

Licensing Sub-Committee

Tuesday, 11th April, 2023

PRESENT: Councillor L Farley in the Chair

Councillors A Forsaith and L Richards

1 Election of the Chair

RESOLVED – To elect Councillor Farley to the Chair for the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

3 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

4 Late Items

A Late item was added to the agenda at Agenda Item 7 in relation to a Temporary Event Notice for Francis Street - Junction to Chapeltown Road Francis Street, Chapeltown, Leeds, LS7 Minute 7 refers

There was also supplementary information in relation to Agenda 6 – Application for the grant of a premises licence for Sam's Mini Market 112 - 112A Dib Lane, Roundhay, Leeds, LS8 3AY.

5 Declaration of Interests

There were no declarations of interests made at the meeting.

6 Application for the grant of a premises licence for Sam's Mini Market 112 - 112A Dib Lane, Roundhay, Leeds, LS8 3AY

The report of the Chief Officer Elections and Regulatory requested Members consideration on an application for the grant of a premises licence, made by Mr Sarvat Hossaini, for Sam's Mini Market, 112-112A Dib Lane, Roundhay, Leeds, LS8 3AY.

In attendance at the meeting were:

- Tony Clarke, JMC Licensing Consultancy
- Mr Dana Hossaini – applicant's brother and business partner
- Mr Waller – Resident and objector
- Ms Dukes – Resident and objector
- Ms Griffiths – Resident and objector
- David Spereall – Journalist

It was noted that Mr Sarvat Hossaini was unable to attend, as he had been working on the previous day with someone, who had since tested positive for Covid and had thought it best to stay home. His brother and business partner, Mr Dana Hossaini attended the hearing to answer any questions on his behalf.

The Legal Officer outlined the procedure for the hearing.

The Licensing Officer presented the application, providing the following information:

- The applicant's name is Mr Sarvat Hossaini and he is also the proposed designated premises supervisor.
- The application is for sale by retail of alcohol for consumption off the premises every day between the hours of 07:00 and 23:00. The hours of opening have been amended and agreed by the Council's Environmental Health Team. A redacted version of the application had been appended to the report at Appendix A.
- A map identifying the location of the premises was attached at Appendix B.
- It was noted that representations from Responsible Authorities may be negotiated prior to the hearing. In this instance the operating schedule had been amended to include the measures agreed with Environmental Health. A copy of the agreement was attached to the report at Appendix C.
- An agreement had also been reached between the applicant and West Yorkshire Police and the operating schedule had been amended to include additional measures. A copy of the agreement was appended to the report at Appendix D.
- The application had attracted representations from members of the public. The licensing authority was in receipt of five individual letters of objection and a petition containing thirty-one signatures all opposed to the application on the grounds of Crime and Disorder and Public Nuisance. Redacted copies of the letters were attached to the report at Appendix E and a redacted copy of the petition was attached at Appendix F.
- A list of premises in the local area and their licensed hours and activities was provided at Appendix G of the submitted report.

Mr Clarke informed the Sub Committee Members of the following:

- The applicant Mr Hossaini had managed shops for 6 years as a responsible retailer with his brother who has the Danas Store on New York Street.
- Sam's Mini Market would be a grocery shop selling European and English groceries and alcohol would be another product.
- The applicant had noted the concerns of the residents and was of the view that his shop and the requested opening hours would not have a detrimental impact on the area.
- The applicant was aware of licensing legislation and the shop is not in a Cumulative Impact Area. He was aware of the Licensing Act 2003 and the operating schedule set out proposals for abiding by the Licensing Objectives.
- The applicant had liaised with the Environmental Protection Team and an agreement had been reached to ensure that any plant and machinery would not be audible and there would be no deliveries to the premises after 10pm or before 7am.
- An agreement had been reached with West Yorkshire Police in relation to CCTV standards.
- Further conditions to be added to the licence to include a waste bin placed outside the shop which would be emptied before full and for the area in front

of the store to be kept clean and tidy and no more than 20% of the overall shelf space shall be used for the display of alcohol products at any time.

- Mr Hossaini would ensure that all staff were trained, and compliance logs completed.
- It was noted that five doors away there was another shop which sold alcohol 'Grandfather Rights'. It was the view that Mr Hossaini's application was more robust with a minimum of nineteen licensing conditions which included:
 - 24 conditions for CCTV including recordings to be kept for 31 days, entry and exit cameras.
 - Compliance Logbooks
 - Challenge 25
 - Regular staff training to be undertaken.
- Mr Sarvat Hossaini would be the designated premises supervisor.

Three residents who had objected to the application attended the hearing and provided the following information:

Resident 1

- One of the residents worked in Public Health with work relating to drugs and alcohol. She explained she had entered the postcode area in to the Leeds Alcohol Licensing Data Matrix which showed that this particular part of the city had:
 - High alcohol related hospital admissions and high numbers in alcohol treatment
 - High number of young people not in education, employment or training.
 - High population of looked after children.
- She said that in the location of the premises there was a problem with young people gathering which was creating an upsetting environment to walk through.
- The question was asked. Why from 7:00am?

Resident 2

- Had worked at the Tesco in Seacroft for fifteen years but had moved from that position due to anti-social behaviour around that store and being scared whilst waiting at the bus stop. She now worked at Springfields Store which was located a few doors away from the proposed premises. She has been working at Springfields for eleven years which operates between 8:00am and 10:00pm.
- It was noted that the parade of shops is close to homes with elderly residents and has a post office nearby. It was noted that elderly people feel safe in the area but had concerns that if the store was to open later there would be an issue with teenagers congregating.
- Springfields Store are asked to keep the area in front of the store clean and tidy and she goes out to remove any litter.
- It was noted that the area does have an issue with alcohol, but they do not sell to anyone who they believe to be drunk.

Resident 3

- It was noted that the residents in the area have concerns as there are already several outlets selling alcohol.

- He had started a petition and provided information to residents who had signed the petition.
- He was of the view that people in the area should be treated fairly, and it was not right they should fear violence or abuse.

Responding to questions from Members the Sub Committee were provided with the following information:

- It was noted that the data matrix used was used by the Council and used a RAG rating, Red, Amber Green. The scores for this area were assessed as High.
- It was acknowledged that anti-social behaviour was not just an issue in this area. It was the view of the residents that elderly people feel safe until 9:30pm but if there were more teenagers hanging around until 11pm they would not feel safe. It was the view that opening until 11pm would cause an issue. It was also noted that fly-tipping was an issue to the rear of these premises with rubbish including glass being dumped into the beck. The issue had become so bad that volunteer teams collect rubbish daily.
- The applicant would ensure that measures proposed were adhered to as he has 20 years' experience, and an understanding of the licensing objectives. The applicant's agent was of the view there was a need to placate the community but thought the conditions excessive in the circumstances, as the licence could be reviewed if not complied with. Mr Hossaini had tried to address people's fears and had offered to make his phone number available at all times should there be any issues. It was the agent's view that the area was not saturated with licensed premises. This premises would be retail and would have CCTV unlike some of the shops on the parade. Mr Hossaini had spent £80,000 refurbishing the premises.
- It was noted that Danas Stores owned by the applicant's brother was a different type of outlet operating until 2:00am. It is in a cumulative impact area on New York Street and does have CCTV.
- The residents suggested that the operating hours should be the same as those of the Springfields Store. It was noted that Springfields has CCTV which can only be looked at by the Police.
- Mr Dana Hossaini informed the Members it was the proposal to have images of what is on offer in the shop in the front window of the premises.
- The beck to the rear of the premises is part of the Yorkshire Wildlife Trust.
- The residents did not have an issue with the shop as it was a struggle to buy fresh fruit and vegetables in the area without having to go to larger supermarkets.

Mr Clarke in summing up said that he hoped this hearing had alleviated the concerns of the residents. The applicant would be willing to talk to the community to discuss any of their concerns. It was his view that the shop might have been better to open first, so the residents could see that Mr Hossaini was a responsible retailer. No further representations had been received from the responsible authorities and this application would not undermine the licensing objectives.

He said Mr Hossaini would do everything to cover the objectives and work with the residents. He was willing to discuss and accept any other conditions proposed.

Members discussions included:

- Images on shop front
- If open until 11pm this would focus any issues in the area for 1 hour onto the proposed premises.
- Commitment to empty bins.

The Sub Committee invited the applicant's agent, his brother and the residents back into the room for further questions.

The applicant's agent and brother in response to further questions from the Sub Committee said they would agree to further conditions that there will be no external advertisement of alcohol and the name of the premises will not contain any reference to alcohol. It was confirmed the premises could display a notice that it was an 'off-licence'.

In relation to the operating hours, they would agree to reduce the opening hours to between 8am and 10pm, in line with other premises in the area.

The residents were of the view that these conditions would be agreeable.

RESOLVED – To grant the premises licence as set out, subject to amending the operating schedule to incorporate the following:

- 1.) To authorise the sale by retail of alcohol between the hours of 08:00 and 22:00 Monday to Sunday;
- 2.) The hours that the premises are open to the public will be 08:00 to 22:00, Monday to Sunday;
- 3.) To add the condition; The name of the premises shall not contain reference to alcohol; and
- 4.) To add the condition; There shall be no advertisement of alcohol external to the premises including window displays.

7 Temporary Event Notice for Francis Street - Junction To Chapeltown Road Francis Street, Chapeltown, Leeds, LS7

The Chief Officer Elections and Regulatory submitted a late item to the agenda for the meeting which advised Members that a temporary event notice had been received by the Licensing Authority for an event at Francis Street – Junction to Chapeltown Road, Leeds, LS7 4BY.

In attendance for the hearing were:

- PC Andy Clifford – West Yorkshire Police
- Mr Spencer Powell – Premises User
- David Spereall - Journalist

The Legal Officer outlined the procedure for the hearing.

When West Yorkshire Police and the Premises User, were asked about witnesses, West Yorkshire Police said there were no witnesses to be called. At this point in the hearing Mr Powell said that he had not realised he could have brought witnesses, however if he had known he would have brought witnesses. The Legal Officer and the Licensing Officer explained the procedure for bringing witnesses and asked if Mr Powell wished to request an adjournment of the meeting so he could bring witnesses.

Mr Powell said that he would like the meeting to be adjourned, so that he could bring witnesses.

The Legal Officer asked if an adjournment was agreeable to all parties. All Parties were agreeable to an adjournment and the Sub Committee decided to grant the adjournment request and a suitable date was agreed.

RESOLVED – To adjourn the meeting until Tuesday 16th May 2023, at 10:00am.

The meeting concluded at 12:35