

From: [REDACTED]
To: [Entertainment Licensing](#)
Cc: [REDACTED]
Subject: Licensing Act 2003 Notice of Hearing relating to NYK Leeds, Ground Floor - Tuesday 30th July - additional information
Date: 26 July 2024 12:41:14
Attachments: [ufm3 Notice of hearing to interested parties.pdf](#)
[Information to Accompany the Notice of Hearing.pdf](#)
[Blank Notice of Intention.rtf](#)

I am copying you an email I sent to the applicant today (26th July) reference the hearing on Tuesday 30th July. This follows a meeting with the applicant on Saturday 20th July to discuss residents opposition to his application. I understand that 'additional evidence' should be submitted at least five clear working days but I have been liaising with local residents (who prefer to remain anonymous) and this took longer than anticipated. I realise that this could invalidate the evidence.

EMAIL STARTS HERE:

[REDACTED]

Subject: RE: Meeting Sat 20th July ref 106 Burley Road

Good afternoon Rashid,

As promised I am responding to you following extensive feedback from local residents after I discussed your proposed actions (below) with them.

It is not positive news, the residents are not willing to withdraw their objection to a late License until 02:00 and neither am I.

The issues fall into two areas:

- 1) How the business is currently being run
- 2) The application for a late license.

1) Speaking with neighbours it would appear that an Enforcement Notice has already been served on the premises some months ago stating:

"All solid waste of any description to be contained within the commercial bins at all times. Bin to be kept closed & locked to prevent scavenging by people or animals. No waste to be kept on the ground either loose, in canisters or in bags at any time All waste generated to be contained in the bags at all times; no waste to be allowed to be on the ground except in the prescribed bags at any time. Oil and fats to be stored in a closed, sealed drum designed for the purpose and transferred only to a licensed waste disposal company. No waste to be poured down drains or kept on the ground either loose, in canisters or in bags at any time"

Local residents have confirmed numerous 'complaints and concerns about their practices and (allegedly) this has been breached on many occasions and evidence to this effect has already been supplied to environmental health. Environmental health also forwarded concerns about fat and other things in the drain to Yorkshire Water and others due to pollution concerns. This was (apparently) raised repeatedly with the establishment over a period of months with little change.

Some of the actions you are taking to address these issues (as we discussed on 20th July) appear to be required in order to continue to operate the premises as a Take-Away legally. I also understand that additional commercial bins are not practical as there has been a previous dispute with the residents of [REDACTED] as the 'extra' bins were trespassing on their property. The Take-Away is now advertised as 23:00 but that is the legal requirement as you don't currently have a late license. One Resident commented 'They have been told many times they should not be open and they have ignored the requests. This is only being said now to secure a late licence'. The improvements we discussed (below) are to be welcomed, but are things you should already be doing to operate your business responsibly - and for some issues - legally. Residents also raised other

issues with me;

Despite repeated requests by residents for the delivery and other vehicles to not block vehicular access to [REDACTED] this is still happening. One resident has been forced to park his car on the opposite car park as he needs it sometimes urgently for his [REDACTED]

There are current building works and a bag said rubble has been there for weeks. Dust from it blows all over the area and some of it has just been swept into the drain. It also impedes access to [REDACTED].

Roast chicken has a particularly strong smell compared to many other fast foodstuffs and it may will be nigh on impossible to reduce that smell to anything acceptable. You may have been fortunate enough to visit when they weren't frying but on an evening when it's busy the smell is overwhelming. They have been quite happy to operate like this for the past 7 months.

The road surface to [REDACTED] still remains slippery due to oil residue, although it is better than it was. At one time it was so slippery it was not possible to walk or cycle on this part of the driveway. There are many pictures to show this.

Late opening means more intoxicated customers and more intoxicated customers equals more rubbish as they often discard on the pavement or just chuck out of their car. Residents of [REDACTED] have been picking this rubbish up twice a week. Not once has the owner had the integrity to offer to do, even when complaints were made.

Late opening also means more deliveries from the take away and a loss of amenity to those surrounding the business. As well as this staff emptying bins at 1,2 AM has been an issue as they have made no attempt to be quiet. There is a video showing this quite clearly which has been sent to the council, taken at 12.40 AM.

The protruding steps at the front cause issues for pedestrians and wheelchair users.

As you can see Rashid, neighbours are not happy with the way the establishment has been operating and rightly feel that there is much to do before the current opening times are acceptable.

2) Which brings us onto the Late License. Even without the complaints raised above, [REDACTED] [REDACTED] have objected to a late license for this establishment as it is immediately adjacent to a residential area and the area is just not suitable for late opening. There is noise and disruption associated with the late opening (as noted above when the Take-away was operating illegally beyond 23:00). There is also the concern that if your establishment gets a late license then other Take-Aways in the area will see this as an opportunity in order to compete with you and what is quite a quiet residential area will be overwhelmed with a 'night-time' culture – certainly there are enough young people around who might welcome this transition, but not local residents. A comment from one local resident A late licence would be a disaster for residents, not just [REDACTED] but [REDACTED] [REDACTED] Things will be much worse for them. This isn't just about this particular application but will have implications for the whole of Burley Road. There is a real risk that the road will become full of take aways, many of which will want late license.

I'm aware that this is not the response you were hoping for Rashid, but it is clear that you have some bridge-building to do with local residents. I don't think they are being unreasonable in wanting a good nights' sleep in a clean and tidy environment.

I am happy to meet up with you again as I suggested below, but I will be forwarding a copy of this email to the Licensing Dept ahead of next weeks' meeting.

[REDACTED]

[REDACTED]

Good afternoon Rashid.

Thanks for taking the time to meet with me today and show me around the premises. Retail outlets such as yours are an important part of the 'community mix' in [REDACTED] and offer much needed job opportunities as well, but at the same time, as we agreed, this cannot be at the expense of long term residents of the area.

We covered a number of areas which I agreed to summarise:

- 1) One of the anonymous complaints was about the litter generated by the establishment. You agreed to undertake regular litter picks of the area by staff wearing identifiable NYK uniforms. As we discussed this, a Mr T's employee passed us doing litter picks for Mr T's, which I pointed out as a good example. However, the surrounding area seemed quite clear of litter
- 2) Another complaint was that bins were overflowing. We didn't see that on our visit, but you noted that if bins WERE an issue you would either supply more commercial bins, or get them emptied more frequently
- 3) One complainant suggested that oil might be being emptied down the drains. The oil cans outside the back entrance are kept there for storage purposes and are empty. You also showed me invoices from a company Quatra, which you sell your used oil to. Quatra then recycle this oil for re-use, so it wouldn't make sense to pour oil down the drain ?
- 4) There had been complaints about the vent, it is noisy and emits fried chicken smells. You shared with me plans to timber clad the vent with sound-insulation to reduce the noise. This could be done very quickly. You were also looking at the filtration system to ensure that fried chicken smells were NOT emitted by the vent. Again, this could be done very quickly. For the future you were also exploring the idea of using a larger fan which would then travel slower and emit less noise.
- 5) You noted that you had given the premises instructions to close at 23:00 until the Licensing application has been resolved and when I checked by Googling it, yes, the closing time is now advertised as 23:00, thank you
- 6) The Licensing application initially included music, but I note that this is only until 23:00 and was designed as ambient music in the restaurant itself rather than loud music which would impact on the local area. You offered to remove music altogether from the application. I'll liaise with my contacts to see what they think on that one.
- 7) We then discussed the proposed extension until 02:00. I've checked my records and there are actually about 35 restaurants/take-aways in the [REDACTED] (not sixty as I quoted to you) but still a lot. A 02:00 closing time would be an outlier and would be considerably later than most other takeaways in the area. You agreed to look at your records and check business No 106 did after 23:00, after 00:00 and after 01:00 to see if 02:00 made commercial sense or an earlier time could be proposed to allay local residents fears.

We also agreed to meet again, before the Licensing meeting on 30th July to see if the change above had made a difference or not. You suggested that once you'd made the alterations to the vent (noise and smell) you'd send the results of noise surveys to the Council and copy me in and that would then seem to be a good time to have another meeting ?

Anyway, good to meet you today Rashid and I trust we can resolve this. I'll be contacting the complainants as well with your comments and see what they come back with.

[REDACTED]

[REDACTED]