



Mr Y Azad
47 Princeville Street
BRADFORD
BD7 2AG

Chief Executive's Department
Governance Services
4th Floor West
Civic Hall
Leeds LS1 1UR

Contact: Helen Gray
Tel: 0113 247 4355
Fax: 0113 395 1599
Email: helen.gray@leeds.gov.uk
Your reference:
Our reference: A61/hg/jumbo snacks

27 September 2006

**APPLICATION FOR THE GRANT OF A PREMISES LICENCE: "JUMBO SNACKS"
MOBILE CATERING UNIT, COOKRIDGE STREET, LEEDS LS1**

On 18th September 2006 the Licensing Sub Committee heard an application by Mr Y Azad, 47 Princeville Street, Bradford BD7 2AG for the grant of a premises licence in respect of a mobile catering unit known as "Jumbo Snacks" to be located at Cookridge Street, Leeds LS1.

The applicant sought the following:

Late Night Refreshment:

Sunday to Saturday 23:00 hours until 04:30 hours (the following day)

The applicant proposed to provide the service to the public during the following times should the application be granted:

Sunday to Saturday 21:30 hours until 04:30 hours (the following day)

The applicant also intended to operate the same hours during Bank Holiday periods

This letter represents the formal decision of the Sub Committee in respect of the application.

Preliminary Procedural Issues

The Sub Committee considered preliminary matters of a purely procedural nature. There were no declarations of interest made.

The applicant requested permission to submit additional material in support of his application, including a written submission and two letters of support. The request was considered by the Sub Committee and permission granted to table the additional documents. Copies were given to all present at the hearing.



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The Sub Committee then decided that the procedure for the hearing would not be varied. The Sub Committee also considered if the public should be excluded from any parts of the hearing.

The Sub Committee decided to exclude the public from that part of the hearing where Members would deliberate on the application as presented. This would allow them to have a full and frank discussion on all matters put before them and this fact outweighed the public interest in not doing so.

The Sub Committee permitted each party 10 minutes in which to make their case. This time limit was imposed having regard to the relevant Regulations and in the interests of consistency and the efficiency of business.

The Sub Committee then went on to consider the application.

The Hearing

The Sub Committee considered the verbal submissions of the applicant, Mr Y Azad which addressed the application and the comments of the interested parties. Mr M Fiaz accompanied the applicant.

In determining the application the Sub Committee took into account written submissions from the applicant and the following members of the public who had objected to the application which were contained within the Licensing Officers' report and had been circulated to all the Parties prior to the hearing.

Mr M Pickersgill

Ms S Perry

Mr A Lucas

Mrs G M P Rana (via e-mail)

After considering the evidence and submissions the Sub Committee needed to satisfy itself that granting the licence would promote the licensing objectives.

In reaching this decision the Sub Committee had regard to the provisions of the Licensing Act 2003, guidance under Section 182 of that Act and the Council's own Licensing Policy.

In particular the Sub Committee took into account Sections 34 & 35 of the Act because these were the most relevant to the application and Chapter 7 of the Guidance relating to the prevention of crime and disorder, public nuisance and public safety

The Sub Committee then went on to consider the following paragraphs of the Licensing Policy as the Sub Committee took the view these paragraphs had bearing on the application.

11:05 to 11:10 Crime & Disorder

11:11 to 11:22 Public Safety

11:23 to 11:28 Public Nuisance

Reasons for the decision

The following parties attended the hearing:

Mr Y Azad the applicant

Mr M Fiaz a friend of the applicant

Mr M Pickersgill a local resident

Ms S Perry a local resident

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The Sub Committee noted that this was the first application for the use of a Premises Licence for a mobile unit at this site. Additionally the location lay within the area governed by the Leeds City Centre Cumulative Impact Policy

The Sub Committee noted that the following agreements had been made between the applicant and LCC Environmental Health Services over conditions proposed by them:

- Ensure that the area around your premises is kept clean
- Litter bins shall be prominently positioned with clear signage to indicate that they are there to be used particularly at fast food take-aways
- Ensure that litter bins are regularly emptied especially at times of peak business
- Ensure that the premises are operated so as to prevent the emission of unwanted odours

These conditions would be included in the applicant's Operating Schedule, and eventually the licence, should the application be granted.

The Sub Committee then heard the submission of Ms Perry who began by questioning how Cookridge Street could be regarded as a "site" and therefore how the applicant could have tendered for the site. Ms Perry explained that one of her main concerns was dispersal. In March 2006 the residents of the area had met with local councillors, Members of Parliament, council officers and representatives of the pubs/clubs and West Yorkshire Police to discuss issues relating to the late night entertainment establishments in and around Cookridge Street, In particular the issue of dispersal of patrons from the clubs/pubs in the early hours of the morning. Since that meeting, the noise associated with patrons leaving the area, such as noise from taxis and noise from individuals had reduced significantly.

Ms Perry further explained that without the rapid dispersal of patrons, noise quickly increased as people remain in the area after the close of pubs/clubs. Eventually, as had happened in the past, this could lead to anti social behaviour and incidents of violence. Ms Perry suggested that the siting of the mobile fast food unit would prevent the rapid dispersal of people from Cookridge Street as people would remain in the area to purchase and consume food.

Ms Perry stated that local residents felt the proposed hours of operation directly conflicted with the residential nature of Cookridge Street. Additionally she highlighted that recent legislation preventing fly-posting and the distribution of advertisement flyers normally associated with such mobile units had come into force on 15th September 2006. Finally Ms Perry reported that the mobile unit had operated on 9th and 16th September 2006 respectively and she suggested that trading on these occasions had been illegal as she had not found any evidence of a temporary trading permit.

In conclusion Ms Perry reiterated that local residents had worked very hard with LCC and WYP during the last 18 months to solve the problems of noise and anti social behaviour associated with the Cookridge Street area, and she felt the granting of this licence for the mobile unit would counter act all of that work.

The Sub Committee then considered the verbal submissions made by Mr Azad and Mr Fiaz in support of the application. Mr Fiaz acknowledged the concerns of the local residents however pointed out that this was a busy and vibrant area already and was surrounded by clubs/pubs. He suggested that the addition of the mobile unit would not add to the noise

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already experienced by residents, but would in fact reduce it. He explained that noise was created when patrons left the nearby venues and remained in the area whilst waiting for a taxi home, and that problems often occurred whilst they were queuing. He suggested the addition of the mobile snacks unit nearby would distract people and reduce tension in the queues, which would in turn lower the noise. Furthermore, noise was created by the taxi and private hire traffic picking up fares in the area.

Mr Azad explained that the mobile unit itself would not create any additional noise as it was powered by LPG gas and did not use a generator, the only noise created would be from the frying unit. Food would be pre-cooked and frozen elsewhere to be heated up at the unit

With regards to rubbish, Mr Fiaz confirmed that there would be bins around the mobile unit and the applicants would clear the area after closing. Rubbish would be stored in bin-bags. Mr Fiaz explained that the mobile unit had been operating for a year and had not experienced any problems. The applicants cleared rubbish every evening, including rubbish from other venues such as flyers and glass bottles.

The Legal Adviser took the opportunity to advise the Sub Committee and all present that Cookridge Street was a "consent street", which meant that any one wishing to trade on that street required consent from Leeds City Council, Markets Division. It was reported that no one currently had consent to trade on Cookridge Street. In response to a query from the Sub Committee, Mr Azad confirmed that he did not have consent to trade on Cookridge Street. Mr Azad stated that he had made the application to LCC Entertainment Licensing only – for the Premises Licence required to sell hot food after 23:00 hours.

The Decision

The Sub Committee had regard to the submissions made by the applicant and noted the agreements made with LCC Environmental Health Services in advance of the meeting.

Members carefully considered the application having regard to the implications of the Leeds City Centre Cumulative Impact Area Policy, the comments of the objectors and in the light of the issue of consent to trade on Cookridge Street.

The Sub Committee resolved to refuse the application, and explained that the application would have been refused irrespective of the consent issue. The Sub Committee considered that this operation would generate extra noise; would contribute to the congestion problems which already exist and would have a detrimental effect on the prevention of public nuisance. The Licensing Authority does not accept that this mobile unit would assist dispersal of persons and considers that the location is inappropriate. The Sub Committee also took into account that the area is within the Cumulative Impact Area and did not consider that a good reason had been put forward to depart from policy.

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the Sub Committee. You must make this appeal within 21 days of this letter reaching you.

Appeals should be addressed to the Magistrates Court at:

Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP

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and accompanied by a copy of this decision letter and the court fee of £75.00.

Yours faithfully,

Helen Gray
Clerk to the Licensing Sub Committee