

## Licensing Sub-Committee

**Tuesday, 27th July, 2021**

**PRESENT:** Councillor P Wray in the Chair

Councillors L Martin and L Richards

### **1 Election of the Chair**

**RESOLVED** – That Councillor Paul Wray 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**

There were no exempt items.

### **4 Late Items**

The were no late items. However, there was supplementary information which had been published and circulated to all relevant parties.

### **5 Declaration of Interests**

No declarations of interests were made at the meeting.

### **6 Application to vary a premises licence held by Kamala Food And Wine**

#### **430 Leeds & Bradford Road, Bramley, Leeds, LS13 1EP**

The report of the Chief Officer Elections and Regulatory requested Members consideration for an application to vary a premises licence held by Kamala Food and Wine 430 Leeds and Bradford Road, Bramley, Leeds, LS13 1EP.

In attendance at the meeting were:

- Mr Kanthasamy Senthuran – Applicant
- Mr Ian Rushton – Applicant's Representative
- Cllr Kevin Ritchie – Bramley and Stanningley Ward Councillor

The Licensing Officer presented the application providing the following information:

- The existing licence authorises sale by retail of alcohol Monday to Saturday 08:00 until 21:00 and Sunday 10:00 until 21:00. This application was to vary the hours to 00:00 23:59 (24 hours) every day.
- The licensing authority received an application to convert from a justice's licence to a premises licence in 2005. This licence was granted as applied for and issued in November 2005.
- In November 2020 the licensing authority received a Designated Premises Supervisor (DPS) change and a licence transfer application both to Mr Kanthasamy Senthuran, the current licence holder.
- This application requests to extend the opening hours and sale of alcohol hours to everyday 00:00 to 23:59 (24 hours). The application explained that between the hours of 00:00 to 05:00, admission of customers would be controlled via a security lock on the door.

- The applicant proposed to promote the licensing objectives by taking the additional steps identified in Section 16 of the application form attached to the submitted report at Appendix A.
- Representation had been received from West Yorkshire Police in their capacity as a responsible authority. It was noted that agreements had been reached between the applicant and the West Yorkshire Police prior to the hearing and the representation had been withdrawn. A copy of the representation and the agreement were attached to the submitted report at Appendix D.
- Entertainment Licensing was in receipt of 23 individual letters of objections from members of the public, an objection from the ward councillors and a letter from a member of parliament. All objections were on the grounds of public nuisance. It was noted that 2 representations received had expressed concerns that they may be at risk of retribution. Redacted copies of all the representations were appended to the report at Appendix E.

Mr Rushton informed the Sub-Committee of the following points:

- This is a general convenience store selling the usual goods of newspapers, bread, milk and alcohol. Alcohol sales are approximately 10-15% of all sales.
- The applicant, Mr Senthuran lives in the Harehills area of Leeds and became the owner of Kamla Food and Wine in November 2020, taking on a long term lease for the shop, he wants to invest in the premises and the area. Mr Senthuran has worked in retail for 6 years and has a personal licence and will be the DPS, he also has experience of working in licensed premises.
- The original application had been for a 24 hour premises licence, however, this is too much and too long for this area. Therefore, the decision has been taken to reduce the hours to 6:00am until midnight seven days a week and late-night refreshment from 11pm until midnight seven days a week. The late-night refreshment would be takeaway coffee from a Costa Coffee machine. With the proposed reduced hours there would be no need to have a doorbell or the security lock system.
- The current licence was transferred from the Magistrates to the Licensing Authority and was old with outdated conditions. It was proposed that the premises use Challenge 25, staff would receive appropriate training and regular checks would be made to ensure that notices requesting that customers be quiet are in place and that litter is removed from the front of the premises. The premises benefit from CCTV both inside and outside, with 32 cameras in total.
- The only objection received from responsible authorities had been from the police who had now withdrawn their objection, satisfied that the licensing objective in relation to crime and disorder had been satisfied.
- Concerns raised in relation to litter, it was noted that there is a litter bin outside the shop and staff would regularly check the front of the shop to ensure that there was no litter.

In response to questions from Members, the Licensing Sub Committee were advised of the following:

- There was some confusion on the licensing hours which was a clerical error. It was clarified that there are two copies of the licence, one from 2005 which

states that the premises terminal hour is 23:00 and a licence which was issued in 2008 which states the terminal hour as 21:00. It was noted that the 2008 copy was the correct licence.

- The applicant gave assurance that no alcohol would be sold outside of the licensing hours.
- It was noted that the previous application was submitted when Mr Senthuran had a different representative and it had been decided that this location was not suitable for these premises to open 24 hours.
- Current permissions in relation to planning hours were unregulated.
- Mr Rushton responding to claims that residents were fearful of retribution, said that Mr Senthuran was a nice, genuine guy and there would be no retribution from his client. Noting that there were no letters in support, Mr Rushton explained that when people were happy, they were less likely to put pen to paper.
- Monitoring of litter would be done on a regular basis throughout the day. There was a litter bin in the vicinity outside the shop.

Councillor Ritchie addressed the Licensing Sub Committee informing the Members of the following points:

- He welcomed Mr Senthuran to Bramley, he welcomed a convenience store in this location and he also welcomed the installation of CCTV. However, when the proposals had been made there had been 20 plus resident's objections, 3 local ward member objections and an objection from the local MP. All were given the opportunity to withdraw their representations with the proposal to reduce the hours. There were still some residents who wished to oppose the terminal hour of midnight due to noise nuisance. Although there would be no doorbell anymore there would still be cars pulling up to the premises, doors slamming and music from the vehicles.
- Cllr Ritchie was unsure why the Environmental Protection Team had seen fit to register an objection in relation to an application in Horsforth by the same applicant to extend hours at another premises, but had not registered the same objection to the applicant extending hours to his premises in Bramley. He was of the view that the impact on residents living nearby Kamala Food and Wine was the same as those residents living near Londis in Horsforth.
- The opening times advertised on the shop front claim that the shop is open 6am -11pm seven days a week.
- It was noted that one resident had witnessed the sale of alcohol outside the licensing hours.
- The previous owner had shut at 9pm.
- The premises had been open and operating 6am till 11pm with no issues raised. However, the concern was that if the shop stayed open till midnight those leaving the nearby pubs would gravitate towards the shop to purchase more alcohol.
- It was noted that the litter picking had improved in the area and it was hoped that this would continue. However, it was noted that there was a large freezer outside the premises which needed moving.
- Should the extension of hours be granted there were concerns that this would mean other premises in the area may apply for the same extended hours.

- It was the view that 6am until 11pm was sufficient to cater to everyone's needs without impacting on residents in the area in relation to noise nuisance.

Mr Rushton in summing up addressed some of the concerns as follows:

- In relation to the Londis in Horsforth, the Environmental Protection Team had agreed that the premises could stay open until midnight.
- He was of the view that granting an extension for these premises would not mean that other premises in the area would be granted the same.
- The application sets out comprehensive measures in relation to the licensing objectives.
- Environmental Health are satisfied relation to noise issues.
- Mr Senthuran is a good and responsible licence holder.
- Litter picking would be carried out on a regular basis.

Members discussions included:

- Hours of opening
- Residents in the location
- Nearby public houses
- Regularising of the opening hours
- The clientele in relation to later opening hours
- Current operating hours
- Potential for noise nuisance

**RESOLVED** – To grant the licence for 06:00 until 23:00 Monday – Sunday.

*The meeting concluded at 15:10*