

White, Emma

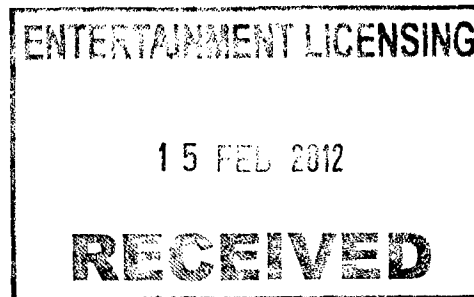
From: Mudhar, Gurdip
Sent: 15 February 2012 19:02
To: White, Emma; Entertainment Licensing (GCSx)
Cc: Sanderson, Christopher
Subject: Prem/03142/001
Attachments: 11A Cherry Row LS9.rtf

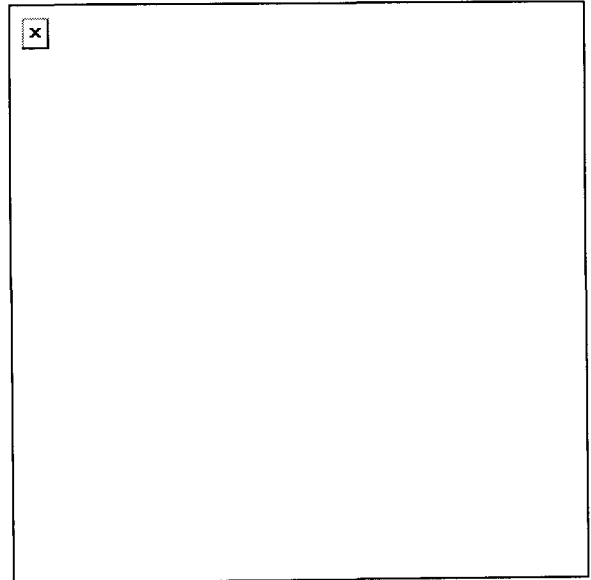
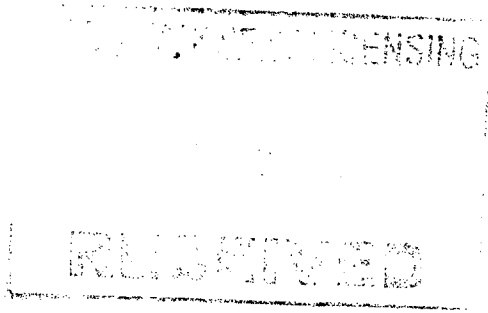
Hi Emma

Please find attached 'Qualified Objection' Letter in respect of the above premises.

Regards.

Gurdip Mudhar (Senior Environmental Health Officer)
Health and Environmental Action Service
Environmental Protection Team
Leeds City Council
Knowsthorpe Gate
Cross Green Industrial Estate
Leeds
LS9 0NP
Tel: 0113 3951171
Fax: 0113 2474947





Digwa Cousins Solicitors
277 Roundhay Road
Leeds
LS8 4HS

Environmental protection team
Leeds City Council
Knowsthorpe Gate
Cross Green
Leeds LS9 0NP

Contact: Mr. Mudhar
Tel: 0113 3951171
Fax: 0113 2474947
Gurdip.mudhar@leeds.gov.uk
Our reference: PREM/03142/001
Date: 15th February 2012

Dear Sirs

Licensing Act 2003

Name of Premises: East African Centre

Address: 11A Cherry Row, Burmantofts, Leeds, LS9 7LY

Thank you for submitting your application for the above premises.

Leeds City Council's environmental action service is of the opinion that your application contains insufficient information about how you intend to meet the licensing objective of the prevention of public nuisance. We therefore confirm that we are submitting a formal objection to your application.

However you could meet this objective by incorporating certain identified measures within your operating schedule. Therefore, please find enclosed a document which at part 1 contains the suggested measures which we consider are proportionate and appropriate to the nature of your application.

If you are in agreement with the suggested measures then please complete and sign part 2 of the enclosed form and return the complete document to me as soon as possible. Once we receive this it will be taken that you wish the licensing authority to amend your operating schedule to incorporate the proposed measures. If you have any questions please do not hesitate to contact me.

If you disagree with the suggested measures, then please complete part 3 and return the complete document to me as soon as possible.

If the opening hours as proposed under this application are different to those on the current planning approval, then you should also make an application for variation of hours to planning services. If you operate without planning permission, this may result in a breach of the relevant planning condition. If you wish to discuss this matter further please contact the development enquiry centre 0113 222 4409.

Yours sincerely

Gurdip Mudhar
Senior 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 of Premises: East African Centre
Address: 11A Cherry Row, Burmantofts, Leeds, LS9 7LY**

The application premises (trading as East African Centre) is a two storey building with a Snooker Centre and café on the ground floor and restaurant above. The restaurant above the Snooker Centre is accessed by a separate entrance to the front of the premises.

When facing the application premises from Cherry Row, there are a number of commercial units to the left which are predominately used as Cafes and Restaurants, Hot Food Take-aways together with two convenience stores and a place of worship which is located above the commercial units.

The application premises is joined to a Private Hire Taxi office to the right and the Commercial unit (No:11 Cherry Row) to the left which is currently being refurbished to form a restaurant on the ground floor. I understand the upper floor level of number 11 Cheery Row is currently being used as a Shisha Bar under the trading name of an Arabian Nights Lounge. It is not known if the owner of this business has been granted planning permission for change of use of the premises.

The application premises is situated within a mixed commercial and residential area. There is a living accommodation / residential flats above the convenience store and immediately opposite the Cherry Row (some 60 meters away) there are multi-storey Social Housing blocks. There is no dedicated car park for the premises, however, there is a shared, medium sized car park available to the front of the shops.

It appears that the application premises do not have a planning permission / approval for the current use and hence a retrospective application for this change of use has been submitted to the Council which is currently being considered by the Planning Services.

I understand that the application premises is currently trading till 23:00 hours, however, complaints of noise disturbance have been made by a local resident (in 2011) about the premises allegedly being kept open until midnight, and on occasions beyond mid-night. The

complaints related to loud music emanating from the premises and people congregating immediately outside the premises, shouting and screaming. The complaints were brought to the attention of the manager of the premises and also referred to the Licensing Section for further investigation.

In view of high proportion of commercial units being used for preparing and selling hot foods, the Department has recently received complaints of cooking odours and fumes affecting the nearby offices and questions have also been raised about the legality of use of hot food businesses under the Planning laws.

It has been proposed by the applicant that the premises in question will be used for licensable activities, recorded music and late night refreshments as follows:

Monday – Thursdays and Sundays: 10:00 hours – 23:30 hours
Fridays: 10:00 hours – 03:00 hours
Saturdays: 10:00 hours – 04:00 hours
Sunday Bank Holiday weekends: 10:00 hours – 03:00 hours

Environmental Health concerns

Regulated Entertainment

The ground floor of the premises (Snooker Centre and café) have no windows and access into the premises is gained via two sets of self closing doors which would contain the noise within the premises provided that one set of doors are kept closed at a given time. It was, however, noticed that a set of internal double doors were not properly sealed which could allow music noise escaping from the premises. It is also recommended that the speakers should not be positioned near to an entrance doors / exits.

Given that the premises has previously been used as showrooms (or similar uses) it is highly likely that the roof of the building will be acoustically weak and it is, therefore advised that the upper floor level of the premises should only be used to play background recorded music.

Patron noise and Car Park Noise

The late night operating hours applied for (Fridays, Saturdays & the Bank Holidays) has the potential to cause noise disturbance from comings and goings of the customers, customers congregating in the communal car park and to smoke outside the premises.

The cars will be either parked in the communal car park or in the neighbouring streets adjacent to the multi-storey residential block. It is not only people that cause a disturbance and anti-social behaviour, their vehicles can also create noise through stereos, slamming doors, revving engines, the horn or screeching tyres. The patrons will have little regard for the amenity of residents in properties adjacent the car park and the applicant will have no control on these activities which could, therefore undermine the prevention of public nuisance objective of the Licensing Act 2003.

The possible noise problems from the above-mentioned sources of noise will be exacerbated especially during the summertime as the nearby residents will have their windows open for ventilation purposes. The Environmental Health has no enforcement powers to deal with the noises associated with the customers' vehicles or customers causing noise disturbance in the nearby residential streets.

Opening hours of the premises

The opening hours of the premises as proposed under this application has not been formalised by the Council's Planning Services as the retrospective application is still being considered. Nevertheless, it is this Department's (Environmental Health) concern that the late night opening hours on Fridays and Saturdays applied for at these premises would conflict with the Licensing objective of preventing public nuisance. Additionally should these hours be allowed for licensable activities, it will set a precedent which could encourage other venues for similar opening hours. This would have an adverse cumulative impact on the amenities of the neighbouring residential properties.

Having considered the application under the Licensing Act 2003 for the above premises, the Leeds City Council's Environmental Action Service considers that the following measures are proportionate and necessary in order to promote the Prevention of public nuisance objective of the Licensing Act 2003:

Opening hours

1. The opening hours of the premises should be as follows:

Monday – Sunday : 10:00 hours – 23:30 hours

Noise and Vibration

2. Licensable activities shall be conducted and the facilities for licensed activities 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.
3. Noise from a licensable activity at the premises will not be audible at the nearest noise sensitive premises which are located on above the retail units on Cherry Row.
4. Ensure all doors and windows are kept closed to reduce noise nuisance from the premises when regulated entertainment takes place.
5. There shall be no regulated entertainment on the upper floor level of the premises with the exception of background music.
6. There shall be no external loudspeakers.
7. Bottles will not be placed in any external receptacle between 11 pm and 7 am the following day to minimise noise disturbance to neighbouring properties.
8. Noise from plant or machinery shall not be audible at the nearest noise sensitive premises situated on Cherry Row during the operation of the plant or machinery. Plant and machinery shall be regularly serviced and maintained to meet this level.
9. The activities of persons using the external areas shall be monitored and they shall be reminded to have regard to the needs of local residents and to refrain from shouting and anti social behaviour etc when necessary.
10. The PLH/DPS will adopt a "cooling down" period where music volume is reduced towards the closing time of the premises.

Litter

11. The PLH/DPS shall ensure that litter arising from people using the premises is cleared away regularly and that promotional materials such as flyers do not create litter.

Transport / Pedestrian Movement

12. 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.
13. The designated premises supervisor and any door supervisors will monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.
14. 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.

Signed:

Gurdip Mudhar (Senior Environmental Health Officer)

Dated: 15th February 2012

PART 2

To be completed by the applicant or applicant's representative

Consent for Proposed Controlled Measures under the Licensing Act 2003

Name of Premises: East African Centre

Address: 11A Cherry Row, Burmantofts, Leeds, LS9 7LY

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:

Please return this document to:

Gurdip Mudhar
Environmental protection team
Leeds City Council
Knowsthorpe Gate
Cross Green
Leeds
LS9 0NP

PART 3

To be completed by the applicant or applicant's representative

Proposed Controlled Measures under the Licensing Act 2003

Name of Premises: East African Centre

Address: 11A Cherry Row, Burmantofts, Leeds, LS9 7LY

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:

Gurdip Mudhar
Environmental protection team
Leeds City Council
Knowsthorpe Gate
Cross Green
Leeds
LS9 0NP