



Miss Amanda Brown
152 Chapeltown Road
Leeds
LS7 4EE

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

Contact: Mr. Mudhar
Tel: 0113 3951171
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Our reference: PREM/02948/004
Date: 14th June 2012

Dear Miss Brown

Licensing Act 2003

Name of Premises: Miss Browns Coffee House

Address: 152 Chapeltown Road, Chapeltown, Leeds, LS7 4EE

Thank you for submitting your application for the variation of premises licence.

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.

Yours sincerely

Gurdip Mudhar
Senior Environmental Health Officer

Encs

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: Miss Browns Coffee House
Address: 152 Chapeltown Road, Chapeltown, Leeds, LS7 4EE**

Premises

The application premises is situated on Chapeltown Road and lies within a block of 5 terraced properties. The premises comprise a 3 storey building; the ground floor restaurant and residential flats on the upper floor levels. The adjoining property to the left hand side (No: 2 Grange View) had been in a derelict condition for a number of years, however, it is has now been brought into use and currently occupied as 6 residential flats. The adjoining property to the right hand side (150 Chapeltown Road) is currently unoccupied and used for storage purposes. The area immediately to the rear of the premises is predominantly residential.

Planning history of the application premises

Sandwich shop

All floor levels of the premises were previously used as residential, however in October 2010 the ground floor of the premises was granted Planning permission for change of use to a sandwich shop and the opening hours were restricted by imposing the following planning condition:

The opening hours of the premises hereby approved shall be restricted to 0730 hours to 1800 hours Monday to Fridays and 0800 hours to 1300 hours on Saturdays, with no opening on Sundays.

In December 2010 the application premises was still trading as a sandwich shop, and a further planning application was approved to extend the opening hours of the shop by imposing the following planning condition:

The opening hours of the premises hereby approved shall be restricted to 0700 hours to 2230 hours Monday to Sunday and 0700 hours to 2330 hours on Bank Holidays.

Restaurant

In April 2012 the application premises was granted planning permission to change from a sandwich shop to a restaurant. Having considered the more intensive use of the premises as a restaurant and the possible impact it would have on the neighbouring properties, the following planning conditions were imposed:

The opening hours of the premises shall be restricted to 07.30 hours to 23.00 hours Monday to Friday, Sunday and bank holidays and to 07.30 hours to 23.30 hours on Saturdays.

Outdoor dining to the front and rear of the premises shall cease at 9pm every day.

The Proposals made under this application

Given that the application premises now have a planning permission to trade as a restaurant with longer opening hours, it has been proposed that the supply of alcohol (on the premises and off the premises) will match the hours granted under the planning approval except on Sundays the premises will be kept open until 23:30 hours thus exceeding the hours allowed under the planning approval. (Should close at 23:00 hours in accordance with the planning approval).

It has also been noted that the applicant has not allowed extra drinking up time if the alcohol is to be consumed on the premises.

It has been confirmed by the applicant that all the remaining licensing activities (regulated entertainment etc) will still be carried out within the existing times i.e between 7.00 hours – 22:00 hours.

Non standard Timings

The applicant has also requested to extend the opening times and the duration of activities as follows:

An additional hour into the morning of the following day every Friday, Saturday, Sunday and Monday for each May Day Bank Holiday, Spring / Witsun Bank Holiday, and August bank Holiday weekends.

An additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday of each Easter Bank Holiday weekend.

And an additional hour into the morning following every Christmas Eve, Boxing Day and from the start of business on New Years Eve to the start of business on New Years Day.

The applicant is in essence proposing to open the premises not only on the Bank Holidays by an additional hour but also the days proceeding the Bank Holidays.

The proposal to open the premises by an extra hour on the Bank Holidays (and the days proceeding the bank holidays), is not acceptable as this is contrary to the Planning Permission which states that the premises should close at 23:00 hours on Monday to Friday, Sunday and bank holidays.

The applicant, however, have the option of extending the opening hours of the premises during the bank holidays under the Temporary Events Notice subject to approval by the Environmental Health and the West Yorkshire Police.

Having considered the application under the Licensing Act 2003 for the above premises, it is considered that the following measures are proportionate and necessary in order to promote the Prevention of public nuisance objective of the Act.

Opening hours

1. The opening hours of the premises for the supply of alcohol on the premises shall be restricted to 07.30 hours to 22.30 hours Monday to Friday, Sunday and bank holidays and to 07.30 hours to 23.00 hours on Saturdays.
2. No licensable activities of any description or consumption of alcohol or food shall take place in any external area after 21:00 hours every day.

Signed:

Dated:

