

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

