



LICENSING SUB-COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
TUESDAY, 19TH DECEMBER, 2017 AT 10.00 AM

MEMBERSHIP

Councillors

N Buckley	Alwoodley
J Dunn	Ardsley and Robin Hood
K Groves	Middleton Park

Agenda compiled by:
Governance Services
Civic Hall
LEEDS LS1 1UR
Tel No: 0113 3788662

A G E N D A

Item No	Ward	Item Not Open		Page No
2			<p><u>PRELIMINARY PROCEDURES</u></p> <p>ELECTION OF THE CHAIR</p> <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 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 15.2, 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>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</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>RESOLVED – 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>LATE ITEMS</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>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p> <p><u>HEARINGS</u></p>	
6	Otley and Yeadon		<p>TEMPORARY EVENT NOTICE FOR BEST KEBABS, 48 - 50 WESTGATE, OTLEY, LS21 3AS</p> <p>To receive and consider the attached report of the Head of Elections, Licensing and Registration regarding an application for a temporary event notice at Best Kebabs, 48-50 Westgate, Otley, LS21 3AS</p> <p><u>Third Party Recording</u></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties – code of practice</p> <ul style="list-style-type: none"> a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete. 	1 - 18



Report author: Mr Shaam Amin
0113 378 5029

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 19th December 2017

Subject: Temporary event notice for Best Kebabs Best Kebabs, 48 - 50 Westgate, Otley, LS21 3AS

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):		
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

This report advises Members that a temporary event notice has been received and the West Yorkshire Police have served an objection notice on the grounds of crime and disorder.

Members of the Licensing Sub Committee are asked to consider the temporary event notice and the objection notice.

1 Purpose of this report

- 1.1 To advise Members of a temporary event notice served under section 100 of the Licensing Act 2003 ("the Act") in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of an objection notice from West Yorkshire Police.

2 History of premises

- 2.1 This premises benefits from a premises licence. A copy of the licence is attached at Appendix A.
- 2.2 The enforcement team from Entertainment Licensing have two live complaints from May & July 2017.

Warning letters were sent to premises licence holder at the premises and his home address.

Summary of incidents

2/7/17 There has been a positive test purchase (Portion of chips) at 0050 hours CB/SL

5/11/2017 Police officers broke up a fight outside the premises at 0210 hours premises still open premises should cease hot food sales at 00:30.

7/11/17 Further warning letter sent to the premises licence holder.

9/11/17 Visit to the premises by Entertainment Licensing enforcement team met premises licence holder regarding recent incident premises operating at 02:10 hours. Request was made to view CCTV related to incident on 5th November 2017 PLH stated he had not yet installed CCTV system.

The CCTV conditions are numbers 1-3 on the licence. The premises licence holder was told to install the system as soon as possible as it was a serious breach of his licence.

CCTV should have been installed 18 months ago he was advised that further breaches or incidents at the premises could result in a Review of the Premises Licence

13/11/17 Further check by passing Police officers found Best Kebabs still trading at 00:40 hours they then rang premises to see if they would still take orders for delivery and the staff were willing to take food orders.

14/11/17 Contact from Otley Police to discuss further action it was agreed that Police would continue to monitor and any further breaches would result in premises licence holder being invited to attend a meeting at Otley Police Station with West Yorkshire Police and Entertainment Licensing Section.

3 The temporary event notice

3.1 The proposed premises user is Mr Sajid Khan.

3.2 A copy of the temporary event notice is attached at Appendix B.

3.3 In summary the temporary event notice is for

Provision of late night refreshment

Saturday 30th December 2017 00:00 until 03:00

Sunday 31st December 2017 00:00 until 03:00

Monday 01st January 2018 00:00 until 03:00

3.4 The location of the premises can be seen on the map at Appendix C.

4 Representations

4.1 West Yorkshire Police and LCC Environmental Protection Team have received a copy of the notice.

4.2 West Yorkshire Police consider that allowing the premises to be used in the manner set out in the temporary event notice will undermine the prevention of crime and disorder and have issued an objection notice.

4.3 Copies of the objection notice may be found at Appendix D.

5 Equality and diversity implications

5.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

6 Options Available to Members

6.1 The Licensing Sub Committee must take such of the following steps as it considers appropriate to promote the licensing objectives:

- Issue a counter notice against the event in order to prevent the event from taking place.
- If the premises benefits from a premises licence, attach relevant conditions which are attached to that premises licence
- Allow the event to take place

6.2 Members of the Licensing Sub Committee are asked to note that they may only attach conditions that are present on the premises licence and are relevant to the activities stated on the temporary event notice.

7 Background papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy

Premises Licence Appendix A

Part A Schedule 12 Licensing Act 2003

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

Best Kebab, 48 & 50 Westgate, Otley, LS21 3AS

Licensable activities authorised by this licence

Provision of late night refreshment,

Times the licence authorises the carrying out of licensable activities

Provision of late night refreshment

Friday & Saturday	23 00 - 00 30
Sunday to Thursday	23 00 - 00 00

Location of activity	Indoors
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Further details	Hot food takeaway
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Details relating to all activities

Concerns in respect of children

None

Opening hours of the premises

Friday & Saturday	16 00 - 00 30
Sunday to Monday	16 00 - 00 00

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

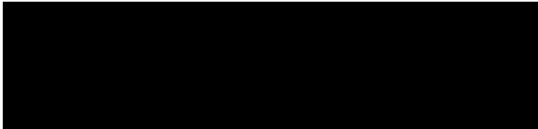
Mr Sajid Khan



Mobile Telephone Number



Licence issued under the authority of Leeds City Council



Miss Janice Archibald
Licensing Officer
Entertainment Licensing
Elections, Licensing and Registration

Annex 1 – Mandatory Conditions

None

Annex 2 – Conditions consistent with the operating schedule

The prevention of crime and disorder

- 1 A suitable Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises
- 2 The CCTV system will contain the correct time and date stamp information
- 3 The CCTV system will have sufficient storage retention capacity for a minimum of 31 days continuous footage which will be of good quality

Public Safety

- 4 Members of the public will be prevented from accessing hot food and drink preparation areas to prevent risk of scald or burns

The prevention of public nuisance

- 5 Noise from a licensable activity at the premises will be inaudible at the nearest noise sensitive premises
- 6 Licensable activities shall be conducted and the facilities for licensed activities shall be designed and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties
- 7 There shall be no external loudspeakers
- 8 Bottles will not be placed in any external receptacle between 11 pm and 7 am the following day to minimise noise disturbance to neighbouring properties
- 9 Noise from plant or machinery shall not be audible at the nearest noise sensitive premises during the operation of the plant or machinery Plant and machinery shall be regularly serviced and maintained to meet this level
- 10 The activities of persons using the external areas shall be monitored after 11 pm and they shall be reminded to have regard to the needs of local residents and to refrain from shouting and anti-social behaviour etc when necessary
- 11 The PLH/DPS shall ensure that litter arising from people using the premises is cleared away regularly and that promotional materials such as flyers do not create litter
- 12 Clear and legible notices will be displayed at exits, car parks and other circulatory areas requesting patrons to leave the premises quietly having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos and anti-social behaviour

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

The plans for these premises are as those submitted with the application. A copy of which is held by Leeds City Council licensing authority.

Appendix B

TEN/02893/17
054728



TEN

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

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below

1 The personal details of premises user (Please read note*1)	
1 Your name	
Title MR	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname KHAN	
Forenames SAJID	
2 Previous names (Please enter details of any previous names or maiden names if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
3 Your date of birth	
4 Your place of birth	
5 National Insurance Number	
6 Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
48-50 Westgate Otley	
Post town Leeds	Post code LS21 3AS
7 Other contact details	
Telephone numbers	
Daytime	
Evening (optional)	
Mobile (optional)	
FAX NUMBER (optional)	
E-Mail Address (if available)	

8 Alternative address for correspondence (if you complete the detail below we will use this address to correspond with you)	
Post town	Post code
9 Alternative contact details (if applicable)	
Telephone numbers	
Daytime	
Evening (optional)	
Mobile (optional)	
FAX NUMBER (optional)	
E-Mail Address (if available)	

2 The premises	
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)	
48-50 Westgate Otley Leeds LS21 3AS	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so please enter the licence or certificate number below	
Premises licence number	PREM/03724/001
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies please give a description and details below (Please read note 3)	
Please describe the nature of the premises below (Please read note 4)	
Takeaway/delivery service	
Please describe the nature of the event below (Please read note 5)	
Late night refreshments	

3 The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on) (Please read note 6)		
The sale by retail of alcohol		<input type="checkbox"/>
The supply of alcohol by or on behalf of a club to or to the order of, a member of the club		<input type="checkbox"/>
The provision of regulated entertainment		<input type="checkbox"/>
The provision of late night refreshment		<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)		<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities (Please read note 8)		
15, 16 and 17 December 22, 23 and 24 December 29, 30 and 31 December 30 - 31 Dec & 1 JAN 18 (SA)		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock) (Please read note 9)		
0.30 - 2.00 0.30 - 2.30 (22-23 and 24 December) 0.30 - 2.30 (29, 30 and 31 December) 0000 - 8300 (SA)		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (Please read note 10)		
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an X next to the appropriate box) (Please read note 11)	On the premises only	<input type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

Please state if the licensable activities will include the provision of relevant entertainment. If so please state the times during the event period that you propose to provide relevant entertainment (Please read note 12)	

4 Personal licence holders (Please read note 13)		
Do you currently hold a valid personal licence? (Please tick)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below		
Issuing licensing authority Licence number Date of issue Any further relevant details		

5 Previous temporary event notices you have given (Please read note 14 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period a) ends 24 hours or less before or b) begins 24 hours or less after, the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6 Associates and business colleagues (Please read note 15 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices if any) your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period a) ends 24 hours or less before, or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period a) ends 24 hours or less before or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7 Checklist (Please read note 16)	
I have (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclose payment of the fee for the application	<input type="checkbox"/>
Signed the declaration in Section 9 below	<input type="checkbox"/>

8. Condition <i>Please read note 17</i>
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user

9 Declarations <i>Please read note 18</i>
The information contained in this form is correct to the best of my knowledge and belief
I understand that it is an offence
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale and
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months or to both
SIGNATURE
DATE 8 12 17
Name of Person signing XXXXXXXXXX

For completion by the licensing authority

10 Acknowledgement <i>(Please read note 19)</i>
I acknowledge receipt of this temporary event notice
SIGNATURE On behalf of the Licensing Authority
DATE
Name of officer signing

NOTES

General

In these notes, a person who gives a temporary event notice is called a “premises user”

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority may intervene of its own volition in the cases described below

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 7 below)

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below)

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to

- the number of times a person (the “premises user”) may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people),
- the number of times a person (the “premises user”) may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people),
- the number of times a temporary event notice may be given in respect of any particular premises (15 times in a calendar year),
- the length of time a temporary event may last for these purposes (168 hours),
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year), and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499)

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 15 below explains the definition of an “associate”

When permitted temporary activities take place, a premises user must either ensure that

- a copy of the temporary event notice is prominently displayed at the premises, or
- the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose



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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**Leeds District Licensing
Department**

**Leeds District Licensing Department
First Floor**
Elland Road DHQ
Elland Road
Leeds
LS11 8BU



14TH December 2017



Best Kebabs
48-50 Westgate
Otley
Leeds
LS21 3AS

cc. Entertainment Licensing Section – Leeds City Council Civic Hall Leeds LS1 1UR.
cc. Health & Environmental Action Service – Leeds City Council Millshaw Park Way LS11 0LS

**NOTICE OF OBJECTION BY A RELEVANT PERSON
TO TEMPORARY EVENT NOTICE
SECTION 104(2) as amended – LICENSING ACT 2003**

PREMISES: Best Kebabs
48-50 Westgate
Otley
Leeds
LS21 3AS

Your temporary event notice was received by West Yorkshire Police at the above address on 12th December 2017. The notices relate to licensable activities at the premises on:- 30th December 2017 to 1st January 2018 from 00:00 until 03:00.

I  **for West Yorkshire Police**, hereby give you notice that I intend to object to your temporary event notice.

West Yorkshire Police are satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective, for the following documented reasons:-

NOT PROTECTIVELY MARKED

Due to crime and disorder at the premises being under close scrutiny at this time as a result of serious disorder incident within the last month. The premises have been found operating on numerous occasions beyond their licensed hours. Allowing the premises extended hours over a busy Bank Holiday period would undermine the 'prevent crime and disorder' licensing objective. During the proposed period of this T.E.N. (0000-03:00 on each day between 30th Dec 2017 to 1st January 2018) customers will already be in a heightened state of inebriation and at premises that are currently struggling to promote this objective the chances of further crime and disorder would be substantially increased, and public safety would therefore also be compromised. The premises have not installed the required CCTV system that is part of their licence as set by the mandatory conditions noted 1 to 3.

West Yorkshire Police therefore have concerns that the prevention of crime and disorder licensing objective is being undermined in general at the premises.

West Yorkshire Police therefore ask the presiding sub-committee at any future hearing to give the premises user a counter notice in promotion of the licensing objectives, under Section 105 Licensing Act 2003.



NOT PROTECTIVELY MARKED