

Notice of Decision

of the Licensing Sub Committee



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| 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.

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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.

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