

Licensing Sub-Committee

Tuesday, 7th June, 2016

PRESENT: Councillor G Hyde in the Chair

Councillors R Downes and G Hussain

1 Election of the Chair

RESOLVED - That Councillor G Hyde be elected as Chair for the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

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

3 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That, in accordance with Regulation 4 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during consideration of those parts of the agenda designated as exempt from publication in accordance with paragraph 10.4 (1, 2 and 3) of Schedule 12A(3) of the Local Government Act 1972. The reason for the exemptions being on the grounds that the information contained within the documents relate to individuals and include information which is likely to reveal the identity of the individuals which they would not ordinarily expect to be in the public domain. It is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, due to the impact that the disclosure of the information would have on the individuals. (Appendix C & D of Agenda item 6. Fresh Metro Cooperation, 90 Town Street, Armley, Leeds, LS12 3AA (Minutes 223 refers).

4 Late Items

Late supplementary information was submitted at the start of the meeting in relation to Agenda item 6. Fresh Metro Cooperation, 90 Town Street, Armley, Leeds, LS12 3AA (Minute 223 refers). This included a witness statement and exhibits, including confirmation of the ownership of Fresh Metro Cooperation Limited. Although there was reference within the late items to two witness statements, Ms Najma confirmed only one witness statement could be provided owing to the other prospective witness being out of the country.

Councillor Lowe (who had made a representation against the application) wished to place on record that she objected to the acceptance of additional information at such a late stage.

RESOLVED – That the additional supplementary information relating to to Agenda item 6. Fresh Metro Cooperation, 90 Town Street, Armley, Leeds, LS12 3AA (Minute 223 refers) be accepted.

5 Declarations of Disclosable Pecuniary Interests

At the start of the hearing, Councillor Hussain declared a disclosable pecuniary interest in relation to Agenda Item 6. Fresh Metro Cooperation, 90 Town Street, Armley, Leeds, LS12 3AA (Minutes 223 refers) due to the fact a family

member of Councillor Hussain was the landlord for one the applicant fathers premises and the Councillor also knew the applicants father.

Cllr Hussain therefore was excused from taking any further part in the hearing and no parties objected to the hearing proceeding before the remaining two committee members.

Councillor G Hussain left at this point and did not take any further part in the meeting.

6 Fresh Metro Co-operation - Application for the grant of a Premises Licence for Fresh Metro Cooperation 90 Town Street, Armley, Leeds, LS12 3AA

The Head of Elections, Licensing and Registration submitted a report which advised Members of an application made under section 17 of the Licensing Act 2003 for a new premises licence in respect of the above mentioned premises.

Members were requested to consider the application due to the receipt of representations.

The applicant was applying for the sale of alcohol for consumption off the premises, every day between 08:00 – 23:30.

The application had attracted representations from West Yorkshire Police and West Yorkshire Trading Standards.

The application had also attracted a number of representations from other people namely a ward councillor, and local residents. All opposed the application on grounds of public nuisance and crime and disorder.

The applicant Dilan Sadar attended the hearing with his agent Sima Najma of Kher Solicitors who spoke on his behalf.

Mr Sadar stated he was a local man with the best interests of Armley at heart.

The applicant informed the Sub Committee that he had opened a new shop and felt that it was unfair for him not to have a licence to sell alcohol.

On behalf of Mr Sardar, Ms Najma submitted that Mr Sardar would offer no drinks promotions that might encourage binge drinking and that staff would be trained with regards to "Challenge 25". Ms Najma added that the shop would be fitted with CCTV and that this would be made available on request. Further to this, Ms Najma explained that her client did not wish for Fresh Metro to be a typical corner shop. As a young man brought up in Armley, he was aware of the challenges in the area and was in fact on the same side as those objecting, but he wanted to sell alcohol properly.

Ms Najma was also clear that her client had not issued this application on behalf of anyone, that he would not be influenced in the management of the shop and that this company was solely in the control of Dilan Sadar.

Cllr. Lowe the local ward councillor attended the hearing and informed the Members that the nature of the town centre was changing, that there was not the variety of shops that had been on Armley Town Street. Councillor Lowe raised concerns that adding another premises close to the Health Centre could possibly prevent people from accessing the Health Centre. She also provided information to the Sub Committee which included:

- That alcohol abuse and street drinking was a problem on Town Street in Armley;
- A park was in the vicinity of the premises; and
- The premises were close to a number of buildings which provided accommodation for the Over 55's.

Cllr. Lowe informed the Members that the Cumulative Impact Policy for Armley had been agreed at Licensing Committee and was due to go to full Council later this month for consideration.

Mr Clutterbrook, a representative West Yorkshire Trading Standards (WYTS) addressed the Sub Committee and highlighted issues raised within the confidential papers in the committees bundle. Mr Clutterbrooke informed the Sub-Committee that Armley is deemed a "hotspot" for the sale of illicit alcohol and tobacco.

Ms Sanderson representing West Yorkshire Police addressed the Sub Committee and confirmed that they supported the submissions made above by WYTS. The Police were concerned that Mr Sadar could be subject to influence in this application which gave them cause for concern.

Ms Sanderson requested to disclose exempted information which was considered material to the application.

At this point in the meeting members of the press and public were asked to leave the meeting.

In summing Ms Njama up informed the Members that her client was happy to reduce the opening times from 08:00 – 23:30 to 11:00 – 22:30, having listened carefully to the concerns raised by the local ward councillor and the statutory authorities.

Ms Njama re-iterated that this application was for Mr Sadar's own company and was not related to any other person and as such should be considered on its own merits.

The Licensing Sub Committee carefully considered all the information before them noting the reduced hours proposed by the applicant. They also considered the strong representations of the objectors and the local ward councillor and:

RESOLVED –

- (a) To refuse the application; and
- (b) That the press and public be excluded for the part of the meeting relating to exempted information being disclosed by the Police.

