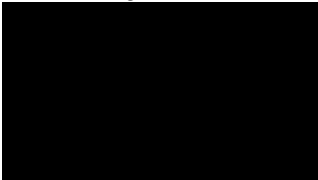


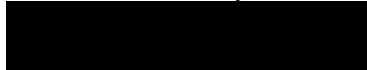


Walaiti Rathore
Licensing Law Consultancy



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

Contact: Mr Gary Mann



Our reference: 23/050835/EPLA01
10 August 2023

Dear Walaiti Rathore

Licensing Act 2003

Name and Address of Premises: Papa Johns, Unit 1, 98 Belle Vue Road, Woodhouse, Leeds, LS3 1HF

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 licence, 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:

- The potential for noise disturbance associated with licensable activities passing through the fabric of the building to cause noise and vibration in adjoining residential/business premises.
- The potential for noise disturbance associated with licensable activities to break out of the premises or pass through the fabric of the building to cause noise disturbance to nearby residential/business premises.
- The potential for noise disturbance from the use of outside areas when drivers/customers area arriving/leaving, including that from vehicles. noise from people talking, car radios.
- The potential for the alleged sources of nuisance described in items 1 to 3 above to continue into hours where such disturbance may adversely affect sleep and other loss of the use and enjoyment of a property.
- That the hours of operation applied for would set a precedent in an area by late opening venues. If the precedent was set and other businesses granted such hours then there would be a significant added impact of noise disturbance deeper into the early morning hours to the surrounding residential premises.
- Impacts of increased odour and noise from kitchen extraction equipment. any previous noise assessment of plant and extract equipment would have done against

prevailing daytime background noise levels. Night time background noise levels could be up to 20-30 dB lower than daytime.

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

Please refer to Appendix 1 Maps of Surrounding Area

Description of the applicant venue and the application:

- The applicant seeks to apply for Late Night refreshment until 5am 7 days a week.
- The premises is located in a primarily residential area, with flats directly above, houses adjacent and opposite.

The onus is on the applicant to demonstrate such matters (Items 8.41 to 8.49 of the amended guidance issued under Section 182 of the Licensing Act 2003 – April 2018

Complaint and other history specific to the applicant premises

21/009994/EPRN04 – complaint received 19th February 2021, regarding late night operations.

- Drivers slamming doors until 1am.
- deliveries of stock from 4am.
- drivers ignoring traffic flow system making it dangerous for pedestrians.
- Build up of waste/rubbish attracting vermin.
- People rifling through their bins attracting ASB, street drinking.

Issues appeared to be resolved informally. I gather the business owner may not have been aware someone was using the premises late at night.

Conclusions reached

- This application provides no information on how the licensing objective prevention of public nuisance will be met.
- Granting this application will result in increased noise from delivery drivers and customers during sensitive hours.
- Careful activity from drivers/customers would still cause disturbance. This would be exacerbated during summer periods when windows are required to be open for ventilation.
- There will also be increased noise and odour from cooking extraction systems operating through the night.
- Movement inside the premises from cooking activities, talking, walking around, opening/closing doors, radios/music during sleep sensitive hours may also give rise to disturbance

- There are few measures which could be implemented to resolve issues with the comings/goings of drivers and customers. Its difficult to shut a car door quietly!
- Taking action under S79/80 of the Environmental Protection Act 1990 would be very difficult. A high standard of evidence is required and typical issues such as delivery drivers coming and going are difficult to witness during the early hours of the morning. In our experience complaints relating to the potential issues will often go unresolved.
- Retrofitting measures to reduce noise transference between commercial and domestic properties is costly and disruptive and heavily relies on the business operator, who are often unwilling to do the works.
- Planning hours are restricted: The opening hours for the premises and deliveries of cooked products shall be restricted to 0700 hours to 2300 hours. The hours of servicing to and from these premises shall be restricted to 0800 hours to 2000 hours Monday to Saturday with no servicing on Sundays and Bank Holidays.
- Section 9.45 of the Revised Guidance issued under section 182 of the Licensing Act states where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, **licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.**
- Through the planning process Environmental Health could request a noise assessment to ensure compliance with noise criteria. However this is not always a guarantee problems will be resolved. and the planning process would unlikely resolve issues relating to external noise. So EH would likely recommend refusal.
- A similar application was made in 2016, Papa Johns, 2 The Becketts, 605 Meanwood Road, Meanwood, Leeds, LS6 4AY by the same applicant. This was refused by the committee. The current application is in a much less commercial area and surrounded by more residential. Which will likely cause greater impact than the Meanwood application.

We recommend that the Sub-Committee refuse the application.

We understand that the Sub-Committee may take a different view and grant the application. We recommend that if that is the case we should be given the opportunity to suggest measures as conditions on the licence. We do not say that conditions would effectively prevent public nuisance but that they may go some way to reducing the potential impact.

Yours sincerely



Mr Gary Mann
Senior Environmental Health Officer

Appendix 1 Map of Surrounding Area

Papa Johns tagged, outlined in red occupying the ground floor area.



From:Turner, Ruth

Sent:4 Sep 2023 12:34:24 +0100

To:Walaiti Rathore;Chari, Hughin

Cc:Entertainment Licensing;Mann, Gary;Holroyd, Vanessa

Subject:RE: PREM/05166/001 Papa Johns, Unit 1 Briggs House, 98 Belle Vue Road, Woodhouse, LS3 1HF

Good Morning Walaiti

Due to the location of the premises, the proximity of residential premises and the potential for nuisance this Department stands by the original objection.

The hours which were offered on Friday September 1st are a reasonable compromise to ensure that residents are not unnecessarily disturbed at night and as such have their sleep interrupted

If you are not in agreement with the hours which have been proposed then a hearing at Licensing Sub Committee will be required

Regards

Ruth Turner

Team Manager Environmental Health



From: Walaiti Rathore <[redacted]>

Sent: 04 September 2023 09:37

To: Turner, Ruth <[redacted]>; Chari, Hughin <[redacted]>

Cc: Entertainment Licensing <Entertainment.Licen@leeds.gov.uk>; Mann, Gary

[REDACTED] Holroyd, Vanessa [REDACTED]

Subject: RE: PREM/05166/001 Papa Johns, Unit 1 Briggs House, 98 Belle Vue Road, Woodhouse, LS3 1HF
Importance: High

Some people who received this message don't often get email from

[REDACTED] [Learn why this is important](#)

Good Morning Ruth,

Thank you for your reply.

I was wondering if you have a further potential counter proposal, in light of the points we have put forward, which would not involve us withdrawing the application for 5 days a week? That might help achieve a more reasonable compromise that could work for all parties.

Once again, If an agreement can be reached, then it would be helpful to hopefully avoid the licensing authority having to do any further work to set up a hearing unnecessarily.

I look forward to hearing from you.

Many thanks.

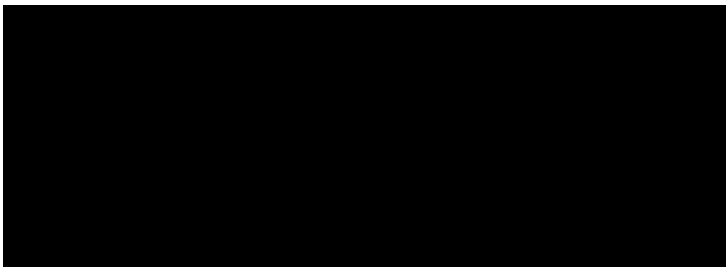
Kind regards

Walaiti

Walaiti Rathore

Managing Director

Licensing Law Consultancy

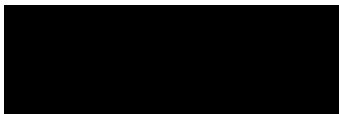


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From: Turner, Ruth [REDACTED]
Sent: Monday, September 4, 2023 9:25 AM
To: Walaiti Rathore [REDACTED]; Chari, Hughin [REDACTED]
Cc: Entertainment Licensing <[REDACTED]>; Mann, Gary [REDACTED]; Holroyd, Vanessa [REDACTED]
Subject: RE: PREM/05166/001 Papa Johns, Unit 1 Briggs House, 98 Belle Vue Road, Woodhouse, LS3 1HF

Good Morning Walaiti

Both Gary and Eugene are off today

Unfortunately the times you have offered are not acceptable to this Department.

The premises is located in a predominantly residential area and a business operating until 02.00 Sun – Wed and 05.00 Thurs – Sat is likely to disturb residents as laid out in Garys original objection

Therefore the original representation stands

Regards

Ruth Turner

Team Manager Environmental Health

[REDACTED]

From: Walaiti Rathore [REDACTED]
Sent: 01 September 2023 16:59
To: Chari, Hughin [REDACTED]
Cc: Entertainment Licensing [REDACTED] Turner, Ruth
[REDACTED]
Subject: RE: PREM/05166/001 Papa Johns, Unit 1 Briggs House, 98 Belle Vue Road, Woodhouse, LS3 1HF
Importance: High

Hi Charli,

Thank you for your counter proposal.

Your proposal is effectively asking the applicant to withdraw the application for 5 days of the week which would not be reasonable for the reasons in our earlier email.

Our proposal was a fair compromise in light of the arguments/reasons presented in our earlier email.

However, in an effort to reach an agreement today, my client would be prepared to further reduce the hours as follows:

- The premises shall close to the public at 2am on Thursdays, Fridays and Saturdays
- The premises shall close to the public at midnight on Sundays to Wednesdays and then operate as a delivery service until 2am

I hope this can be agreed as a very reasonable compromise, in light of our previous points made in relation to this matter.

I look forward to hearing from you.

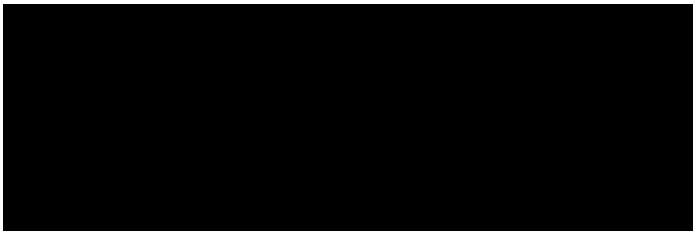
Kind regards

Walaiti

Walaiti Rathore

Managing Director

Licensing Law Consultancy



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From: Chari, Hughin [REDACTED]
Sent: Friday, September 1, 2023 12:39 PM
To: Walaiti Rathore [REDACTED]
Cc: Entertainment Licensing <[REDACTED]> Turner, Ruth
[REDACTED]
Subject: RE: PREM/05166/001 Papa Johns, Unit 1 Briggs House, 98 Belle Vue Road, Woodhouse, LS3 1HF

Good afternoon,

Following our recent phone conversation, I am writing to you with a proposal of operating Sunday – Thursday closing at 23:00 and Friday and Saturday closing at 2am. In addition, you will need to put in an application through planning to amend the operating hours.

Could you please let us know what your client says regarding the proposal.

Kind regards

Eugene Chari

Senior Technical Officer

Leeds City Council

Environmental Health Services

Millshaw Parkway

Leeds

LS11 OLS

[REDACTED]

From: Entertainment Licensing [REDACTED]

Sent: 01 September 2023 10:46

To: Holroyd, Vanessa [REDACTED] Turner, Ruth [REDACTED]

Chari, Hughin <[REDACTED]>

Subject: FW: PREM/05166/001 Papa Johns, Unit 1 Briggs House, 98 Belle Vue Road, Woodhouse, LS3 1HF

Importance: High

Hi all

In Gary's absence, can anyone assist with the below?

The report for the hearing is due in by this afternoon so if possible a response as soon as possible would be appreciated.

Thanks so much.

Charlotte Deighton

Licensing Officer

Entertainment Licensing

Leeds City Council

[REDACTED]

From: Walaiti Rathore [REDACTED]
Sent: 31 August 2023 20:30
To: Mann, Gary [REDACTED] Entertainment Licensing
[REDACTED] Deighton, Charlotte [REDACTED]
Subject: RE: PREM/05166/001 Papa Johns, Unit 1 Briggs House, 98 Belle Vue Road, Woodhouse, LS3 1HF
Importance: High

Dear Gary,

Hope you are well.

I refer to the email below and our recent telephone conversation regarding this matter.

I am hoping this matter can be resolved by way of an agreement and without the need for a hearing.

The applicant is the Papa John's franchisor and has taken over these premises along with around 25 other sites in the "northern" area, as well as a significant number of premises in other parts of the country.

Several applications were made at the same times as this application, some of which have now been granted a 5am licence including one in York. Some of the others have been granted until 5am for deliveries with an earlier closing time of around 2am.

I take on board your comments about site and location, but you will be aware that these premises are not unique in these respects; in fact they are fairly common and many have a premises licence for later hours, despite being in residential areas.

Therefore, it is possible for residents and businesses like this to co-exist with suitable management controls. As you are aware, the Licensing Act is generally permissive.

I note reference to a single complaint in 2021. However, this was before our occupation of the premises and it was two years ago with no further recorded issues. In addition, there seems to be no evidence of the complaint being substantiated or evidence to show that there is an actual noise issue with these premises which cannot be effectively managed.

I also note that reference has been made to planning.

Firstly, the planning department has considered this application and decided not to make a representation. They accepted our second point that planning and licensing are separate regimes; planning policies and considerations should be kept separate from licensing. There is nothing in the guidance which overrides this.

You will be aware that each application is determined on its own merits and the licensing committee is not bound by decisions made in relation to other premises, and certainly not those made 7 years ago.

In fact there are examples of more recent premises licences granted for hours as late as 5am in similar locations, including in Leeds.

There were no representations from the residents which is significant, and there were no other representations other than from the Police who have withdrawn their representation based on the following conditions:

- A suitable closed-circuit television (CCTV) system shall be in operation whilst members of the public are in attendance. The CCTV system shall record images to cover all areas of the licensed

site to which the public have access (save for toilets/showers/changing areas). The CCTV system shall record images to cover external areas used by customers. At least one member of staff shall be on duty at the premises who can operate the system and download recorded images. These images will be downloaded and provided immediately, or where this is not possible as soon as practicable, on request to an officer of a Responsible Authority. The CCTV system shall be capable of retaining images for a minimum of 31 days, will be of good quality and will contain the correct time and date stamp information. The CCTV system and images will be kept in a secure environment to which members of the public will not be permitted access.

- A register shall be maintained on the premises to record all incidents and accidents. Records should include matters such as anti-social behaviour, admission refusals, refusals of service, ejections, seizure of prohibited items, casualties/unwell customers, welfare and safeguarding matters, accidents, and safety incidents. The records shall include the date, time, and location of the incident; nature of the incident; personal details and contact information for all people involved including any witnesses, any crime number and details of police officers attending. A note of the action taken, and where relevant a note of the actions to prevent any reoccurrence should also be included. The records shall be available for inspection by any authorised officer of the responsible authorities and shall be securely retained by the licence holder for a period of 12 months after the last entry.

We are hoping that we can also reach an agreement based on a reduction in hours and conditions, in an effort to work in partnership and avoid a hearing.

Therefore, we are proposing the following as compromise:

- The premises shall close to the public after 01:00 and will then operate solely as a delivery service until 03:00.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- Delivery drivers shall enter and leave their vehicles (or get on and get off their bikes) quietly and considerately, not leave engines running and with due consideration to neighbours.
- Delivery vehicle horns shall not be used during the provision of late-night refreshment, except in accordance with the Highway Code.

You will see the above includes a significant reduction in hours, and conditions to manage potential noise which have been effectively used in other such cases.

If an agreement can be reached, then it would be helpful if you could please let me have your reply as soon as possible and copy in the licensing authority (copied in), to hopefully avoid them having to do any further work to set up a hearing unnecessarily.

Please also let me know if you would like to discuss any of the above and, of course, the above is subject to a full agreement being reached to avoid a hearing.

Many thanks.

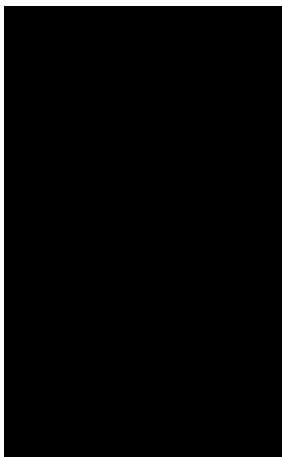
Kind regards

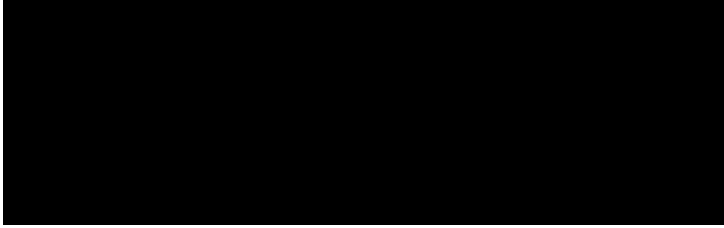
Walaiti

Walaiti Rathore

Managing Director

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From: Mann, Gary 

Sent: Thursday, August 10, 2023 4:04 PM

To: Walaiti Rathore < Entertainment Licensing
; Deighton, Charlotte 

Subject: PREM/05166/001 Papa Johns, Unit 1 Briggs House, 98 Belle Vue Road, Woodhouse, LS3 1HF

Dear Walaiti Rathore

Please see attached Full objection from Environmental Health.