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## LICENSING SUB-COMMITTEE

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MEETING TO BE HELD IN CIVIC HALL, LEEDS ON  
MONDAY, 24TH OCTOBER, 2011 AT 10.00 AM

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### MEMBERSHIP

#### Councillors

K Bruce - Rothwell;  
G Wilkinson - Wetherby;  
S Armitage - Cross Gates and Whinmoor;

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Agenda compiled by:  
Tel No:  
Governance Services  
Civic Hall  
LEEDS LS1 1UR

Helen Gray  
247 4355

# A G E N D A

| Item No | Ward | Item Not Open |  | Page No |
|---------|------|---------------|--|---------|
| 1       |      |               | <p><b><u>PRELIMINARY PROCEDURES</u></b></p> <p><b>ELECTION OF THE CHAIR</b></p>  |         |
| 2       |      |               | <p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p> |         |

| Item No | Ward | Item Not Open |  | Page No |
|---------|------|---------------|--|---------|
| 3       |      |               | <p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1) To highlight reports or appendices which:</p> <p>a) officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>b) To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>c) If so, to formally pass the following resolution:-</p> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p> <p>2) To note that under the Licensing Procedure rules, the press and the public will be excluded from that part of the hearing where Members will deliberate on each application as it is in the public interest to allow the Members to have a full and frank debate on the matter before them.</p> |         |
| 4       |      |               | <p><b>LATE ITEMS</b></p> <p>To identify any applications as late items of business which have been admitted to the agenda for consideration</p> <p>(the special circumstances shall be identified in the minutes)</p>  |         |

| Item No | Ward                           | Item Not Open |   | Page No |
|---------|--------------------------------|---------------|---|---------|
| 5       |                                |               | <p><b>DECLARATIONS OF INTEREST</b></p> <p>Members are reminded to declare any interests at the start of the hearing on each application for the purpose of Section 81 (3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of conduct</p> <p><b><u>HEARINGS</u></b></p>  |         |
| 6       | Gipton and Harehills;          |               | <p><b>"OFF LICENCE" - APPLICATION FOR THE GRANT OF A PREMISES LICENCE, OFF LICENCE, 343 HAREHILLS LANE, LEEDS LS9 6AX</b></p> <p>To consider the report of the Head of Licensing and Registration on an application for the grant of a premises licence in respect of premises at 343 Harehills Lane, Leeds LS9 intending to trade as an off-licence</p> <p>(Report attached)</p> | 1 - 26  |
| 7       | Burmantofts and Richmond Hill; |               | <p><b>"THE KILN" - APPLICATION TO TRANSFER A PREMISES LICENCE FOR THE KILN, BRIGNALL GARTH, BURMANTOFTS, LEEDS LS9 7HB</b></p> <p>To consider the report of the Head of Licensing and Registration on an application to transfer a premises licence for the Kiln, Brignall Garth, Burmantofts, to Ms S Farquharson</p> <p>(Report attached)</p>                                   | 27 - 42 |

| Item No | Ward                           | Item Not Open |   | Page No |
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| 8       | Burmantofts and Richmond Hill; |               | <p><b>"THE KILN" - APPLICATION TO VARY A PREMISES LICENCE HELD BY THE KILN, BRIGNALL GARTH, BURMANTOFTS, LS9 7HB TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR</b></p> <p>To consider the report of the Head of Licensing and Registration on an application to vary the existing premises licence held at the Kiln, Brignall Garth, Burmantofts in order to specify Ms S Farquharson as the Designated Premises Supervisor</p> <p>(Report attached)</p> | 43 - 56 |

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**Report author: Mrs Bridget Massey**

Tel: 0113 2474095

## Report of the Head of Licensing and Registration

### Report to the Licensing Sub Committee

**Date: Monday 24th October 2011**

**Subject: Application for the grant of a premises licence for Off Licence, 343 Harehills Lane, Harehills, Leeds, LS9 6AX**

|   |   |  |
|---|---|--|
| Are specific electoral Wards affected?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| If relevant, name(s) of Ward(s):  | Gipton & Harehills                      |  |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In?   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information?                     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| If relevant, Access to Information Procedure Rule number:                       |   |  |
| Appendix number:  |   |  |

### Summary of main issues

1. This is an application for the grant of a premises licence for Off Licence, 343 Harehills Lane, Harehills, Leeds, LS9 6AX.
2. The applicant has applied for the off sales of alcohol every day 06:00 hours to 23:00 Hours
3. Responsible Authorities have been served with copies of the application and Ward Members have been notified of the application.

### Recommendations

The committee is asked to:

4. To consider the application and any relevant representations.
5. Take any of the steps detailed at 5.2, if any, they consider necessary for the promotion of the licensing objectives.

## **1.0 Purpose of this Report**

- 1.1 To advise Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for a premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

## **2 Background Information**

- 2.1 This is the first application for a Premises Licence for these premises.

## **3 Main Issues**

- 3.1 The applicant is Mr Sardar Amjad Yousaf.
- 3.2 The location of the premises can be found on the maps attached as Appendix A.
- 3.3 A copy of the application is attached as Appendix B to this report. For the assistance of members, the Operating Schedule shows:

### 3.3.1 Proposed licensable activities

Sale by retail of alcohol

### 3.3.2 Proposed hours of licensable activities

The proposed hours of licensable activities are as follows:

Sale by retail of alcohol

Every Day 06:00 - 23:00

### 3.3.3 Proposed times when the premises is open to the public

The premises propose to open to the public between the following hours

Everyday 06:00 - 23:00

### 3.3.4 Steps to promote the licensing objectives

The applicant proposes to take the steps identified in section "P" of the application form to promote the licensing objectives.

## 3.4 Relevant Representations

- 3.4.1 Under the Act representations can be received from responsible authorities or interested parties. Representations must be relevant and, in the case of an interested party, must not be frivolous or vexatious.



3.4.2 Representations have been received from interested parties. A petition has been submitted by local residents. Members are invited to consider Appendix C of this report.

### 3.5 Matters Relevant to the Application

3.5.1 Members of the Licensing Sub Committee must make decisions with a view to promoting the licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

3.5.2 In the making of their decision Members are obliged to have regard to the national guidance and the council's licensing policy. Members will be aware they must also have regard to the relevant representations made and evidence they hear.

## 4 **Corporate Considerations**

### 4.1 Consultation and engagement

4.1.1 The application was subject to a 28 days consultation period in accordance with the Licensing Act 2003. Blue site notices were placed by the applicant on the premises and these were checked by Liaison and Enforcement Officers during the consultation period. The application was advertised in a newspaper circulating in the local area. Representations received during this 28 day consultation.

### 4.2 Equality and Diversity / Cohesion and Integration

4.2.1 The council has adopted a Statement of Licensing Policy which sets out the principles the council will use to exercise its functions under the Licensing Act 2003 and in which care has been taken in matters of equality, diversity and human rights. This policy is reviewed every three years. The council has completed equality, diversity, cohesion and integration screening and impact assessments with regards to the consultation process undertaken during the review of the policy.

### 4.3 Council Policies and City Priorities

4.3.1 When determining an application the licensing sub committee must have regard for the Licensing Act 2003 Statement of Licensing Policy which sets out the principles the council will use to exercise its functions under the Licensing Act 2003. Applicants are expected to read the policy before making their application and the council will refer to the policy when making its decisions.

4.3.2 The licensing regime contributes to the following aims:

**By 2030, Leeds will be fair, open and welcoming**

- Local people have the power to make decisions that affect them
- There is a culture of responsibility, respect for each other and the environment
- Our services meet the diverse needs of our changing population
- Everyone is proud to live and work

**By 2030, Leeds' economy will be prosperous and sustainable**

- Opportunities to work with secure, flexible employment and good wages

**By 2030, all Leeds' communities will be successful**

- Communities are safe and people feel safe

4.3.3 The licensing regime contributes to the following city priorities:

**Best city... for communities:**

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.4 Resources and Value for Money

4.4.1 The licensing process, including the licensing sub committee, generates a cost to the council. The majority of these costs are covered by the application fee. The fees are set by Statute, and there is little option to increase the fee to cover all the cost. However, the Police Reform and Social Responsibility Bill, due to receive Royal assent in November 2011, may allow local authorities to set their own fees in the future based on full cost recovery.

4.5 Legal Implications, Access to Information and Call In

4.5.1 Applicants and people making representations are able to challenge the licensing sub-committee's decision by appealing to the Magistrates Court. Legal advice is provided during the sub committee hearing and during deliberations to mitigate the risk to the council.

4.6 Risk Management

4.6.1 Full training and legal advice is provided to members sitting on Licensing Sub Committee in order to mitigate the risk of legal challenge.

**5 Conclusions**

5.1 An application has been received under the Licensing Act 2003 which is brought before a licensing sub committee for determination.

5.2 The licensing sub-committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- Grant the application as requested.

- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates.
- Refuse to specify the said person as the designated premises supervisor.
- Reject the whole or part of the application.

5.3 Members of the licensing sub committee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

## **6 Recommendations**

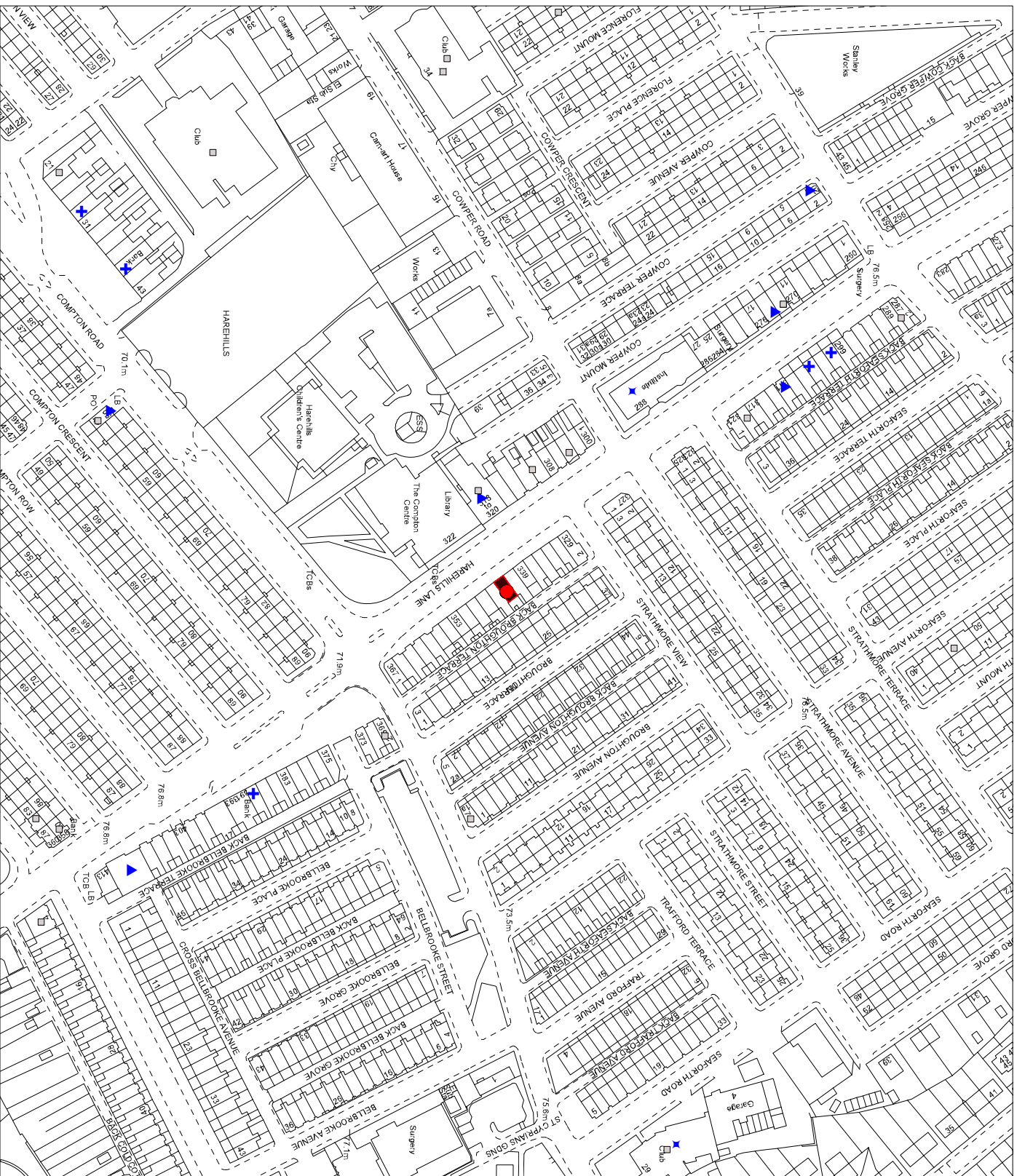
The committee is asked to:

- Consider the application and any relevant representations
- Take any of the steps detailed at 5.2, if any, they consider necessary for the promotion of the licensing objectives.

## **7 Background Papers**

- 7.1 Guidance issued under S182 Licensing Act 2003
- 7.2 Leeds City Council Licensing Policy

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**Key**

- - Non-Premises Licence / Terminated Licence
- - Private Members Club
- ◆ - Community Premises (With Alcohol)
- \* - Community Premises (Without Alcohol)
- ◇ - Entertainment Only
- ◇ - Outdoor Space – High Capacity
- + - Late Night Refreshment
- ▲ - Off Licence
- - On Licence (Primary Use)
- - On Licence (Secondary Use)

This map is based upon the Ordnance Survey's digital data with the permission of the Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office

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|                   |  |
|-------------------|--|
| <b>Title:</b>     | <b>PREM/03070/001 Off Licence</b>      |
| <b>Sub Title:</b> | 343 Harehills Lane, Harehills, LS9 6AX |
| <b>Date:</b>      | 12 October 2011                        |
| <b>Scale:</b>     | 1:1500                                 |

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3070/1006

SCANNED



**PREM1**

Entertainment Licensing, Leeds City Council, Civic Hall, Leeds, LS1 1UR

**Application for a premises licence to be granted under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We SARDAR AMJAD YOUSAF (Insert name(s) of applicant) apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 – Premises Details**

|  |           |
|--|-----------|
| Postal address of premises or, if none, ordnance survey map reference or description |           |
| 343-HAREHILLS LANE   |           |
| Post town  | Post code |
| LEEDS  | LS9 6AX   |

Telephone number of premises (if any)

01132351016

Non domestic rateable value of premises

£ 7900

**ENTERTAINMENT LICENSING**  
30 AUG 2011  
**RECEIVED**

**Part 2 – Applicant Details**

Please state whether you are applying for the licence as:

- Please tick  yes
- a) an individual or individuals\*  please complete section (A)
  - b) a person other than an individual\*
    - i. as a limited company  please complete section (B)
    - ii. as a partnership  please complete section (B)
    - iii. as an unincorporated association or  please complete section (B)
    - iv. other (for example a statutory corporation)  please complete section (B)
  - c) a recognised club  please complete section (B)

- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\*If you are applying as a person described in (a) or (b) please confirm:

Please tick  yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - Statutory function or
  - A function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

Surname First names

YOUSAF SARDAR AMJAD

Please tick  yes

I am 18 years old or over

Current postal address if different from premises address 5-CROSS, GRASSMARE STREET

Post Town LEEDS Postcode LS12 1PU

Daytime contact telephone number 07947523263

Email address (optional) sayousaf72@yahoo.co.uk



**SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)**

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

Surname  First names

I am 18 years old or over  Please tick  yes

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

Email address (optional)

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

|   |  |  |
|---|--|--|
| Name  |  |  |
| Address   |  |  |
| Registered number (where applicable)  |  |  |
| Description of applicant (for example, partnership, company, unincorporated association etc.) |  |  |
| Telephone number (if any)   |  |  |
| E-mail address (optional)   |  |  |

**Part 3 Operating Schedule**

When do you want the premises licence to start?

| Day | Month | Year    |
|-----|-------|---------|
| 1   | 5     | 07 2011 |

If you wish the licence to be valid only for a limited period, when do you want it to end?

| Day | Month | Year |
|-----|-------|------|
|     |       |      |

Please give a general description of the premises (please read guidance note 1)

*It is a normal grocery shop*

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

|  |
|--|
|  |
|--|

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick  yes

**Provision of regulated entertainment**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performance of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of entertainment facilities for:**

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

**Provision of late night refreshment** (if ticking yes, fill in box L)

**Sale by retail of alcohol** (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

**C**

|   |              |               |  |  |  |
|---|--------------|---------------|--|--|--|
| <b>Indoor sporting events</b><br>Standard days and timings<br>(please read guidance note 6) |              |               | Please give further details (please read guidance note 3)  |  |  |
| <b>Day</b>  | <b>Start</b> | <b>Finish</b> |  |  |  |
| Mon   |              |               | State any seasonal variations for indoor sporting events (please read guidance note 4)   |  |  |
| Tue   |              |               |  |  |  |
| Wed   |              |               |  |  |  |
| Thur  |              |               |  |  |  |
| Fri   |              |               | Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 5) |  |  |
| Sat   |              |               |  |  |  |
| Sun   |              |               |  |  |  |
|   |              |               |  |  |  |

**D**

|  |              |               |   |          |                          |
|--|--------------|---------------|---|----------|--------------------------|
| <b>Boxing or wrestling entertainment</b><br>Standard days and timings<br>(please read guidance note 6) |              |               | Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (please read guidance note 2)   | Indoors  | <input type="checkbox"/> |
| <b>Day</b>   | <b>Start</b> | <b>Finish</b> |   | Outdoors | <input type="checkbox"/> |
| Mon  |              |               | Please give further details here (please read guidance note 3)  |          |                          |
| Tue  |              |               |   |          |                          |
| Wed  |              |               |   |          |                          |
| Thur   |              |               |   |          |                          |
| Fri  |              |               | State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4)   |          |                          |
| Sat  |              |               |   |          |                          |
| Sun  |              |               |   |          |                          |
|  |              |               |   |          |                          |
|  |              |               | Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 5) |          |                          |
|  |              |               |   |          |                          |
|  |              |               |   |          |                          |
|  |              |               |   |          |                          |

# A

| <b>Plays</b><br>Standard days and timings<br>(please read guidance note 6) |       |        | Will the performance of a play take place indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (please read guidance note 2)   | Indoors  | <input type="checkbox"/> |
|--|-------|--------|---|----------|--------------------------|
| Day  | Start | Finish |   | Outdoors | <input type="checkbox"/> |
| Mon  |       |        | Please give further details here (please read guidance note 3)  | Both     | <input type="checkbox"/> |
| Tue  |       |        |   |          |                          |
| Wed  |       |        | State any seasonal variations for performing play (please read guidance note 4)   |          |                          |
| Thur   |       |        |   |          |                          |
| Fri  |       |        | Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5) |          |                          |
| Sat  |       |        |   |          |                          |
| Sun  |       |        |   |          |                          |

# B

| <b>Films</b><br>Standard days and timings<br>(please read guidance note 6) |       |        | Will the exhibition of a films take place indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (please read guidance note 2)  | Indoors  | <input type="checkbox"/> |
|--|-------|--------|--|----------|--------------------------|
| Day  | Start | Finish |  | Outdoors | <input type="checkbox"/> |
| Mon  |       |        | Please give further details here (please read guidance note 3)   | Both     | <input type="checkbox"/> |
| Tue  |       |        |  |          |                          |
| Wed  |       |        | State any seasonal variations for the exhibition of films (please read guidance note 4)  |          |                          |
| Thur   |       |        |  |          |                          |
| Fri  |       |        | Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5) |          |                          |
| Sat  |       |        |  |          |                          |
| Sun  |       |        |  |          |                          |

# E

| Live music<br>Standard days and timings<br>(please read guidance note 6) |       |        | Will the performance of live music take place indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (please read guidance note 2) | Indoors   | <input type="checkbox"/> |  |
|--|-------|--------|---|---|--------------------------|--|
| Day  | Start | Finish |   | Outdoors  | <input type="checkbox"/> |  |
| Mon  |       |        | Please give further details here (please read guidance note 3)  | Both  | <input type="checkbox"/> |  |
| Tue  |       |        |   |   |                          |  |
| Wed  |       |        |   | State any seasonal variations for the performance of live music (please read guidance note 4)   |                          |  |
| Thur   |       |        |   |   |                          |  |
| Fri  |       |        |   | Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 5) |                          |  |
| Sat  |       |        |   |   |                          |  |
| Sun  |       |        |   |   |                          |  |

# F

| Recorded music<br>Standard days and timings<br>(please read guidance note 6) |       |        | Will the playing of recorded music take place indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (please read guidance note 2) | Indoors   | <input type="checkbox"/> |  |
|--|-------|--------|---|---|--------------------------|--|
| Day  | Start | Finish |   | Outdoors  | <input type="checkbox"/> |  |
| Mon  |       |        | Please give further details here (please read guidance note 3)  | Both  | <input type="checkbox"/> |  |
| Tue  |       |        |   |   |                          |  |
| Wed  |       |        |   | State any seasonal variations for the playing of recorded music (please read guidance note 4)   |                          |  |
| Thur   |       |        |   |   |                          |  |
| Fri  |       |        |   | Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 5) |                          |  |
| Sat  |       |        |   |   |                          |  |
| Sun  |       |        |   |   |                          |  |

# G

|   |              |               |   |          |                          |   |  |  |
|---|--------------|---------------|---|----------|--------------------------|---|--|--|
| <b>Performance of dance</b><br>Standard days and timings<br>(please read guidance note 6) |              |               | <b>Will the performance of dance take place indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (please read guidance note 2)</b> | Indoors  | <input type="checkbox"/> |   |  |  |
|   |              |               |   | Outdoors | <input type="checkbox"/> |   |  |  |
|   |              |               |   | Both     | <input type="checkbox"/> |   |  |  |
| <b>Day</b>  | <b>Start</b> | <b>Finish</b> | <b>Please give further details here (please read guidance note 3)</b>   |          |                          |   |  |  |
| Mon   |              |               |   |          |                          |   |  |  |
| Tue   |              |               |   |          |                          |   |  |  |
| Wed   |              |               |   |          |                          | <b>State any seasonal variations for the performance of dance (please read guidance note 4)</b>   |  |  |
| Thur  |              |               |   |          |                          |   |  |  |
| Fri   |              |               |   |          |                          | <b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 5)</b> |  |  |
| Sat   |              |               |   |          |                          |   |  |  |
| Sun   |              |               |   |          |                          |   |  |  |

# H

|   |              |               |  |          |                          |  |  |  |
|---|--------------|---------------|--|----------|--------------------------|--|--|--|
| <b>Anything of a similar description to that falling within (e), (f) or (g)</b><br>Standard days and timings<br>(please read guidance note 6) |              |               | <b>Please give a description of the type of entertainment you will be providing</b>  |          |                          |  |  |  |
|   |              |               | <b>Will the entertainment take place indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (please read guidance note 2)</b> | Indoors  | <input type="checkbox"/> |  |  |  |
|   |              |               |  | Outdoors | <input type="checkbox"/> |  |  |  |
|   |              |               |  | Both     | <input type="checkbox"/> |  |  |  |
| <b>Day</b>  | <b>Start</b> | <b>Finish</b> | <b>Please give further details here (please read guidance note 3)</b>  |          |                          |  |  |  |
| Mon   |              |               |  |          |                          |  |  |  |
| Tue   |              |               |  |          |                          |  |  |  |
| Wed   |              |               |  |          |                          | <b>State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)</b>   |  |  |
| Thur  |              |               |  |          |                          |  |  |  |
| Fri   |              |               |  |          |                          | <b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list. (please read guidance note 5)</b> |  |  |
| Sat   |              |               |  |          |                          |  |  |  |
| Sun   |              |               |  |          |                          |  |  |  |

|  |              |               |  |                          |         |
|--|--------------|---------------|--|--------------------------|---------|
| <b>Provision of facilities for making music</b><br>Standard day and timings<br>(please read guidance note 6) |              |               | Please give a description of the facilities for making music you will be providing   |                          |         |
|  |              |               | Will the facilities for making music be indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (please read guidance note 2)  |                          | Indoors |
|  |              |               | Outdoors   | <input type="checkbox"/> |         |
|  |              |               | Both   | <input type="checkbox"/> |         |
| <b>Day</b>   | <b>Start</b> | <b>Finish</b> | Please give further details here (please read guidance note 3)   |                          |         |
| Mon  |              |               |  |                          |         |
| Tue  |              |               | State any seasonal variations for the provision of facilities for making music (please read guidance note 4)   |                          |         |
| Wed  |              |               |  |                          |         |
| Thur   |              |               | Non standard timings. Where you intend to use the premises for the provision of facilities for making music at different times to those listed in the column on the left, please list. (please read guidance note 5) |                          |         |
| Fri  |              |               |  |                          |         |
| Sat  |              |               |  |                          |         |
| Sun  |              |               |  |                          |         |

## J

|  |              |               |   |                          |          |                          |
|--|--------------|---------------|---|--------------------------|----------|--------------------------|
| <b>Provision of facilities for dancing</b><br>Standard timings (please read guidance note 6) |              |               | Will the facilities for dancing be indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (please read guidance note 2)  |                          | Indoors  | <input type="checkbox"/> |
|  |              |               |   |                          | Outdoors | <input type="checkbox"/> |
|  |              |               | Both  | <input type="checkbox"/> |          |                          |
| <b>Day</b>   | <b>Start</b> | <b>Finish</b> | Please give further details here (please read guidance note 3)  |                          |          |                          |
| Mon  |              |               |   |                          |          |                          |
| Tue  |              |               | State any seasonal variations for providing dancing facilities (please read guidance note 4)  |                          |          |                          |
| Wed  |              |               |   |                          |          |                          |
| Thur   |              |               | Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list. (please read guidance note 5) |                          |          |                          |
| Fri  |              |               |   |                          |          |                          |
| Sat  |              |               |   |                          |          |                          |
| Sun  |              |               |   |                          |          |                          |

# K

|   |                          |               |  |  |   |         |                          |          |
|---|--------------------------|---------------|--|--|---|---------|--------------------------|----------|
| <b>Provision of facilities for entertainment of a similar description to that falling within I or J</b><br>Standard days and timings<br>(please read guidance note 6) |                          |               | Please give a description of the type of entertainment facility you will be providing  |  |   |         |                          |          |
|   |                          |               | Will the entertainment facility be place indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (please read guidance note 2)   |  | <table border="1"> <tr> <td>Indoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table> | Indoors | <input type="checkbox"/> | Outdoors |
| Indoors   | <input type="checkbox"/> |               |  |  |   |         |                          |          |
| Outdoors  | <input type="checkbox"/> |               |  |  |   |         |                          |          |
| Both  | <input type="checkbox"/> |               |  |  |   |         |                          |          |
| <b>Day</b>  | <b>Start</b>             | <b>Finish</b> | Please give further details here (please read guidance note 3)   |  |   |         |                          |          |
| Mon   |                          |               |  |  |   |         |                          |          |
| Tue   |                          |               |  |  |   |         |                          |          |
| Wed   |                          |               |  |  |   |         |                          |          |
| Thur  |                          |               |  |  |   |         |                          |          |
| Fri   |                          |               |  |  |   |         |                          |          |
| Sat   |                          |               |  |  |   |         |                          |          |
| Sun   |                          |               |  |  |   |         |                          |          |
|   |                          |               | State any seasonal variations for the provisions of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)  |  |   |         |                          |          |
|   |                          |               | Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list. (please read guidance note 5) |  |   |         |                          |          |

# L

|   |                          |               |   |  |         |                          |          |
|---|--------------------------|---------------|---|--|---------|--------------------------|----------|
| <b>Late night refreshment</b><br>Standard days and timings<br>(please read guidance note 6) |                          |               | Will the provision of late night refreshment take place indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (please read guidance note 2)   |  |         |                          |          |
|   |                          |               | <table border="1"> <tr> <td>Indoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table> |  | Indoors | <input type="checkbox"/> | Outdoors |
| Indoors   | <input type="checkbox"/> |               |   |  |         |                          |          |
| Outdoors  | <input type="checkbox"/> |               |   |  |         |                          |          |
| Both  | <input type="checkbox"/> |               |   |  |         |                          |          |
| <b>Day</b>  | <b>Start</b>             | <b>Finish</b> | Please give further details here (please read guidance note 3)  |  |         |                          |          |
| Mon   |                          |               |   |  |         |                          |          |
| Tue   |                          |               |   |  |         |                          |          |
| Wed   |                          |               |   |  |         |                          |          |
| Thur  |                          |               |   |  |         |                          |          |
| Fri   |                          |               |   |  |         |                          |          |
| Sat   |                          |               |   |  |         |                          |          |
| Sun   |                          |               |   |  |         |                          |          |
|   |                          |               | State any seasonal variations for the provision of late night refreshment (please read guidance note 4)   |  |         |                          |          |
|   |                          |               | Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 5)     |  |         |                          |          |



**M**

| Supply of alcohol<br>Standard days and timings<br>(please read guidance note 6) |       |        | Will the supply of alcohol be for consumption on or off<br>the premises or both - please tick <input checked="" type="checkbox"/> (please read<br>guidance note 7) | On the premises   | <input type="checkbox"/>            |
|---|-------|--------|--|---|-------------------------------------|
| Day   | Start | Finish |  | Off the premises  | <input checked="" type="checkbox"/> |
| Mon   | 6 AM  | 23:00  | State any seasonal variations for the supply of alcohol (please read guidance note 4)  | Both  | <input type="checkbox"/>            |
| Tue   | 6 AM  | 23:00  |  |   |                                     |
| Wed   | 6 AM  | 23:00  |  |   |                                     |
| Thur  | 6 AM  | 23:00  |  | Non standard timings. Where you intend to use the premises for the supply of<br>alcohol at different times to those listed in the column on the left, please list. (please<br>read guidance note 5) |                                     |
| Fri   | 6 AM  | 23:00  |  |   |                                     |
| Sat   | 6 AM  | 23:00  |  |   |                                     |
| Sun   | 6 AM  | 23:00  |  |   |                                     |

| State the name and details of the individual whom you wish to specify on the licence as<br>premises supervisor |   |
|--|---|
| Name   | SARDAR AMJAD YOUSAF   |
| Address  | 5 CROSS - GRASSMARE STREET<br>LEEDS   |
| Postcode   | LS 12 1PU   |
| Personal licence number (if known)   | 9496  |
| Issuing licensing authority (if known)   | LONDON BOROUGH OF SOUTHWARK<br>CHAPLIN CENTRE THRLow STREET LONDON SE17 2DG |

**N**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

N/A

**O**

| <b>Hours premises are open to the public</b><br>Standard days and timings<br>(please read guidance note 6) |       |        | <b>State any seasonal variations</b> (please read guidance note 4)  |
|--|-------|--------|---|
| Day  | Start | Finish |   |
| Mon  | 6:00  | 23:00  | <b>Non standard timings.</b> Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list.<br>(please read guidance note 5) |
| Tue  | 6:00  | 23:00  |   |
| Wed  | 6:00  | 23:00  |   |
| Thur   | 6:00  | 23:00  |   |
| Fri  | 6:00  | 23:00  |   |
| Sat  | 6:00  | 23:00  |   |
| Sun  | 6:00  | 23:00  |   |
|  |       |        |   |
|  |       |        |   |
|  |       |        |   |
|  |       |        |   |
|  |       |        |   |
|  |       |        |   |
|  |       |        |   |
|  |       |        |   |

## P

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 9)

SEE RISK ASSESSMENT - below

b) The prevention of crime and disorder

CCTV will be operational. Footage to be retained for 31 days. DPS generally to be on site  
Registers to be maintained  
Refusal register to be maintained

c) Public safety

Regular safety checks during the day  
accident records to be maintained  
Electrical installation check to be operational.  
first-aid box to be maintained

d) The prevention of public nuisance

Letter bins to be placed.  
Noise to be exhibited re noise and litter  
No noise to be played such to be audible outside  
the premises

e) The protection of children from harm

proof of age scheme to be posted  
All staff trained  
Refusal register to be maintained

Please tick  Yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent.** (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

|           |                      |  |
|-----------|----------------------|--|
| Signature | <i>A [Signature]</i> |  |
| Date      | 1-7-2011             |  |
| Capacity  | OWNER                |  |

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent.** (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

|           |  |
|-----------|--|
| Signature |  |
| Date      |  |
| Capacity  |  |

**Contact Name (where not previously given) and address for correspondence associated with this application** (please read guidance note 19)

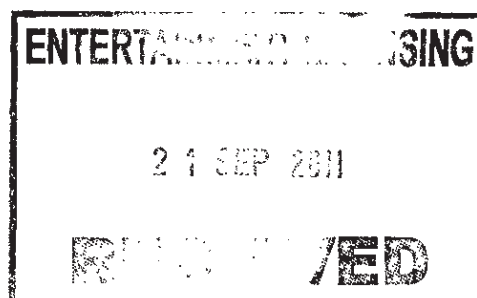
|   |           |
|---|-----------|
|   |           |
| Post town   | Post code |
| Telephone number (if any)   |           |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) |           |

SCANNED 30701001

TO WHOM IT MAY CONCERN

We the undersigned wish to object to the granting  
Of the licence for 343 hare hills lane on the grounds of

- Public nuisance
- Crime disorder
- Public safety
- Children from harm



We feel very strongly about this petition as our area has gone down so much over the last 2 years and we have tried so hard to keep it up to the standard we have been used to. We feel there are too many shops all selling the same things, booze being our main concern we feel this may add more problems to the ones we already have and we fear we may never be able to get our lane back to how it was 2 years ago.

Thankyou

The residents of broughton terrace and surrounding  
areas of hare hills. LS9 6BA

B. Kelly, S. Dalton

Neighbour Hood Watch

Broughton Terrace LS9 6BA

# PETITION AGAINST 343 HAREHILLS LANE

The residents of broughton terrace and surrounding areas feel there are adequate facilities for the sale of alcohol on harehills lane and are concerned about the application for a entertainment licence and the hours the shop intends to supply to the public.

|              |            |                   |         |
|--------------|------------|-------------------|---------|
| B. Kelly     | [REDACTED] | broughton Terrace | LS9 6BA |
| M. REYNOLDS  | [REDACTED] | Broughton Terrace | LS9 6BA |
| J. BURTON    | [REDACTED] | "                 | " "     |
| D. Williams  | [REDACTED] | "                 | " "     |
| E. BROOKER   | [REDACTED] | "                 | " "     |
| H. Blakey    | [REDACTED] | "                 | LS9 6BA |
| S.L. Betmore | [REDACTED] | "                 | LS9 6BA |
| Rh Bunker    | [REDACTED] | B-TERR            | LS9 6BA |
| T. OLIVER    | [REDACTED] | B. Terrace        | LS9 6BA |
| D. Hagar     | [REDACTED] | B Terrace         | LS9 6BA |
| [Signature]  | [REDACTED] | B Terrace         | LS9 6BA |
| [Signature]  | [REDACTED] | Broughton Terrace | LS9 6BA |
| [Signature]  | [REDACTED] | Broughton Terrace | LS9 6BA |
| J. Robson    | [REDACTED] | broughton Terr    | LS9 6BA |
| P. JOHNSON   | [REDACTED] | Broughton TERR    | LS9 6BA |
| M. JOHNSON   | [REDACTED] | Broughton Terr.   | LS9 6BA |
| M.W. JOHNSON | [REDACTED] | Broughton TERR    | LS9 6BA |

### PETITION AGAINST 343 HAREHILLS LANE

The residents of broughton terrace and surrounding areas feel there are adequate facilities for the sale of alcohol on harehills lane and are concerned about the application for a entertainment licence and the hours the shop intends to supply to the public.

SYD MIR [redacted] Broughton terrace Leeds 

A.R. [redacted] Broughton Terrace Leeds A.R.

PAUL Abrose Deighton [redacted] Broughton terrace 

Shaukat Sheikh [redacted] COWPER MOUNT

Roger Martinis [redacted] Birchwood Green.

PHILIP Cough [redacted] Compton Row

Tom Doe [redacted] Nowell Lane 

Tom Hardaker [redacted] Dorset Mt

MUSTAFA Qayyum [redacted] Eastley Road

Joe/ Martin [redacted] Hare Hills View

JARREN CONWAY [redacted] Keatmere Ave

YASHGURU PRISO [redacted] Shakespeare Towers.

John Casper [redacted] WOODBOURN E AVE

WADUD SAJAM [redacted] Braiken Hill 

LIONEL JAMES DUFF [redacted] BEXLEY ROAD

[redacted] [redacted] Cloudy Point Urban.

Roger Francis. Lupton Ave.

Theresean Pratt Keatmere Ave Seacroft.

PETITION AGAINST 343 HAREHILLS LANE

The residents of broughton terrace and surrounding areas feel there are adequate facilities for the sale of alcohol on harehills lane and are concerned about the application for a entertainment licence and the hours the shop intends to supply to the public.

- owner [redacted] Broughton<sup>2</sup> Terrace LS9 9A
- S Dalton [redacted] Broughton Terrace LS9 6BA
- G DALTON [redacted] [redacted] [redacted] [redacted]
- R. Singh [redacted] FLAT ABOVE HAREHILLS LANE LEEDS LS9 7BS
- B. Kaur [redacted] Cowper Mount LS9 7BB.
- JLACE [redacted] HAREHILLS LANE LS9 6AX
- M. [redacted] HAREHILLS LANE LS9 6AX
- [redacted] Compton Road LS9 7BS
- [redacted] Compton Road LS9 7BS
- S Dales [redacted] Compton Road LS9 7BS
- S Patel [redacted] Compton Road LS9 7BS
- F Handwick [redacted] BROUGHTON TERRACE LS9 6BA
- D. Handwick [redacted] BROUGHTON TERRACE LS9 6BA





**Report author: Mr Matthew Nelson**

Tel: 0113 2474095

**Report of the Head of Licensing and Registration**

**Report to the Licensing Sub Committee**

**Date: Monday 24th October 2011**

**Subject: Application to Transfer a Premises Licence for Kiln, Brignall Garth, Burmantofts, Leeds, LS9 7HB**

|   |   |  |
|---|---|--|
| Are specific electoral Wards affected?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| If relevant, name(s) of Ward(s):  | Burmantofts & Richmond Hill             |  |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In?   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information?                     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| If relevant, Access to Information Procedure Rule number:                       |   |  |
| Appendix number:  |   |  |

**Summary of main issues**

1. This is an application to transfer a premises licence for the Kiln, Brignall Garth, Burmantofts, Leeds, LS9 7HB.
2. The application is to specify Miss Stephanie Farquharson as the licence holder.
3. West Yorkshire Police have been served a copy of this application.
4. West Yorkshire Police have made representation to this application. It should be noted that this is the fourth application of its type to change the licence holder and Designated Premises Supervisor or both. All other applications have been refused or withdrawn.
5. Members should also note that these premises have been recently subject to Summary Review proceedings.

**Recommendations**

The committee is asked to:

6. Consider the application and the representation made by West Yorkshire Police.

7. Take any of the steps detailed at 4.2, if any, they consider necessary for the promotion of the licensing objectives.

## **1 Purpose of this report**

- 1.1 To advise Members of an application made under section 42 of the Licensing Act 2003 (“the Act”) for the transfer of a Premise Licence in order to specify Miss Stephanie Farquharson as the licence holder.
- 1.2 The Licensing Sub-Committee is required to consider this application due to the receipt of a representation from West Yorkshire Police. This is submitted in accordance with Sections 42(6) and 42(7) of the Licensing Act 2003.

## **2 Main issues**

- 2.1 The applicant is Miss Stephanie Farquharson.
- 2.2 A copy of the application is attached at **Appendix A** of this report.
- 2.3 Members should note that these premises are subject to Summary Review Proceedings under Section 53 of the Licensing Act 2003.

An Interim Steps hearing was held 26<sup>th</sup> September 2011 where the Sub Committee resolved to suspend the Premises Licence pending the full review hearing, a decision made under Section 53C of the Licensing Act 2003.

Attached at **Appendix B** is a copy of the decision notice following the Interim Steps Hearing.

The full review hearing is scheduled for Wednesday 19<sup>th</sup> October 2011.

Due to the short time period between each hearing, a copy of the decision notice following the full review hearing will be available as a late item on the day.

Members should note that any decision from the full review hearing is eligible for appeal to the Magistrates’ Court within 21 days on receipt of the decision notice.

### **2.4 Relevant Representations**

- 2.4.1 Under the Act, representations can be received from West Yorkshire Police and must be relevant to the prevention of crime and disorder. Please find attached a copy of the representation at **Appendix C**.

### **2.5 Matters relevant to the application**

- 2.5.1 Members of the Licensing Sub Committee must make decisions with a view to promoting the licensing objectives which are:

- The prevention of crime and disorder

### **3 Corporate considerations**

#### **3.1 Consultation and engagement**

3.1.1 The application was subject to a 14 days consultation period with West Yorkshire Police in accordance with the Licensing Act 2003.

#### **3.2 Equality and Diversity / Cohesion and Integration**

3.2.1 The council has adopted a Statement of Licensing Policy which sets out the principles the council will use to exercise its functions under the Licensing Act 2003 and in which care has been taken in matters of equality, diversity and human rights. This policy is reviewed every three years. The council has completed equality, diversity, cohesion and integration screening and impact assessments with regards to the consultation process undertaken during the review of the policy.

#### **3.3 Council Policies and City Priorities**

3.3.1 When determining an application the licensing sub committee must have regard for the Licensing Act 2003 Statement of Licensing Policy which sets out the principles the council will use to exercise its functions under the Licensing Act 2003. Applicants are expected to read the policy before making their application and the council will refer to the policy when making its decisions.

3.3.2 The licensing regime contributes to the following aims:

##### **By 2030, Leeds will be fair, open and welcoming**

- Local people have the power to make decisions that affect them
- There is a culture of responsibility, respect for each other and the environment
- Our services meet the diverse needs of our changing population
- Everyone is proud to live and work

##### **By 2030, Leeds' economy will be prosperous and sustainable**

- Opportunities to work with secure, flexible employment and good wages

##### **By 2030, all Leeds' communities will be successful**

- Communities are safe and people feel safe

3.3.3 The licensing regime contributes to the following city priorities:

##### **Best city... for communities:**

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

### 3.4 Resources and Value for Money

- 3.4.1 The licensing process, including the licensing sub committee, generates a cost to the council. The majority of these costs are covered by the application fee. The fees are set by Statute, and there is little option to increase the fee to cover all the cost. However, the Police Reform and Social Responsibility Bill, due to receive Royal assent in November 2011, may allow local authorities to set their own fees in the future based on full cost recovery.

### 3.5 Legal Implications, Access to Information and Call In

- 3.5.1 Applicants and people making representations are able to challenge the licensing sub-committee's decision by appealing to the Magistrates Court. Legal advice is provided during the sub committee hearing and during deliberations to mitigate the risk to the council.

### 3.6 Risk Management

- 3.6.1 Full training and legal advice is provided to members sitting on Licensing Sub Committee in order to mitigate the risk of legal challenge.

## **4 Conclusions**

- 4.1 An application has been received under the Licensing Act 2003 which is brought before a licensing sub committee for determination.
- 4.2 The licensing sub-committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:
- Grant as requested; or
  - Reject the application.

## **5 Recommendations**

The committee is asked to:

- Consider the application and the representation from West Yorkshire Police
- Take any of the steps detailed at 4.2, if any, they consider necessary for the promotion of the licensing objectives.

## **6 Background papers**

- 6.1 Guidance issued under s182 Licensing Act 2003
- 6.2 Leeds City Council Licensing Policy

Prem / 02323 / 007



**PREM4**

Entertainment Licensing, Leeds City Council, Civic Hall, Leeds, LS1 1UR

**Application to transfer premises licence  
to be granted under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

I/We Stephanie FARQUHARSON..... (Insert name(s) of applicant)  
apply to transfer the premises licence under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

PREM / 02323

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description  
KILN BRIGNAL GARTH BURMANTOFTS

Post town LEEDS

Post code LS8 7HB

Telephone number at premises (if any) 07747884923

Please give a brief description of the premises  
PUBLIC HOUSE

ENTERTAINMENT LICENSING  
23 SEP 2011  
RECEIVED

Name of current premises licence holder PAUL CLARK

## Part 2 – Applicant Details

In what capacity are you applying for the premises licence to be transferred to you?

- Please tick  yes
- a) an individual or individuals\*  please complete section (A)
- b) a person other than an individual\*
- i. as a limited company  please complete section (B)
- ii. as a partnership  please complete section (B)
- iii. as an unincorporated association or  please complete section (B)
- iv. other  please complete section (B)
- c) a recognised club  please complete section (B))
- d) a charity  please complete section (B)
- e) The proprietor of an educational establishment  please complete section (B)
- f) A health service body  please complete section (B)
- g) A person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of the Part) in an independent hospital in England  please complete section (B)
- h) The chief officer of police of a police force in England and Wales  please complete section (B)

\*If you are applying as a person described in (a) or (b) please confirm:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - Statutory function; or
  - A function discharged by virtue of Her Majesty's prerogative

Please tick  yes

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr

Mrs

Miss

Ms

Other title  
(for example, Rev)

Surname

First names

FAROUHARSON

STEPHANIE

Please tick  Yes

I am 18 years old or over

Current postal address  
if different from  
premises address

38 BOGGART HILL ROAD

Post Town

LEEDS

Postcode

LS14 1LQ

Daytime contact telephone number

07747884923

Email address (optional)

—

SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)

Mr

Mrs

Miss

Ms

Other title  
(for example, Rev)

Surname

First names

Please tick  Yes

I am 18 years old or over

Current postal address  
if different from  
premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

SS

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

|   |  |
|---|--|
| Name  | STEPHANIE FARQUHARSON                  |
| Address   | 38 BOGGART HILL ROAD<br>LEEDS LS14 1LQ |
| Registered number (where applicable)  |  |
| Description of applicant (for example, partnership, company, unincorporated association etc.) | <del>LIMITED COMPANY</del> INDIVIDUAL  |
| Telephone number (if any)   | 07747884923                            |
| E-mail address (optional)   |  |

Part 3                      *Part 3*

Are you the holder of the premises licence under an interim authority notice? Please tick  yes  
 Do you wish the transfer to have immediate effect?  *SS*

If not when would you like the transfer to take effect?

| Day | Month | Year |
|-----|-------|------|
|     |       |      |

I have enclosed the consent form signed by the existing premises licence holder  *SS*

~~If you have not enclosed the consent form referred to above, please give the reasons why not. What steps have you taken to try and obtain consent?~~

PAGES 5-9 OF PREMISES LICENCE  
 DAMAGED ON REMOVAL  
*Part 3*



Please tick  yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

I have enclosed the premises licence

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I understand that if I do not comply with the above requirements my application will be rejected

|                                     |
|-------------------------------------|
| <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> |

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE (£5,000) UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 4 – Signatures** (please read guidance note 2)

**Signature of applicant or applicant's solicitor or other duly authorised agent.** (See guidance note 3. If signing on behalf of the applicant please state in what capacity.

Signature *[Handwritten Signature]*

Date 23/9/11

Capacity PREM LICENCE HOLDER

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent.** (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature .....

Date .....

Capacity if not the applicant .....

|  |           |
|--|-----------|
| <b>Contact Name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 5) |           |
| Post town  | Post code |
| Telephone number (if any)  |           |
| If you would prefer us to correspond with you by e-mail your e-mail address (optional)   |           |

## Notes for guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

Miss S V Farquharson  
38 Boggart Hill Road  
Seacroft  
Leeds  
LS14 1LQ

**Licensing and Registration  
Services**  
Civic Hall  
Leeds LS1 1UR

Contact: Stephen Holder  
Tel: (0113) 2474095  
Fax: (0113) 224 3885  
Email: [stephen.holder@leeds.gov.uk](mailto:stephen.holder@leeds.gov.uk)  
Our Ref: A80/StH/LIC  
Your Ref:

27 September 2011

Dear Madam,

### **INTERIM STEPS HEARING – The Kiln Brignall Garth Burmantofts**

On 26 September 2011, the Licensing Sub Committee met to consider whether interim steps were required following receipt of an application for an expedited summary review application made by West Yorkshire Police for the premises known as The Kiln Brignall Garth Burmantofts Leeds. The application for summary review had been served under section 53 of the Licensing Act 2003 by West Yorkshire Police, and it was accompanied by a certificate from a senior officer who was satisfied that the premises were associated with serious crime.

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

#### **Preliminary Procedural Issues**

The Sub Committee considered preliminary matters of a purely procedural nature. No declarations of interest were made. The Sub Committee set the procedure for the representations hearing having regard to the accepted procedure for review hearings. The representatives of the applicant, West Yorkshire Police (WYP), were invited to address the Sub Committee first followed by the Premises Licence Holder (PLH). A time limit of 20 minutes for submissions was agreed excluding the time allowed for Members of the Sub Committee to ask any relevant questions.

The Sub Committee also considered whether 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 submissions and evidence 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 holding the hearing in public.

Prior to the hearing the Sub Committee considered the Licensing Officer's report containing a copy of the application made by West Yorkshire Police, copies of the relevant certificate and the

premises licence itself. In addition, the report contained a copy of the guidance issued by the Department for Culture, Media and Sport in respect of expedited and summary licence reviews.

## **In attendance**

### **The Applicant**

Sergeant R Fullilove, WYP  
Mr B Patterson, WYP  
PC Lynne Dobson WYP  
SGT. Coultate

### **Premises Licence Holder**

Miss S V Farquharson Premises Licence  
Holder  
Miss Marie Casey

## **The Hearing**

In considering the representations, the Sub Committee took into account the written evidence contained within the Licensing Officer's report, plus the verbal submissions made at the hearing by all parties.

The Sub Committee had regard to the provisions of the Licensing Act 2003 as amended by the Violent Crime Reduction Act 2006, and the Guidance on Expedited/Summary Licensing Reviews issued by DCMS. Members also considered the Council's own licensing policy, in particular section 13 (Enforcement and Reviews) and section 11 of the Guidance issued by the DCMS under section 182 of the Licensing Act 2003.

## **Submissions and evidence on behalf of the Applicant, West Yorkshire Police**

Mr Patterson outlined the application by WYP and invited PC Dobson to provide detailed information for the Sub Committee to consider. PC Dobson outlined that these premises had always been or had the potential to be problematic and that had been the case throughout her 20 years experience of policing in the North Leeds area.

She explained how WYP had become aware of the involvement of well known criminal families in the running of the premises and had objected in respect of a series of proposed PLH and DPS changes, some of which had taken interim effect. Throughout this period residents had voiced concerns to WYP about how the premises were being run.

In July 2011 WYP had attended the premises with specially trained drugs dogs resulting in 4 people being arrested for possession or possession with intent to supply. Class A and class B drugs were found.

On one occasions WYP had served a closure notice under s19 Criminal Justice and Police Act as, despite the refusal of the proposed DPS resulting in there being no DPS to permit or authorise the sale of alcohol.

On 15 September there had been an incident at the premises in which a firearm was discharged and an individual shot in the back. Enquiries were ongoing and WYP were limited in the detail that could be given. WYP submitted that in their view the poor management of these premises drew this kind of clientele as they knew their behaviour would not be challenged. WYP felt it was pure chance that others had not been seriously injured or killed and the matter was being treated as an attempted murder.

WYP also highlighted an increase in intelligence logs relating to the premises. In the last 6 years 20-25 logs had been submitted compared to 26 logs since June 2011.



WYP submitted that the premises licence should be suspended pending the full review.

### **Submissions on behalf of the premises licence holder**

The PLH at the hearing was Stephanie Farqharson who had submitted a transfer application with immediate effect on the 23 September.

She outlined how the premises were being managed by her and her experience. She also identified some of the staff working at the pub. She disputed some aspects of the police case such as the numbers on site in July when drugs were found. She also indicated that steps had been taken recently and that other than the shooting there had been no grounds for concern since the last application to change the DPS/PLH.

She accepted that the shooting had occurred but felt that this was not as a result of the attendance at the premises and there was nothing she could have done to control the incident.

### **Decision**

The Sub Committee noted the submission made by both parties. They decided to suspend the premises licence pending the full review hearing and a decision made under s53C of the Licensg Act 2003 and until that decision took effect.

That decision was to take immediate effect under s53B (5) (a) of the Act.

The shooting on 15 September amounted to serious crime making it appropriate for WYP to seek a review and for the Sub Committee to impose interim steps under the relevant legal tests.

The police evidence and the response of the PLH to the questions posed by the Sub Committee indicated that there was no effective control being exercised at the premises. The Sub Committee found that no control had been exercised for some time as shown by

- 26 intelligence logs being submitted at the premises in the last 3 months
- The operation in July in which class A and B drugs had been found
- The service of a S19 Notice

Suspension was required pending the review for the protection of the public.

Arrangements were made to hear the review on Wednesday 19 October 2011 at 10:30 am within the Civic Hall.

Yours faithfully



Mr Stephen Holder  
Principal Licensing Officer  
Entertainment Licensing Section



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**NOT PROTECTIVELY MARKED**



**Licensing Department**  
Millgarth Police Station  
Millgarth Street  
Leeds  
LS2 7HX

***Leeds District Licensing***

Tel: 0113-2414023  
Fax: 0113-2413123  
Lynn.dobson@westyorkshire.pnn.police.uk

4 October 2011

**Ms Stephanie Farquharson**  
38 Boggart Hill Road  
Seacroft  
Leeds LS14 1LQ

cc. Entertainment Licensing Section – Leeds City Council, Civic Hall, Leeds. LS1 1UR

**NOTICE OF OBJECTION – TRANSFER OF PREMISES LICENCE:**  
**SECTION 42 (6)&(7) – LICENSING ACT 2003:**

**AND**

**NOTICE OF OBJECTION -**  
**VARY PREMISES LICENCE - DESIGNATED PREMISES SUPERVISOR:**  
**SECTION 37(5) & 37(6) LICENSING ACT 2003**

**PREMISES SUPERVISOR: STEPHANIE FARQUHARSON**

**PREMISES: THE KILN, BRIGNALL GARTH, LEEDS LS9 7HB**

I, **PC 5783 Dobson**, a licensing Officer for West Yorkshire Police, hereby give you notice that I intend to object to your applications for the transfer of the licence at the premises indicated above and to vary the designated premises supervisor. West Yorkshire Police are satisfied that the exceptional circumstances of this case are such that granting this application would undermine the crime prevention objective.

West Yorkshire Police are so satisfied for the following reasons:-

The Kiln Public House closed for several months after the departure of the last DPS. Prior to the closure, The Kiln was linked to drugs, anti-social behaviour and noise nuisance, which was directly attributed to the premises.

Since reopening, this is the forth application of its type to change the premises licence holder (PLH), Designated Premises Supervisor (DPS) or both. All other applications have been refused or withdrawn.

On 15<sup>th</sup> September 2011 a shooting took place at the premises in which a customer was shot, in the back, and sustained serious injuries.

**NOT PROTECTIVELY MARKED**

## **NOT PROTECTIVELY MARKED**

On 26 September 2011 an interim steps hearing took place at The Civic Hall following an application for an expedited review of the premises licence. The Licensing Committee suspended the licence at this hearing. A copy of the decision notice is attached to this letter.

You have been the lease holder and at times the licence holder since the premises opened in June this year. You have utilised the 'interim effect' to allow the premises to trade during the objection period, thereby giving the premises approximately three months of trade despite Police opposition. Throughout this time WYP have had concerns in relation to the management of the premises and crime and disorder attributed to the premises.

The full hearing for the expedited review is due to be heard on 19 October 2011.

West Yorkshire Police would ask any presiding Sub-Committee to refuse this application.

Lynn Dobson  
PC 5783  
North East Leeds Licensing

**NOT PROTECTIVELY MARKED**





**Report author: Mr Matthew Nelson**

Tel: 0113 247 4095

**Report of the head of licensing and registration**

**Report to the Licensing Sub Committee**

**Date: Monday 24th October 2011**

**Subject: Application to Vary a Premises Licence Held by the Kiln, Brignall Garth, Burmantofts, Leeds, LS9 7HB to Specify an Individual as Designated Premises Supervisor**

|   |   |  |
|---|---|--|
| Are specific electoral Wards affected?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| If relevant, name(s) of Ward(s):      Burmantofts & Richmond Hill               |   |  |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In?   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information?                     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| If relevant, Access to Information Procedure Rule number:                       |   |  |
| Appendix number:  |   |  |

**Summary of main issues**

1. This is an application to vary a premises licence for the Kiln, Brignall Garth, Burmantofts, Leeds, LS9 7HB to specify an individual as Designated Premises Supervisor.
2. The application is to specify Stephanie Farquharson as the Designated Premises Supervisor.
3. West Yorkshire Police have been served a copy of this application.
4. West Yorkshire Police have made representation to this application. It should be noted that this is the fourth application of its type to change the licence holder and Designated Premises Supervisor or both. All other applications have been refused or withdrawn.
5. Members should also note that these premises have been recently subject to Summary Review proceedings.

## Recommendations

The committee is asked to:

6. Consider the application and the representation made by West Yorkshire Police.
7. Take any of the steps detailed at 4.2, if any, they consider necessary for the promotion of the licensing objectives.

### 1 Purpose of this report

- 1.1 To advise Members of an application made under section 37 of the Licensing Act 2003 (“the Act”) to vary a premises licence in order to specify Stephanie Farquharson as the designated premises supervisor.
- 1.2 The Licensing Sub-Committee is required to consider this application due to the receipt of a representation from West Yorkshire Police. This is submitted in accordance with Sections 42(6) and 42(7) of the Licensing Act 2003.

### 2 Main issues

- 2.1 The proposed designated premises supervisor is Stephanie Farquharson.
- 2.2 A copy of the application is attached at **Appendix A** of this report.
- 2.3 Members should note that these premises are subject to Summary Review Proceedings under Section 53 of the Licensing Act 2003.

An Interim Steps hearing was held 26<sup>th</sup> September 2011 where the Sub Committee resolved to suspend the Premises Licence pending the full review hearing, a decision made under Section 53C of the Licensing Act 2003.

Attached at **Appendix B** is a copy of the decision notice following the Interim Steps Hearing.

The full review hearing is scheduled for Wednesday 19<sup>th</sup> October 2011.

Due to the short time period between each hearing, a copy of the decision notice following the full review hearing will be available as a late item on the day.

Members should note that any decision from the full review hearing is eligible for appeal to the Magistrates’ Court within 21 days on receipt of the decision notice.

### 2.4 Relevant Representations

- 2.4.1 Under the Act, representations can be received from West Yorkshire Police and must be relevant to the prevention of crime and disorder. Please find attached a copy of the representation at **Appendix C**.

## 2.5 Matters relevant to the application

2.5.1 Members of the Licensing Sub Committee must make decisions with a view to promoting the licensing objectives which are:

- The prevention of crime and disorder

## 3 **Corporate considerations**

### 3.1 Consultation and engagement

3.1.1 The application was subject to a 14 days consultation period with West Yorkshire Police in accordance with the Licensing Act 2003.

### 3.2 Equality and Diversity / Cohesion and Integration

3.2.1 The council has adopted a Statement of Licensing Policy which sets out the principles the council will use to exercise its functions under the Licensing Act 2003 and in which care has been taken in matters of equality, diversity and human rights. This policy is reviewed every three years. The council has completed equality, diversity, cohesion and integration screening and impact assessments with regards to the consultation process undertaken during the review of the policy.

### 3.3 Council Policies and City Priorities

3.3.1 When determining an application the licensing sub committee must have regard for the Licensing Act 2003 Statement of Licensing Policy which sets out the principles the council will use to exercise its functions under the Licensing Act 2003. Applicants are expected to read the policy before making their application and the council will refer to the policy when making its decisions.

3.3.2 The licensing regime contributes to the following aims:

#### **By 2030, Leeds will be fair, open and welcoming**

- Local people have the power to make decisions that affect them
- There is a culture of responsibility, respect for each other and the environment
- Our services meet the diverse needs of our changing population
- Everyone is proud to live and work

#### **By 2030, Leeds' economy will be prosperous and sustainable**

- Opportunities to work with secure, flexible employment and good wages

#### **By 2030, all Leeds' communities will be successful**

- Communities are safe and people feel safe

3.3.3 The licensing regime contributes to the following city priorities:

#### **Best city... for communities:**

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

### 3.4 Resources and Value for Money

3.4.1 The licensing process, including the licensing sub committee, generates a cost to the council. The majority of these costs are covered by the application fee. The fees are set by Statute, and there is little option to increase the fee to cover all the cost. However, the Police Reform and Social Responsibility Bill, due to receive Royal assent in November 2011, may allow local authorities to set their own fees in the future based on full cost recovery.

### 3.5 Legal Implications, Access to Information and Call In

3.5.1 Applicants and people making representations are able to challenge the licensing sub-committee's decision by appealing to the Magistrates Court. Legal advice is provided during the sub committee hearing and during deliberations to mitigate the risk to the council.

### 3.6 Risk Management

3.6.1 Full training and legal advice is provided to members sitting on Licensing Sub Committee in order to mitigate the risk of legal challenge.

## 4 **Conclusions**

4.1 An application has been received under the Licensing Act 2003 which is brought before a licensing sub committee for determination.

4.2 The licensing sub-committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- Grant as requested; or
- Reject the application.

## 5 **Recommendations**

The committee is asked to:

- Consider the application and the representation from West Yorkshire Police
- Take any of the steps detailed at 4.2, if any, they consider necessary for the promotion of the licensing objectives.

## 6 **Background papers**

6.1 Guidance issued under s182 Licensing Act 2003

6.2 Leeds City Council Licensing Policy



Entertainment Licensing, Leeds City Council, Civic Hall, Leeds, LS1 1UR

Application to vary a premises license to specify an individual as designated premises supervisor under the Licensing Act 2003.

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We STEPHANIE FARQUHARSON (Insert name of applicant)

being the premises license holder, apply to vary a premises license to specify the individual named in this application as the premises supervisor under Section 37 of the Licensing Act 2003

Premises licence number

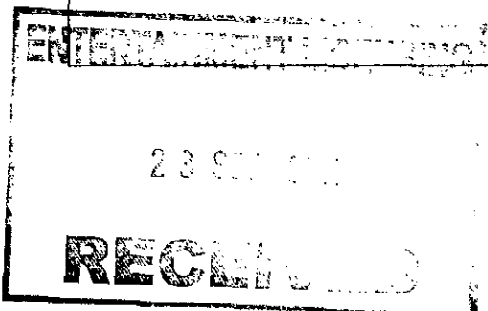
PREM 02323

Part 1 --Premises details

Name of Premises: KILN
Postal address of premises or, if none, ordnance survey map reference or description: Brighall Garth BURMANHOFTS
Post Town: LEEDS Postcode: LS9 7HB
Telephone number (if any): 07747884923
E-mail address (optional):

Description of premises (please read guidance note 1)

PUBLIC HOUSE.



Part 2

Full name of proposed designated premises supervisor

STEPHANIE FARQUHARSON

Personal license number of proposed designated premises supervisor and issuing authority of that license (if any)

PER 6098/11

Full name of existing designated premises supervisor (if any)

Please tick  Yes

I would like this application to have immediate effect under Section 38 of the Licensing Act 2003



I have enclosed the premises licence or relevant part of it



(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

Please tick  Yes

I have made or enclosed payment of the fee



I will give a copy of this application to the chief officer of police



I have enclosed the consent form completed by the proposed premises supervisor



I have enclosed the premises licence, or the relevant part of it or explanation



I will give a copy of this form to the existing premises supervisor, if any



I understand that if I do not comply with the above requirements my application will be rejected



**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE [ £5000 ], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**PART 3 - SIGNATURES** (please read guidance note 2)

Signature of applicant or applicant's solicitor or other duly authorised agent. (please read guidance note 3) If signing on behalf of the applicant please state in what capacity.

Signature Shepherd

Date 23/9/11

Capacity Firm Licence Holder

For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (Please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Capacity \_\_\_\_\_

|  |                 |
|--|-----------------|
| <b>Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)</b> |                 |
|  |                 |
| <b>Post Town</b>   | <b>Postcode</b> |
| <b>Telephone number (if any)</b>   |                 |
| <b>E-mail address (optional)</b>   |                 |

**Guidance notes**

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This page is intentionally left blank



Miss S V Farquharson  
38 Boggart Hill Road  
Seacroft  
Leeds  
LS14 1LQ

**Licensing and Registration  
Services**  
Civic Hall  
Leeds LS1 1UR

Contact: Stephen Holder  
Tel: (0113) 2474095  
Fax: (0113) 224 3885  
Email: [stephen.holder@leeds.gov.uk](mailto:stephen.holder@leeds.gov.uk)  
Our Ref: A80/StH/LIC  
Your Ref:

27 September 2011

Dear Madam,

### **INTERIM STEPS HEARING – The Kiln Brignall Garth Burmantofts**

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Prior to the hearing the Sub Committee considered the Licensing Officer's report containing a copy of the application made by West Yorkshire Police, copies of the relevant certificate and the

premises licence itself. In addition, the report contained a copy of the guidance issued by the Department for Culture, Media and Sport in respect of expedited and summary licence reviews.

## **In attendance**

### **The Applicant**

Sergeant R Fullilove, WYP  
Mr B Patterson, WYP  
PC Lynne Dobson WYP  
SGT. Coultate

### **Premises Licence Holder**

Miss S V Farquharson Premises Licence  
Holder  
Miss Marie Casey

## **The Hearing**

In considering the representations, the Sub Committee took into account the written evidence contained within the Licensing Officer's report, plus the verbal submissions made at the hearing by all parties.

The Sub Committee had regard to the provisions of the Licensing Act 2003 as amended by the Violent Crime Reduction Act 2006, and the Guidance on Expedited/Summary Licensing Reviews issued by DCMS. Members also considered the Council's own licensing policy, in particular section 13 (Enforcement and Reviews) and section 11 of the Guidance issued by the DCMS under section 182 of the Licensing Act 2003.

## **Submissions and evidence on behalf of the Applicant, West Yorkshire Police**

Mr Patterson outlined the application by WYP and invited PC Dobson to provide detailed information for the Sub Committee to consider. PC Dobson outlined that these premises had always been or had the potential to be problematic and that had been the case throughout her 20 years experience of policing in the North Leeds area.

She explained how WYP had become aware of the involvement of well known criminal families in the running of the premises and had objected in respect of a series of proposed PLH and DPS changes, some of which had taken interim effect. Throughout this period residents had voiced concerns to WYP about how the premises were being run.

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WYP submitted that the premises licence should be suspended pending the full review.

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The PLH at the hearing was Stephanie Farqharson who had submitted a transfer application with immediate effect on the 23 September.

She outlined how the premises were being managed by her and her experience. She also identified some of the staff working at the pub. She disputed some aspects of the police case such as the numbers on site in July when drugs were found. She also indicated that steps had been taken recently and that other than the shooting there had been no grounds for concern since the last application to change the DPS/PLH.

She accepted that the shooting had occurred but felt that this was not as a result of the attendance at the premises and there was nothing she could have done to control the incident.

### **Decision**

The Sub Committee noted the submission made by both parties. They decided to suspend the premises licence pending the full review hearing and a decision made under s53C of the Licensng Act 2003 and until that decision took effect.

That decision was to take immediate effect under s53B (5) (a) of the Act.

The shooting on 15 September amounted to serious crime making it appropriate for WYP to seek a review and for the Sub Committee to impose interim steps under the relevant legal tests.

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- 26 intelligence logs being submitted at the premises in the last 3 months
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- The service of a S19 Notice

Suspension was required pending the review for the protection of the public.

Arrangements were made to hear the review on Wednesday 19 October 2011 at 10:30 am within the Civic Hall.

Yours faithfully



Mr Stephen Holder  
Principal Licensing Officer  
Entertainment Licensing Section



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**NOT PROTECTIVELY MARKED**



**Licensing Department**  
Millgarth Police Station  
Millgarth Street  
Leeds  
LS2 7HX

*Leeds District Licensing*

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4 October 2011

**Ms Stephanie Farquharson**  
38 Boggart Hill Road  
Seacroft  
Leeds LS14 1LQ

cc. Entertainment Licensing Section – Leeds City Council, Civic Hall, Leeds. LS1 1UR

**NOTICE OF OBJECTION – TRANSFER OF PREMISES LICENCE:**  
**SECTION 42 (6)&(7) – LICENSING ACT 2003:**

**AND**

**NOTICE OF OBJECTION -**  
**VARY PREMISES LICENCE - DESIGNATED PREMISES SUPERVISOR:**  
**SECTION 37(5) & 37(6) LICENSING ACT 2003**

**PREMISES SUPERVISOR: STEPHANIE FARQUHARSON**

**PREMISES: THE KILN, BRIGNALL GARTH, LEEDS LS9 7HB**

I, **PC 5783 Dobson**, a licensing Officer for West Yorkshire Police, hereby give you notice that I intend to object to your applications for the transfer of the licence at the premises indicated above and to vary the designated premises supervisor. West Yorkshire Police are satisfied that the exceptional circumstances of this case are such that granting this application would undermine the crime prevention objective.

West Yorkshire Police are so satisfied for the following reasons:-

The Kiln Public House closed for several months after the departure of the last DPS. Prior to the closure, The Kiln was linked to drugs, anti-social behaviour and noise nuisance, which was directly attributed to the premises.

Since reopening, this is the forth application of its type to change the premises licence holder (PLH), Designated Premises Supervisor (DPS) or both. All other applications have been refused or withdrawn.

On 15<sup>th</sup> September 2011 a shooting took place at the premises in which a customer was shot, in the back, and sustained serious injuries.

**NOT PROTECTIVELY MARKED**

## **NOT PROTECTIVELY MARKED**

On 26 September 2011 an interim steps hearing took place at The Civic Hall following an application for an expedited review of the premises licence. The Licensing Committee suspended the licence at this hearing. A copy of the decision notice is attached to this letter.

You have been the lease holder and at times the licence holder since the premises opened in June this year. You have utilised the 'interim effect' to allow the premises to trade during the objection period, thereby giving the premises approximately three months of trade despite Police opposition. Throughout this time WYP have had concerns in relation to the management of the premises and crime and disorder attributed to the premises.

The full hearing for the expedited review is due to be heard on 19 October 2011.

West Yorkshire Police would ask any presiding Sub-Committee to refuse this application.

Lynn Dobson  
PC 5783  
North East Leeds Licensing

**NOT PROTECTIVELY MARKED**