

**Legal, Licensing & Registration**  
Entertainment Licensing Section  
Civic Hall  
Leeds LS1 1UR

Councillor John Illingworth  
Civic Hall  
Leeds  
LS1 1UR

Contact: Mr Matthew Nelson  
Tel: 0113 2474095  
Fax: 0113 2243885  
Email: [matthew.nelson@leeds.gov.uk](mailto:matthew.nelson@leeds.gov.uk)  
Our Ref: A80/PREM/02967

12th January 2011

Dear Councillor Illingworth

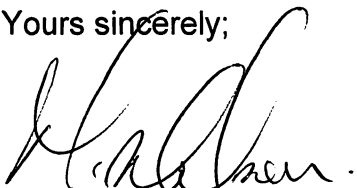
**Application for the grant of a Premises Licence - Notice of Determination**

**Premises: Restaurant And Takeaway, Haddon Hall, Bankfield Road, Burley, Leeds, LS4 2JT**

Please find enclosed a copy of the Notice of Determination which represents the formal decision made by the Licensing Sub Committee in relation to the above application.

Please do not hesitate to contact the Licensing Section on the above telephone number should you require any further assistance or information.

Yours sincerely;



Mr Matthew Nelson  
Licensing Officer  
Entertainment Licensing Section

# Notice of Decision

## Of the Licensing Sub Committee



**Date of Hearing:** Monday 10th January 2011

**Determination Date:** Monday 10th January 2011

**Notice of Decision:** Wednesday 12th January 2011

**Members:** Councillor Suzi Armitage (Chair)  
Councillor Brian Selby  
Councillor Ryk Downes

**Legal Officer:** Gill Marshall

**Committee Clerk:** Helen Gray

**Licensing Officer:** Philomena Carville/Bridget Massey

**Applicant:** Mr Mohammed Zareen

**Premises:** Restaurant And Takeaway, Haddon Hall, Bankfield Road,  
Burley, Leeds, LS4 2JT

**Application:** Grant of a Premises Licence

**Attendees:** Mr Robert Patterson (West Yorkshire Police)  
Councillor John Illingworth

The Licensing Sub Committee considered:

1. The report from the Assistant Chief Executive (Corporate Governance).
2. Licensing Act 2003.
3. Guidance issued by the secretary of State of Culture Media and Sport pursuant to Section 182 of the act.
4. Relevant Licensing Objectives.
5. The statement of Licensing Policy 2007 – 2010.
6. Representations received from responsible authorities.
7. Representations received from interested parties.

Having taken all these matters into account the Licensing Sub Committee have agreed to **refuse** the application.

The reason for this decision is as follows:

The sub-committee decided to proceed with this application in the absence of the applicant. This was the second time the applicant had not attended and he had not contacted the Entertainment Licensing Section nor any agency since the previous hearing. Members were satisfied that the Applicant was aware of the hearing and had been provided with papers by his solicitor (who had now ceased to act for him). In addition, the Clerk had sent out a full set of agenda papers when they were published. That being the case Members were satisfied that the Applicant could have attended had he wished to do so and it was appropriate to proceed in his absence.

Members heard from Councillor Illingworth in respect of his own representation and on behalf of local residents. The main concern for residents was late night operation. Councillor Illingworth made Members aware that there was a Costcutter supermarket on site which started operating at 6 am and residents were concerned about adding a late night operation at the other end of the day. Councillor Illingworth confirmed this is a residential area with a number of children living nearby. He also said that when the premises operated as a public house it had a history of attracting low level anti-social behaviour and late night drinking and there was concern the new operation might also attract this type of behaviour.

Members also heard from Mr Patterson, Licensing Officer for West Yorkshire Police. Mr Patterson acknowledged that as a restaurant with a takeaway facility there was some potential for noise disturbance to local residents but his main representation centered around the character of the individual Applicant. Mr Patterson acknowledged that this was not a question of whether he was a fit and proper person but said that the character of the individual, as demonstrated by previous history, undermined all of the licensing objectives.

Having considered the representations in the papers Members resolved to reject the application on the grounds that the antecedents of the Applicant were such that the sub-committee could not be satisfied that he would fulfill his responsibilities under the Licensing Act 2003. As such granting the licence would not promote the 4 licensing objectives under the Act.

In addition, the sub-committee acknowledged the residents concerns about the potential noise problems. However they noted that this was an application for a restaurant licence and not a late night drinking venue. They also noted that there were previous licensed premises on the site. Members noted that any future application for use of the premises would be considered on its merits taking into account the hours and activities applied for at the time.

### **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 by 2nd February 2011.

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 – Persons making appeals should be aware that the Magistrates have the power to award costs against any party as a result of appeal proceedings**