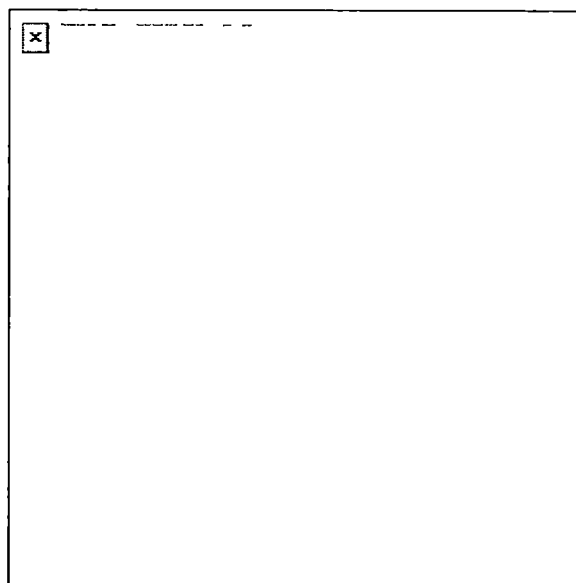


# APPENDIX C



LCF Law  
One St James Business Park  
New Augustus Street  
Bradford  
BD1 5LL

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

ENTERTAINMENT LICENSING  
08 MAR 2018  
RECEIVED

Contact Mr Trevor Porter

Our reference PREM/03724/002  
8<sup>th</sup> March 2018

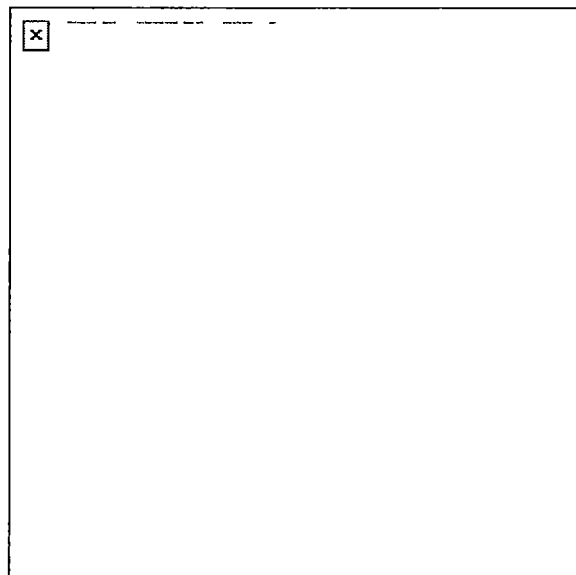
Dear Sir Madam

## Licensing Act 2003

**Name and Address of Premises 48 & 50 Westgate, Otley, LS21 3AS,**

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 objective of the license, which is to prevent public nuisance. We therefore confirm that we are submitting a formal objection to your application.

We base our objection on the following matters



www.leeds.gov.uk

general enquiries 0113 222  
4444

- The potential for noise disturbance from customers whilst arriving & leaving premises, slamming car doors and vehicle noise in the early hours
- That the hours of operation applied for would set a precedent in an area already served by late opening venues. If the precedent was set and other businesses granted such hours then there could be a significant added impact of noise disturbance deeper into the early morning hours to the surrounding residential premises

We also base our objection on experience including that specifically associated with the premises and the area including data relating to complaints received from members of the public

Having read the matters we describe below if you feel we should consider anything else please do not hesitate to contact us

### **Description of the surrounding area**

48-50 Westgate is situated at the end of a row of shops including their neighbour which is a pizza shop. Westgate is just outside of the Otley town centre

The premises has a residential flat above as do all the other shops, there are also residential properties facing and at the rear of the premises, with residential streets nearby

Please refer to Appendix 1 Maps of Surrounding Area

### **Description of the applicant venue and the application**

Best Kebab 48-50 Westgate take away shop is situated at the end of a row of shops including their neighbour which is a pizza shop. There is little parking available

Their nearest competitors Pizza Torino are open Sunday to Thursday 12 00-23 45 and Friday & Saturday 12 00-00 30, their second nearest competitors Dragon City Chinese are open Monday – Sunday 17 00-23 00. The local supermarket, Waitrose, opens 08 00-20 00

### **Complaint and other history specific to the applicant premises**

Environmental Health historical noise nuisance complaint from patrons & staff leaving the premises & noise arising from vehicles visiting the premises

Reported breaches of current licence notifications with premises repeatedly operated beyond his permitted hours

2<sup>nd</sup> July 2017 Covert Test Purchase of hot food by Enforcement Officer at 00 50 hours

5<sup>th</sup> November 2017 Police Officers attended a disorder outside shop at 2am. Shop still trading

15<sup>th</sup> November 2017 Police Officers witnessed customers being served at 00 40 hours

12<sup>th</sup> December 2017 2 x TEN applications received from Licence Holder

14<sup>th</sup> December 2017 one of the TENs was a Late TEN (23<sup>rd</sup>-25<sup>th</sup> December 2017) Police Representation & Counter notice issued

15<sup>th</sup> December 2017 following Police Representation to 2<sup>nd</sup> TEN for New Year weekend Licence Holder withdraws application

23<sup>rd</sup> December 2017 Police Officer witnessed shop trading at 01 30 hours despite Counter Notice being issued

24<sup>th</sup> December 2017 Police Officer witnessed shop trading at 01 15 hours despite Counter Notice being issued

1<sup>st</sup> January 2018 Police Officer witnessed shop trading at 01 45 in spite of TEN application being withdrawn

### **Conclusions reached**

Current license opening times of Best Kebab are in keeping with the local area

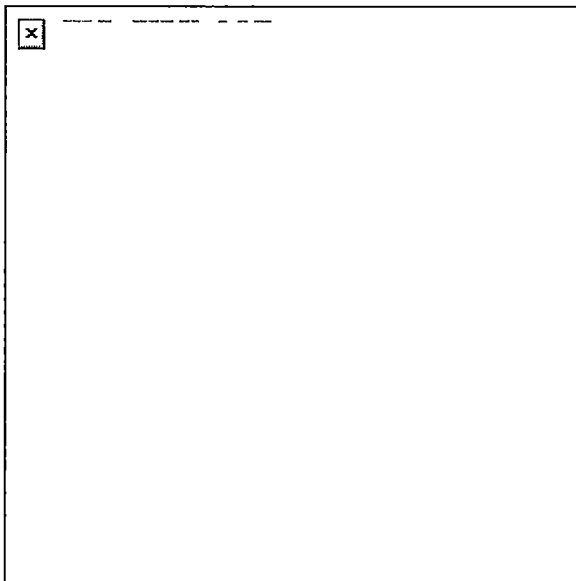
The hours of operation applied for would set a precedent in an area already served by late opening venues. If the precedent was set and other businesses granted such hours then there could be a significant added impact of noise disturbance deeper into the early morning hours to the surrounding residential premises

Consistent notifications for current license breaches, previous complaint nuisance history lead the department to conclude that the application to extend opening hours has the potential to create noise nuisance to the area affecting local amenity into the early morning hours

We recommend that the Sub-Committee refuse the application

We do not believe that further conditions will resolve the application as it stands

Yours sincerely



Mr Trevor Porter  
Environmental Health Officer

### **Appendix 1 Map of Surrounding Area**

