

Licensing Sub-Committee

Monday, 28th February, 2011

PRESENT: Councillor S Armitage in the Chair

Councillors G Hussain and V Morgan

207 Election of the Chair

RESOLVED – Councillor Armitage was elected Chair for the meeting

208 Late Items

No formal late items of business were added to the agenda for the meeting, however the Sub Committee was in receipt of the following additional documents relating to “World Foods” (minute 211 refers)

- Photographic evidence supplied by West Yorkshire Police in support of their representation supplied just prior to the hearing and tabled with the agreement of the applicant
- Letter tabled at the hearing by the solicitor for the applicant in response to the statement made by West Yorkshire Police

209 Declarations of Interest

The following Member declared personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct:

Councillor G Hussain – World Foods, Harehills Lane – declared a personal interest as he stated that members of his family owned buildings near to the premises; that he owned a building on the parade of shops but leased it to another user who operated that as a hot food take away; and that he knew the solicitor for the applicant on a professional basis although he had not had any dealings with him recently (minute 211 refers)

210 "Tesco" - Application for the grant of a Premises Licence for Tesco, Elland Road, Churwell, Morley, Leeds LS27 7TB

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy, considered an application for the grant of a Premises Licence in respect of a new Tesco store, Elland Road, Churwell.

A representation had been received from LCC Department of Development (Planning) relating to the hours of operation requested. Present at the hearing were:

Mr P Whur – solicitor for the applicant

Mr G Bartley - Licensing Manager for Tesco Stores

Mr C Sanderson – LCC Department of Development

The Sub Committee heard first from Mr Sanderson who described the residential nature of the locality. The site had only recently gained planning permission for change of use from a former public house to a supermarket in

2010 following negotiations over the hours of operation. Mr Sanderson clarified that the Sunday opening hours requested were longer than those permitted under the planning permission and stated that this would have a detrimental impact on local residents. As such the department sought to prevent public nuisance and had lodged the representation.

The Sub Committee then heard from Mr Whur on behalf of Tesco Stores Ltd who stated the applicant had instructed agents to lodge a planning application to vary the hours of operation for Sundays and that the store was scheduled to open in 8 weeks time. Mr Whur stated the applicant would operate to the existing permitted hours until the planning application had been determined. Mr Bartley provided information on the nature of the store, the reason for the application and servicing arrangements to the store.

Members considered the written representations and the verbal submissions made at the hearing. The Sub Committee noted the previous use of the premises as a public house and that this premises was located within a residential area, but further noted that no representations had been received from local residents or the LCC Environmental Protection Team. Members were satisfied by the representation made by the applicant that they would not operate beyond the currently permitted hours, therefore

RESOLVED – To grant the application as requested

211 "World Foods" - Application for the grant of a premises licence in respect of World Foods, 272 Harehills Lane, Harehills Leeds LS9 7BD

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy, considered an application for the grant of a Premises Licence for the premises trading as World Foods, 272 Harehills Lane, LS9.

A representation had been received from West Yorkshire Police (WYP) which included a statement from HM Revenues & Customs (HMRC). Present at the hearing were:

Mr R Digwa – solicitor for the applicant

Mr S Mohamed – the applicant

PC L Dobson – WYP

Mr J Vantoch-Wood – HMRC

The Sub Committee heard first from PC Dobson who stated that the applicant was known to WYP through investigations conducted by HMRC at this location and another premises on Harehills Lane. WYP believed this application had been made purely to legitimise the World Foods premises whilst the sale of illegal products continued.

Mr Vantoch-Wood provided further information on the investigations undertaken by HMRC. The officers referred to photographs tabled just prior to the hearing which showed the quantity of tobacco goods seized on 29 October 2010 and they provided details on goods seized both at the premises and from vehicles used by the applicant. The Sub Committee also gathered information on the nature of concealment of the goods within the premises

and the vehicles and ascertained that the illegal goods were sold from World Foods.

The Sub Committee then heard from Mr Digwa, solicitor for the applicant, who stated that no criminal charges were pending against Mr Mohamed. In response to questions from Mr Digwa, the applicant clarified that he would not be the Designated Premises Supervisor of World Foods, but the leaseholder. He stated he had been in Poland on 29 October 2010 when goods had been seized from a vehicle insured by him and in fact, he had cancelled the business insurance for that vehicle on 25 October 2010, but that it had not come into effect. Mr Mohamed confirmed that he also bought and sold cars/vans as a business and often insured vehicles simply to test drive them. Mr Digwa stated that a CCTV system was already installed at the premises, and furthermore Mr Mohamed confirmed that he would be happy to implement the measures outlined in the WYP written representation proposed to address the prevention of crime and disorder licensing objective if the application was granted.

Through responses to questions from the Sub Committee and the Legal Adviser to the Sub Committee, the applicant clarified that the premises had changed ownership but was now his. He stated he owned a Ford van and a BMW, but did not own any of the other vehicles mentioned within the HMRC statement. Mr Mohamed further explained his use of various vehicles under trade insurance, but that he did not keep vehicles for long, he also explained that he bought and sold vehicles from the World Foods premises through word of mouth. Mr Mohamed could not explain why World Foods staff had suggested to HMCR that the Ford Mondeo car seized by HMCR belonged to the shop, and in answer to a direct question Mr Mohamed could not explain how the illegal tobacco came to be in the shop other than to state that he could not check what his customers brought into the premises.

Members carefully considered the written representations and the verbal submissions made at the hearing. The Sub Committee acknowledged that there were no criminal proceedings ongoing against Mr Mohamed in relation to the 29 October 2010 investigation, but they also noted that Mr Mohamed had confirmed that he was on bail arising from goods seized on 31 October 2010.

The Sub Committee was satisfied by the evidence of WYP and HMRC that illegally imported cigarettes had been found and seized at World Foods; and that the premises were used for the illegal sale and supply of cigarettes. Members were not satisfied by the submissions of the applicant and felt that Mr Mohamed had been very evasive when questioned and had often contradicted himself. The Sub Committee therefore felt that granting the licence to this applicant would not uphold the licensing objective intended to prevent crime and disorder. The Sub Committee therefore
RESOLVED – To refuse the application