

Radford, Victoria

From: Ward, Mike (Environmental Prote
Sent: 14 February 2014 11:00
To: Entertainment Licensing; Amin, Imtishaam
Subject: Spice Zone 67 Pendas Way LS15 8HU

Hello Shaam

I have received a signed part 2 of my QO letter and so will withdraw our objection.

Thank you.

Michael Ward
Environmental protection team
Millshaw Parkway
Churwell
LS11 0LP

Tel 0113 3951414



Ms Joanne Brough
24 Pinders Farm Drive
Warrington
Cheshire
WA1 2GF

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

Contact: Mr Michael Ward
Tel: 0113 395 1414
Fax: 0113 247 6282
michael.ward@leeds.gov.uk
Our reference: PREM/03423/001
3 February 2014

Dear Madam

Licensing Act 2003

Name of Premises: Spice Zone

Address: 67 Pendas Way, Stanks, Leeds, LS15 8HU

We refer to your licensing application for the above premises. We believe that your application does not give enough information about how you intend to meet an important aim of the licence, which is to prevent public nuisance. We therefore confirm that we are submitting a formal objection to your application.

You could meet this aim by agreeing to certain measures within your operating schedule that we suggest are reasonable and relevant to your application. The suggested measures are contained in part 1 of the enclosed document.

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

If you disagree with the suggested measures then please complete part 3 and return it to us as soon as possible. If you have any questions please do not hesitate to contact us.

If the opening hours you propose under this application are different to those on the current planning approval then you should also apply to Planning Services to vary the hours. If you operate without planning permission you may have not met the relevant planning condition. You can contact Planning Services by phoning the Development Enquiry Centre on 0113 222 4409.

Yours sincerely

MW

Mr Michael Ward
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: Spice Zone
Address: 67 Pendas Way, Stanks, Leeds, LS15 8HU

Spice Zone is situated at the end of a commercial terrace at the junction of Pendas Way and Pendas Grove. The commercial terrace has residential flats above and is adjacent other residential premises. The nature of the area is predominantly residential, although there is a similar commercial terrace where Pendas Grove, which forms a narrow crescent, meets Pendas Way at a second junction nearby.

There is a small service road running in front and behind of the commercial premises that provides limited access for refuse collection, delivery and parking for customers.

The restaurant exists and operates now, much as it wishes to operate in future, the difference being the sale of alcohol within the premises, not as off-sales. The opening hours applied for in the licensing application are within those allowed for in a planning condition (12/03366/FU – decided 12/11/2012). The hours of delivery are also subject to a planning condition with hours restricted to 08:00 – 18:00 Monday to Saturday, with none on Sunday and Bank Holidays.

On their website (<http://spicezoneleeds.co.uk>) the business advertises free home deliveries, without specifying any given hours during which any deliveries are available. It also advises customers that they may bring their own drinks.

We have received allegations of noise and odour arising from the applicant premises in the recent past, which are summarized in the following table:

| Reference | Allegation | Date received | Complainant indicates if same or different and approx location | Comments / investigating officer notes (summarised) |
|-----------------|--|---------------|---|---|
| 13/38747/NOICOM | Customer is complaining about noise from the takeaway delivery vehicles that deliver late at night and drive at speed on the road at the back of the shops | 16/09/13 | A Pendas Way | Not substantiated, no evidence provided by complainant |
| 13/23745/ODOOTH | Terrible cooking smells coming from takeaway, particular bad from 4pm onwards | 18/06/13 | B Pendas Way | Resolved by informal action / change of flue. |
| 13/13155/ODOOTH | Odour | 05/04/13 | C Pendas Gro' | Resolved by informal action / change of flue. |

| | | | | |
|-----------------|--|----------|--------------|--|
| 13/05276/ODOOTH | Odour | 11/02/13 | D Pendas Way | Resolved by informal action / change of flue. |
| 13/04397/NOICOM | Noise from car doors banging, car engines, people talking, shouting and laughing late at night | 04/02/13 | D Pendas Way | Unsubstantiated. Allegations about inappropriate parking and limited noise on highway just after 23:30. Advised investigating officer that there was no noise from the restaurant / takeaway itself. |

The table indicates that although we have received five allegations, they were either not substantiated as evidence or resolved without recourse to formal action taken by this team. Three came from separate complainant households and two from the same person.

We have received no allegations of any disturbance since July 2013.

Over the same period we received allegations concerning a different takeaway in the immediate vicinity of the applicant premises. Some of the allegations we received were from the same people who also alleged that Spice Zone was a source of noise and / or odour. One allegation we received concerned noise arising from the use of bins after the business had closed. The allegations were either not substantiated by evidence or resolved by informal action.

We are aware that the licence application has attracted representation from the public. One of the objectors has stated that there is currently noise late at night due to people shouting, talking and from vehicle engines, doors, radios and similar. Another objector gives a more general overview that great disturbance is happening to nearby residents.

The applicant has offered measures as part of their operating schedule to reduce public nuisance that considers noise from within the premises and encouragement to customers to leave the premises quietly. The form that any 'encouragement' will take is not given. Within the general measures the applicant states that 'staff will be trained to deal with customers in a positive manner to prevent anti-social behaviour'; which if otherwise allowed may lead to noise in the area.

On balance it appears that there is scope for the business to cause disturbance in the neighbourhood that may be considered to be a public nuisance.

Having considered the application under the Licensing Act 2003 for the above premises, we believe that the following measures are relevant and reasonable in order to meet the following aim of the licence:

- Prevention of public nuisance

Noise and Vibration

1. Noise from a licensable activity at the premises will not be audible at nearby noise sensitive premises which will include:
 - a. 65, 65A Pendas Way LS15 8HU and 86 to 108 Pendas Way, LS15 8HX,
 - b. any flats above the commercial terrace (67-77, Pendas Way LS15 8HU) and

c. 18 Pendas Grove, LS15 8HD.

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. 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.
4. Noise from plant or machinery shall not be audible at the nearest noise sensitive premises during the operation of the plant or machinery. Plant and machinery shall be regularly serviced and maintained to meet this level.
5. The activities of persons using the external areas shall be monitored after 11 pm 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.

Transport / Pedestrian Movement

6. Clear and legible notices will be displayed at exits, 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.
7. 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.
8. 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: *MW*

Dated: 03/02/14

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: Spice Zone

Address: 67 Pendas Way, Stanks, Leeds, LS15 8HU

I/We BB Planning on behalf of Mr Eron Miah

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: *Emma Burns*

Dated: *19/02/2014*

Please return this document to:

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