

Licensing Sub-Committee

Monday, 6th August, 2012

PRESENT: Councillor B Selby in the Chair

Councillors R Charlwood and A Khan

59 Election of the Chair

Councillor Selby was elected Chair of the meeting

60 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED - That the public be excluded from the meeting during consideration of that part of the agenda designated as 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 public were present there would be disclosure to them of exempt information so designated as follows:

- a) Appendix D of the report and the supplementary information submitted by West Yorkshire Police (minute 26 refers) both in terms of Regulation 14 of the Licensing Act 2003 (Hearing Regulations 2005) and the Licensing Procedure Rules, and on the grounds that it is not in the public interest to disclose the documents as they pertain to an individual and that person would reasonably not expect their personal information or discussions to be in the public domain and there is reference to action taken or to be taken in connection with the prevention, investigation or prosecution of crime
- b) To note that the press and public will also be excluded from that part of the hearing where Members deliberate the application as it is in the public interest to all the Members to have full and frank debate on the matter, as allowed under the provisions of the Licensing Procedure Rules

61 Late Items

Although there were no formal late items, the Sub-Committee was in receipt of the following information which had been circulated to all parties in advance of the meeting :

A further written submission by PC Dobson of West Yorkshire Police (minute 26 refers)

The Sub-Committee noted that in response to this submission, the applicant had sought to provide additional information to Officers and the Police, electronically, however this information could not be accessed by any of the recipients

62 Declarations of Disclosable Pecuniary and Other Interests

No interests were declared

63 "AGA Shop" - Application for the grant of a Premises Licence for AGA Shop, 29A Harehills Road, Harehills, Leeds LS8 5HR

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance the Authority's own Statement of Licensing Policy considered an application for the grant of a Premises Licence in respect of Aga Shop – 29A Harehills Road, Harehills LS8

Representations had been received from West Yorkshire Police, LCC Environmental Protection Team, two local residents and from a Ward Member supporting the representations made by his constituents

Present at the hearing were:

Ms Agnieszka Nowak – the applicant
Mr Gilbert Jardin – supporting the applicant
Sergeant R Fulllove – West Yorkshire Police
PC L Dobson – West Yorkshire Police
Mr B Kenny – LCC Environment Protection Team (EPT)

A preliminary item was raised with the Sub-Committee in view of the applicant's recent request to amend the hours being sought for the sale of alcohol, from 24 hours per day to 10.00 – 23.00 each day. The Sub-Committee agreed to accept the amendment and proceeded to consider the application with the amended timings for the sale of alcohol

The Sub-Committee heard from Mr Jardin at Ms Nowak's request, who stated that the premises had operated as a food store but that increasingly customers had requested the availability of alcohol for sale and as the business was being run to provide a living for the applicant, Mr Jardin and their family, a decision had been made to change the nature of the business and sell alcohol, subject to obtaining a Premises Licence. Details of the security measures in place were provided, with Mr Jardin stating that no complaints had been received from neighbours to the previous operation of the premises

The Sub-Committee heard from Mr Kenny of LCC EPT who stated that whilst the application for a 24 hour Licence had attracted a full objection on the basis of potential noise nuisance and disturbance, there was less concern in relation to the hours now being sought

Members then heard from PC Lynn Dobson of West Yorkshire Police who whilst acknowledging the slight dilution of the police's objections in view of the amended hours, remained of the view that the application should be refused

PC Dobson referred to the location of the premises which were situated in an area covered by a Designated Public Places Order which came into force on 3rd August and stated that the area was challenging and experienced high figures in respect of crime and anti-social behaviour; expressed concern about the applicant's ability to uphold the licensing objectives in view of this and stated that the cumulative impact of a further licensed premises in this area would be considerable

PC Dobson also made reference to information on the police database which suggested there was some uncertainty about the applicant's identity and her links

with Mr Jardin which had led PC Dobson to consider Mr Jardin's role in the business, despite Ms Nowak being the applicant

In response to questions from the Panel, PC Dobson provided further details which had led her to form this view. The Panel was concerned that the information being provided had been available to West Yorkshire Police but had not been included in the supplementary document submitted in advance of the hearing. Members also noted that some of PC Dobson's concerns were in relation to information dating from 1996 and to matters for the Border Agency rather than the Licensing Sub-Committee

Reference was made to information regarding the operation of the premises and the suggestion that alcohol was already on site; this information having been provided by the Neighbourhood Policing Team. The applicant stated that the premises had been closed for the last three months

The Sub-Committee carefully considered both the written and verbal representations from the applicant, Ms Nowak, Mr Jardin, LCC EPT and West Yorkshire Police and had regard to the written objections from neighbours and the Ward Member support of these representations

The Sub-Committee was of the view that the amended application dramatically changed the basis of the objections based on the licensing objectives and noted that the amendment of the hours to 10.00 – 23.00, were standard hours

Members noted that the EPT had made a full objection to the original application due to concerns about noise nuisance and public nuisance but had indicated there was less concern with the revised hours now being sought

The Sub-Committee noted West Yorkshire Police's comments that the objections made had been diluted with the request for shorter hours. In respect of the issue of the identification of the applicant, this was not proved. Members having explored the evidence provided by the Neighbourhood Policing Team concluded this was not of sufficient strength to warrant a refusal of the application

RESOLVED - That the Premises Licence be granted for the sale of alcohol from 10.00 – 23.00 hours daily and subject to the conditions offered by the applicant in the pro-forma attached to the application