

Licensing Sub-Committee

Wednesday, 19th August, 2020

PRESENT: Councillor A Hutchison in the Chair

Councillors B Flynn and A Marshall-Katung

1 Election of the Chair

RESOLVED - That Councillor A Hutchison be elected as Chair for the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals.

3 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That:

- a) Appendices A & B to the report at Item 6 be designated as being exempt from publication in accordance with 9.2(b) and 10.4(1) of Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005;
- b) That the press and public be excluded from the meeting during consideration of CCTV footage submitted by West Yorkshire Police 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.

4 Late Items

There were no formal late items.

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

6 Review of the Premises Licence for Neil's Superstore, 9 - 11 Reginald Row, Chapeltown, Leeds, LS7 3HP

The report of the Chief Officer (Elections and Regulatory) informed Members of an application for a licence review made by West Yorkshire Police in respect of Neil's Superstore, 9 – 11 Reginald Row, Chapeltown, Leeds, LS7 3HP.

In attendance at the hearing were:

- Andy Clifford, West Yorkshire Police
- JS, Witness for West Yorkshire Police
- Suky Cheema, Premises Licence Holder's Representative
- Malkeet Singh, Premises Licence Holder

The Licensing Officer informed Members that West Yorkshire Police had made an application for the review of a licence under Section 51 of the Licensing Act 2003 and the application was served on the Licensing Authority on 24 March 2020. A copy of the application had been attached to Appendix A of the submitted report, but due to an on-going criminal investigation, the document had been excluded from public viewing. The review applicant had also submitted additional information in support of

their application including witness statements at Appendix B, and CCTV footage of an incident dated 31 January 2020, which had also been exempt from public viewing.

Members had been provided with a history of the premises set out at point 2 of the submitted report.

There had been no representations supporting either the review application, or the premises. The premises licence holder had however supplied supplementary information including a complaint letter sent to West Yorkshire Police, and 14 letters in support of the licence holder and the premises and can be found at Appendix E.

The Licensing Sub Committee and interested parties watched the CCTV footage. For this part of the meeting the press and members of the public were excluded as the footage contained exempt information, and therefore the meeting had been adjourned for a short while.

West Yorkshire Police informed the Sub-Committee of the following points:

- 2 local residents had been victim of a crime involving stolen payment methods within approximately a mile of the premises;
- The witnesses in question were underage and had apparently bypassed larger supermarkets on the way to purchase alcohol at Neil's Superstore. Both the premises licence holder and a shop assistant had sold alcohol to at least one underage person on the day of the incident;
- The owner of Neil's Superstore had operated the premises for 27 years, and it was the view of the police that the owner would have had some idea as to who the majority of his clientele are;
- Approximately 30 transactions had been carried out, totalling a sum of just under £700 in a single hour at the premises;
- The premises licence holder had not shown any remorse towards the incident;
- The number of transactions that had been processed within a short period of time, would typically raise concern, especially the transactions that had been declined;
- The police were of the opinion that the majority of the letters in support of the premises licence holder could not be considered as personal references, due to them being the same letter;
- CCTV footage shows card checks being undertaken. However, the premises licence holder admitted to knowing the suspects names but continued to sell alcohol to the suspects.

JS, a witness on behalf of West Yorkshire Police informed Members that she and her husband had been victims of an assault during which their phones and bank cards had been stolen. JS explained she felt devastated to hear that 31 transactions had been made in a single hour, within 15 minutes from her own home and that her family are struggling to overcome feelings of anxiousness. She shared concerns that the offenders had apparently by-passed other supermarkets before making transactions at Neil's Superstore, and other families should not have to go through the same that her family did.

The representative on behalf of Mr Singh informed the Members of the following points:

- The premises had operated for 27 years, and has never been subject to a criminal investigation or a licence review and continue to ensure the surrounding area is policed;
- The owner had previously assisted the police during public disorders in the area and would willingly assist the police with any prosecutions;
- It was confirmed that CCTV footage had been provided to the police in order to assist with the ongoing investigation;
- The suspects in question had been banned from the premises for the foreseeable future, in order to maintain the safety of the staff and public;
- It was the view of the applicant that the number of transactions made was common at the premises, and had been an issue for many years with residents using family payment methods and those buying on behalf of larger groups;
- Groups are not permitted to congregate outside of the premises, and patrons would be moved on. It was confirmed that groups visited the premises to purchase alcohol for either themselves or others;
- The premises is located in a row of other commercial buildings;
- It was the opinion of the premises licence holder that the suspects in question were 18 or over, and ID checks had been undertaken prior to the incident occurring and on a separate occasion;
- Mr Singh apologised for the trauma experienced on behalf of the witness.

In summing up West Yorkshire Police reiterated their concerns that suspicions had not been raised to the numerous transactions undertaken within an hour period. Alcohol had been sold to underage children, and ID checks hadn't taken place on the day of the incident, therefore facilitating a serious offence of fraudulent use of stolen payment methods. The police were of the opinion that the seriousness of the incident outweighed the premises' previous history and therefore urged the Sub-Committee to revoke the premises licence.

Responding to questions from the Members the Licensing Sub Committee were advised of the following:

- 1 of the male suspects had been identified as being 17, and the other is unknown. It was confirmed that the suspects are known to the owner, and Members heard that Mr Singh would be cooperative in assisting the police in their investigation;
- The number of transactions taking place in a short period of time was not considered unusual for the premises. Members heard this was common at Neil's Superstore and Mr Singh would sometimes have between 15-20 transactions in a short period;
- Mr Singh confirmed that he had spoken with the shop assistant and asked that he be more prudent when dealing with transactions;
- It was confirmed that groups would typically enter the store together, but the premises would not be aware if a patron was purchasing alcohol on behalf of a group;

- It had been considered common practice for Neil's Superstore to receive payment before handing over any goods. Mr Singh confirmed there had been two instances of robberies in the last 10 years;
- Average sales on a weekday and weekend for the premises had been confirmed, and sales usually picked up from 4 p.m. until close;
- Mr Singh confirmed at the time he was serving, the suspects had been using apple pay as a method to purchase alcohol and was not able to identify any of the witnesses' details on the card. Additionally, Mr Singh confirmed he had previously been presented with student ID and a passport as forms of identification;
- As a result of the incident, CCTV footage had been upgraded within and outside of the premises. Measures such as posters and frequent checking of ID had been implemented;
- It was confirmed that 5 individuals had been banned from the store.

The Chair concluded the open session of the hearing before the Sub-Committee went into private session to make their decision. All parties were informed that the decision would be sent within 5 working days.

The Licensing-Sub Committee carefully considered the report of the Chief Officer (Elections and Regulatory) and all of the information presented to them in written and verbal forms from all parties, and the CCTV footage.

RESOLVED – To revoke the premises licence.