

## **Licensing Sub-Committee**

**Monday, 28th July, 2014**

**PRESENT:** Councillor B Selby in the Chair

Councillors B Flynn and T Hanley

### **19 Election of the Chair**

**RESOLVED** – That Councillor Selby be appointed as Chair for the duration of the meeting.

### **20 Appeals Against Refusal of Inspection of Documents**

There were no appeals against the refusal of inspection of documents.

### **21 Exempt Information - Possible Exclusion of the Press and Public**

There were no appeals against the refusal of inspection of documents.

### **22 Late Items**

There were no formal late items submitted for considerations. However with regards to Agenda Item 6 (Minute 24 refers) supplementary information had been received and published prior to the meeting.

### **23 Declarations of Disclosable Pecuniary Interests**

No declarations were made.

### **24 Application for the grant of a premises licence in respect of Baba Jaga, 107 Harehills Road, Harehills, Leeds, LS8 5HS**

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy, considered the application for the grant of a premises licence in respect of Baba Jaga, 107 Harehills Road, Harehills, Leeds, LS8 5HS.

The application had received a representation from premises nearby.

In attendance at the Sub Committee were:

Mr A Latif – Applicant  
Mr N Raof – Applicant's representative  
Ms C McCusler – Applicant's witness  
Mr N Patel – Applicant's witness  
Mr A Dahri – Objector  
Mr L Din (Solicitor) – Objector's representative

Mr Raof submitted that there were no representations from West Yorkshire Police or Leeds City Council. He proceeded to outline alleged threats that had been received to the applicant with regards to the applicant continuing to trade and requesting a licence to sell alcohol. He described that the incident had been reported to the Police but no further action was being taken. Mr Raof also outlined the will of the applicant to work with other business surrounding his premises. The Sub Committee were informed that in the applicant's view there were very few shops on Harehills Lane which sold Polish products and that the surrounding area has a diverse mix of shops and other businesses. Mr Raof refuted any suggestion that cigarettes and alcohol are currently sold at the premises or that it was operating as a public house. He also referred to a prosecution and fine against the objector's business for selling cigarettes to under age persons.

Members considered the submissions and asked questions as to why a licence was required which was later than any other shops in the surrounding area. It was explained to the Committee that the shop caters for the Polish community who tended to work later hours therefore shopped at later times.

Mr Din proceeded to outline the reasons behind the representation. He informed the Sub Committee that no threats had been made to the applicant or the applicant's business partner by his client. However he alleged that threats by people associated with the applicant had been made against Mr Dahri's family on his premises and that these had been reported to the Police. It was confirmed that the Police were taking no further action. Mr Din informed the Sub Committee that there were many other shops selling Polish products in the vicinity. Concern was also raised about the future behaviour of the applicant if a licence was granted.

The Chair outlined that "Need" was no longer part of the current legislation and could not be used as an argument.

In summary the applicant's witness Ms C McCusler informed the Sub Committee of the number of people who were supportive of the applicant's business. She also highlighted the applicant's willingness to work with other business owners and the local community and that he had a long term and genuine commitment to the area. She finally highlighted that this was a new business and it should be given every opportunity to succeed.

Members of the Sub Committee carefully considered the report and the representations that had been made.

**RESOLVED** – That the application for the sale of alcohol be granted during the following hours:

Monday to Saturday 08:00hrs – 23:00hrs  
Sunday 10:00hrs - 22:30hrs

## **25 Certification of Films**

**RESOLVED** – The Sub Committee resolved to adjourn this item until further notice.

