

## Licensing Sub-Committee

Tuesday, 25th July, 2017

**PRESENT:** Councillor J Dunn in the Chair

Councillor N Buckley

**1 Quorum of the meeting**

Just prior to the hearing, noting that the third Member of the Sub Committee was not in attendance, the clerk made best endeavours to locate the Councillor or a trained substitute member at the request of the Sub Committee but was not successful. Members of the Sub Committee indicated their wish to proceed in a timely manner, accordingly the views of all parties present for the listed hearing were sought on whether to proceed with a Sub Committee of two members – the minimum required. All parties to the hearing for “Nisshan Convenience Store” indicated that they were happy to proceed (minute 7 refers)

**2 Election of the Chair**

**RESOLVED** – Councillor Dunn was elected as Chair for the hearing.

**3 Appeals Against Refusal of Inspection of Documents**

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

**4 Exempt Information - Possible Exclusion of the Press and Public**

The agenda contained no exempt information.

**5 Late Items**

No formal late items of business were added to the agenda.

**6 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interest.

**7 "Nisshan Convenience Store" - Application to vary a premises licence held by Nisshan Convenience Store 411 - 413 Harehills Lane, Harehills, Leeds, LS9 6AP.**

The Head of Elections, Licensing and Registration submitted a report on an application made by Kanthasmy Mayuran, to vary the premises licence held at Nisshan Convenience Store 411 - 413 Harehills Lane, Harehills, Leeds, LS9 6AP. In brief, the application sought to vary the premises licence to allow the sale of alcohol 24 hours a day, seven days a week.

The application attracted representation from LCC Environmental Protection Team and one local resident. Prior to the hearing, agreements had been reached between the applicant and LCC EPT over measures suggested to address the licensing objectives and that representation had been withdrawn on the understanding that the measures would be included within the operating schedule should the application be granted. The local resident did

not attend the hearing and Members resolved to take their written representation into consideration and proceed in their absence.

The Sub Committee heard from Mr Tim Robson representing the applicant. Kanthasmy Mayuran (the Premises Licence Holder and applicant) and Rekha Mayuran (the Designated Premises Supervisor) also attended the hearing.

Mr Robson explained that the applicant operated two other premises – including the nearby Nisha store on Foundry Approach, LS9 which operated 24 hours a day without incident in a residential area. The applicant felt that the location of the Nisshan Convenience Store on Harehills Lane would be more appropriate to operate as 24 hours as this was a busy street. The applicant offered an undertaking to cease 24hour alcohol sales at the Nisha store if the application for the Nisshan Convenience Store was successful.

Mr Robson outlined his own experience as a former police officer, licensing officer for the police force, assessor for the All Bar None initiative and accredited training officer on licensing matters. He confirmed that he had undertaken a risk assessment at this premises and had drawn up the operating schedule, including measures which he felt to be appropriate. Acting on behalf of the applicant he had liaised with West Yorkshire Police (WYP) and LCC EPT. Mr Robson advised that WYP had no concerns relating to the other premises operated by the applicant. Mr Robson acknowledged that whilst there were concerns in the general area, they were not specific to the Nisshan Convenience store. Additionally, Mr Robson had trained the staff employed by the applicant. Mr Robson directed Members attention to the training material which he had submitted in support of the application.

Mr Robson also addressed concerns expressed in the representation received from the local resident regarding anti-social behaviour and people driving illegally along the pavement. The CCTV system installed at the premises incorporated 48 cameras, 6 of these covered the external area. The paved frontage of the premises was partially fenced and it would be difficult for cars to access that area. In response to questions, Mr Robson advised that;

- All sales between the hours of 23.00 to 06.00 each day will be made through a hatch (for alcohol and/or foodstuffs)
- The applicant will not employ door staff licensed by the Security Industry Authority; however all staff were trained in how to deal with customers who appeared to be drunk; on under-age sales and conflict resolution;
- Whilst he acknowledged it was true that people returning home from a night out in the city centre could stop at the premises and purchase more alcohol into the early hours of the morning, Mr Robson advised that larger chain supermarkets also opened late and attracted similar concerns
- The target market will be anyone wishing to purchase any of the products the store is permitted to sell, be they groceries or alcohol or both;
- The Store has off street parking;

The Sub- Committee carefully considered the application, the letter of representation and the submissions and information provided at the hearing.

Members also had regard to the agreements already reached between the applicant and LCC EPT on measures proposed to address the licensing objectives along with the Section 182 Guidance and the Councils own Statement of Licensing Policy.

**RESOLVED** – To grant the application as requested.

Conditions:

- Those measures agreed with the LCC Environmental Protection Team and the measures offered by the applicant will be included within the Operating Schedule attached to the Premises Licence

An additional condition is included as follows:

- Staff training records are to be kept for each member of staff employed at the premises to show what training they have received. These records are to be retained for a period of 24 months (from receipt of training by them) and are to be provided to Officers of Responsible Authorities, on demand for inspection.