



LICENSING SUB-COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON

TUESDAY, 8TH MAY, 2018 AT 10.00 AM

MEMBERSHIP

Councillors

- M Harland - Kippax and Methley;
- A Khan - Burmantofts and Richmond Hill;
- G Wilkinson - Wetherby;

**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>REVIEW OF THE PREMISES LICENCE FOR BEST KEBAB, 48 & 50 WESTGATE, OTLEY, LS21 3AS</p> <p>To consider the report of the Head of Elections, Licensing and Registration on an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003, sought by the Licensing Authority in respect of Best Kebab, 48 & 50 Westgate, Otley, LS21 3AS.</p> <p>(Report attached)</p>	1 - 134
7	Otley and Yeadon		<p>APPLICATION TO VARY A PREMISES LICENCE HELD BY BEST KEBAB 48 & 50 WESTGATE, OTLEY, LS21 3AS</p> <p>To consider the report of the Head of Elections, Licensing and Registration on an application to vary a premises licence, made by Mr Sajid Khan, for Best Kebab 48 & 50 Westgate, Otley, LS21 3AS.</p> <p>(Report attached)</p>	135 - 156

Item No	Ward	Item Not Open		Page No
			<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. 	

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Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 8th May 2018

Subject: Review of the Premises Licence for Best Kebab, 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): Otley & Yeadon		
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:		

Executive Summary

This report informs Members of an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003, sought by in respect of , 48 & 50 Westgate, Otley, LS21 3AS, . The licensing authority is now under a duty to review the premises licence held by these premises.

1.0 Purpose of this Report

1.1 This report provides Members with the background and history to the making of the review application made by Leeds City Council Entertainment Licensing (**Appendix A**). The report sets out the relevant law when reviewing licences under the Licensing Act 2003 (“the Act”), and informs members of the options available to them when reviewing a premises licence.

2.0 Background Information

2.1 On the 1st February 2016, an application was received in the Licensing Office for the grant of a premises licence for the sale of late night refreshment up to 2 am on weekends. The application attracted representations from responsible authorities and other persons and a ward councilor and was scheduled for hearing before the Licensing Sub Committee where the decision was made to grant the licence, adding the agreed conditions and reducing the hours applied for to up to 00:30 on weekends. The licence was granted in March 2016.

Complaints from residents were received in May 2017, alleging that the premises were repeatedly exceeding their permitted hours up to 2 am on weekends.

Warning letters were sent to the premises and the licence holder's home address, the licence holder was advised that the premises would be monitored for compliance.

In July 2017, officers from Entertainment Licensing carried out a covert Test Purchase of hot food, this was 20 minutes after the last permitted sale of hot food. Warning letters were again sent to the Licence Holder at the shop and home address.

On the 5th November 2017, Police Officers attended a large disturbance outside the shop at 2 am, the officers reported that the shop was still open at that time, this is 90 minutes after the last permitted sale of hot food. A further warning letter was sent to the Licence Holder at the shop and his home address.

An enforcement officer visited the shop on 9th November 2017 and spoke to the Licence Holder. They discussed the recent incident and asked to view the CCTV system (conditions 1-3) on the premises licence. Mr Khan stated that he had not installed the CCTV system he had agreed to install at the Licensing Committee hearing on 29th March 2016. As a result, no footage was available to Police, to assist in identifying persons involved in the incident.

On the 15th November 2017, a Police Community Support Officer witnessed the shop operating at 00:40 hours, last sale permitted of hot food on that day was midnight.

On the 5th December 2017, Mr Khan rang Licensing advising that he had been unable to find anyone to install CCTV prior to Christmas. He was advised that he was continuing to breach CCTV conditions, he was also advised that police had witnessed breaches of hours on the 15th November 2017.

On the 12th December 2017, two x TEN (temporary event notice) applications were received from the licence holder. The first application was for the weekend before Christmas, the second was for the weekend before and including New Year's Day. As the first application was not received 10 working days before the date of the first TEN, it was classed as a Late TEN. A representation was received from West Yorkshire Police, this meant that the TEN had to be rejected and on 14th December 2017, a Counter Notice was issued to the Licence Holder.

The 2nd TEN for the weekend of New Year's Eve was also subject to a representation from West Yorkshire Police due to recent disorder at the premises and because the premises were still failing to comply with the conditions relating to CCTV.

As a result, Mr Khan emailed Licensing withdrawing this TEN. The email was received on 15th December 2017.

Entertainment Licensing were advised by West Yorkshire Police that the premises had exceeded their permitted hours and had chosen to disregard the Counter Notice on the 23rd and 24th December 2017.

Entertainment Licensing were advised by West Yorkshire Police that the premises had exceeded their hours up to 1:45 on New Year's Day, the normal hours for hot food being midnight on that day.

On 5th February 2018, the premises licence holder and his solicitor attended a meeting at Otley Police Station where Council and Police Licensing Officers advised Mr Khan of the breaches of his licence. The premises licence holder advised the meeting that he had installed the CCTV system.

On the 16th February 2018, an Enforcement Officer visited Best Kebab and requested to view the CCTV to check compliance with conditions 1-3 of the licence. The premises licence holder admitted that only the cameras were fitted and there was no hard drive or monitor to view footage.

The Licensing Authority did consider the option of prosecution via the Courts, however it was felt that due to the repeated breaches of licensed hours and conditions, a review was the preferred option with the recommendation to revoke the existing licence.

The review application was submitted on the 13th March 2018.

The decision notice is attached at **Appendix B**.

3.0 Premises Licence

3.1 The premises licence holder is Mr Sajid Khan.

3.2 A copy of the premises licence can be found at **Appendix C** of this report. In summary, the premises licence permits the following:

The provision of Late night refreshment

Sunday to Thursday - 23:00 to 00:00

Friday and Saturday - 23:00 to 00:30

There are no non-standard timings

5.0 Location

5.1 A map which identifies the location of the premises are attached at **Appendix D**.

6.0 Main Issues

6.1 The Licensing Authority is applying for the Review under the following Licensing Objectives:

The prevention of crime and disorder

As well as the evidence of persistent breaches of the Licensing Act 2003, the evidence from Police of a large disorder at the premises in November indicates that operating later attracts persons who may be under the influence of alcohol.

Evidence also produced that the premises has refused to provide the CCTV system that the licence holder agreed to install at the committee hearing in March 2016. As a result, this restricted the Police in investigating the disorder in November 2017, if

the CCTV system had been operating as per the conditions 1-3 on the licence, it would have assisted the Police and may have been a deterrent to persons who participate in acts of violence.

The prevention of public nuisance

The Licensing Authority feels that any increase in the permitted hours for Late night refreshment would compromise the above objectives and subject properties in the area to nuisance over an extended period. The premises licence holder's inability to comply with the permitted hours on the existing licence is unlikely to result in them complying with the proposed extended hours.

7.0 Relevant Representations/Letters of Support

7.1 Under the Act representations/support can be received from responsible authorities and or other persons. Representations must be relevant and, in the case of other people, must not be frivolous or vexatious.

7.2 A letter in support of the review application has been received from the Ward Councillor. Member's attention is drawn to the background papers provided.

8.0 Matters Relevant to the Application

8.1 Members of the Licensing Sub Committee must make decisions which are appropriate to the promotion of the licensing objectives which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

8.2 In making their decision Members are obliged to have regard to guidance issued under Section 182 of the Act. A copy of the relevant section is attached at **Appendix E**. Members must also have regard to the Council's licensing policy, the relevant representations made and evidence they hear.

9.0 Implications for Council Policy and Government

9.1 It is the stated licensing policy of the Council that when considering a review the authority will take into account all relevant circumstances, but will view the matters listed in paragraph 13.15 of the policy with particular seriousness.

10.0 Legal and Resource Implications

10.1 There are no resource implications in determining the review.

10.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrate's Court.

11.0 Recommendations

11.1 Members are requested to determine this review. The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- to modify the conditions of the licence (which includes adding new conditions or any alteration or omission of an existing condition);
- exclude any licensable activities to which the application relates;
- to suspend the licence for a period not exceeding 3 months; and/or
- to revoke the licence.

- 11.2 Members may decide that no action is necessary and that the circumstance of the review does not require the Committee to take any steps to promote the licensing objectives.
- 11.3 Members should note the guidance also suggests it is open to Members to issue an informal warning to the licence holder or to recommend improvement within a particular time. However the Guidance further provides that where responsible authorities have already issued such warnings, the issuing of another warning should not be repeated.
- 11.4 Where the Committee decide that a modification of conditions or exclusion of licensable activities may be imposed, this can either be permanently or for a temporary period of up to three months.
- 11.5 Members are directed to paragraphs 11.25 to 11.31 of the Statutory Guidance which related to reviews arising in connection with crime.
- 11.6 Members of the Licensing Committee are asked to note that they may not take any of the steps outlined above merely because they consider it desirable to do so. It must be appropriate for the promotion of the licensing objectives.

12.0 Background Papers

- 12.1 Guidance issued under s182 Licensing Act 2003
- 12.2 Leeds City Council Statement of Licensing Policy
- 12.3 Background papers – Support of the review from a Ward Councillor

Appendices

- Appendix A Review application
- Appendix B Decision Letter
- Appendix C Premises Licence
- Appendix D Map of premises
- Appendix E Extract from the s182 Guidance

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REV1

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

**Application for a review of a premises licence or club premises certificate
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.

We the Licensing Authority apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description Best Kebab 48-50 Westgate Otley		<div style="border: 2px solid black; padding: 10px; width: fit-content; margin: auto;"> ENTERTAINMENT LICENSING 13 MAR 2018 RECEIVED </div>
Post town Leeds	Post code LS21 3AS	

Name of premises licence holder
 Sajid Khan

Number of premises licence or club premises certificate (if known)
 PREM/03724/001

Part 2 – Applicant details

- | | | |
|---|--|-------------------------------------|
| | I am | Please tick ✓ yes |
| 1 | An individual, body or business which is not a responsible authority (please read guidance note 1 and complete (A) or (B) below) | <input type="checkbox"/> |
| 2 | A responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3 | A member of the club to which this application relates (please complete (A) below) | <input type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as 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) DETAILS OF OTHER APPLICANT

Name
Address
Telephone number (if any)
E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name Leeds City Council (Licensing Authority)
Address Entertainment Licensing Civic Hall Leeds LS1 1UR

Telephone number (if any) 0113 3785029
E-mail (optional) Entertainment licensing@leeds.gov.uk

This application to review relates to the following licensing objectives(s)

Please tick one or more boxes ✓

- | | | |
|---|--------------------------------------|-------------------------------------|
| 1 | the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2 | public safety | <input type="checkbox"/> |
| 3 | the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4 | the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

The premises was granted a licence in March 2016 following a Licensing Committee hearing, originally the applicant applied for provision of Late Night Refreshment up to 2am on weekends Following representations from members of the public elected officials and Responsible Authorities the proposed hours were cut back to 11pm to midnight Sunday to Thursday and 11pm to 0030 hours on Friday & Saturday conditions on CCTV & noise were added following an agreement from Sajid Khan The new licence PREM/03724/001 was granted in March 2016

Complaints from residents were received in May 2017 alleging that the premises was repeatedly exceeding their permitted hours up to 2am on weekends

Warning Letters were sent to the Premises and the Licence Holders home address the Licence Holder was advised the premises would be monitored for compliance

In July 2017 officers from Entertainment Licensing carried out a covert Test Purchase of hot food this was 20 minutes after the last permitted sale of hot food
Warning letters were again sent to the Licence Holder at the shop & home address

On the 5th November 2017 Police Officers attended a large disturbance outside the shop at 2am the officers reported that the shop was still open at that time this is 90 minutes after the last permitted sale of hot food

A further warning letter was sent to the Licence Holder at the shop and his home address

Enforcement Officer visited the shop on 9th November 2017 and spoke to the Licence Holder they discussed the recent incident and he then asked to view the CCTV system (conditions 1-3) on the Premises Licence Mr Khan stated that he had not installed the CCTV system he had agreed to install at the Licensing Committee hearing on 29th March 2016 As a result no footage was available to Police to assist in identifying persons involved in the incident

On the 15th November 2017 a Police Community Support Officer witnessed the shop operating at 00 40 hours last sale permitted of hot food on that day is midnight

On the 5th December 2017 Mr Khan rang Licensing advising that he had been unable to find anyone to install CCTV prior to Xmas He was advised that he was continuing to breach CCTV conditions he was also advised that Police had witnessed breaches of hours on the 15th November 2017

On the 12th December 2017 two x TEN (Temporary Event Notice) applications were received from the Licence Holder The first application was for the weekend before Xmas the second was for the weekend before and including New Year s Day As the first application was not received 10 working days before the date of the first TEN it was classed as a Late TEN A representation was received from West Yorkshire Police this meant that the TEN has to be rejected and on 14th December 2017 a Counter Notice was issued to the Licence Holder

The 2nd TEN for the weekend of New Year s Eve was also subject to a Representation from West Yorkshire Police due to recent disorder at the premises and because the premises were still failing to comply with the conditions relating to CCTV

As a result Mr Khan emailed Licensing withdrawing this TEN the email was received on 15th December 2017

Entertainment Licensing was advised by West Yorkshire Police that the premises had exceeded their permitted hours and had chosen to disregard the Counter Notice on the 23rd & 24th December 2017

Entertainment Licensing were advised by West Yorkshire Police that the premises had exceeded their hours up to 0145 on New Year s Day the normal hours for hot food is midnight on that day

On 5th February 2018 the Premise Licence Holder and his solicitor attended a meeting at Otley Police Station where Council & Police Licensing Officers advised Mr Khan of the breaches of Licence The

Premise Licence Holder advised the meeting that he had installed the CCTV system

On 16th February 2018 an Enforcement Officer visited Best Kebab and requested to view the CCTV to check compliance with conditions 1-3 of the licence. The Premise Licence Holder admitted that only the cameras were fitted and there was no hard drive or monitor to view footage.

We believe that the premises has continually breached the permitted hours on the licence and that it has left us with no other option than to Review the Premises Licence.

We did consider the option of Prosecution via the Courts however it was felt that due to the repeated breaches of Licensed Hours and conditions a Review was the preferred option with the recommendation to Revoke the existing Licence.

The Licensing Authority is applying for Review under the following Licensing Objectives

The Prevention of Crime and Disorder

As well as the evidence of persistent breaches of the Licensing Act 2003 the evidence from Police of a large disorder at the premises in November indicates that operating later attracts persons who may be under the influence of alcohol. Evidence also produced that the premises has refused to provide the CCTV system that the Licence Holder agreed to install at the Committee hearing in March 2016. As a result this restricted the Police in investigating the disorder in November 2017 if the CCTV system had been operating as per the conditions 1-3 on the licence it would have assisted the Police and may have been a deterrent to persons to participate in acts of violence.

The prevention of public nuisance

The Licensing Authority feels that any increase in the permitted hours for Late Night Refreshment would compromise the above objectives and subject properties in the area to nuisance over an extended period.

The Premises Licence Holder's inability to comply with the permitted hours on the existing licence is unlikely to result in them complying with the proposed extended hours.

Please provide as much information as possible to support the application (please read guidance note 3)

Leeds City Council Entertainment Licensing

Statements & Exhibits from Michael Waters Senior Liaison & Enforcement Officer
Statement & Exhibits from Samantha Longfellow Senior Liaison & Enforcement Officer
Statement & from Carmel Brennand Senior Liaison & Enforcement Officer

West Yorkshire Police

Statement from Sergeant Hesse
Statement from PC King
Statement from PCSO Hebden
Statement from PC Dalton

Please tick ✓ yes

Have you made an application for review relating to this premises before?

If yes please state the date of that application

Day		Month		Year			

If you have made representations before relating to this premises please state what they were and when you made them

1 03 2018 Representation to oppose an application by LCF Law on behalf of the Premise Licence Holder to extend the hours at Best Kebab see Exhibit MW14

Please tick ✓ Yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 5) **If signing on behalf of the applicant please state in what capacity**

Signature



Date 12 03 2018

Capacity Senior Liaison & Enforcement Officer

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 6)	
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 A responsible authority includes the local police fire and rescue authority and other statutory bodies which exercise specific functions in the local area
- 2 The ground(s) for review must be based on one of the licensing objectives
- 3 Please list any additional information or details for example dates of problems which are included in the grounds for review if available
- 4 The application form must be signed
- 5 An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so
- 6 This is the address which we shall use to correspond with you about this application

Chronology of events

Key			
PLH	Premises Licence Holder	CB	Carmel Brennand
DPS	Designated Premises Supervisor	SL	Samantha Longfellow
WYP	West Yorkshire Police	MW	Michael Waters
PL	Premises Licence		
CCTV	Close Circuit Television		
LCC	Leeds City Council		
TEN	Temporary Event Notice		
Date	Reason	Result	
2016			
1 2 2016	Licence Application made by Sajid Khan	Representations made regarding licensed hours requested of up to 2 am Hearing date 29 th March	
29 3 2016	Notice of Decision	Licence granted with reduced hours of Sunday to Thursday 11pm to Midnight and Friday & Saturday 11pm to 00 30 hours CCTV conditions also attached	
29 3 2016	Premises Licence PREM/03724/001 issued	With conditions agreed at hearing	
8 5 2017	Complaint received (GE/002714) Take Away operating up to 2am on weekends	The hours stated by complainant were the hours originally requested on 1 2 16 Premises added to list of Take Away s under investigation	
8 5 2017	Warning Letter to PLH to Premises & home address	Hand delivered to shop	
2 7 2017	Covert Test Purchase by CB	Hot food purchased at 00 50 hours	
5 7 2017	Warning Letter to PLH following Test Purchase	Hand delivered to shop	
5 11 2017	Incident outside shop at 2 am advised by WYP shop still open	Statements from WYP	
7 11 2017	Warning Letter to PLH following incident on 5 11 17	Hand delivered to shop	
9 11 2017	Visit to Premises by MW met PLH asked to view CCTV from 5 11 17 PLH admitted no CCTV fitted	Breach of conditions 1-3 regarding CCTV	
15 11 2017	Police officers witnessed shop trading at 0040 hours	Licence states last sale is midnight breach of Licensed hours	
29 11 2017	Planning Application (17/08725) to extend opening hours to 1am		
5 12 2017	PLH rang MW to advise he could not get CCTV system installed pre Xmas	PLH advised he was continuing to breach licence re CCTV and advised of report from WYP regarding 20 11 17 trading after hours	
12 12 2017	2 x TEN applications received 1 for 2017	2017 TEN was a Late TEN application opposed by WYP	
14 12 2017	Counter Notice issued by ELS	Following representation by WYP	
15 12 2017	Email from PLH withdrawing 2 nd TEN for New Year 2018		
23 12 2017	Police Officers witnessed premises operating beyond Licensed Hours 01 30	Breach of Counter Notice issued 14 12 2017	

Chronology of events

24 12 2017	Police Officers witnessed premises still operating at 01 15 hours	Breach of Counter Notice issued 14 12 2017
2018		
01 01 2018	Police Officer witnessed shop still operating at 01 45 hours	This was the date of the 2 nd TEN withdrawn by PLH 15 12 2017
05 02 2018	Meeting at Otley Police Station with MW of ELS NF of WYP the PLH & his Solicitor	PLH received verbal caution by MW advised of all allegations of breaches of Licensed Hours No admittance of guilt PLH advised MW CCTV now fitted
16 02 2018	Visit to Premises by MW met PLH request to view CCTV by MW 2 x cameras only fitted no hard drive or monitor	CCTV still inoperative continued breach of conditions 1-3 since 29 3 2016
22 02 2018	Licence Application received by LCF Solicitors of Bradford to extend times for Late Night Refreshment to 1am	Application also advised of change of address of PLH
01 03 2018	Representation by Licensing Authority against the application to extend licensed hours at Best Kebab	Evidence provided of multiple breaches of existing licensed hours & of a Counter Notice issued by the Licensing Authority

WITNESS STATEMENT

(CJ ACT 1967, s 9, MC Act 1980 ss 5A(3)(a) and 5b MC Rules 1981 r 70)

Statement of Michael Waters

Age/Date of Birth – Over 21 Occupation – Senior Liaison & Enforcement Officer

This statement (consisting of four page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable for prosecution if I have wilfully stated anything which I know to be false or do not believe to be true

Dated ~~1st February 2018~~

Signature 

I am the above named person I am employed full - time as a Senior Liaison and Enforcement Officer with the Leeds City Council Entertainment Licensing Section My duties include investigating unauthorised activities contrary to the Licensing Act 2003 I have delegated authority under the said Act

Since the 24th November 2005 the provision of late night refreshment between the hours of 11pm and 5am is a licensable activity under the Licensing Act 2003 This means that a premises carrying out a licensable activity requires a Premises Licence or Temporary Event Notice (T E N) authorising it

As part of my duties I am responsible for licensing compliance and enforcement activities in the LS21 postcode area

In May 2017 a complaint (complaint number GE/002714 refers) was received by Leeds City Council Entertainment Licensing The allegation was that Best Kebab of 48 – 50 Westgate, Otley LS21 3AS was operating beyond the permitted times of their premises licence The premises currently benefit from a Premises Licence, premises licence number PREM/03724 refers, authorising the provision of late night refreshment from 11 00 pm to 12 midnight, Sunday to Thursday and 11 00 pm to 00 30 am on Fridays and Saturdays

The holder of the Premises Licence, Mr Sajid Khan of 3 Boynton Street, Bradford BD5 7BS made an application in February 2016 for a Premises Licence for 48 – 50 Westgate Otley A copy of that application form I produce as my Exhibit MW1 There were a number of representations made against the application from members of the public, Councillors and Responsible Authorities As required by the Licensing Authority a hearing of the Licensing

Signed 

Sub-committee was held on the 29th March 2016 After hearing submissions from the applicant, Mr Khan and hearing the representations against the application the Licensing Sub-committee made its decision A copy of the decision letter I produce as my exhibit MW2 The Licensing Sub-committee resolved to grant the application with amended hours and with the conditions requested by the Police including the provision of a Closed-Circuit Television System (CCTV) and conditions regarding noise requested by Leeds City Council's Environmental Health Service

A Premises Licence (Premises Licence number PREM/03724/001 refers) was then issued from 29th March 2016 A copy of the licence issued I produce as my Exhibit MW3

Following receipt of the complaint on 8th May 2017 alleging the premises were open and serving customers after 2am, I issued a warning letter to the premises addressed to the Premises Licence Holder I produce a copy of the warning letter as my Exhibit MW4 The warning letter (exhibit MW4) sent on 8th May 2017 advised Mr Khan that the premises would be monitored for compliance and included a reminder about the current permitted hours and days for the provision of late night refreshment

On Sunday, 2nd July 2017 my colleague - a Senior Liaison & Enforcement Officer, undertook a covert test purchase at Best Kebab, Otley to check compliance of the Licensing Act The officer ordered and paid for hot food and was provided their hot food order at 00 50 hours, some 20 minutes after the last permitted sale of hot food The licence also states that the premises will be closed at 00 30 hours Following being advised of that breach of licence I prepared a further warning letter dated 5th July 2017 which was addressed to the Premises Licence Holder A copy of the letter I produce as my exhibit MW5

On the 19th July 2017 I received a further complaint from a member of the public (complaint number GE/002743 refers) The complainant alleged that the premises were operating up to 0230 am on weekends which resulted in noise from customers and vehicles using the shop affecting their sleep Shortly after receipt of the complaint I prepared a further warning letter dated 21st July 2017 A copy of the letter I produce as my exhibit MW6

On Monday, 6th November 2017 my office was contacted by Police officers from Otley Police Station who advised that they had to deal with a large disturbance outside Best

Signed

Kebab, Otley at 2am on 5th November 2017 They enquired whether the shop was licensed to be operating at that time As a result of this information I then prepared a warning letter addressed to the Premises Licence Holder which I produce as my exhibit MW7

I regarded the incident on 5th November 2017 as serious and needed to speak to the Premises Licence Holder, Sajid Khan On the 9th November 2017 I visited the Otley area and waited until Best Kebab opened I introduced myself to Sajid Khan as he arrived and we went inside the shop together to discuss the issue I gave Mr Khan a copy of my letter (exhibit MW7 refers) and explained the reason for my visit - 2 x complaints, a positive test purchase and an incident at 2am when the premises were still open and providing unauthorised late night refreshment I asked to view the CCTV which is conditions 1-3 on the Premises Licence Mr Khan stated that the CCTV system had not been installed He was advised that it was a serious breach of his licence The shop was granted a licence on condition of a CCTV system being installed and had been operating in breach since March 2016

On Wednesday, 15th November 2017 Police Officers advised me that Best Kebab was still operating at 00 40 hours The Premises Licence only allows the sale of hot food up to midnight from Sunday to Thursday inclusive

On 12th December 2017 the Licence Holder, Sajid Khan applied for 2 Temporary Event Notices A copy of TEN/02893/17 I produce as my exhibit MW 8 The applicant, Sajid Khan provided his mobile and email address This application was a 'Late TEN' for the period 22nd 23rd & 24th December 2017 West Yorkshire Police made a Representation and as a result a Counter Notice was issued on 14th December 2017 A copy of the Notice I produce as my Exhibit MW9 There was also an application for a TEN to cover the period of 30th December to 1st January 2018 West Yorkshire Police also made a representation to this due to recent disorder at the premises As a result of the representation from Police Officers the Licensing Sub-committee was to hold a Committee Hearing to discuss the application On the 15th December 2017 an email from Mr Khan was received advising that the remaining TEN application was withdrawn A copy of the email from

[REDACTED] I produce as my exhibit MW10

I was advised by West Yorkshire Police that Best Kebab were trading at 01 15 hours on 24th December 2017 after a Counter Notice had been issued to Sajid Khan advising that [REDACTED]

Signed [REDACTED]

the TEN for the period could not go ahead

Also on 1st January 2018 I received another email from West Yorkshire Police advising Best Kebab were still operating at 01 45 hours despite Sajid Khan sending an email advising that the application for extended hours over the New Year weekend had been withdrawn

As a result of numerous breaches of licence since the meeting with Mr Khan in early November and the breaches concerning the TENs despite a Counter Notice being served, I decided to arrange a meeting to be held at Otley Police Station with Sajid Khan, Entertainment Licensing & West Yorkshire Police Licensing A meeting was arranged for 2pm on Tuesday 30th January 2018 at Otley Police Station A copy of the letter to Sajid Khan I produce as my Exhibit MW11

I attended at Otley Police Station on 30th January 2018 along with Natasha Forrest, North West Leeds Police Licensing Officer Sajid Khan, the Premises Licence Holder for Best Kebab failed to attend I contacted Mr Khan on his mobile from Otley Police Station to enquire why he had failed to attend Mr Khan gave an explanation and indicated that his solicitor could not attend on that date I agreed to arrange a further meeting and sent a letter invite to Mr Khan I produce the letter as my exhibit MW12 The meeting is due to take place on Monday, 5th February 2018 at 2pm at Otley Police Station

Signature

WITNESS STATEMENT

(CJ ACT 1967 s 9, MC Act 1980 ss 5A(3)(a) and 5b MC Rules 1981 r 70)

Statement of Michael Waters

Age/Date of Birth – Over 21 Occupation – Senior Liaison & Enforcement Officer


This statement (consisting of TWO page(s) signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable for prosecution if I have wilfully stated anything which I know to be false or do not believe to be true

Dated **8th March 2018**

Signature 

I am the above named person I am employed full - time as a Senior Liaison and Enforcement Officer with the Leeds City Council Entertainment Licensing Section My duties include investigating unauthorised activities contrary to the Licensing Act 2003 I have delegated authority under the said Act

Further to my statement dated, 1st February 2018, on 5th February 2018 I attended at Otley Police Station, Bridge Street, Otley to meet with the Premises Licence Holder Of Best Kebab 48-50 Westgate, Otley Also present were Natasha Forrest, Police Licensing Officer, West Yorkshire Police, Mr Sajid Khan, the Premises Licence Holder along with his solicitor, Fazal Karim of Karim & Co Solicitors After introductions Mr Karim asked for disclosure I supplied the Solicitor with a Best Kebab Record of Events document, a copy which I produce as my Exhibit MW13 After the solicitor had a period to consult with Mr Khan we resumed the meeting I issued a verbal caution to Sajid Khan All the dates set out in exhibit MW13 were discussed but there were no admissions of guilt from Mr Khan He did inform us that the CCTV system was now installed

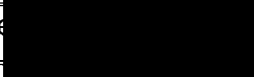
At 17 55 hours on Friday 16th February 2018 I visited Best Kebab and spoke to Sajid Khan The purpose of my visit was to view the CCTV system that he had advised me was installed to check that it was operating in accordance with the terms and conditions of his Premises Licence I asked to view the CCTV and Mr Khan pointed to two new cameras that had been installed I asked to view the footage from the cameras but he said he had not installed a monitor or hard drive I reminded Sajid Khan that he was still in breach of conditions 1 to 3 of his premises licence granted in March 2016 I again asked him to confirm by telephone call or email when the system is operational As of today's date, 8th March 2018, almost 3 weeks later no further response has been received from Sajid Khan regarding the CCTV system 

Signed 

On the 22nd February 2018 a licence application was received by Leeds City Council Entertainment Licensing from LCF Law. The application was to extend the hours at Best Kebab up to 1 am. A copy of the application I produce as my Exhibit MW14.

On the 1st March 2018 I made a Formal Representation against the Best Kebab application to extend its licensed hours. A copy of the representation I produce as my Exhibit MW15 *MW*

Signature



Best Kebab LS21

EXHIBIT REFERENCE NUMBER	SHORT DESCRIPTION OF EXHIBIT	Location of Exhibit
MW1	Licence application Feb 2016	On file
MW2	Licence application Notice of Decision March 2016	On file
MW3	Premises Licence PREM/03724/001 for Best Kebab March 2016	On file
MW4	Warning Letter to S Khan 8 th May 2017 following initial complaint	On file
MW5	Warning Letter to S Khan 5 th July 2017 following Test Purchase	On file
MW6	Warning Letter to S Khan 21 st July 2017 following further complaint	On file
MW7	Warning Letter to S Khan 7 th November 2017 following incident on 5 th November 2017	On file
MW8	Temporary Event Notice (TEN) from S Khan 12 th December 2017	On file
MW9	Counter Notice issued to S Khan on 14 th December 2017	On file
MW10	Email from Best Kebab withdrawing TEN for 30/31 st December 2017 & 1 st January 2018	On file
MW11	Meeting Invitation letter to S Khan 22 nd January 2018	On file
MW12	2 nd Meeting Invitation Letter S Khan 31 st January 2018	On file
MW13	Best Kebab Record of Events	On file
MW14	Application from LCF Law to extend licensed hours at Best Kebab received 21st February 2018	On file
MW15	Representation by Licensing Authority to the application to extend licensed hours at Best Kebab dated 1 st March 2018	On file

LEEDS CITY COUNCIL

DOCUMENT REFERRED TO IN
MY STATEMENT AS

EXHIBIT NO. MW1 *1.0*

SIGNED 

JA

03724/001

£190-00



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.

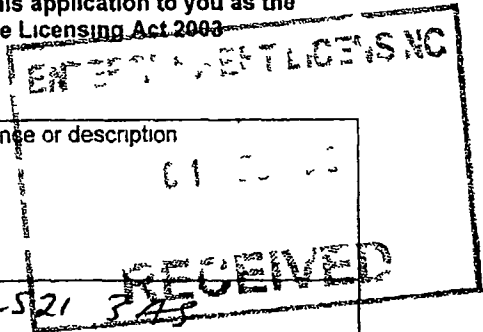
I/We **MR S KHAN**

(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 48 & 50 WESTGATE, OTLEY	
Post town OTLEY	Post code LS21 3AF



Telephone number of premises (if any) **01943 466656**

Non domestic rateable value of premises **£ 8000**

Part 2 – Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- 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 (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
 - o statutory function or
 - o 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:

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):

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)

(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	
2	9	0	1	2	0
				1	6

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)

END TERRACE (ARCADE OF SHOPS)

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 Schedules 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 late night refreshment (if ticking yes fill in box I)

Sale by retail of alcohol (if ticking yes fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (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

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a films take place indoors or outdoors or both – please tick (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						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
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

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (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 boxing or wrestling entertainment (please read guidance note 4)	
Thur					
Fri			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)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
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 Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
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

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			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)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
			Will the entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the entertainment of a similar description to that falling within (e) (f) or (g) (please read guidance note 4)		
Thur					
Fri			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)		
Sat					
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23-00	21-00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	23-00	1-00AM		<i>HOT FOOD TAKEAWAY</i>	
Wed	23-00	1-00AM	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23-00	1-00AM			
Fri	23-00	2-00AM	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)		
Sat	23-00	2-00AM			
Sun	23-00	1-00AM			

J

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

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name MR S KHAN

Address



Postcode

Personal licence number (if known)

Issuing licensing authority (if known)

K

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 NON

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	16-00	1-00AM	Non standard timings 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. (please read guidance note 5)
Tue	16-00	1-00AM	
Wed	16-00	1-00AM	
Thur	16-00	1-00AM	
Fri	16-00	2-00AM	
Sat	16-00	2-00AM	
Sun	16-00	1-00AM	

M

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)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist

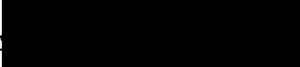
Please tick to indicate agreement

- 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 designated 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		
Date	28/11/2016	
Capacity	owner	

For joint applications signature of 2nd applicant or 2nd 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)	

LEEDS CITY COUNCIL
DOCUMENT REFERRED TO IN
MY STATEMENT AS -
EXHIBIT NO. MW2
SIGNED 

Notice of Decision
of the Licensing Sub Committee



Date of Hearing 29th March 2016

Determination Date 29th March 2016

Notice of Decision 6th April 2016

Members Councillor Gerald Wilkinson (Chair)
Councillor Ghulam Hussain
Councillor Mary Harland

Legal Officer Joy Lounds

Committee Clerk Debbie Oldham

Licensing Officer Philomena Carville

Applicant Mr Sajid Khan

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

Application Grant of a Premises Licence

Attendees Mr Sajid Khan, (applicant), Cat Sanderson (WYP) Cllr
Campbell, (objector)

This application was brought before the Licensing Sub Committee due to the receipt of relevant representations

The Licensing Sub Committee considered

- 1 Report from the Head of Licensing and Registration
- 2 Licensing Act 2003
- 3 Guidance issued by the Home Office pursuant to Section 182 of the act
- 4 Relevant licensing objectives
- 5 Licensing Act 2003 Statement of Licensing Policy 2014 – 2018
- 6 Local Licensing Guidance (if relevant)
- 7 Representations received from responsible authorities
- 8 Representations received from other persons

Having taken all these matters into account the Licensing Sub Committee have agreed to **grant** the application in line with the copy of the licence attached at Appendix 2

We would draw your attention to the following sections on the enclosed licence

Page 1 and 2 detail the activities and hours of operation

Annex 1 contains the mandatory conditions and embedded restrictions

Annex 2 contains the conditions consistent with the operating schedule

Annex 3 details of conditions attached after a hearing by the Licensing Authority

The reason for this decision is as follows

The Licensing Sub-Committee considered an application for the grant of a Premises Licence made by Mr Sajid Khan for Best Kebab, 48 & 50 Westgate, Otley LS21 3AS. The applicant had applied for late night refreshment from 23 00 to 01 00 am Sunday to Thursday and 23 00 pm to 2 00 am Friday and Saturday

Ms Cat Sanderson of West Yorkshire Police and Councillor Campbell attended the hearing to comment further upon their representations

At the outset of the hearing it was clarified to the Licensing Sub-Committee that the applicant had agreed measures with the Environmental Protection Team and a letter showing the agreement to the conditions sought by the EPT was circulated to all parties. The applicant had agreed to the measures listed and as such the agreed operating times were now as follows

- Sunday to Thursday - 11 00 pm to midnight
- Friday and Saturday - 11 00 pm to 12 30 am

Mr Khan stated he wanted his business to be open for longer so that he could take advantage of the later opening hours of pubs and clubs in Otley. It would give him a bit more time and would help him run the business

Ms Sanderson of West Yorkshire Police stated that she had only become aware on the date of the hearing that the operating hours had been reduced. However she maintained that CCTV was still required at the premises to prevent crime and disorder and protect against public nuisance. She noted that whilst the premises were not selling alcohol CCTV would benefit both the premises and the owner

Councillor Campbell stated that he was concerned that the location of the premises would add to public nuisance. The premises were close to residential areas. He acknowledged and supported the Police in their view that CCTV would be required, as he knew the applicant had operated previous premises on Kirkgate where a number of issues had arisen. He conceded, however, that that was a different site. Councillor Campbell said that if the applicant was prepared to agree the conditions sought by the Police and Planning Authority he would withdraw his objection. West Yorkshire Police also informed the Licensing Sub-Committee that if the applicant agreed to CCTV at the premises, they too would withdraw their objection

The Applicant agreed to install CCTV as requested

DECISION

The Licensing Sub-Committee considered the application and having heard from the applicant and those presenting representations the Committee resolved to grant the application on the basis of the reduced hours. The licence is to be conditioned in accordance with the additional measures proposed in relation to CCTV as set out at page 124 of the report and also those additional conditions relating to noise and vibration, litter and transport and pedestrian movement as set out on pages 124 & 125 of the report. For the avoidance of any doubt the operating hours for late night refreshment would be 11 00 pm to midnight Sunday to Thursday and 11 00 pm to 12 30 am Friday and Saturday

LEEDS CITY COUNCIL

DOCUMENT REFERRED TO IN
MY STATEMENT AS -

EXHIBIT NO. MW3

SIGNED



Premises Licence

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
----------------------	---------

Further details	Hot food takeaway
-----------------	-------------------

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

-

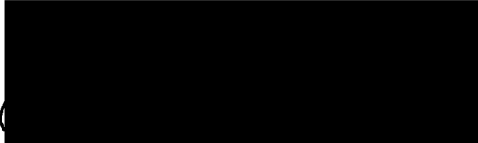
Part 2

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

Mr Sajid Khan
3 Boynton Street
Bradford
BD5 7BS

Mobile Telephone Number 07931 620821

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.

LEEDS CITY COUNCIL

DOCUMENT REFERRED TO IN
MY STATEMENT AS

EXHIBIT NO. 

SIGNED 



Private & Confidential
Mr Sajid Khan
Best Kebab
48/50 Westgate
Otley
LS21 3AS

Licensing & Registration
Civic Hall
Leeds
LS1 1UR

Contact Michael Waters
Tel (0113) 3785029
Fax (0113) 22 43885
Email Michael.waters@leeds.gov.uk
Our Ref A80/LIC/MW/GE/002714
Your Ref

Date 8th May 2017

Dear Sir,

LICENSING ACT 2003 INVESTIGATION INTO POSSIBLE OFFENCES
BEST KEBAB 48/50 WESTGATE OTLEY LS21 3AS

I am writing to you in connection with your capacity as the premises licence holder for the above premises. On Saturday 6th May 2017 your premises were observed as being open and serving to members of the public after 2am.

I wish to confirm the following times from the licence:

Provision of late night refreshment

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

Since the 24th November 2005 the supply of hot food or drink after 23 00 became a licensable activity under the Licensing Act 2003.

I would like to advise you that Under the Licensing Act 2003 -

It is an offence to supply late night refreshment beyond 11 00pm and up to 5 00am without the appropriate PREMISES LICENCE being in place, contrary to the Licensing Act 2003, CH 17, Section 136 (1) (a) (b)

Under the Licensing Act 2003 Section 136

- (1) A person commits an offence if -
- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
 - (b) he knowingly allows a licensable activity to be so carried on
- (4) A person guilty of an offence under this section is liable on summary conviction to an unlimited fine, imprisonment for a term not exceeding six months or to both**

It appears that on the 6th May 2017 offences were committed by staff at the premises

Your premises licence also states that the premises will be closed by 00 30 on weekends and by midnight Sunday to Thursday

I must advise you that your premises will be monitored for compliance by Leeds City Council Licensing Enforcement Officers

Please do not hesitate to contact me should you wish to discuss the matter further on the telephone number above

Yours faithfully

Michael Waters
Senior Liaison & Enforcement Officer
Entertainment Licensing
Email michael.waters@leeds.gov.uk
www.leeds.gov.uk

Cc West Yorkshire Police Licensing

LEEDS CITY COUNCIL
DOCUMENT REFERRED TO IN
MY STATEMENT AS -
EXHIBIT NO MW5
SIGNED [REDACTED]



Private & Confidential

Sajid Khan
Best Kebab
48-50 Westgate
Otley
LS21 3AS

Licensing & Registration

Civic Hall
Leeds
LS1 1UR

Contact Michael Waters
Tel (0113) 3785029
Fax (0113) 22 43885
Email m.waters@leeds.gov.uk
Our Ref A80/LIC/MW/GE/002714
Your Ref

Date 5th July 2017

Dear Sir,

**LICENSING ACT 2003 INVESTIGATION INTO POSSIBLE OFFENCES
PREMISES BEST KEBAB 48/50 WESTGATE OTLEY LS21 3AS**

I am writing to you in connection with your capacity as the person in charge for the above named premises

Our officers visited your premises after 0030 am on Sunday 2nd July 2017 and your staff served our officer with hot food at that time This is a breach of your premises Licence PREM/03724/001 The times currently permitted for hot food sales are

Provision of late night refreshment
Friday & Saturday 23 00 - 00 30
Sunday to Thursday 23 00 - 00 00

I wish to take this opportunity to remind you of the following

Since the 24th November 2005 the supply of hot food or drink after 23 00 became a licensable activity under the Licensing Act 2003

I would like to advise you that Under the Licensing Act 2003 -

It is an offence to supply late night refreshment beyond the times shown above and up to 5 00am without the appropriate PREMISES LICENCE being in place, contrary to the Licensing Act 2003, CH 17, Section 136 (1) (a) (b)

All provision of hot food and / or drink after the times shown above up to 5 00am, including deliveries should cease, with immediate effect

Under the Licensing Act 2003 **Section 136**

- (1) A person commits an offence if -
- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
 - (b) he knowingly allows a licensable activity to be so carried on
- (4) A person guilty of an offence under this section is liable on summary conviction to an unlimited fine, imprisonment for a term not exceeding six months or to both**

I must advise you that your premises will be monitored for compliance by Leeds City Council Licensing Enforcement Officers

Please do not hesitate to contact me should you wish to discuss the matter further on the telephone number above

Yours faithfully

Michael Waters
Senior Liaison & Enforcement Officer
Entertainment Licensing
Email michael.waters@leeds.gov.uk
www.leeds.gov.uk

Cc West Yorkshire Police Licensing

LEEDS CITY COUNCIL

DOCUMENT REFERRED TO IN
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EXHIBIT NO. 

SIGNED 



Private & Confidential
Mr Sajid Khan
Best Kebab
48/50 Westgate
Otley
LS21 3AS

Licensing & Registration
Civic Hall
Leeds
LS1 1UR

Contact Michael Waters
Tel (0113) 3785029
Fax (0113) 22 43885
Email Michael.waters@leeds.gov.uk
Our Ref A80/LIC/MW/GE/002743
Your Ref

Date 21st July 2017

Dear Sir,

LICENSING ACT 2003 INVESTIGATION INTO POSSIBLE OFFENCES
BEST KEBAB 48/50 WESTGATE OTLEY LS21 3AS

I am writing to you in connection with your capacity as the premises licence holder for the above premises. Further to my letters dated 8th May & 5th July 2017 a further complaint has been received about your premises were observed as being open and serving to members of the public after 1am

I wish to confirm the following times from the licence

Provision of late night refreshment

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

Since the 24th November 2005 the supply of hot food or drink after 23 00 became a licensable activity under the Licensing Act 2003

I would like to advise you that Under the Licensing Act 2003 -

It is an offence to supply late night refreshment beyond 11 00pm and up to 5 00am without the appropriate PREMISES LICENCE being in place, contrary to the Licensing Act 2003, CH 17, Section 136 (1) (a) (b)

Under the Licensing Act 2003 **Section 136**

- (1) A person commits an offence if -
- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
 - (b) he knowingly allows a licensable activity to be so carried on
- (4) A person guilty of an offence under this section is liable on summary conviction to an unlimited fine, imprisonment for a term not exceeding six months or to both**

Your premises licence also states that the premises will be closed by 00 30 on weekends and by midnight Sunday to Thursday

I must advise you that your premises will be monitored for compliance by Leeds City Council Licensing Enforcement Officers

Please do not hesitate to contact me should you wish to discuss the matter further on the telephone number above

Yours faithfully

Michael Waters
Senior Liaison & Enforcement Officer
Entertainment Licensing
Email michael.waters@leeds.gov.uk
www.leeds.gov.uk

Cc West Yorkshire Police Licensing

LEEDS CITY COUNCIL

DOCUMENT REFERRED TO IN
MY STATEMENT AS -

EXHIBIT NO. 

SIGNED 



Private & Confidential

Sajid Khan
Best Kebab
48-50 Westgate
Otley
LS21 3AS

Licensing & Registration

Civic Hall
Leeds
LS1 1UR

Contact Michael Waters
Tel (0113) 3785029
Fax (0113) 22 43885
Email Michael.waters@leeds.gov.uk
Our Ref A80/LIC/MW/GE/002714
Your Ref

Date 7th November 2017

Dear Sir,

**LICENSING ACT 2003 INVESTIGATION INTO POSSIBLE OFFENCES
PREMISES BEST KEBAB 48/50 WESTGATE OTLEY LS21 3AS**

I am writing to you in connection with your capacity as the person in charge for the above named premises. Further to my letter dated 5th July 2017 in which I advised you of the following breach of Licence:

Our officers visited your premises after 0030am on Sunday 2nd July 2017 and your staff served our officer with hot food at that time. This is a breach of your premises Licence PREM/03724/001.

I have been contacted by West Yorkshire Police who have advised me that they responded to an incident outside your shop at 2am on Sunday 5th November 2017. Your premises were open at the time, the incident involved customers from Best Kebabs and this was 90 minutes after the shop should have ceased trading.

The times currently permitted for hot food sales are:

Provision of late night refreshment
Friday & Saturday 23 00 - 00 30
Sunday to Thursday 23 00 - 00 00

I would like to advise you that Under the Licensing Act 2003 -

It is an offence to supply late night refreshment beyond the times shown above and up to 5 00am without the appropriate PREMISES LICENCE being in place, contrary to the Licensing Act 2003, CH 17, Section 136 (1) (a) (b)

All provision of hot food and / or drink after the times shown above up to 5 00am, including deliveries should cease, with immediate effect

Under the Licensing Act 2003 **Section 136**

- (1) A person commits an offence if -
- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
 - (b) he knowingly allows a licensable activity to be so carried on
- (4) A person guilty of an offence under this section is liable on summary conviction to an unlimited fine, imprisonment for a term not exceeding six months or to both**

I must advise you that your premises will be monitored for compliance by Leeds City Council Licensing Enforcement Officers and Police

Any further breaches of licence or incidents at the premises could lead to a prosecution for offences under the Licensing Act 2003 and / or a Review of your Premises Licence

I request a response in writing to address the issues in this letter within 7 days of receipt

Yours faithfully

Michael Waters
Senior Liaison & Enforcement Officer
Entertainment Licensing
Email michael.waters@leeds.gov.uk
www.leeds.gov.uk

Cc West Yorkshire Police Licensing

LEEDS CITY COUNCIL

DOCUMENT REFERRED TO IN
MY STATEMENT AS

EXHIBIT NO MW8

SIGNED

TEN/02893/17



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 Surname KHAN Forenames SAJID	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
2 Previous names (Please enter details of any previous names or maiden names if applicable. Please continue on a separate sheet if necessary)	
Title Surname Forenames	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
3 Your date of birth	[REDACTED]
4 Your place of birth	[REDACTED]
5 National Insurance Number	[REDACTED]
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)	[REDACTED]
E-Mail Address (if available)	Bestkebab22@gmail.com

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 - 0300 (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	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a) ends 24 hours or less before or		
b) begins 24 hours or less after,		
the event period proposed in this notice?		

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 X <input 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	Yes <input type="checkbox"/>	No X <input type="checkbox"/>
a) ends 24 hours or less before or		
b) begins 24 hours or less after		
the event period proposed in this notice?		
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 X <input 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	Yes <input type="checkbox"/>	No X <input type="checkbox"/>
a) ends 24 hours or less before or		
b) begins 24 hours or less after		
the event period proposed in this notice?		

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 SAJID KHAN

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

LEEDS CITY COUNCIL

DOCUMENT REFERRED TO IN
MY STATEMENT AS

EXHIBIT NO. 

SIGNED 



Mr Sajid Khan
Best Kebab
48 - 50 Westgate
Otley
LS21 3AS

Elections, Licensing and Registration
Entertainment Licensing
Civic Hall
Leeds LS1 1UR

Contact Mr Shaam Amin
Tel 0113 378 5029
Fax 0113 2243885
Email entertainmentlicensing@leeds.gov.uk
Our Ref A80/TEN/02893/17

14th December 2017

Dear Mr Khan

TEMPORARY EVENT NOTICE TEN/02893/17
NAME OF PREMISES USER MR SAJID KHAN
EVENT PREMISES BEST KEBABS, 48 - 50 WESTGATE, OTLEY, LS21 3AS

I am writing with regard to the Temporary Event Notice received by Leeds City Council on 12th December 2017 regarding an event due to take place on 23rd - 25th December 2017

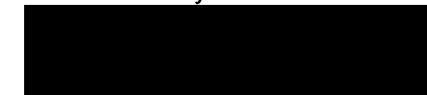
Unfortunately licensable activities may not be carried out at the proposed event under the authorisation of a Temporary Event Notice because we have received an objection notice from West Yorkshire Police and you have submitted this temporary event notice as a late notice. Under the Licensing Act 2003 any late TEN which receives an objection from the police or environmental health is automatically rejected.

Please find enclosed a counter notice that we are legally required to give to you.

A copy of this Counter Notice has been sent to West Yorkshire Police.

Please do not hesitate to contact us should you require any further assistance.

Yours sincerely



Mr Shaam Amin
Licensing Officer
Entertainment Licensing



Counter Notice (Late Temporary Event Notice) - Permitted Temporary Activities

On 12th December 2017 the licensing authority received from you Mr Sajid Khan, a late temporary event notice ('the notice') in respect of proposed temporary licensable activities due to take place on 23rd December 2017 - 25th December 2017 at Best Kebabs Best Kebabs, 48 - 50 Westgate, Otley LS21 3AS The licensing authority has received an objection under section 104(2) of the Licensing Act 2003 ('the Act')

The objection which applies is indicated by an ' X' in the following table

Objection	Insert "X" as applicable
A chief officer of police for any police area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice that would undermine a licensing objective	X
A local authority exercising environmental health functions for the area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective	

A copy of this counter notice will be sent to the chief of police and the local authority exercising environmental health functions for the area in which the premises specified in the late temporary event notice you gave is situated

The Licensing Act 2003 does not make provision for you to appeal against this counter notice

Under section 136 of the Licensing Act 2003, a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation or if he knowingly allows a licensable activity to be so carried on A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine of any amount or both

Signature



Date 14th December 2017

On behalf of the licensing authority

Name of officer signing

Mr Stephen Holder

LEEDS CITY COUNCIL

DOCUMENT REFERRED TO IN
MY STATEMENT AS

EXHIBIT NO MW10

SIGNED



SA

TW10289317

White, Emma

From BEST KEBAB <bestkebab22@gmail.com>
Sent 15 December 2017 16:43
To Entertainment Licensing
Subject Re: LATE TEN OBJECTION [NOT PROTECTIVELY MARKED]

Sorry but we would not like to continue for the late TEN licence and would like to cancel it
Thank you

Sent from my iPhone

On 14 Dec 2017, at 10:35, Entertainment Licensing <Entertainment.Licen@leeds.gov.uk> wrote

Good morning all,

Mr Khan further to receipt of representations from the West Yorkshire Police the Late TEN for 23rd – 25th December 2017 has been refused

Please find attached the counter notice for the Late TEN at Best Kebabs, LS21

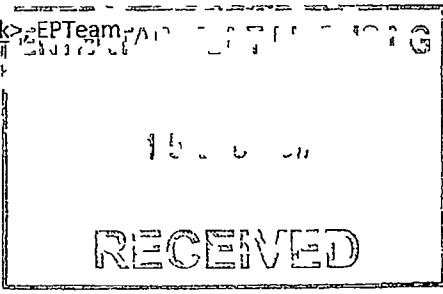
Please confirm that you wish to continue with process for the TEN for 30th, 31st Dec 17 & 1st Jan 18 which will be subject to a Licensing Sub Committee hearing

Thanks in advance and kind regards

Mr Shaam Amin
Licensing Officer
Entertainment Licensing
0113 378 50 29

From Mynard, Martin [mailto: [REDACTED]]
Sent 14 December 2017 09:16
To Entertainment Licensing <Entertainment.Licen@leeds.gov.uk>; EP Team [mailto: [REDACTED]]
Subject LATE TEN OBJECTION [NOT PROTECTIVELY MARKED]

Classification NOT PROTECTIVELY MARKED



All,

Please find attached Police objection to Late TEN for Best Kebab, Otley for 23-25th December 2017

Sergeant 5197 Martin Mynard
Leeds District Licensing
Elland Road
Leeds
LS11 8BU
Internal 50217



To report a crime, please ring 101 Always dial 999 in an emergency

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<Scan_20171214_2425_001.pdf>

LEEDS CITY COUNCIL

DOCUMENT REFERRED TO IN
MY STATEMENT AS

EXHIBIT N

SIGNED



Private & Confidential
Sajid Khan
Best Kebab
48/50 Westgate
Otley
LS21 3AS

Licensing and Registration
Civic Hall
Leeds LS1 1UR

Contact Michael Waters
Tel (0113) 24 75314
Fax (0113) 22 43885
Email michael.waters@leeds.gov.uk
Our Ref A80/LIC/PREM/01445
Your Ref

22 January 2018

Dear Mr Khan,

LICENSING ACT 2003 INVESTIGATION INTO POSSIBLE OFFENCES
PREMISES BEST KEBAB 48/50 WESTGATE OTLEY LS21 3AS

I am writing to you in connection with your capacity as the Premises Licence Holder for the above named premises

Following our meeting on 9th November 2017 to discuss issues of breaches of Licensed Hours and an incident outside the premises, I have received further complaints concerning your premises

I would like to take this opportunity to remind you of the following conditions on your current licence

- 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 when 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 storage which will be of good quality

I would like to remind you that Under the Licensing Act 2003 Section 136 -

- (1) *A person commits an offence if -*



INVESTOR IN LEEDS

- (a) *he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or*
- (b) *he knowingly allows a licensable activity to be so carried on*

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine or to both

May I remind you that it is an offence to operate other than in accordance with the provisions of your Premises Licence Failure to adhere to the provisions could lead to formal legal proceedings being instigated against you by this department

I would like you to attend a meeting with me and West Yorkshire Police to discuss the conditions & continued breaches of Licence

The meeting is to take place on Tuesday 30th January 2018 at 2pm at

West Yorkshire Police

Otley Police Station

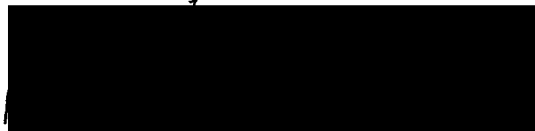
Bridge Street

Otley

LS21 3BA

Please confirm your attendance at the meeting

Yours Sincerely



Michael Waters
Senior Liaison & Enforcement Officer
Entertainment Licensing Section

Email michael.waters@leeds.gov.uk

www.leeds.gov.uk



INVESTOR IN PEOPLE

Website www.leeds.gov.uk

Switchboard 0113 234 8080

Page 73

LEEDS CITY COUNCIL

DOCUMENT REFERRED TO IN
MY STATEMENT AS -

EXHIBIT NO. MW12

SIGNED





Private & Confidential
Sajid Khan
Best Kebab
48/50 Westgate
Otley
LS21 3AS

Licensing and Registration
Civic Hall
Leeds LS1 1UR

Contact Michael Waters
Tel (0113) 3785029
Fax (0113) 22 43885
Email michael.waters@leeds.gov.uk
Our Ref A80/LIC/PREM/01445
Your Ref

31 January 2018

Dear Mr Khan,

**LICENSING ACT 2003 INVESTIGATION INTO POSSIBLE OFFENCES
PREMISES BEST KEBAB 48/50 WESTGATE OTLEY LS21 3AS**

I am writing to you in connection with your capacity as the Premises Licence Holder for the above named premises

Following our meeting on 9th November 2017 to discuss issues of breaches of Licensed Hours and an incident outside the premises, I have received further complaints concerning your premises

I would like you to attend a meeting with me and West Yorkshire Police to discuss the conditions & continued breaches of Licence

As a result of your failure to attend the meeting arranged for Tuesday 30th January 2018 we have arranged a further date

Please note there will be no further attempts made to arrange further meetings after this date if you again fail to attend

The meeting is to take place on Monday 5th February 2018 at 2pm at

West Yorkshire Police
Otley Police Station
Bridge Street
Otley
LS21 3BA

Please confirm your attendance at the meeting my email address is shown below

Yours Sincerely

Michael Waters
Senior Liaison & Enforcement Officer
Entertainment Licensing Section

Email michael.waters@leeds.gov.uk
www.leeds.gov.uk

LEEDS CITY COUNCIL

DOCUMENT REFERRED TO IN
MY STATEMENT AS -

EXHIBIT NO MW13

SIGNED



Best Kebab 48/50 Westgate Otley LS21 3AS

Record of Events

Licence Application 1st February 2016 **MW1**

Licensing Committee Hearing 29th March 2016 PLH agrees to install CCTV system as per representation from West Yorkshire Police **MW2**

Licence PREM/03724/001 granted 29th March 2016 **MW3**

PLH Sajid Khan

Provision of Late Night Refreshment

Friday & Saturday 23 00 to 00 30

Sunday to Thursday 23 00 to 00 00

Complaints GE/002714 May 2017 & GE/002743 July 2017

Complaints from Councillor & local resident

Warning Letter 8th May 2017 to PLH at Premises & home address **MW4**

Land Registry WYK374284 Title absolute since 14 6 2005 Sajid Khan **MW5**

Positive Test Purchase 2nd July 2017 at 00 50 (Portion of Chips) by CB

Warning Letter 5th July 2017 to PLH at Premises & home address **MW6**

19th July 2017 Further complaint (GE/002743) from resident stating premises is operating up to 0230 & noise issues cars etc

Warning Letter 21st July 2017 to PLH at Premises & home address **MW7**

Incident outside shop at 2am 5th November 2017 broken up by Police Officers shop still open

Warning Letter 7th November 2017 to PLH at Premises & home address **MW8**

9th November 2017 Visit to Premises by ELS MW met PLH took copy of latest Warning Letter & copy of Licence Reminded PLH of times on his Licence & consequences of further breaches PLH was asked by ELS to view CCTV from previous weekend

PLH admitted there was no CCTV system at the premises ELS reminded PLH that this was a further breach of a condition he had offered at the committee hearing These are conditions 1-3 on PREM/03274/001

15th November 2017 (Wednesday) Police Officers witnessed shop still trading at 00 40 they then tried to ring through a Food Order Best Kebab were willing to accept an order at that time By the time the order was ready to collect it would have been at least 01 15 that is 1 hour 15 minutes after the latest time on the licence

29th November 2017 Planning Application Variation of condition 1 (opening hours) of application 29/104/96/FU to allow opening hours of 0800 to 0000 hours Sunday to Thursday and 0800 to 0100 hours Friday and Saturday

5th December 2017 telephone call from PLH stating he could not get anyone to install a CCTV system prior to Xmas He was advised of report from 20th November regarding operating after Licensed Hours

12th December 2017 Applications for TEN's x 2 **MW9** The first one was a Late Ten which was rejected by WYP Counter Notice served **MW10** The applicant withdrew the applications

24th December 2017 at 01 15 Police Officer witnessed Best Kebab still trading customer being served inside shop this is 45 minutes after last time for hot food sales **MW10**

1st January 2018 (Monday) Police Officer witnessed premises still operating at 0145 hours approx 10 customers still inside shop at that time 1hour 45 minutes after time **MW11**

22 01 2018 PLH invited to Action Plan Meeting to be held at Otley Police Station at 2pm on 30th January 2018 **MW12**

PLH failed to attend further meeting arranged for Monday 5th February 2018 at 2pm **MW13**

2 x Complaints

4 x Warning Letters

1 Incident of Disorder outside premises at 2am on 5th November 2017

Meeting at premises on 9th November 2017

PLH admitted not installing CCTV as required on licence as a result unable to view CCTV of incident on 5th November 2017 and unable to identify persons involved

Further breaches of licensed hours witnessed on

15th November 2017

24th December 2017 (Late Ten Counter Notice Issued)

1st January 2018 (TEN application withdrawn by Applicant after Police Representation)

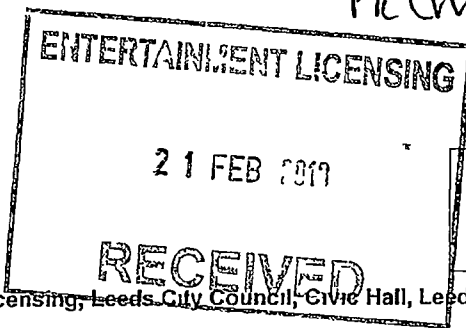
LEEDS CITY COUNCIL

DOCUMENT REFERRED TO IN
MY STATEMENT AS

EXHIBIT NO. [REDACTED]

SIGNED [REDACTED]

PREM/03724/002
OA



PREM7



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

Application to vary a premises licence 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 **SAJID KHAN** (insert name(s) of applicant) being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PREM/03724/001

Part 1 – Premises Details

Postal address of premises or if none ordnance survey map reference or description	
48-50 Westgate Otley	
Post town Leeds	Post code LS21 3AS

Telephone number of premises (if any)

Non domestic rateable value of premises £3 154 00

Part 2 – Applicant Details

Daytime contact telephone number

Email address (optional)

Current postal address if different from premises address

Post Town

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes No

If not from what date do you want the variation to take effect?

Day		Month		Year			

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)

Yes No

Please describe briefly the nature of the proposed variation (please read guidance note 2)

An extension to the opening hours

From Friday and Saturday to 12 30am the following day to Friday and Saturday to 1 00am the following day

If your proposed variation would mean that 5 000 or more people are expected to attend the premises at any one time please state the number expected to attend

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if the application to vary is successful

Please tick all that apply

Provision of regulated entertainment

- a) play (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) performances 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 late night refreshment (if ticking yes fill in box I)

Sale by retail of alcohol (if ticking yes fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed			State any seasonal variations for performing play (please read guidance note 6)		
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 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of a films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
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 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			
Thur			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 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed					
Thur			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 6)		
Fri					
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 7)		

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 6)		
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 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
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 7)		
Sat					
Sun					

G

Performance of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur					
Fri			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 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed			State any seasonal variations for the entertainment of a similar description to that falling within (e) (f) or (g) (please read guidance note 6)		
Thur					
Fri			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 7)		
Sat					
Sun					

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	X
Day	Start	Finish		Outdoors	
Mon	16 00	24 00	Please give further details here (please read guidance note 5) Provision of take away meals only		
Tue	16 00	24 00			
Wed	16 00	24 00	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	16 00	24 00		None	
Fri	16 00	24 00	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 7)		
Sat	00 00	01 00		None	
	16 00	24 00			
Sun	00 00	01 00			
	16 00	24 00			

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption on or off the premises or both – please tick (please read guidance note 9)	On the premises	
Day	Start	Finish		Off the premises	
Mon			State any seasonal variations for providing dancing facilities (please read guidance note 6)		
Tue					
Wed					
Thur			Non standard timings Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left please list (please read guidance note 7)		
Fri					
Sat					
Sun					

K

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 10)

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)	
Day	Start	Finish		
Mon	16 00	24 00	None	
Tue	16 00	24 00		
Wed	16 00	24 00		
Thur	16 00	24 00		Non standard timings 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 (please read guidance note 7)
Fri	16 00	24 00		None
Sat	00 00	01 00		
	16 00	24 00		
Sun	0 00	1 00		
	16 00	24 00		

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please tick ✓ yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence or part of it below

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

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 11)

Effective and responsible management of the premises

b) The prevention of crime and disorder

See a) above

c) Public safety

See a) above

d) The prevention of public nuisance

See A) above

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

There shall be no external loudspeakers

Bottles will not be placed in any external receptacle between 11pm and 7 am the following day to minimise noise disturbance to neighbouring properties

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

The activities of persons using the external areas shall be monitored after 11pm 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

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

e) The protection of children from harm
See a) above

Please tick ✓ Yes

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (See guidance note 13) If signing on behalf of the applicant please state in what capacity

Signature 

Date 1/12/13

Capacity Solicitor of the applicant

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14) 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 15)	
Simon Stell LCF Law One St James Business Park New Augustus Street	
Post town Bradford	Post code BD1 5LL
Telephone number (if any) 01274 848800	
If you would prefer us to correspond with you by e mail your e-mail address (optional) sstell@lcf.co.uk or gtimlin@lcf.co.uk	

Leeds City Council
DOCUMENT REFERRED TO IN
MY STATEMENT AS
EXHIBIT NO. MM/11/1
SIGNED [REDACTED]



LCF Law
One St James Business Park
New Augustus Street
Bradford
BD1 5LL

Elections, Licensing & Registration
Civic Hall
Leeds LS1 1UR

Our Ref A80/MW/LIC/PREM/03724/002
Your Ref

Contact Michael Waters

Tel 0113 3785029

Fax 0113 3367124

Email Michael.waters@leeds.gov.uk

Date 1st March 2018

Dear Sir,

RE BEST KEBAB 48-50 WESTGATE OTLEY LS21 3AS

**APPLICATION FOR A VARIATION OF A PREMISES LICENCE – LICENSING
ACT 2003
LICENSING AUTHORITY LETTER OF REPRESENTATION – OBJECTION**

Thank you for submitting your application for the above premises, received at the address above on the 22nd February 2018

The Licensing Authority is of the opinion that your application contains insufficient information about how you intend to meet the licensing objectives. We therefore confirm that we are submitting a formal representation against your application on the grounds of

- 1 The prevention of crime and disorder
- 2 The prevention of public nuisance
- 3 Public Safety

The current Premises Licence PREM/03724/001 authorises Best Kebab to provide Late Night Refreshment on the following days
Sunday to Thursday 23 00 to Midnight
Friday & Saturday 23 00 to 00 30

Further to complaints received from members of the public and Elected Members, Licensing Enforcement Officers, through enquiries made, found the premises to be providing unauthorised late night refreshment beyond the current permitted licensed hours on a number of occasions. Despite warning letters having been sent and meetings held with the operator, further licensing breaches have been witnessed.

Also, the premises operator failed to comply with the requirements of the Licensing Act in respect of two recent Temporary Event Notices (TEN) notified by them in that one of the TEN's, a 'late' TEN was issued a Counter Notice following a formal representation made by the West Yorkshire Police. Despite the Counter Notice being issued the premises exceeded their permitted licensed hours on both 23rd & 24th December 2017 by providing late night refreshment after 0030 on the 23rd December 2017 and after Midnight on 24th December 2017.

They again exceeded their permitted licensed hours on 1st January 2018 by providing late night refreshment after midnight on 1st January 2018 after withdrawing a TEN for that day.

In addition, the Premises Licence Holder, Sajid Khan has failed to comply with conditions 1-3 (CCTV) of their existing Premises Licence. Mr Khan had agreed to install a Closed Circuit Television System (CCTV) in accordance with West Yorkshire Police Guidelines at the hearing in March 2016. Following an incident of disorder outside the premises at 2am on 5th November 2017 it was found that the CCTV system had not been installed. The system was to be provided for the protection of customers and staff. The effect of not having the CCTV system meant that persons involved in the incident could not be quickly identified.

The premises were last visited by Licensing Enforcement Officers on 16th February 2018 and the CCTV system that was initially agreed in March 2016 was still not operational.

The Licensing Authority feels that any increase in the permitted hours for Late Night Refreshment would compromise the above objectives and subject properties in the area to nuisance over an extended period. The Premises Licence Holder's inability to comply with the permitted hours on the existing licence is unlikely to result in them complying with the proposed extended hours.

We respectfully request that the Licensing Sub-Committee considers our representation prior to coming to a decision on the application.

Yours faithfully

Michael Waters
Senior Liaison & Enforcement Officer
Entertainment Licensing

WITNESS STATEMENT

(CJ ACT 1967 s 9 MC Act 1980 ss 5A(3)(a) and 5b MC Rules 1981 r 70)

Statement of Samantha Longfellow

Age/Date of Birth – Over 21 Occupation – Senior Liaison & Enforcement Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my Knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable for prosecution if I have wilfully stated anything which I know to be false or do not believe to be true

Dated 26th July 2017

Signature 

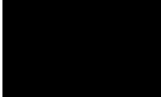
I am the above named person I am employed as a Senior Liaison and Enforcement Officer by Leeds City Council My duties include the investigation of suspected offences under the Licensing Act 2003 I have delegated authority under the said Act

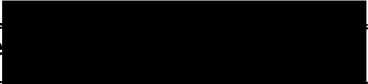
Since the 24th November 2005 the provision of late night refreshment between the hours of 11pm and 5am is a licensable activity under the Licensing Act 2003 This means that a premises carrying out a licensable activity requires a Premises Licence or Temporary Event Notice (T E N) authorising it

Premises known as Best Kebab at 48 – 50 Westgate, Otley, LS21 3AS currently has a Premises Licence PREM/03724 authorising late night refreshment from 23 00hrs to midnight Sunday to Thursday and 23 00hrs to 00 30hrs on Fridays and Saturdays This section had received a complaint alleging that the premises were operating past their permitted hours

On 30th May 2017, I interrogated the H M Land Registry website for information regarding 48-50 Westgate Otley LS21 3AS I entered the address mentioned into the 'Enquiry by Property Description' and the results produced a title number of 'WYK374284' Shown on the H M Land Registry website is the 'Proprietorship Register', this shows that Sajid Khan became the named proprietor/owner on 14th June 2005 (I produce as my exhibit SJL1, a copy of the proprietorship register) I then interrogated the H M Land Registry website and printed a copy of the current title plan, number 'WYK374284' (I produce as my exhibit SJL2, a copy of the plan) This shows that the reference number 'WYK374284' refers to 48 to 50 Westgate, Otley LS21 3AS

On Sunday 2nd July 2017 I was working in company with my colleague Mrs Carmel Brennand, Senior Liaison & Enforcement Officer At 00 40hrs we attended at Best Kebab The premises was open and fully lit There were 4 x customers already inside the premises As we walked in to the premises 2x customers were being handed food 2x young males

walked in to the premises at the same time as us Carmel approached the counter and ordered a portion of chips from a male behind the counter Carmel paid him £1 70 in change There were 6 x members of staff behind the counter, all males At 00 50hrs Carmel was handed a yellow square polystyrene container Whilst Carmel was putting salt & vinegar on the chips a young male and female came in and ordered a cheese and mushroom pizza We resumed from the premises and returned to our vehicle where we ate the chips I can confirm that the chips were hot to touch and taste 

Signature 

Leeds City Council

DOCUMENT REFERRED TO IN
MY STATEMENT AS

EXHIBIT

SIGNED



THIS IS A PRINT OF THE VIEW OF THE REGISTER OBTAINED FROM HM LAND REGISTRY SHOWING THE ENTRIES SUBSISTING IN THE REGISTER ON 30 MAY 2017 AT 15 21 23 BUT PLEASE NOTE THAT THIS REGISTER VIEW IS NOT ADMISSIBLE IN A COURT IN THE SAME WAY AS AN OFFICIAL COPY WITHIN THE MEANING OF S 67 LAND REGISTRATION ACT 2002 UNLIKE AN OFFICIAL COPY, IT MAY NOT ENTITLE A PERSON TO BE INDEMNIFIED BY THE REGISTRAR IF HE OR SHE SUFFERS LOSS BY REASON OF A MISTAKE CONTAINED WITHIN IT THE ENTRIES SHOWN DO NOT TAKE ACCOUNT OF ANY APPLICATIONS PENDING IN HM LAND REGISTRY FOR SEARCH PURPOSES THE ABOVE DATE SHOULD BE USED AS THE SEARCH FROM DATE

THIS TITLE IS DEALT WITH BY HM LAND REGISTRY NOTTINGHAM OFFICE

TITLE NUMBER WYK374284

There is no application or official search pending against this title

A Property Register

This register describes the land and estate comprised in the title Except as mentioned below, the title includes any legal easements granted by the registered lease but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land

WEST YORKSHIRE LEEDS

- 1 (01 10 1986) The Leasehold land shown edged with red on the plan of the above Title filed at the Registry and being 48 and 50 Westgate, Otley (LS21 3AS)

NOTE Only the ground floor shops are included in the title

- 2 (01 10 1986) Short particulars of the lease(s) (or under-lease(s)) under which the land is held
Date 12 May 1986
Term 999 years from 12 May 1986
Rent £5
Parties (1) Malcolm Douglas and James Malcolm Molyneux
(2) Sakhawat Hussain
- 3 The lessor's title is registered
- 4 Unless otherwise mentioned the title includes any legal easements granted by the registered lease(s) but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land

B Proprietorship Register

This register specifies the class of title and identifies the owner It contains any entries that affect the right of disposal

Title absolute

- 1 (14 06 2005) PROPRIETOR SAJID KHAN of 3 Boynton Street, Bradford West Yorkshire BD5 7BS and of 48-50 Westgate Otley West Yorkshire LS21 3AS
- 2 (14 06 2005) The price stated to have been paid on 6 May 2005 was £55 000
- 3 (14 06 2005) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof

Title number WYK374284

C Charges Register

This register contains any charges and other matters that affect the land

- 1 (01 10 1986) The land is subject to the following rights reserved by a Conveyance of the freehold estate in the land in this title and other land dated 1 November 1979 made between (1) William Herbert Kay and Peter John Midgley (Vendors) and (2) Anthony David North and Paul Pickering Wilson (Purchasers) -

"RESERVING NEVERTHELESS UNTO the Vendors and their successors in title full right and liberty to use the drains sewers pipes and cables now lying under the property hereby conveyed and servicing the adjoining properties belonging to the Vendors being Number 1 and 3 Mount Pispah Terrace aforesaid with full rights of access onto the property hereby conveyed for the purpose of maintaining and repairing the same and the right to lay new drains and sewers and pipes and cables now or within Eighty years of the date hereof under the property hereby conveyed for the purpose of serving the said properties retained by the Vendors the Vendors and their successors in title doing avoidable damage and making good any damage caused to the satisfaction of the Purchasers and their successors in title"

- 2 (03 03 2006) The land is subject to the lease set out in the schedule of leases hereto

Schedule of notices of leases

1	29 07 2013	48 and 50 Westgate (Ground floor only)	09 01 2013 21 years from and including 9 1 2013	YY21573
---	------------	--	--	---------

End of register

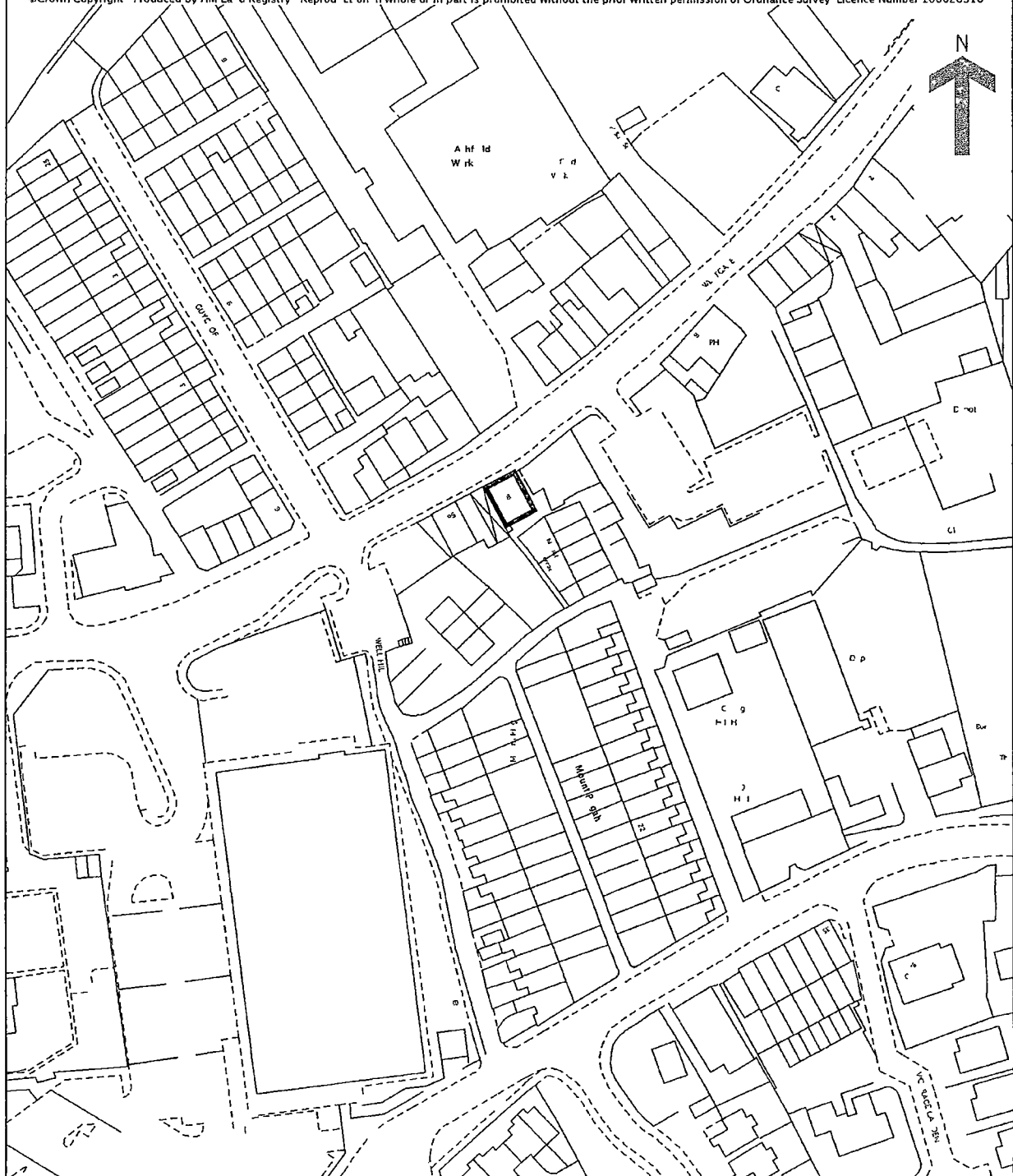
Leeds City Council
DOCUMENT REFERRED TO IN
MY STATEMENT AS
EX [REDACTED]
SIGN [REDACTED]

HM Land Registry
Current title plan

Title number **WYK374284**
Ordnance Survey map reference **SE1945SE**
Scale **1 1250**
Administrative area **West Yorkshire Leeds**



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This is a print of the view of the title plan obtained from HM Land Registry showing the state of the title plan on 05 July 2017 at 09:14:54. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by HM Land Registry, Nottingham Office.

WITNESS STATEMENT

(CJ ACT 1967 s 9 MC Act 1980 ss 5A(3)(a) and 5b MC Rules 1981 r 70)

Statement of Carmel Brennand

Age/Date of Birth – Over 21 Occupation – Senior Liaison & Enforcement Officer

This statement (consisting of 1 page(s) each signed by me) is true to the best of my Knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable for prosecution if I have wilfully stated anything which I know to be false or do not believe to be true

Dated 1 February 2018

Signature

I am the above named person I am employed as a Senior Liaison and Enforcement Officer by Leeds City Council My duties include the investigation of suspected offences under the Licensing Act 2003 I have delegated authority under the said Act

Since the 24th November 2005 the provision of late night refreshment between the hours of 11pm and 5am is a licensable activity under the Licensing Act 2003 This means that a premises carrying out a licensable activity requires a Premises Licence or Temporary Event Notice (T E N) authorising it

Premises known as Best Kebab at 48 – 50 Westgate, Otley, LS21 3AS currently has a Premises Licence PREM/03724 authorising late night refreshment from 11 00 pm to 12 midnight Sunday to Thursday and 11 00 pm to 00 30 am on Fridays and Saturdays This section had received a complaint alleging that the premises were operating past their permitted hours

On Sunday 2 July 2017 I was working in company with my colleague Miss Samantha Longfellow, Senior Liaison & Enforcement Officer At 00 40 am we attended at the premises which was open and fully lit There were 4 customers already inside and as we walked in 2 of them were being handed food and another 2 young males walked in with us I approached the counter and ordered a portion of chips from a male behind the counter and paid him £1 70 in change There were 6 members of staff behind the counter, all males At 00 50 am I was handed a yellow square polystyrene container which was hot to handle Whilst I was putting on salt & vinegar a young male and female came in and ordered a cheese and mushroom pizza We resumed from the premises and returned to our vehicle where we ate the chips They were hot to the touch and taste

Signature

WITNESS STATEMENT

(Criminal Justice Act 1967 s 9 Magistrates' Courts Act 1980 s 5B
Criminal Procedure Rules Rule 27 2)

NICHE Ref No	13170515448	URN	
Statement of	Rowan Hesse		
Date of birth	Over 18	Occupation	Police Sergeant 6910
This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true			
Signature		Date	3/3/18
Time and date			03/2018

Check box if witness evidence is visually recorded (supply witness details on rear)

I am a Police Sergeant 6910 of the West Yorkshire Police currently stationed at Otley police station

At approximately 02 05 hrs on Sunday 5th November 2017 whilst in company with PC 3483 King I was walking along Westgate, Otley in the direction of Waitrose supermarket As we were approaching the "Best Kebab & Pizza" takeaway on Westgate I saw a large group of males and females who were inside and outside the shop I estimate there were around 20 people both inside and outside the shop Most of whom looked as though they had either just bought something or were about to buy something

I am now aware that the takeaways trading hours were until 00 30 hrs Friday and Saturday evenings but I could clearly see that the staff were still serving hot food and business appeared to be booming

At this time as we were passing an apparent fight broke out between two males both of whom had been inside the takeaway The violence spilled out onto the street and PC King and I detained the two males involved one of whom was bleeding heavily from his nose

The result of us detaining the males was difficult to say the least Some of the crowd were trying to get us to release one suspect and at the same time another part of the crowd were trying to get to the other male who turned out to be the victim

Virtually everyone I spoke to was noisy argumentative obstructive and drunk I would describe the behaviour of at least half of the crowd to be too loud and beyond anti-social I would describe the behaviour of the suspect in the assault as both intimidating and aggressive He was jumping up and down and swearing and shouting whilst trying to get at the male who he had assaulted presumably to assault him again I have absolutely no doubt in my mind that this scene of violence and drunken aggression could have been avoided if the Best Kebab & Pizza shop had ceased trading at the time when they were supposed to

On a later date I was made aware that the Best Kebab & Pizza shop had applied for a temporary extension to their trading hours on New Year s Eve 2017 into New Year s Day 2018 I was then told by licencing that this had either been rejected or that had been withdrawn and so either way it was clear to me that they had not had a licence extension authorised

I was also in the area at 0145hrs on 01/01/18 and I passed by the Best Kebab & Pizza shop I made a point of checking if it was open or closed and when I passed I could clearly see that the business was still open and serving food I would estimate that there were around 10 customers in the business at this time

Signature

[Redacted Signature]

Signature witnessed by


RESTRICTED (when complete)

(Revised 19 11)

WEST YORKSHIRE POLICE
RESTRICTED (when complete)

WITNESS STATEMENT

(Criminal Justice Act 1967 s 9 Magistrates Courts Act 1980 s 5B,
Criminal Procedure Rules Rule 27 2)

NICHE Ref No	13170515448	URN	
Statement of	Richard KING		
Date of birth	Over 18	Occupation	Police Constable 3483
This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true			
Signature		Date	03/3/18
Time and date	11 40 HRS 03/03/18		

Check box if witness evidence is visually recorded (supply witness details on rear)

I am police constable 3483 of the West Yorkshire Police currently stationed at Otley police station within the Leeds Outer North West neighbourhood policing team as the ward manager for Guiseley

At approximately 02 05 hrs on Sunday 5th November 2017 whilst in company with PS 6910 HESSE I was walking along Westgate Otley towards Waitrose supermarket when as I approached one of the takeaways called Best Kebab and Pizza Shop 48 – 50 Westgate Otley Leeds in which I was on the opposite side off the road to I saw a large group of males and females who were inside and outside the takeaway The takeaway appeared quite full of customers inside and outside including a number sat on the wall opposite whom were also eating pizzas etc I would say there was approximately 20 or so persons in total

I am aware that the takeaways trading hours were until 00 30 hrs Friday and Saturday evenings but I could clearly see a number of customers inside the premises still be served food and customers outside consuming what they had purchased

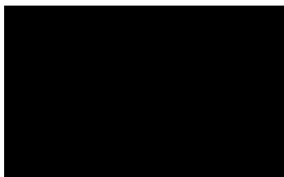
At this time as we were passing I saw what looked like a fight breaking out between two males, both of whom had just come from inside the takeaway The fight continued onto the street and PS Hesse and I detained the two males involved one of whom was bleeding heavily from his nose

It was clear from the males demeanour that they were also in drink and would not listen to any reasoning Some of the crowd were trying to get us to release one suspect and at the same time another part of the crowd were trying to get to the other male who turned out to be the victim

The majority of people that I spoke to were noisy argumentative obstructive and drunk The nature of their conduct was certainly anti-social which was not only outside the takeaway but also outside a number of residential properties Both males displayed unacceptable behaviour in terms of the assault and their overall conduct which I would describe as being both intimidating and aggressive One of the males was extremely agitated swearing and shouting whilst trying to get at the male whom he had assaulted goading him presumably to try and assault him again This incident could have been avoided if the Best Kebab and Pizza shop had ceased trading at the time it should have done As a late night establishment they should have a duty of care to the community to try and avoid scenes of violence and drunken aggression by conforming to the licensing times attached to their conditions

Signature

MG11



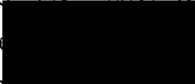
Signature witnessed by

RESTRICTED (when complete)

(Revised 1 9 11)

WITNESS STATEMENT

(Criminal Justice Act 1967 s 9 Magistrates Courts Act 1980 s 5B
Criminal Procedure Rules Rule 16 2)

NICHE Ref No	<input type="text"/>	URN	<input type="text"/>
Statement of	JOEL MARK HEBDEN		
Date of birth	Over 18	Occupation	PCSO
This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true			
Signature		Date	03-03-18
Time and date statement taken	0800 03 03-18		

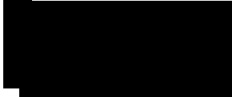
Check box if witness evidence is visually recorded (supply witness details on rear)

I am a Police Community Support Officer working in the Outer North West area of Leeds District I am based at Otley Police Station Bridge Street, Otley Leeds

On Wednesday 15th November 2017 at 00 40 hours I was on patrol with PCSO 547 PEPPER on Westgate in Otley Our department had been speaking with the licencing department and entertainment licencing and I had been given a task to check on Best Kebab takeaway on Westgate Otley regarding their opening and serving hours

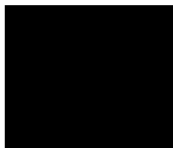
At this time we did not see any customers in the restaurant however it appeared to all intents and purposes to be open The lights were on and it looked much as it did when I have seen it during normal opening hours

At this point I telephoned their telephone number and enquired if it would be possible to place a food order to which they replied 'NO PROBLEM I CAN MAKE IT' I did not take this any further and did not order any food however it was clear to me that they were still able and ready to serve potential customers Before I disconnected the call the staff member continued to state they could fulfil an order and asked me what I wanted



Signature

MG11




Signature witnessed by

(Revised 1 12 16)

WEST YORKSHIRE POLICE

WITNESS STATEMENT

(Criminal Justice Act 1967 s 9 Magistrates Courts Act 1980, s 5B
Criminal Procedure Rules Rule 16 2)

NICHE Ref No	<input type="text"/>	URN	<input type="text"/>
Statement of	PC 4883 JOANNE DALTON		
Date of birth	Over 18	Occupation	Police Officer
This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true			
Signature	J DALTON  PC 4883	Date	03/03/2018
Time and date statement taken 03/03/2018 00 40 hours			

Check box if witness evidence is visually recorded (supply witness details on rear)

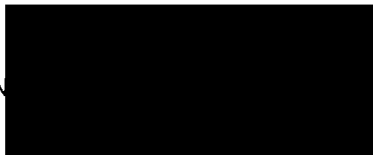
I am the above named Police Constable employed by WEST YORKSHIRE POLICE currently stationed at OTLEY POLICE STATION as part of Response Team 5

On Saturday 23rd December 2017 at 01 30 hours I was driving along WESTGATE in OTLEY heading back towards Otley Police Station I noticed that BEST KEBAB & PIZZA which is located on WESTGATE was still open and trading There was a male member of staff stood behind the counter and he was passing food to a customer I could also see that there was another customer stood behind waiting to be served

On Sunday 24th December 2017 at 01 15 hours I again noticed that the same takeaway shop was open and trading I could see two customers outside eating food and another customer stood inside being served

I was aware that the takeaway should not have been open and trading at this time and that they were in breach of their trading licence

Signature J DALTON



Signature witnessed by

MG11

(Revised 1 12 16)

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Notice of Decision

of the Licensing Sub Committee

Date of Hearing:	29th March 2016
Determination Date:	29th March 2016
Notice of Decision:	6th April 2016
Members:	Councillor Gerald Wilkinson (Chair) Councillor Ghulam Hussain Councillor Mary Harland
Legal Officer:	Joy Lounds
Committee Clerk:	Debbie Oldham
Licensing Officer:	Philomena Carville
Applicant:	Mr Sajid Khan
Premises:	Best Kebab, 48 & 50 Westgate, Otley, LS21 3AS,
Application:	Grant of a Premises Licence
Attendees:	Mr Sajid Khan, (applicant), Cat Sanderson (WYP), Cllr Campbell, (objector).

This application was brought before the Licensing Sub Committee due to the receipt of relevant representations

The Licensing Sub Committee considered:

1. Report from the Head of Licensing and Registration
2. Licensing Act 2003
3. Guidance issued by the Home Office pursuant to Section 182 of the act
4. Relevant licensing objectives
5. Licensing Act 2003 Statement of Licensing Policy 2014 – 2018
6. Local Licensing Guidance (if relevant)
7. Representations received from responsible authorities
8. Representations received from other persons.

Having taken all these matters into account the Licensing Sub Committee have agreed to **grant** the application in line with the copy of the licence attached at Appendix 2.

We would draw your attention to the following sections on the enclosed licence:

Page 1 and 2 detail the activities and hours of operation.

Annex 1 contains the mandatory conditions and embedded restrictions.

Annex 2 contains the conditions consistent with the operating schedule.

Annex 3 details of conditions attached after a hearing by the Licensing Authority.

The reason for this decision is as follows:

The Licensing Sub-Committee considered an application for the grant of a Premises Licence made by Mr Sajid Khan for Best Kebab, 48 & 50 Westgate, Otley LS21 3AS. The applicant had applied for late night refreshment from 23:00 to 01.00 am Sunday to Thursday and 23.00 pm to 2.00 am Friday and Saturday.

Ms Cat Sanderson of West Yorkshire Police and Councillor Campbell attended the hearing to comment further upon their representations.

At the outset of the hearing, it was clarified to the Licensing Sub-Committee that the applicant had agreed measures with the Environmental Protection Team, and a letter showing the agreement to the conditions sought by the EPT was circulated to all parties. The applicant had agreed to the measures listed and as such the agreed operating times were now as follows:

- Sunday to Thursday - 11.00 pm to midnight
- Friday and Saturday - 11.00 pm to 12.30 am

Mr Khan stated he wanted his business to be open for longer so that he could take advantage of the later opening hours of pubs and clubs in Otley. It would give him a bit more time and would help him run the business.

Ms Sanderson of West Yorkshire Police stated that she had only become aware on the date of the hearing that the operating hours had been reduced. However, she maintained that CCTV was still required at the premises to prevent crime and disorder and protect against public nuisance. She noted that whilst the premises were not selling alcohol, CCTV would benefit both the premises and the owner.

Councillor Campbell stated that he was concerned that the location of the premises would add to public nuisance. The premises were close to residential areas. He acknowledged and supported the Police in their view that CCTV would be required, as he knew the applicant had operated previous premises on Kirkgate where a number of issues had arisen. He conceded, however, that that was a different site. Councillor Campbell said that if the applicant was prepared to agree the conditions sought by the Police and Planning Authority, he would withdraw his objection. West Yorkshire Police also informed the Licensing Sub-Committee that if the applicant agreed to CCTV at the premises, they too would withdraw their objection.

The Applicant agreed to install CCTV as requested.

DECISION

The Licensing Sub-Committee considered the application and having heard from the applicant and those presenting representations, the Committee resolved to grant the application on the basis of the reduced hours. The licence is to be conditioned in accordance with the additional measures proposed in relation to CCTV, as set out at page 124 of the report, and also those additional conditions relating to noise and vibration, litter and transport and pedestrian movement as set out on pages 124 & 125 of the report. For the avoidance of any doubt, the operating hours for late night refreshment would be 11.00 pm to midnight Sunday to Thursday and 11.00 pm to 12.30 am Friday and Saturday.

Right of Appeal

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the sub committee. You must make this appeal within 21 days of receiving this notice.

Appeals should be addressed to the Magistrates Court at:

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

and be accompanied by a copy of this notice of decision and the court fee of £400.00 if you are the premises licence holder/applicant and £200.00 for all other parties. Cheques should be made payable to HMCS.

Please note that the Magistrates have the power to award costs against any party as a result of appeal proceedings.

Notice of Decision

of the Licensing Sub Committee

Date of Hearing:	29th March 2016
Determination Date:	29th March 2016
Notice of Decision:	6th April 2016
Members:	Councillor Gerald Wilkinson (Chair) Councillor Ghulam Hussain Councillor Mary Harland
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6. Local Licensing Guidance (if relevant)
7. Representations received from responsible authorities
8. Representations received from other persons

Having taken all these matters into account the Licensing Sub Committee have agreed to **grant** the application in line with the public register copy of the licence attached at Appendix 2.

We would draw your attention to the following sections on the enclosed public register copy:

Page 1 details the activities and hours of operation.

Annex 1 contains the mandatory conditions and embedded restrictions.

Annex 2 contains the conditions consistent with the operating schedule.

Annex 3 details of conditions attached after a hearing by the Licensing Authority.

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DECISION

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There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the sub committee. You must make this appeal within 21 days of receiving this notice.

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

and be accompanied by a copy of this notice of decision and the court fee of £400.00 if you are the premises licence holder/applicant and £200.00 for all other parties. Cheques should be made payable to HMCS.

Please note that the Magistrates have the power to award costs against any party as a result of appeal proceedings.

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Details of premises licence

For: Best Kebab

This document provides details of the premises licence issued to the stated premises and is not a licence itself.

Licence number: PREM/03724/001

Premises the licence relates to: Best Kebab, 48 & 50 Westgate, Otley, LS21 3AS

Date licence first effective: 29th March 2016

Date current version effective from: March 29, 2016

Licensable activities authorised by the licence:

Provision of late night refreshment

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

Opening hours of the premises:

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

Premises licence holder(s):

Mr Sajid Khan, 3 Boynton Street, Bradford, BD5 7BS

Access to the premises by children

Access to the premises by children is unrestricted

Annex 1 – Mandatory Conditions

None

Annex 2 – Conditions consistent with the operating schedule

Additional details in respect of licensable activities authorised by this licence

Provision of late night refreshment

Location of activity: Indoors

Further details: Hot food takeaway

Concerns in respect of children: None

Conditions consistent with the operating schedule relating to the licensing objectives

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

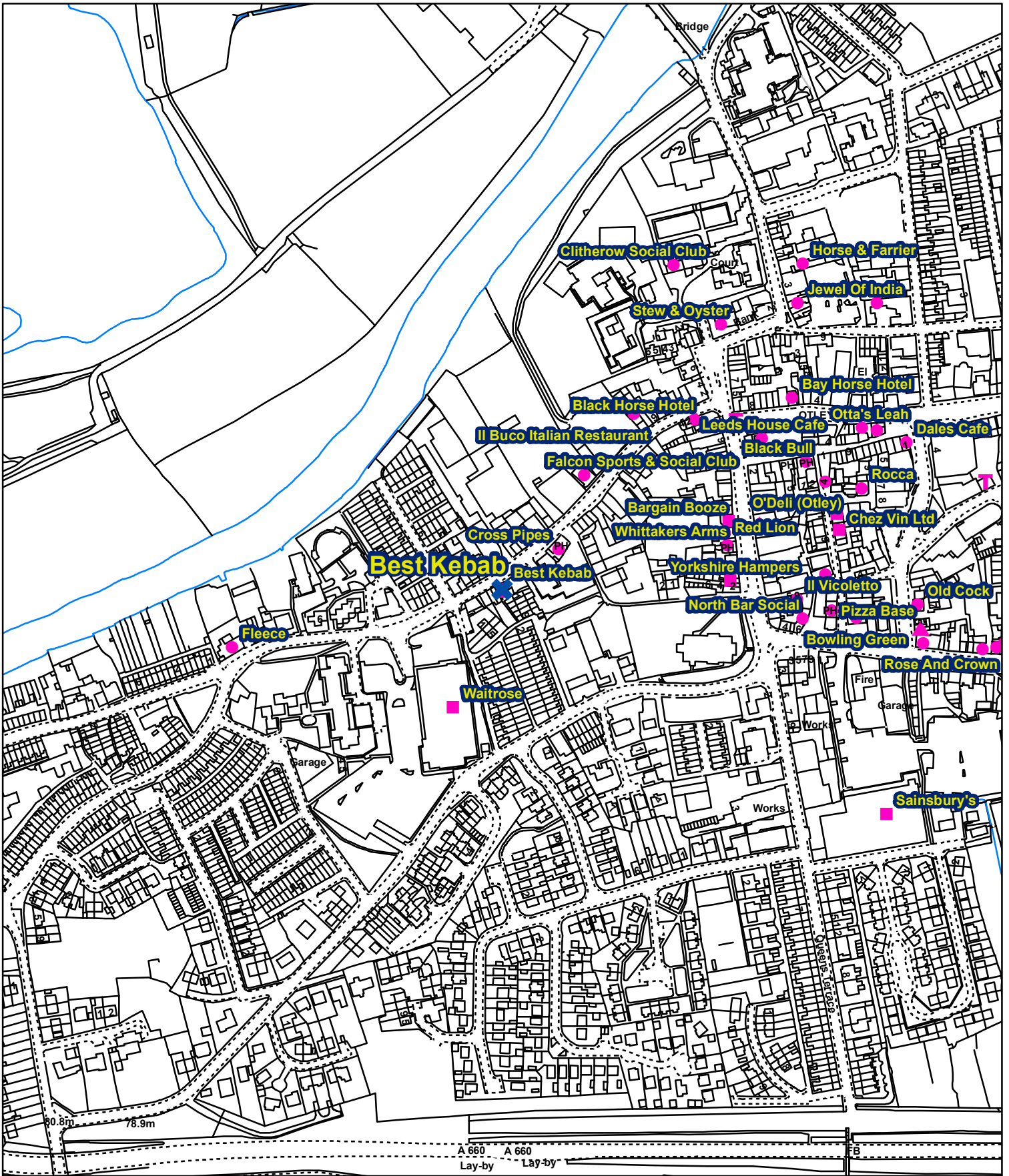
5. Noise from a licensable activity at the premises will be inaudible at the nearest noise sensitive premises.
6. Licensable activities shall be conducted and the facilities for licensed activities shall be designed and operated so as to prevent the transmission of audible noise or perceptible vibration 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

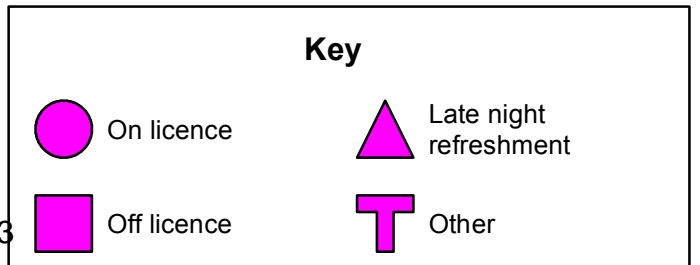
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11. Reviews

THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via Business Link or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at a premises and wants to intervene early without waiting for representations from other parties. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this

separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 Any application for a review received by the licensing authority from responsible authorities and any other persons should be given due consideration and treated by the authority in precisely the same way, regardless of the body or individual which made it. This includes an application made by the local authority acting in a separate capacity (for example, environmental health or child protection).
- 11.8 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.9 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.10 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.
- 11.11 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, responsible authorities and any other persons in pursuit of common aims. Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

11.12 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

REPETITIOUS GROUNDS OF REVIEW

11.13 A repetitious ground is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
- representations considered by the licensing authority when the premises licence or certificate was granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

11.14 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.

11.15 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.

11.16 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

11.17 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

11.18 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.19 However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

11.20 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

11.21 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

- 11.22 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.23 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.24 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.25 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.26 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

- 11.27 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.
- 11.28 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.
- 11.29 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;
 - for the organisation of racist activity or the promotion of racist attacks;
 - for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;

- for unlawful gambling; and
- for the sale of smuggled tobacco and alcohol.

11.30 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Community Safety Partnership.

11.31 As noted below (Chapter 13, paragraph 13.59), it is unlawful to discriminate or to refuse service on grounds of race, disability, gender reassignment, pregnancy and maternity, religion and belief, sex and sexual orientation or by displaying discriminatory signs on the premises. Representations made about such activity from responsible authorities or other persons would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

REVIEW OF A PREMISES LICENCE FOLLOWING CLOSURE ORDER

11.32 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review - the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within 10 working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than 5 working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

REVIEW OF A PREMISES LICENCE FOLLOWING PERSISTENT SALES OF ALCOHOL TO CHILDREN

11.33 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.

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SA

Entertainment Licensing

From Campbell, Cllr Colin
Sent 15 March 2018 08 30
To Waters, Michael
Cc Entertainment Licensing
Subject RE Review of Premises Licence PREM/03724/003 Best Kebab 48-50 Westgate Otley LS21

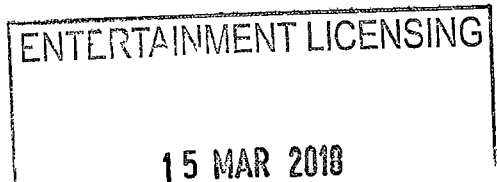
I would support the review

As a ward councillor I receive regular complaints about the general running of this establishment

These include, cars parking and obstructing the road/pavement, general noise nuisance late at night and opening beyond hours

There is also an issue regarding storage of waste bins, these are subject to a complaint from me as it appears to be stored on an amenity area some distance from the premises

Cllr Colin Campbell
07973521547
colin.campbell@leeds.gov.uk



From Waters, Michael
Sent 14 March 2018 14 17
To Campbell, Cllr Colin, Lay, Cllr Sandy, Downes, Cllr Ryk
Cc Holder, Stephen, Raper, Nicola, Kennedy, Seamus, Archibald, Janice
Subject Review of Premises Licence PREM/03724/003 Best Kebab 48-50 Westgate Otley LS21

Councillors,

For your information, I have instigated a review of the above premises licence following persistent breaches of licensed hours, failure to comply with conditions relating to Closed Circuit Television (CCTV) and a recent incident of disorder

The last date for representations in respect of the premises licence review is 10th April 2018. We have also made a representation to oppose the application for an extension of permitted hours at Best Kebab. The last date for representations on the variation PREM/03724/002 to be received at LCC Entertainment Licensing is 22nd March 2018.

Our generic e-mail address for making any representations is entertainment.licensing@leeds.gov.uk

Regards

Michael Waters
Senior Liaison & Enforcement Officer
Entertainment Licensing
Leeds City Council
Tel 0113 3785342
Fax 0113 3367124
email michael.waters@leeds.gov.uk
www.leeds.gov.uk

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Report author: Miss Janice Archibald
0113 378 5029

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 8th May 2018

Subject: Application to vary a premises licence held by Best Kebab 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): Otley and Yeadon		
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 is an application to vary a premises licence, made by Mr Sajid Khan, for Best Kebab 48 & 50 Westgate, Otley, LS21 3AS.

The application was originally scheduled for hearing on the 17th April 2018, but was adjourned at the request of the applicant until the 8th May 2018.

Responsible authorities and Ward Members have been notified of this application.

The application has attracted representations from responsible authorities.

1 Purpose of this report

- 1.1 To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") to vary 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 History of premises

- 2.1 On the 1st February 2016, an application was received in the Licensing Office for the grant of a premises licence for the sale of late night refreshment up to 2 am on weekends. The application attracted representations from responsible authorities and other persons and a ward councilor and was scheduled for hearing before the Licensing Sub Committee where the decision was made to grant the licence, adding the agreed conditions and reducing the hours applied for to up to 00:30 on weekends. The licence was granted in March 2016.

Complaints from residents were received in May 2017 alleging that the premises were repeatedly exceeding their permitted hours up to 2am on weekends.

Warning letters were sent to the premises and the licence holder's home address, the licence holder was advised that the premises would be monitored for compliance.

In July 2017, officers from Entertainment Licensing carried out a covert Test Purchase of hot food, this was 20 minutes after the last permitted sale of hot food. Warning letters were again sent to the licence holder at the premises and his home address.

On the 5th November 2017 Police officers attended a large disturbance outside the shop at 2 am. The officers reported that the shop was still open at that time, this is 90 minutes after the last permitted sale of hot food.

A further warning letter was sent to the licence holder at the premises and his home address.

An enforcement officer visited the premises on 9th November 2017 and spoke to the licence holder. They discussed the recent incident and the officer requested to view the CCTV system (conditions 1-3) on the premises licence. Mr Khan stated that he had not installed the CCTV system that he had agreed to install at the Licensing Sub Committee hearing on the 29th March 2016, as a result no footage was available to assist police in identifying persons involved in the incident.

On the 15th November 2017, a Police Community Support Officer witnessed the shop operating at 00:40 hours, last permitted sale of hot food that day is midnight.

On the 5th December 2017, Mr Khan telephoned licensing advising that he had been unable to find anyone to install CCTV prior to Christmas. He was advised that he was continuing to breach CCTV conditions, he was also advised that Police had witnessed breaches of hours on the 15th November 2017.

On the 12th December 2017, two x TEN (temporary event notice) applications were received from the licence holder. The first application was for the weekend before Christmas and the second was for the weekend before and including New Year's Day. As the first application was not received 10 working days before the date of the event, the first ten was deemed a late ten. A representation was received from West Yorkshire Police, which meant that the Ten had to be rejected and on 14th December 2017, a Counter Notice was issued to the licence holder.

The 2nd Ten for the weekend of New Year's Eve was also subject to a representation from West Yorkshire Police, due to the recent disorder at the premises and because the premises were still failing to comply with the conditions relating to CCTV. As a result, Mr Khan emailed Licensing withdrawing this Ten, the email was received on the 15th December 2017.

Entertainment Licensing were advised by West Yorkshire Police that the premises had exceeded their permitted hours and had chosen to disregard the Counter Notice on the 23rd and 24th December 2017. Entertainment Licensing were also advised by West Yorkshire Police that the premises had exceeded their hours up to 01:45 on New Year's Day, the normal hours for hot food is midnight on that day.

On the 5th February 2018, the premises licence holder and his solicitor attended a meeting at Otley Police Station, where Council and Police Licensing Officers advised Mr Khan of his breaches of licence. The premises licence holder advised the meeting that he had installed the CCTV system.

On the 16th February 2018, a LCC enforcement officer visited Best Kebab and requested to view the CCTV to check compliance with conditions 1-3 of the licence. The premises licence holder admitted that only the cameras were fitted and there was no hard drive or monitor to view footage.

The Licensing Authority did consider the option of prosecution via the courts, but it was felt that due to the repeated breaches of licensed hours and conditions, a review was the preferred option with the recommendation to revoke the existing licence.

A review was submitted on the 13th March 2018.

2.2 A copy of the existing licence is attached at Appendix A.

3 The application

3.1 The applicant is Mr Sajid Khan

3.2 Briefly the application is to:

- Add an additional half hour onto the hours for sale of late night refreshment on a Friday and Saturday night.

4 The operating schedule

4.1 The applicant considers that the existing measures are sufficient to promote the licensing objectives and no further measures have been offered.

5 Location

- 5.1 A map which identifies the location of this premises is attached at Appendix B.

6 Representations

- 6.1 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

Representations from Responsible Authorities

- 6.2 Representations have been received from The Licensing Authority, West Yorkshire Police and The Environmental Protection Team in their capacity as responsible authorities. A copy of all the representation may be found at Appendix C.

Other representations

- 6.3 There are no other representations.
- 6.4 Members are directed to paragraphs 7.51 to 7.54 of the Statement of Licensing Policy which provides examples of how an application may be considered exceptional and the matters that the council would not normally take into consideration.

7 Licensing hours

- 7.1 Members are directed to paragraphs 6.8 to 6.15 for the Statement of Licensing Policy which states the criteria that will be applied to any decision for new applications or variations which include extending hours.
- 7.2 In brief the Policy states at 6.14 that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so. The council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not impact on the licensing objectives.
- 7.3 A list of premises in the local area and their licensed hours and activities is provided at appendix D.

8 Equality and diversity implications

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

9 Options available to Members

9.1 The licensing subcommittee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the variation as requested.
- Grant the variation whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates.
- Reject the whole or part of the application.

9.2 Members of the licensing subcommittee 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 appropriate in order to promote the licensing objectives.

10 Background papers

- Guidance issued under s182 Licensing Act 2003
- Statement of Licensing Policy

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Details of premises licence

For: Best Kebab



This document provides details of the premises licence issued to the stated premises and is not a licence itself.

Licence number: PREM/03724/001

Premises the licence relates to: Best Kebab, 48 & 50 Westgate, Otley, LS21 3AS

Date licence first effective: 29th March 2016

Date current version effective from: March 29, 2016

Licensable activities authorised by the licence:

Provision of late night refreshment	
Friday & Saturday	23:00 - 00:30
Sunday to Thursday	23:00 - 00:00

Opening hours of the premises:

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

Premises licence holder(s):

Mr Sajid Khan, 3 Boynton Street, Bradford, BD5 7BS

Access to the premises by children

Access to the premises by children is unrestricted

Annex 1 – Mandatory Conditions

None

Annex 2 – Conditions consistent with the operating schedule

Additional details in respect of licensable activities authorised by this licence

Provision of late night refreshment

Location of activity:	Indoors
Further details:	Hot food takeaway
Concerns in respect of children:	None

Conditions consistent with the operating schedule relating to the licensing objectives

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

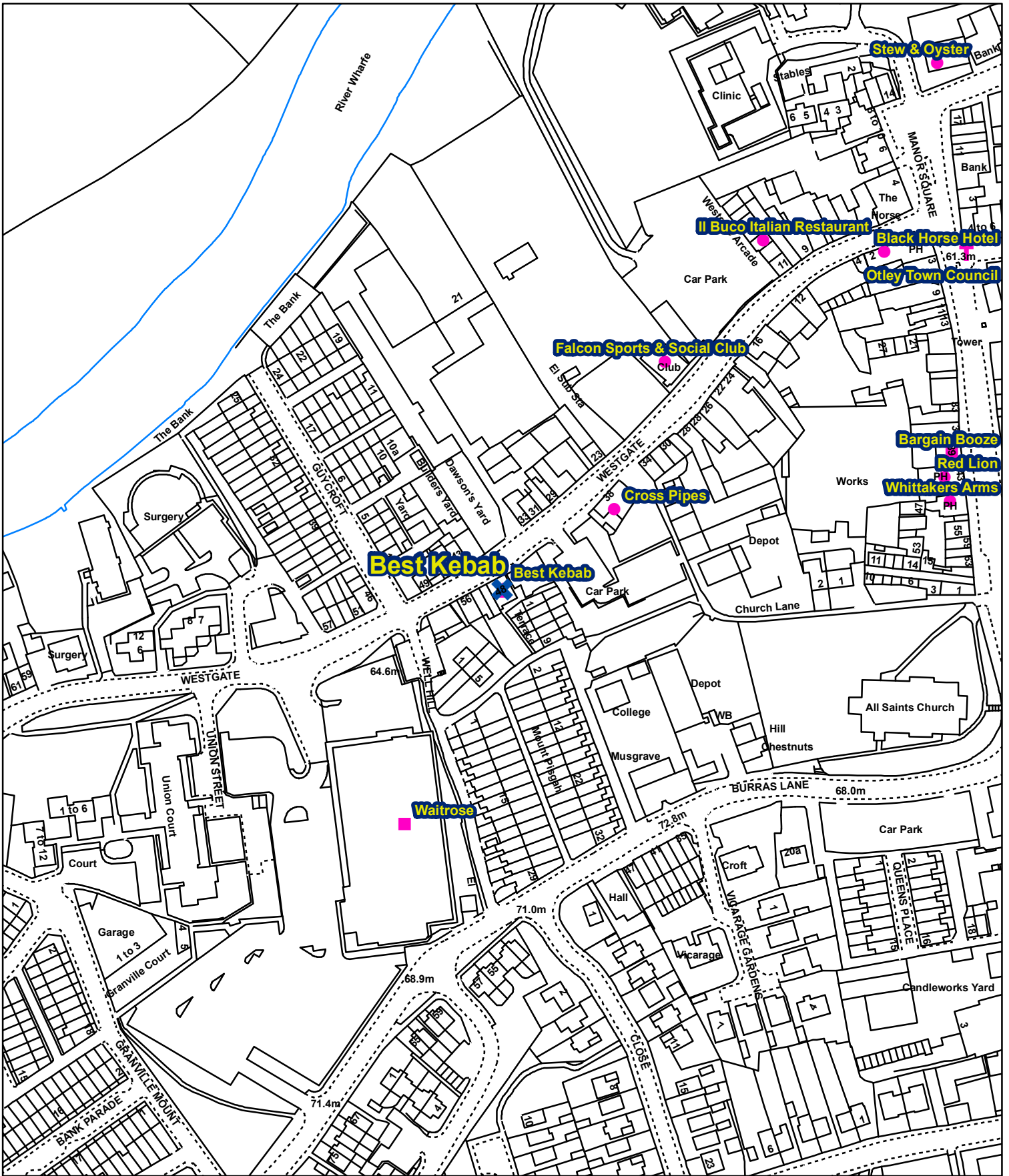
5. Noise from a licensable activity at the premises will be inaudible at the nearest noise sensitive premises.
6. Licensable activities shall be conducted and the facilities for licensed activities shall be designed and operated so as to prevent the transmission of audible noise or perceptible vibration 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

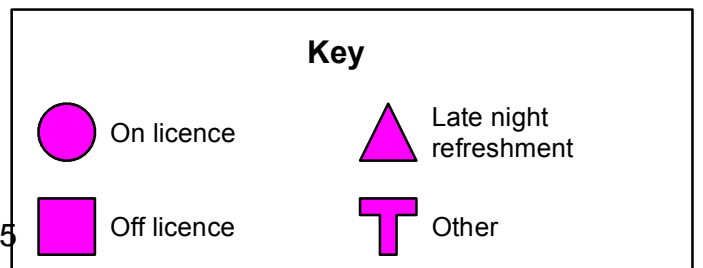
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This map is based upon the Ordnance Survey's digital data with the permission of the Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office

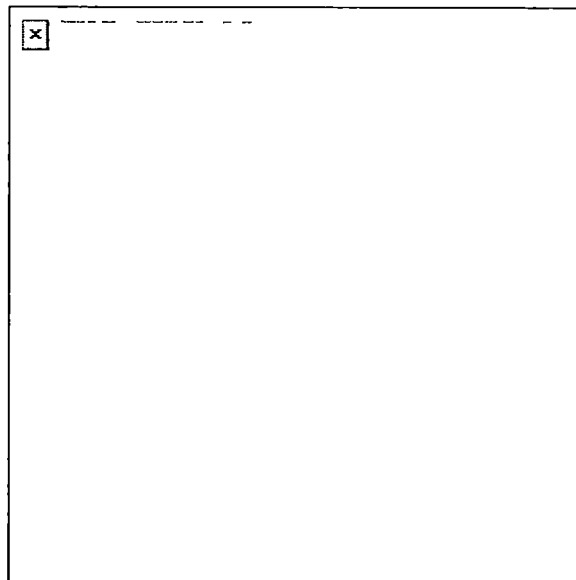
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APPENDIX C



LCF Law
One St James Business Park
New Augustus Street
Bradford
BD1 5LL

Environmental Protection Team
Leeds City Council
Millshaw Park Way
Leeds
LS11 0LS

ENTERTAINMENT LICENSING
08 MAR 2018
RECEIVED

Contact Mr Trevor Porter

Our reference PREM/03724/002
8th March 2018

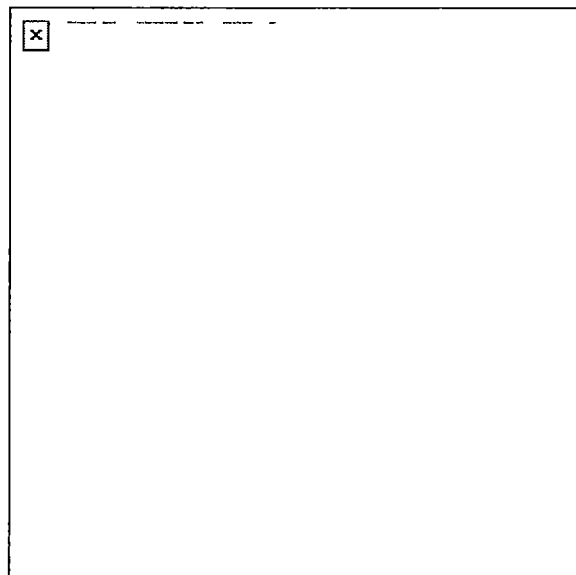
Dear Sir Madam

Licensing Act 2003

Name and Address of Premises 48 & 50 Westgate, Otley, LS21 3AS,

We refer to your licensing application for the above premises. We believe that your application does not give enough information about how you intend to meet an important objective of the license, which is to prevent public nuisance. We therefore confirm that we are submitting a formal objection to your application.

We base our objection on the following matters



www.leeds.gov.uk

general enquiries 0113 222
4444

- The potential for noise disturbance from customers whilst arriving & leaving premises, slamming car doors and vehicle noise in the early hours
- That the hours of operation applied for would set a precedent in an area already served by late opening venues. If the precedent was set and other businesses granted such hours then there could be a significant added impact of noise disturbance deeper into the early morning hours to the surrounding residential premises

We also base our objection on experience including that specifically associated with the premises and the area including data relating to complaints received from members of the public

Having read the matters we describe below if you feel we should consider anything else please do not hesitate to contact us

Description of the surrounding area

48-50 Westgate is situated at the end of a row of shops including their neighbour which is a pizza shop. Westgate is just outside of the Otley town centre

The premises has a residential flat above as do all the other shops, there are also residential properties facing and at the rear of the premises, with residential streets nearby

Please refer to Appendix 1 Maps of Surrounding Area

Description of the applicant venue and the application

Best Kebab 48-50 Westgate take away shop is situated at the end of a row of shops including their neighbour which is a pizza shop. There is little parking available

Their nearest competitors Pizza Torino are open Sunday to Thursday 12 00-23 45 and Friday & Saturday 12 00-00 30, their second nearest competitors Dragon City Chinese are open Monday – Sunday 17 00-23 00. The local supermarket, Waitrose, opens 08 00-20 00

Complaint and other history specific to the applicant premises

Environmental Health historical noise nuisance complaint from patrons & staff leaving the premises & noise arising from vehicles visiting the premises

Reported breaches of current licence notifications with premises repeatedly operated beyond his permitted hours

2nd July 2017 Covert Test Purchase of hot food by Enforcement Officer at 00 50 hours

5th November 2017 Police Officers attended a disorder outside shop at 2am. Shop still trading

15th November 2017 Police Officers witnessed customers being served at 00 40 hours

12th December 2017 2 x TEN applications received from Licence Holder

14th December 2017 one of the TENs was a Late TEN (23rd-25th December 2017) Police Representation & Counter notice issued

15th December 2017 following Police Representation to 2nd TEN for New Year weekend Licence Holder withdraws application

23rd December 2017 Police Officer witnessed shop trading at 01 30 hours despite Counter Notice being issued

24th December 2017 Police Officer witnessed shop trading at 01 15 hours despite Counter Notice being issued

1st January 2018 Police Officer witnessed shop trading at 01 45 in spite of TEN application being withdrawn

Conclusions reached

Current license opening times of Best Kebab are in keeping with the local area

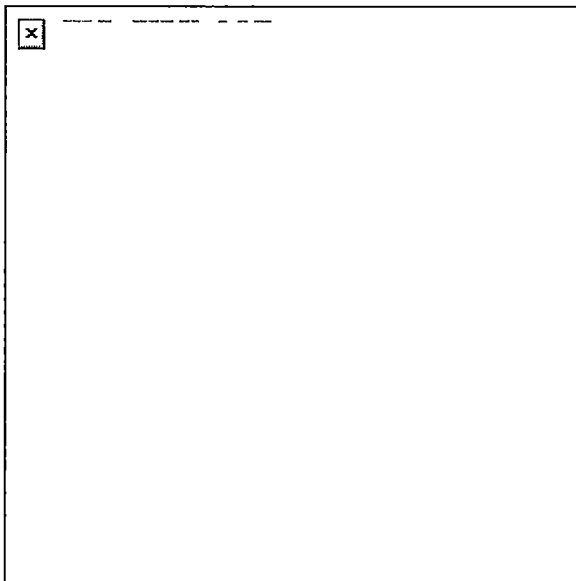
The hours of operation applied for would set a precedent in an area already served by late opening venues. If the precedent was set and other businesses granted such hours then there could be a significant added impact of noise disturbance deeper into the early morning hours to the surrounding residential premises

Consistent notifications for current license breaches, previous complaint nuisance history lead the department to conclude that the application to extend opening hours has the potential to create noise nuisance to the area affecting local amenity into the early morning hours

We recommend that the Sub-Committee refuse the application

We do not believe that further conditions will resolve the application as it stands

Yours sincerely



Mr Trevor Porter
Environmental Health Officer

Appendix 1 Map of Surrounding Area





LCF Law
One St James Business Park
New Augustus Street
Bradford
BD1 5LL

Elections, Licensing & Registration
Civic Hall
Leeds LS1 1UR

Our Ref: A80/MW/LIC/PREM/03724/002

Your Ref:

Contact: Michael Waters

Tel: 0113 2785838

Fax: [REDACTED]

Email: [REDACTED]

Date: 1st March 2018

Dear Sir,

RE: BEST KEBAB 48-50 WESTGATE OTLEY LS21 3AS.

**APPLICATION FOR A VARIATION OF A PREMISES LICENCE – LICENSING ACT 2003:
LICENSING AUTHORITY LETTER OF REPRESENTATION – OBJECTION:**

Thank you for submitting your application for the above premises, received at the address above on the 22nd February 2018.

The Licensing Authority is of the opinion that your application contains insufficient information about how you intend to meet the licensing objectives. We therefore confirm that we are submitting a formal representation against your application on the grounds of:

- 1.The prevention of crime and disorder
- 2.The prevention of public nuisance
- 3 Public Safety

The current Premises Licence PREM/03724/001 authorises Best Kebab to provide Late Night Refreshment on the following days:
Sunday to Thursday: 23:00 to Midnight
Friday & Saturday: 23:00 to 00:30

Further to complaints received from members of the public and Elected Members, Licensing Enforcement Officers, through enquiries made, found the premises to be providing unauthorised late night refreshment beyond the current permitted licensed hours on a number of occasions. Despite warning letters having being sent and meetings held with the operator, further licensing breaches have been witnessed.

Also, the premises operator failed to comply with the requirements of the Licensing Act in respect of two recent Temporary Event Notices (TEN) notified by them in that one of the TEN's, a 'late' TEN was issued a Counter Notice following a formal representation made by the West Yorkshire Police. Despite the Counter Notice being issued the premises exceeded their permitted licensed hours on both 23rd & 24th December 2017 by providing late night refreshment after 0030 on the 23rd December 2017 and after Midnight on 24th December 2017.

They again exceeded their permitted licensed hours on 1st January 2018 by providing late night refreshment after midnight on 1st January 2018 after withdrawing a TEN for that day.

In addition, the Premises Licence Holder, Sajid Khan has failed to comply with conditions 1-3 (CCTV) of their existing Premises Licence. Mr Khan had agreed to install a Closed Circuit Television System (CCTV) in accordance with West Yorkshire Police Guidelines at the hearing in March 2016. Following an incident of disorder outside the premises at 2am on 5th November 2017 it was found that the CCTV system had not been installed. The system was to be provided for the protection of customers and staff. The effect of not having the CCTV system meant that persons involved in the incident could not be quickly identified.

The premises were last visited by Licensing Enforcement Officers on 16th February 2018 and the CCTV system that was initially agreed in March 2016 was still not operational.

The Licensing Authority feels that any increase in the permitted hours for Late Night Refreshment would compromise the above objectives and subject properties in the area to nuisance over an extended period. The Premises Licence Holder's inability to comply with the permitted hours on the existing licence is unlikely to result in them complying with the proposed extended hours.

We respectfully request that the Licensing Sub-Committee considers our representation prior to coming to a decision on the application.

Yours faithfully

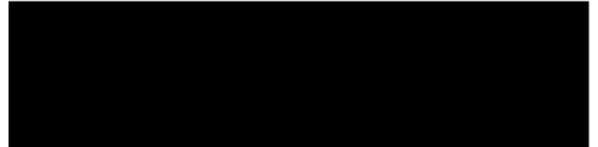
Michael Waters
Senior Liaison & Enforcement Officer
Entertainment Licensing



Leeds District Licensing

Department

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



Your ref:
Our ref:

20th March 2018

Simon Stell
LCF Law
One St James Business Park
New Augustus Street
Bradford
BD1 5LL

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

RE: BEST KEBABS, 48-50 WESTGATE, OTLEY, LEEDS, LS21 3AS
APPLICATION TO VARY A PREMISES LICENCE – LICENSING ACT 2003:
POLICE – LETTER OF REPRESENTATION – ‘FULL’ OBJECTION:

Thank you for submitting your application for the above premises.

West Yorkshire Police are of the opinion that your application contains insufficient information about how you intend to meet the licensing objectives.

We therefore confirm that we are submitting a formal representation against your application on the grounds of:-

1. the prevention of crime & disorder
2. public safety

NOT PROTECTIVELY MARKED

The premises has been found operating on numerous occasions beyond their licensed hours. West Yorkshire Police responded to a violent incident outside the shop at 0200 hours on Sunday 5th November 2017. The premises was open at the time, the incident involved customers from Best Kebabs and this was 1 hour and a half after the shop should have ceased trading.

Alongside this, a T.E.N was served for the 23rd 24th and 25th December 2017 and was objected to by West Yorkshire Police, yet there is evidence stated below, that this was ignored and it was seen that the premises continued to serve past their licensed hours.

On 23rd December 2017 into the 24th December 2017, at 0130 hours, police witnessed a member of staff passing food to a customer and there was another customer waiting to be served, this took place 1 hour past licensed hours.

On 24th December 2017 into the 25th December 2017, again, police witnessed an individual being served on the premises at 0115 hours, 1 hour 15 minutes past licensed hours.

We were served a T.E.N for the 30th/31st December 2017 and the 1st January 2018, which was later withdrawn by Best Kebab. On the 31st the premises was due to stop serving at 2300 hours. However, the police witnessed around 10 customers being served in the shop at 0145 hours on the 1st of January 2018, which is 2 hours 45 minutes past the licensed time.

The hours that have been requested in the current application to vary the premises licence involve extending the closing hours from 0030 hours to 0100 hours on Saturday and Sundays. In the examples I have already listed where police have witnessed the premises operating outside its licensed hours, the hours in which they were operating exceed those that are currently being sought. We therefore have no confidence that the extra half hour applied for on a weekend will address the applicant's apparent disregard for his current authorised hours.

On the back of these breaches of the licence, a meeting was held on the 5th February 2018 with West Yorkshire Police, Leeds City Council and the licence holder in which these occurrences were highlighted and discussed. Another meeting occurred on the 19th March 2018 to check the new CCTV system the licence holder had fitted which was in working order but had not yet attained the required 31 days retention.

Given the above occurrences, the repeated breaches of the licence and the lack of measures offered, West Yorkshire Police object to this application and invite the licensing authority to refuse the application outright at any future hearing.

Natasha Forrest
Licensing Officer
Leeds District Licensing Dept

NOT PROTECTIVELY MARKED

Issued premises licences and club certificates within an area



Leeds
CITY COUNCIL

PREM/00577/010 - Waitrose, 60 Westgate, Otley, Leeds, LS21 3AS	
Sale by retail of alcohol (On the Premises - Staff Dining Room and Customer Cafe)	
Every Day	08:00 - 23:00
Performance of recorded music	
Every Day	00:00 - 23:59
PREM/03724/001 - Best Kebab, 48 & 50 Westgate, Otley, LS21 3AS	
Provision of late night refreshment	
Friday & Saturday	23:00 - 00:30
Sunday to Thursday	23:00 - 00:00
PREM/00258/003 - Cross Pipes, 36 Westgate, Otley, Leeds, LS21 3AS	
Sale by retail of alcohol	
Every Day	11:00 - 00:00
Performance of live music	
Thursday to Saturday	19:00 - 23:30
Performance of recorded music	
Thursday to Saturday	19:00 - 23:30

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