

## Licensing Sub-Committee

Monday, 24th October, 2011

**PRESENT:** Councillor S Armitage in the Chair

Councillors G Wilkinson and D Wilson

**112 Election of the Chair**

**RESOLVED** – Councillor S Armitage was elected Chair of the meeting

**113 Late Items**

No formal late items of business were added to the agenda however the Sub Committee and all interested parties were in receipt of additional documents tabled just prior to the hearing relating to 343 Harehills Lane (minute 116 refers)

**114 Declarations of Interest**

There were no declarations of interest

**115 "The Kiln" - Application to transfer a Premises Licence and Application to vary a Premises Licence in order to specify a Designated Premises Supervisor for the Kiln, Brignall Garth, Burmantofts, Leeds LS9 7HB**

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy, considered two applications relating to the same premises – The Kiln, Burmantofts. The first sought to transfer the Premises Licence to Ms S Farquharson and the second sought to vary an existing Premises Licence in order to specify Ms S Farquharson as Designated Premises Supervisor.

The Sub-Committee was required to consider the applications due to the receipt of representations from West Yorkshire Police.

No one was in attendance on behalf of the applicant. Members considered whether to adjourn the hearing or to proceed in the absence of the applicant. Members also had regard to the outcome of a Summary Review hearing on 19 October in respect of the Kiln premises. The Sub Committee at the Review hearing had resolved to revoke the premises licence and determine that the interim steps taken on 26<sup>th</sup> September 2011 to suspend the licence which were currently in force should remain in place until that time that the period for appeal or any subsequent appeal had been dealt with. Members noted that the premises licence holder for the purposes of those applications had been Ms Stephanie Farquharson acting in that capacity due to the interim and immediate effect of the two applications being dealt with today.

Members noted that to refuse either application today in the absence of any representation from Ms Farquharson would have the effect of denying her the right to appeal against the revocation decision and substituting instead a premises licence holder who had taken no part in either the interim steps hearing or the final review hearing.

Members therefore determined it was in the public interest to adjourn the hearing to an alternative date

**RESOLVED** – To adjourn the hearing until 28 November 2011, noting that if no appeal was lodged against the decision of 19 October 2011 the licence would be revoked prior to that date.

**116 "Off Licence" - Application for the grant of a Premises Licence, Off Licence, 343 Harehills Lane, Leeds LS9 6AX**

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 an off-licence at 343 Harehills Lane, Leeds LS9

Representations had been submitted by local residents in the form of a petition objecting to the application. Not all of the residents attended the hearing. Members resolved to consider their written submission and proceed in their absence. The hearing was attended by the following:

Mr Yousaf – the Applicant  
Mr Digwa – legal representative for the applicant

Mr & Mrs Dalton – representing local residents

Mr Digwa and Mr Yousaf set out the case for the application and the applicants experience in the licensed trade. Mr Digwa was permitted to table a copy of the applicants refusal register which he used at his other premises in Armley and a letter from West Yorkshire Trading Standards relating to the outcome of a test purchase at the Armley store. Members heard that this was a small ground floor retail unit and that the sale of alcohol would complement the existing offer as a general store. The applicant also indicated that he expected alcohol to take up 10% of shelf space and he did intend to sell single cans as well as sales in packs. The applicant confirmed that no entertainment would be provided and that no music would be played. Measures to address the four licensing objectives were also outlined at the hearing.

Two residents attended on behalf of the objectors who had lodged a petition. They explained that they ran the neighbourhood watch which had organised a petition. The residents stated that there were a large number of premises already selling alcohol in a small area and that the area experienced problems as a result such as cans thrown into gardens and people drinking on the street from single cans, sometimes resulting in fighting. They confirmed in questioning that they had no objection to this particular applicant but felt that the area was saturated and there was no need for additional off-licences premises.

In making their decision, Members considered the petition submitted. In line with the guidance and Leeds City Council policy, they disregarded representations from residents who were not in the vicinity such as those from Nowell Lane and Kentmere Avenue.

Members sympathised with the view of the local residents regarding the number of premises in this area but noted the absence of representations from West Yorkshire Police and Environmental Health. They noted that the objectors had no particular concerns about this applicant. The evidence of nuisance consisted of discarded cans and bottles in gardens and although there had been a reference to drunken fights, this was not backed up in any police representation.

The Sub Committee had regard to the Guidance that stated that need was not a relevant matter for a licensing committee to take into account and that shops should be granted licences for alcohol for their trading hours unless there was compelling evidence to justify restriction.

**RESOLVED** – To grant the application as applied for  
Conditions

Those measures offered by the applicant and outlined in Box P of the application shall now be included as conditions on the Premises Licence