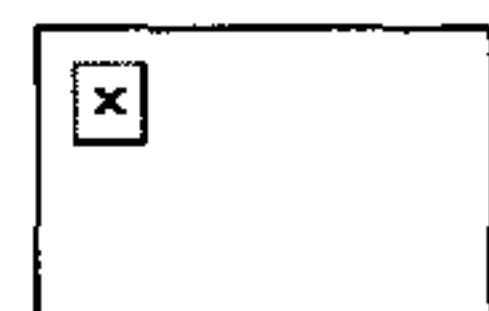
Please find enclosed a document which at Part 1 contains the suggested measures which this authority considers are proportionate and appropriate to the nature of your application.

Should you be in **agreement** with the suggested measures then please signify this by completing and signing **Part 2** of the enclosed form and return the complete document to this office as soon as possible, but no later than 15 September 2010.

Upon receipt of your consent at Part 2, it will be taken that you signify your wishes for the licensing authority to amend your operating schedule to incorporate the proposed measures.

Alternatively should you **disagree** with the proposed measures, then please complete **Part 3** and again return the complete document to this office as soon as possible, but no later than the stated date.

I have also enclosed information to assist you meet your obligations and a food registration form which should be returned to the food safety team at the above address, if this has not already been completed.



PART 1 - to be completed by the Responsible Authority

Health and Safety Service – Proposed controlled measures under the Licensing Act 2003

Name & Address of Premises : Nabu, 20 -22 Harrogate Road, Rawdon Leeds LS19 6HJ

Having considered the application under the Licensing Act 2003 for the above premises, the Health and Safety Service considers that the following measures are proportionate and necessary in order to promote the following licensing objective/s:

- Public safety

Measures proposed:

No	Potential Control Measures
	Public Safety 3 :- Management Arrangements
1	Written records of all accidents and safety incidents involving members of the public will be kept. These will be made available at the request of an authorised officer.
2	A suitably trained and competent person must ensure regular safety checks of the premises including decorative and functional fixtures, floor surfaces and equipment (including electrical appliances) to which the public may come into contact are undertaken. Records of these safety checks must be kept and made available for inspection by an authorised officer.
	Public Safety 4 :- Fire/Electrical Safety
3	Electrical installations will be inspected on a periodic basis (at least every 3 years or at a frequency specified in writing) by a suitably qualified and competent person. If used, any temporary electrical wiring and distributions will also be inspected. Inspection records/certificates will be kept. These will be made available at the request of an authorised officer.
4	<p>One of the following protective measures shall be used for all socket-outlets which may be used for the connection for lighting, video or sound amplification equipment and display models:</p> <p>a) Each socket-outlet circuit shall be protected by a residual current device having a rated residual operating current not exceeding 30mA.</p> <p>or</p> <p>b) Each individual socket-outlet shall be protected by an integral residual current device having a rated residual operating current not exceeding 30mA.</p> <p>The current operation of all residual current devices shall be checked regularly by pressing the test button. If the device does not switch off the supply, an electrical contractor should be consulted. At the same time action should be taken to prohibit the use of socket outlets associated with a faulty residual current device.</p>
	Public Safety 6 :- General Housekeeping
5	A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner
	Public Safety 7 :- Refreshments
6	Members of the public will be prevented from accessing hot food and drink preparation areas to prevent risk of scalds or burns to them.
	Public Safety 8 :- First Aid
7	A suitably trained First Aider or appointed person will be provided at all times when the premises are open.
8	Adequate and appropriate First Aid equipment and materials will be available on the premises.

The Health and Safety Service is satisfied that the proposed measures are not adequately dealt with by other legislation.

By signing the declaration enclosed overleaf the applicant agrees to incorporate the proposed measures as conditions within the Operating Schedule for the said premises.

Upon the satisfactory completion of the declaration the Health and Safety Service will provide notice to the Licensing Authority that our representation is withdrawn in accordance with schedule 10(a) of the Licensing Act 2003 (Hearings) Regulations 2005.

Signed: *C A Copley*

Dated : 26.8.10

Prem/02920

PART 2 – Agreement with Proposed Measures

- to be completed by the applicant or applicant's representative

Consent for proposed controlled measures under the Licensing Act 2003

Name & Address of Premises : Nabu, 20 -22 Harrogate Road, Rawdon Leeds LS19 6HJ

I/We BEDE ZENGIN.....

confirm that I am / we are the applicant / the applicants representative (delete as appropriate) for the premises as stated above.

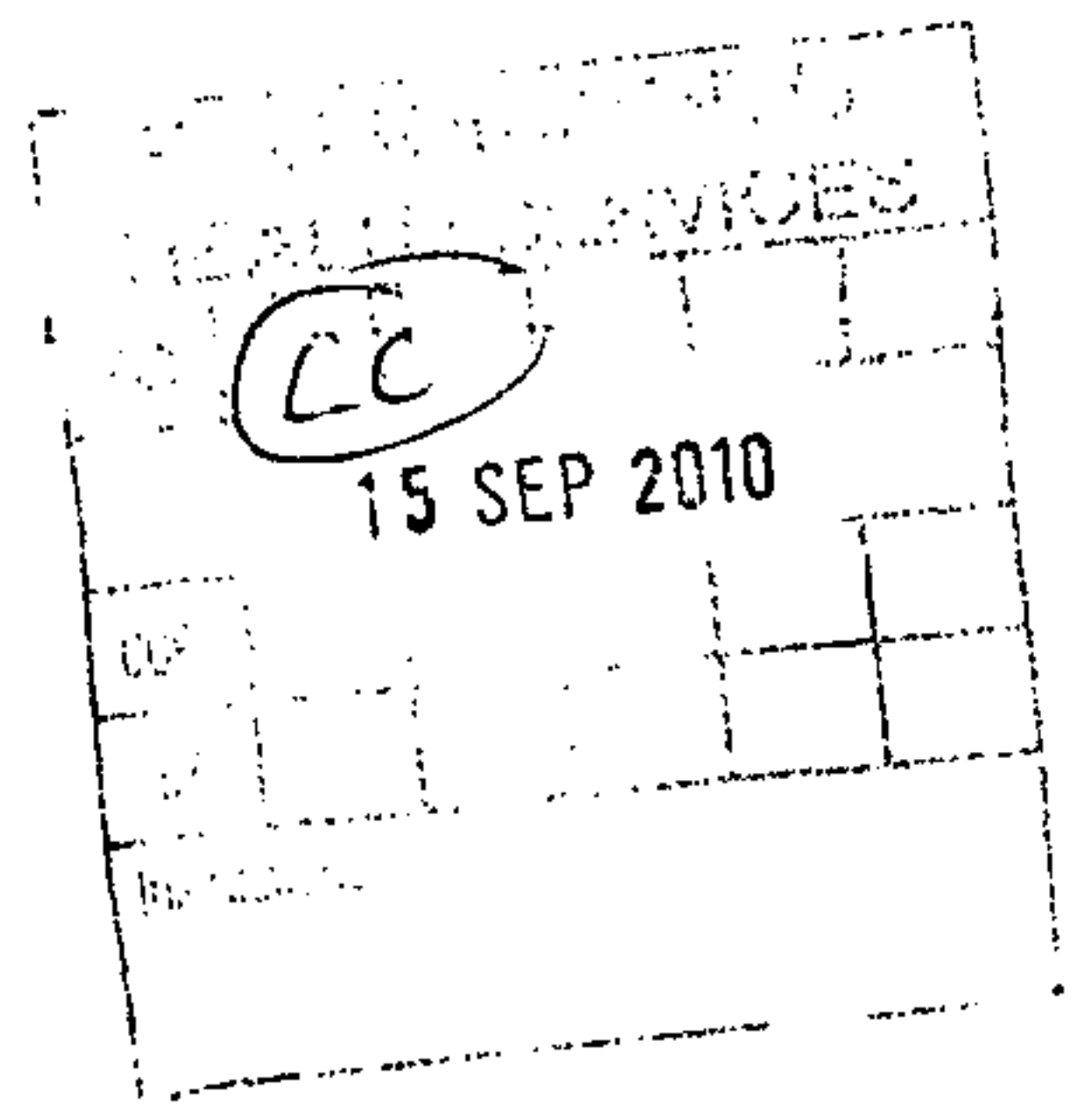
In signing this document I/we agree with the measures proposed by the Health and Safety Service, and we provide our consent for the Licensing Authority to incorporate the said measures into the operating schedule for the stated premises.

Signed 

Dated : 14/09/10

Please return this document to:

**C Copley
Health & Safety Services
Leeds City Council
Millshaw Park Way
Churwell
Leeds LS11 0LS
Fax: 0113 247 6282**



NOT PROTECTIVELY MARKED



**WEST YORKSHIRE
POLICE**

Leeds District Licensing Department

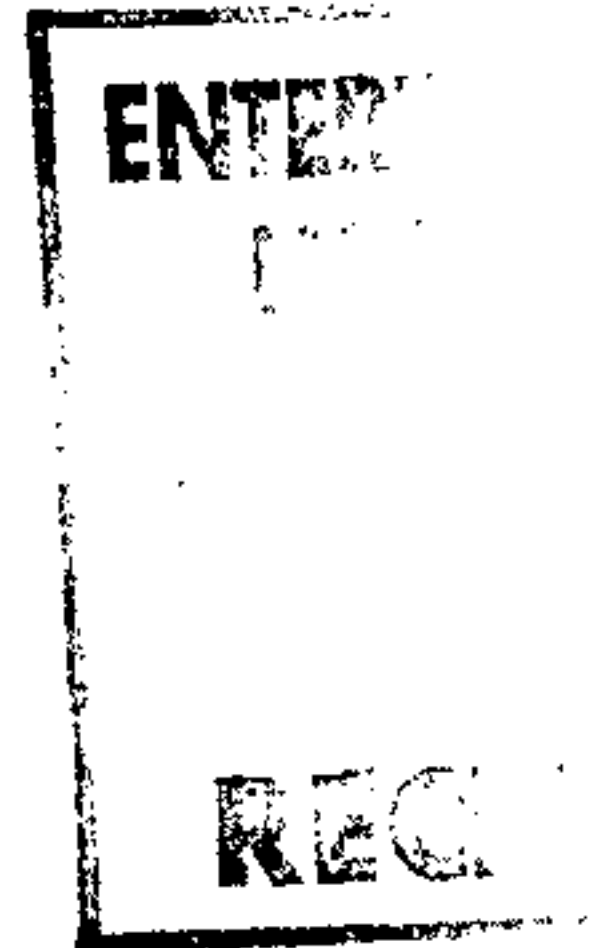
Licensing Department
Millgarth Police Station
Millgarth Street
Leeds
LS2 7HX

Tel: 0113-2414023
Fax: 0113-2413123
Email:
bob.patterson@westyorkshire.pnn.police.uk
Website:

Your ref:
Our ref: BP/LICENSING OFFICER/NABU RAWDON

17th September 2010

The Applicant
Nabu / Mocha Express
20-22 Harrogate Road
Rawdon
Leeds
LS19 6HJ



cc. Entertainment Licensing Section. Leeds City Council, Civic Hall, Leeds. LS1 1UR

RE: NABU / MOCHA EXPRESS – 20/22 HARROGATE ROAD RAWDON LEEDS LS19 6HJ
NEW PREMISES LICENCE – LICENSING ACT 2003:
POLICE – LETTER OF REPRESENTATION – 'QUALIFIED' OBJECTION:

Thank you for submitting your application for the above premises, received at the address above on 24th August 2010.

1. Can you please provide the date and place of birth of the applicant Bedal Zandin.
2. Can you also please confirm the date and place of birth of the proposed designated premises supervisor Mehrdad Kanani.

West Yorkshire Police are of the opinion that your application contains insufficient information about how you intend to meet the licensing objectives.

We therefore confirm that we are submitting a formal representation against your application on the grounds of:-

1. the prevention of crime & disorder
2. the prevention of public nuisance, and
3. the protection of children from harm.

However, West Yorkshire Police are also of the opinion that the said objectives could be met should you be prepared to incorporate certain identified measures within your operating schedule, in **addition** to what you may have offered in your application.

Please find enclosed a document which at **Part 1** contains the suggested measures which this authority considers are proportionate and appropriate to the nature of your application.

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

Should you be in agreement with the suggested measures then please signify this by completing and signing **Part 2** of the enclosed form and return the complete document to this office as soon as possible, but no later than 20th September 2010.

Upon receipt of your consent at **Part 2**, it will be taken that you signify your wishes for the licensing authority to amend your operating schedule to incorporate the proposed measures.

Alternatively should you disagree with the proposed measures, then please complete **Part 3** and again return the complete document to this office as soon as possible, but no later than 20th September 2010.

PART 1 - to be completed by the Responsible Authority:

West Yorkshire Police propose the following control measures under the Licensing Act 2003 (In **addition** to those that you may have already offered), for the premises-:

**NABU / MOCHA EXPRESS
20/22 HARROGATE ROAD
RAWDON
LEEDS
LS19 6HJ**

Having considered the application under the Licensing Act 2003 for the above premises, West Yorkshire Police considers that the following measures are relevant, proportionate and necessary in order to promote the following licensing objectives-:

- the prevention of crime & disorder
- the prevention of public nuisance
- the protection of children from harm

Measures / Additional measures proposed:

- The Premises Licence Holder, Designated Premises Supervisor and all members of staff will ask for acceptable evidence (as agreed by WYP / WYTSS) from any person appearing to be under the age of 21 who attempts to purchase alcohol at the premises,
- A suitable CCTV system will be maintained and be operational on the premises at all times when licensed activities are being carried out,
- CCTV security footage will be made secure and retained for a minimum period of 31 days time to the satisfaction of WYP,
- At all times that the premises licence has effect, the sale / supply and consumption of alcohol shall be ancillary to the provision of food and other non-alcoholic beverages;
- The sale / supply of alcohol shall be limited to the licensed area only, which shall not include the outside dining area as identified on the premises licence plan,
- the consumption of alcohol in the outside dining area will be allowed but only if accompanied with an order for food and supplied from within the premises.

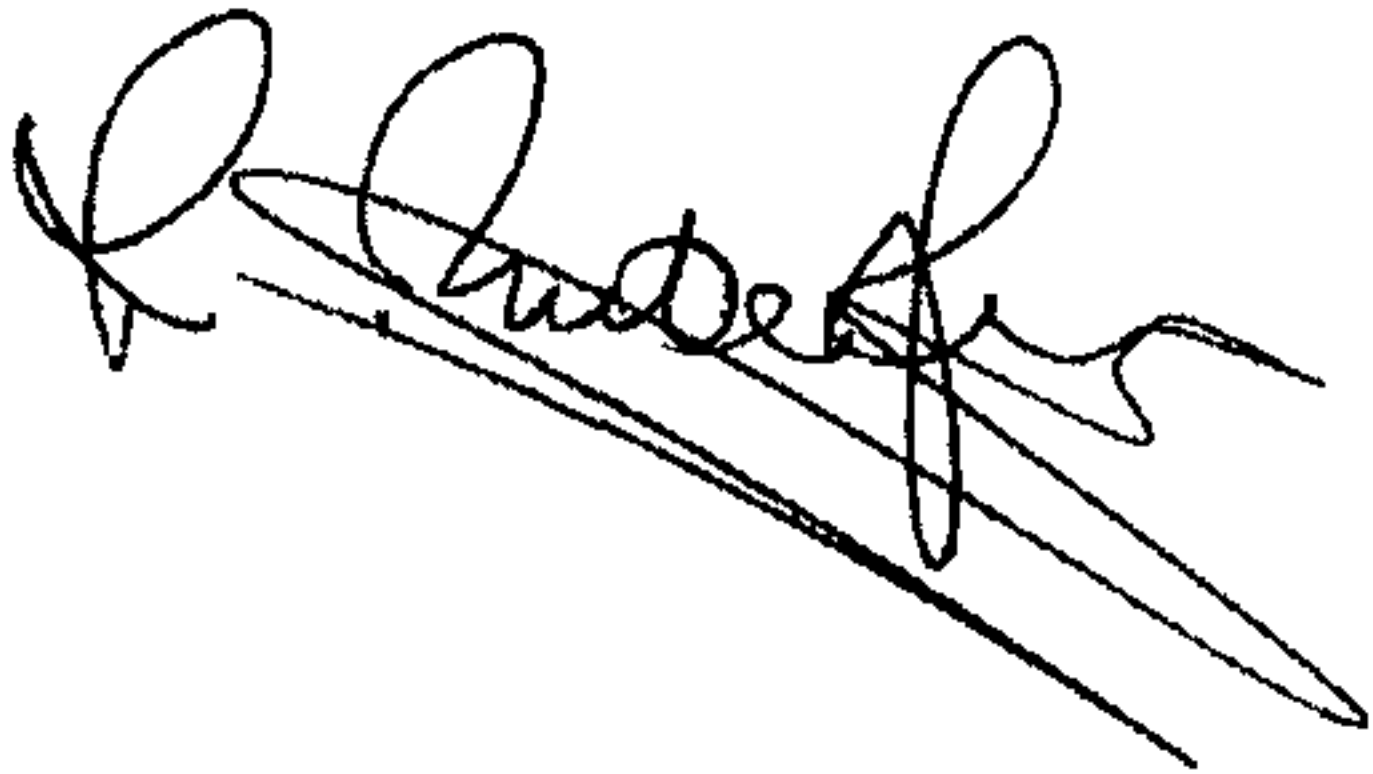
West Yorkshire Police are satisfied that the proposed measures are not adequately dealt with by other legislation.

By signing the declaration enclosed overleaf at **Part 2**, the applicant agrees to incorporate the proposed measures within the Operating Schedule for the said premises.

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

Upon the satisfactory completion of the declaration, West Yorkshire Police will provide notice to the Licensing Authority that our representation is withdrawn in accordance with schedule 10(a) of the Licensing Act 2003 (Hearings) Regulations 2005.

A handwritten signature in black ink, appearing to read 'Bob Patterson', written over a horizontal line.

Bob Patterson
Leeds District Licensing Officer

Date: 17th September 2010.

NOT PROTECTIVELY MARKED

Glover, Barry

From: bob.patterson@westyorkshire.pnn.police.uk
Sent: 24 September 2010 15:49
To: Glover, Barry; Entertainment Licensing
Subject: NABU HARROGATE ROAD : NOT PROTECTIVELY MARKED

Attachments: SK205310092414450.pdf



SK20531009241445
0.pdf (146 KB)...

Barry,
Please see attached Part 2.
Will you please now withdraw our representations, which means we will not be attending at the hearing.

Regards.

Mr. Bob Patterson
Leeds District Licensing Officer
Licensing Department
Millgarth Police Station
Millgarth Street
Leeds
LS2 7HX
Tel: 0113-2414023
Fax: 0113-2413123
E-mail: bob.patterson@westyorkshire.pnn.police.uk

----- Forwarded by Robert Patterson/717958/BRAD/WYP on 24/09/2010 15:52

K2053

24/09/2010 15:45

rp234

To

cc

Please respond to
K2053

Subject

Message from K2053

(See attached file: SK205310092414450.pdf)

LOCAL POLICE UPDATES: Use your postcode to read local news from your Neighbourhood Policing Team, and sign up for free email updates, on <http://www.westyorkshire.police.uk/npt>

This email carries a disclaimer, a copy of which may be read at <http://www.westyorkshire.police.uk/emailDisclaimer.asp>

NOT PROTECTIVELY MARKED

PART 2 - to be completed by the applicant or applicant's representative;

Consent for all proposed control measures under the Licensing Act 2003.

Name & Address of Premises:

**NABU / MOCHA EXPRESS
20/22 HARROGATE ROAD
RAWDON
LEEDS
LS19 6HJ**

RECEIVED

I / we REDEL ZENGIN

confirm that I am / we are the applicant / the applicants representative (delete as appropriate) for the premises as stated above.

In signing this document:-

- I / we agree with the measures proposed by West Yorkshire Police,
- I / we provide our consent for the Licensing Authority to incorporate the said measures into the operating schedule for the stated premises, and furthermore,
- I / we confirm the premises will then operate in accordance with those measures agreed to.

RECEIVED

Signed:



Dated:

24/09/10