

## **Licensing Sub-Committee**

**Tuesday, 23rd January, 2018**

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

Councillors M Harland and C Townsley

**1 Election of the Chair**

**RESOLVED** – Councillor B Selby was elected Chair 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 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) Appendices A and B of the report referred to in minute 7 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 contents as the information relates to an individual and that person would not reasonably expect their personal information or discussions thereon to be in the public domain.
- (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 allow the Members to have full and frank debate on the matter, as allowed under the provisions of the Licensing Procedure Rules

**4 Late Items**

No formal late items of business were added to the agenda, however in respect of Richmond Hill Shopping Mart, the applicant provided additional documentation on the day of the hearing (minute 8 refers) which included a petition and letters in support of the application.

**5 Declarations of Disclosable Pecuniary Interests**

No declarations were made.

**6 Certification of Film - "Asphyxia"**

The report of the Head of Elections, Licensing and Registration advised the Sub-Committee of an application for the certification of a film entitled "Asphyxia" proposed to be shown at The Vue cinema, The Light, The Headrow, Leeds LS1 on 31<sup>st</sup> January 2018 for one day only.

The report outlined the Licensing Authority's duty under Section 20 of the Licensing Act 2003 ("the Act") for the certification of films that do not currently

have a BBFC (British Board of Film Classification) certification. The BBFC certificate categories were listed at paragraph 2.2 of the submitted report.

Members were provided with a brief synopsis of the film and a recommended category in line with the BBFC classifications at Appendix A of the submitted report. Members also received a link to view the film. The Principal Licensing Officer informed the Sub Committee that Cardiff Licensing Authority had recently granted the film a 12A certificate.

The Licensing Sub Committee considered the certification of the films as attached at appendix A of the submitted report.

**RESOLVED** – That the film entitled “Asphyxia” be categorised as 12A.

**7 Personal Licence - Application for the grant of a personal licence for S J Ahmed**

The Head of Elections, Licensing and Registration submitted a report on an application made under Section 117(1)(a) of the Licensing Act 2003 for the grant of a Personal Licence for Mr S J Ahmed. The Sub-Committee was required to consider the application due to the receipt of a representation from West Yorkshire Police (WYP).

The following were present at the Hearing:-

Syed J Ahmed – The Applicant; and Ms Begum  
Mr B Patterson and Sergeant M Maynard – WYP

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority’s own Statement of Licensing Policy; had read the application and representations prior to the hearing. The Chair informed all present that the Sub Committee did not feel that sufficient information had been supplied in the representation for Members to determine the application at this hearing.

In response, WYP highlighted the implications of the progressing Data Protection Bill and the General Data Protection Regulations (due to be implemented in May 2018) on the ability of WYP to provide full disclosure.

The Chair provided direction on the information to be provided to a future hearing. As a result the Sub Committee

**RESOLVED** – That the application be adjourned until 6<sup>th</sup> February 2018.

**8 Richmond Hill Shopping Mart - Application for the grant of a Premises Licence for Richmond Hill Shopping Mart. 9a Upper Accommodation Road, Cross Green, Leeds, LS9 8RZ.**

The Sub Committee considered the report of the Head of Elections, Licensing and Registration on an application for the grant of a Premises Licence for the premises known as ‘Richmond Hill Shopping Mart’, 9A Upper Accommodation Road, Leeds LS9. The application was for the sale by retail of alcohol for consumption off the premises as follows:

Monday to Thursday	07:40 until 23:00
Friday	07:40 until 23:59

Saturday	10:30 until 23:00
Sunday	11:00 until 16:30

A representation had been received from West Yorkshire Police; however agreements had been reached with the applicant prior to the hearing. As such, the premises operating schedule had been amended to include the agreed measures as set out in Appendix C of the submitted report.

Representations had also been received from members of the public – a petition of approximately 90 signatures and 23 individual representations, including one from local ward Councillor A Khan.

Mrs Tereza Yousef the applicant attended the hearing with her husband Mr Yohannes Mehrteab. Also in attendance were Ms E Foster who had created the petition and Ms R Cawley – a signatory of the petition, along with 5 other petition signatories. Dr Srivastava; Ms W Thompson; Ms E Thompson and Councillor A Khan who had all written individual representations were also in attendance, accompanied by 4 other members of the public to observe the hearing. Not all of the members of the public who had submitted a representation attended the hearing, the Sub Committee therefore resolved to take their written representation into consideration and proceed with the hearing.

Just prior to the hearing, the applicant produced 3 individual letters of representation and a petition which included approximately 206 signatures in support of the application. This documentation was taken into consideration by the Sub Committee, with the agreement of all present. Additional pages from the petition objecting to the application were also supplied to the hearing as these had been omitted from the papers.

Mr Y Mehrteab addressed the Sub Committee and read a statement on behalf of his wife – the applicant. This explained that they already operated the premises as a small supermarket, providing products for the local Eritrean community. Some of their customers had asked to purchase alcohol and this was the reason for the application being made.

Mr Mehrteab explained that the petition and letters of objection had been started by Mr Sandaal, who operated 'Sandaal News' at 19A Upper Accommodation Road which did sell alcohol. He felt that this objection was not based on the licensing objectives but on Mr Sandaal's wish to retain a monopoly over alcohol sales in the area.

Responding to concerns expressed in the written submissions about a possible increase of crime & disorder and anti-social behaviour should this application be granted; Mr Mehrteab noted that although Sandaal News had operated in the area since November 2005, WYP had not identified an increase alcohol related incidents; and had not indicated that the grant of this application would lead to an increase in crime. Mr Mehrteab also referred to recent crime figures for the area. Mr Mehrteab also noted that Leeds City Council championed diversity and equality within communities and expressed

his concern that refusing this application could imply some communities received preferential treatment over others.

Mr Mehrteab assured the Sub Committee that, if this application was granted, the applicant would ensure full compliance with the licensing regulations. Additionally, he noted that the Premise Licence for Sandaal News had been granted with some restrictions (opening hours) and offered to accept similar restrictions to this requested licence. In response to questions, Mr Mehrteab confirmed that the following:

- Customers had signed the petition in support of the application in-store
- The requested 07:40 hours start time would allow sales of alcohol to the early morning trade
- It was their intention to extend the opening hours of the shop to match the requested hours for the sale of alcohol

The Sub Committee then heard from three representatives of members of the public and a local ward Councillor.

Ms E Foster explained the shop was situated close to an existing residential home for older people and one being built; and spoke of her concerns regarding the shop attracting groups of young people congregating outside the premises late into the night. She reported on her experience of people drinking alcohol sat on her garden wall and that the bus shelter on the street, which was used by school children/school buses, was littered with empty alcohol bottles. The Richmond Hill area was densely populated, especially with children and older people who were the most vulnerable and impressionable members of the community. She stated that she felt the area was already well served with outlets selling alcohol. She noted that both Mount St Mary's school and the local Care Home had submitted letters of objection. Anti-social behaviour was a real concern in the area and another off licence would add pressure to the resources already being used to tackle it.

Dr Srivastava addressed the meeting regarding his concern that where there was alcohol there was trouble. He particularly highlighted safeguarding of children as his topmost concern and his belief that there was no need for an additional outlet for alcohol sales in the area.

Ms R Cawley expressed concern about the possibility of the store attracting youths from other areas visiting the locality late at night and disturbing residents. She also explained she had a disabled daughter who had just started to go to the shops alone; having to walk past groups of youths outside of this premises would upset her and impact on her confidence.

Local ward Councillor A Khan then addressed the Sub Committee, highlighting the strength of feeling amongst local residents. He reiterated that this premises was not far away from Richmond Hill Community Centre which facilitated a number of local community groups and services. Richmond Hill also was one of the most deprived areas in Leeds for children. He also reported on an incident whereby the applicant was attacked and how, with the help of local ward councillors, this had been tackled.

In response to questions from the Sub Committee, the following information was supplied:

- A local boxing club was located two doors away from Sandaal News and above the existing parade of shops. It was thought that boxing club members did not currently buy alcohol from Sandaal News as it was out of the way but that young people attending the Club might shop at Richmond Hill Shopping Mart if the licence was granted.
- Groups of youths currently congregated in the area and extra resources had been put in place in the locality to tackle this
- It was not known where the youths who had sat on Ms Fosters wall had purchased their alcohol
- Residents were unhappy at the request for 23:00 hours closing, however it was noted that Sandaal News had a premises licence until 23:00 hours. Residents reported that it actually closed at 18:00 hours and 12:00 noon on Sunday, through local agreement
- The petition objecting to the application had been placed within Sandaal News for patrons to sign.

Mr Mehrteab responded to the comments made by the objectors stating that all the concerns made in opposition to this application should also apply to the other local shop. He commented that none of the letters of objection identified any specific incidents of crime and disorder, but expressed concern over what might happen. In conclusion, Mr Mehrteab reiterated that the applicant would be happy to accept the same conditions as those attached to the Premises Licence for Sandaal News.

The Sub Committee carefully considered the application and the written submissions contained in the report. Members noted the weight of local residents feeling both in opposition and support for the application. The Sub Committee had regard to the Licensing Act 2003, the Section 102 Guidance and the Statement of Licensing policy. Members were conscious that WYP had withdrawn their representation on the understanding that the measures agreed with the applicant to address the crime and disorder licensing objective would form part of the operating schedule for the premises should the application be granted.

Members reiterated that they could only consider the application against the licensing objectives and that commercial considerations were not matters which could be taken into account.

The Sub Committee heard that, during discussions outside of the hearing, the applicant and local ward Councillor A Khan had considered any agreement that could be reached between the parties, particularly in respect of the hours of operation of the premises licence; and the applicant had also stated their intention to work with the community.

**RESOLVED** – To grant the application in the following terms  
Sale by retail of alcohol for consumption off the premises  
Monday to Saturday                      08:00 until 23:00 hours

Sunday

10:00 until 22:30 hours

- The measures agreed between West Yorkshire Police and the applicant will be included as conditions within the Operating Schedule for the premises.