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 PREM/04403/001
 Musson, Martyn

From: [REDACTED]
Sent: 16 October 2019 11:01
To: Entertainment Licensing
Cc: Deighton, Charlotte; Grahame, Cllr Pauleen; Gruen, Cllr Peter
Subject: Re: PREM/04403/001, Premises Licence - New Application, 51-53, Austhorpe Road

Re: PREM/04403/001
 Premises Licence - New Application
 Nawaz Restaurant, 51-53, Austhorpe Road, Cross Gates, Leeds, LS15 8BA

Dear Sir,

We would like to make a qualified objection to this application.

We have no objection to the general principle of the restaurant having a licence for the sale of alcohol. But we think the hours being asked for are excessive (alcohol to be consumed both indoors and outdoors, every day of the year from noon (12:00) to midnight (24:00)), and, for no obvious reason, deviate very substantially from the opening hours granted in the current planning permission..

We make this statement on a number of bases:

1. Hours stated in the planning permission

In the last grant of planning permission [31 January 2013, 12/03811/FU, Change of use of first floor ancillary living accommodation to provide enlarged restaurant including single storey rear extension], Condition 6) states

"The opening hours of the restaurant shall be restricted to 17.30-23.00 hours (Monday to Saturday) and 12.00-23.00 hours on Sundays. In the interests of the amenity of nearby residents in accordance with UDP Review (2006) policy GP5."

Thus the applicant wishes to have a licence for the sale of alcohol which exceeds substantially what is allowed in the planning permission, especially wishing to remain open for an hour longer at the end of the day (2400, not 2300). While Planning Permissions and Licensing Permissions may, for various logical reasons, differ to some extent, where applications differ very substantially it is a material consideration which merits some examination as to the possible reasons, or lack thereof. There are very large deviations between the licensing hours asked for in this application, and the opening hours allowed in the planning permission.

2. Licensing hours allowed in other nearby establishments:

Across the road from the Nawaz is Slips at 55 Austhorpe Road, which was given planning and licensing permission earlier this year. Slips's licence permits sale and consumption of alcohol indoors and outdoors from 10:00 to 22:30 only. No doubt the Licensing Committee made this stipulation because of the need (in line with licensing objectives) to limit the impact on local residents.

The upper floors of Slips are residential, containing four flats, with planning permission for a further two flats already granted to be added on the end of the building. Opening hours later than 2230 will have a significant impact on residents, and the Nawaz being open across the road till midnight would aggravate this.

Moreover, there are dwellings in the same terrace occupied by Nawaz, which will be disturbed by late hours. Nawaz is 51-53, and 43-45, just two doors away, are residential, containing four flats. Other residences are near by.

Though it does not open until February 2020, one may also quote the opening hours allowed for the new Wetherspoons pub which is almost adjacent to the Nawaz. Planning Inspector's decision notice says, "Condition 10) The premises shall only be open for customers between the following hours: 0700 – 2330 Sunday to Thursday; and 0700 – 0030 the following day on Fridays and Saturdays"; "Condition 12) The beer garden shall only be open for customers for the consumption of food and drink between 0900 and 2200 on any day and the doors between the beer garden and the customer area shall remain closed between 2200 and 0900 the following day except for transit between the beer garden and the customer area for customers using the smoking shelter and staff employed at the premises."

Wetherspoons have yet to apply for a license but assuming they get a license which matches the opening hours (which is the usual case with Wetherspoons) then there will be no alcohol served inside or out after 23:30 Sun-Thurs or 00:30 Sat & Sun morning and no alcohol served outdoors at all after 22:00 on any day. Consequently, Nawaz's application for alcohol to be served indoors and outdoors until 24:00 every day seems rather excessive.

It is also worth noting that Wetherspoons operates a very tight management policy, and does not allow alcohol to be taken out of the pub. Given the history of the events surrounding the Manston pub in 2005/6, control of alcohol consumption outside licensed premises is something to be highly aware of, and, no doubt, Entertainments Licensing is conscious of this.

3. Observance of the licensing objectives

As always with license applications, the Licensing Committees expect comments to be framed within the four licensing objectives: prevention of crime and disorder; public safety; prevention of public nuisance; protection of children from harm.

Our comments under sections 1 and 2 above mainly fit under the heading of **public nuisance** but there may also be a **public safety** issue. Back in 2012, when Nawaz applied to convert his upper floor to restaurant use, there was some dialogue with G. L. Barker & Co., 47-49AR, re vehicle access at the front. Barker's agreed that Nawaz customers could park in front of their (Barker's) premises in the evening, after 5.30pm, as long as Nawaz guaranteed unimpeded access to Barker's place for their (Barker's) clients and staff during the day — which was not a problem as Grant of Full Planning Permission, Condition 6, states "The opening hours of the restaurant shall be restricted to 17.30-23.00 hours (Monday to Saturday) and 12.00-23.00 hours on Sundays."

However, Nawaz is now applying to serve alcohol indoors and outdoors, 12:00-24:00, every day. As far as outdoors is concerned, this has to be at the front as there are no side or rear areas where patrons can be served. So, if facilities are to be provided for patrons outdoors at the front, will this not clash with vehicles entering and leaving the site to get to Barker's forecourt? This is

a public safety issue. There's only one way in to Barker's (and the flats at 45) and that is across the Nawaz forecourt from Church Lane. The front of Nawaz is laid out for parking (apart from the central bit to allow vehicles to cross the Nawaz forecourt to get to Barker's), and no space is allocated on the plans for the external consumption of food and drink. It is worth noting that the parking area in front of the terrace 43-53 Austhorpe Road used to be the gardens of the individual houses, which each had a path leading down to Austhorpe Road with garden gates. While 43 Austhorpe Road still has its separate access from Austhorpe Road to the two flats there, 45 Austhorpe Road has access to the two flats there in the same way as Barker's staff and patrons across the land of 53.. The rights of way/access of the residents, workers and patrons of 43-51 Austhorpe Road across the forecourt of 53 Austhorpe Road are set out in the records held at the Land Registry.

Overall Conclusions

While no objection is being raised to the general principle of the Nawaz having a licence for the sale of alcohol, we object to the licensing hours being requested for 365 days per year, which deviate hugely without obvious reason from those granted in the parallel planning permission, and, in terms of closing times are significantly later than any other licensed establishment in the area either already open or planned to be open. Apart from the potential public nuisance this will create, this will have two undesirable knock on effects. First, it will encourage other establishments to push for the same extended closing hours (thus exacerbating the public nuisance problem). Second, the deviations in closing times for the sale of alcohol will encourage the on street movement of patrons between establishments to take advantage of extra drinking time. This increases the risk of on street incidents, and is an issue of public safety. Unlike the situation in 2005/6 with the Manston pub, the numbers of people likely to be about at later hours now is much higher than then, with more pubs and more establishments selling alcohol (J D Wetherspoons will have an internal seating capacity of 550, and 650 including the beer garden), while access to police support will be much further away in Garforth with lower staff levels..

The further public safety issue of external sales of alcohol at Nawaz deserves mention in relation to the need for Barker's customers and staff and residents of the flats in the terrace to be able to safely access these properties across the Nawaz forecourt.

Yours faithfully,

