

Additional information statement

8th April 2022

Leeds City Council Environmental Protection Team have submitted an objection to the application for a premises license for 222 Queenswood Drive, authorising the sale of alcohol between 21:00 and 03:00, 7 days per week via delivery only, owing to concerns that the applicant would not meet the licensing objective relating to the prevention of public nuisance.

The applicant, Mr Josh Miller, described the application premises on the initial premises license application form as follows:

It is a residential property. Alcohol will be stored on the ground floor in one room. Alcohol will be dispatched directly from the premises to the delivery address.

Following a conversation with Ms Linda Miller on 22nd March, Ms Miller clarified that Josh Miller's intention was to load up his van with stock before the beginning of his 21:00 - 03:00 shift, and then dispatch orders from his van through the shift. Ms Miller confirmed that Mr Miller did not plan to return to 222 Queenswood Drive to replenish stock and did not intend on returning to the application premises until the end of his shift. Ms Miller also confirmed that only Josh Miller would be operating the business, and it would only be Josh Miller making the deliveries.

From a public nuisance perspective, our concern with this mitigation is that 'ensuring that vehicles do not return to 222 Queenswood Drive during the 21:00 - 03:00 shift' is not something that could be specifically controlled through license conditions, and such a condition would be difficult to enforce.

It is our view that it will be difficult for Mr Miller to predict the stock that he will need prior to each shift, and therefore unrealistic to expect that this could be controlled. In which case, there is the possibility that a delivery driver may return to 222 Queenswood Drive to pick up something that has been specifically requested, and perhaps many times if busy and also if delivery premises are close to his house.

Additionally, if the business were to expand and more drivers were recruited, this may increase the likelihood of drivers returning to 222 Queenswood Drive during the 21:00 - 03:00 shift, making it difficult to control or limit the number of deliveries to and from the premises. Although Ms Miller stated during our phone call on 22nd March that Mr Miller would be the only delivery driver, Mr Miller stated in an email to Bob Patterson, Leeds District Licensing Officer for the West Yorkshire Police, sent on 17th March, that:

I have to establish my business first by myself and hopefully progress to use Deliveroo services with more employees to cover the demand in Leeds area if necessary.

As stated in my objection letter, delivery vehicles coming and going from 222 Queenswood Drive between 21:00 and 03:00, 7 days per week, may give rise to noise nuisance from:

- Delivery vehicles arriving at and leaving the premises
- Goods being loaded into and out of vehicles
- Car doors slamming
- Noise from music/car radios

Owing to the hours requested, any noise nuisance arising from these sources would occur into the night, where disturbance may affect sleep loss and other loss of the use and enjoyment of nearby properties, therefore falling short of the licensing objective relating to the prevention of public nuisance.

Disturbance to nearby residents would likely be reduced if the business were to operate during the daytime. For this reason, there have been several instances in which Environmental Protection have requested that premises applying for late night sale of alcohol, condition any delivery times to reasonable daytime and early evening hours, to reduce the impact of noise upon nearby residents. However, during our phone call, Ms Miller stated that there would not be as much demand for the service during the daytime.

Finally, Bob Pattison raised, in the objection put forward from West Yorkshire Police in response to this application, that if 222 Queenswood Drive were to be used for storage of the alcohol only, and deliveries were to be made from a vehicle, then 222 Queenswood Drive would not be the licensable premises. Therefore, if there is a requirement that deliveries are made from 222 Queenswood Drive, in order for 222 Queenswood Drive to be the licensable premises for this business, then the applicant could not fulfil their proposition that delivery vehicles would not return to this premises during the 21:00 - 03:00 shift.

We therefore maintain our view and fully object to this application on the grounds of prevention public nuisance and recommend that the committee refuse it.

Elizabeth Hebbert

Senior Technical Officer

Environmental Protection Team

Leeds City Council