

Licensing Sub-Committee

Tuesday, 30th May, 2023

PRESENT: Councillor J Gibson in the Chair

Councillors A Hutchison and N Buckley

1 Election of the Chair

RESOLVED – To elect Councillor J Gibson to the 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

RESOLVED – That in accordance with Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, Members agreed to designate Appendix G to Item No. 6 (Application to Vary a Premises Licence held by Budgens Garforth, 47 – 49 Main Street, Garforth, Leeds, LS25 1DS). as being exempt from publication in accordance with paragraphs 10.4(2) of Schedule 12A(3) of the Local Government Act 1972 on the grounds that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, as doing so would reveal the identity of an individual.

4 Late Items

There was one late item, Agenda 7 – Application for the Grant of a Premises Licence for Sushi Nakamura, however the item was withdrawn ahead of the meeting.

Supplementary information was circulated to Members in relation to Item 6 - Application to Vary a Premises Licence held by Budgens Garforth, 47 – 49 Main Street, Garforth, Leeds, LS25 1DS

5 Declaration of Interests

No declarations of interests were made at the meeting.

6 Application to Vary a Premises Licence held by Budgens Garforth, 47 – 49 Main Street, Garforth, Leeds, LS25 1DS

The report of the Chief Officer, Elections and Regulatory presented an Application to Vary a Premises Licence held by Budgens Garforth, 47 – 49 main Street, Garforth, Leeds LS25 1DS.

The application proposed to extend the hours for sale by retail of alcohol to 24 hours, 7 days a week, and to allow the provision of late night refreshment between the hours of 23:00 and 05:00 daily.

The application received representations from responsible authorities and local Ward Councillors and from other persons, mostly on the grounds of grounds of crime and disorder and public nuisance.

The following were in attendance for this item:

- Mohan Palanisamy - Director, Samy Ltd
- Robert Botkai - Applicant's representative
- Ashokkumar Kalliannan - Business Development Manager, Samy Ltd
- PC Andy Clifford - West Yorkshire Police, Responsible Authority Objector
- Samantha Shaw - West Yorkshire Police witness
- Elaine Charnock - Public objector
- Carmel Brennand - Licensing Authority – Responsible Authority objector
- Pamela Dolan – Public Objector

The Legal Officer set out the procedure to be followed, and the Licensing Officer presented the application. At the discretion of the Chair, it was agreed that 15 minutes was permitted for each party to make their representation to the Sub-Committee.

West Yorkshire Police informed the Sub-Committee that they had brought along a witness to the meeting. Further to this, the Sub-Committee sought confirmation from all parties present as to whether the evidence from the witness should be heard. In doing so, with the exception of the Applicant (whose representative objected) all parties were agreeable on the basis that all evidence would be weighted appropriately. Having taken advice and considered the parties' submissions, the Sub-Committee decided to allow the witness to be heard.

The Applicant's Representative outlined the application;

- Budgens Garforth is operated by Samy Ltd, a franchise operating company employing around 250 staff
- The public representations had not produced evidence regarding the anti-social objections such as street drinking
- That if the Licence was found to exacerbate social problems in Garforth there is a mechanism for the Licencing Authority to review (and potentially revoke) the licence.
- Regarding concerns about late night deliveries, Mr Botkai informed the Sub-Committee that there would be no changes to the delivery times
- The alleged case of underage drinking was followed by a test purchase, which the store passed

The West Yorkshire Police Officer outlined the following concerns;

- PC Clifford clarified that his notice to have a witness attend to support his objection had happened in the week prior to the hearing of the Licensing Sub-Committee
- The Applicant's representative had suggested that there was probably no alcohol sale, but that if one did happen there was a falsified identity document used
- If a fake identification document was used, then as a responsible operator Budgens Garforth ought to have confiscated the document on the basis that as the boy was clearly underage it would be therefore false
- The case demonstrates Budgens Garforth does not effectively operate a Challenge 25 policy

The Sub-Committee heard the evidence provided by the West Yorkshire Police's witness regarding her son allegedly buying alcohol from the premises whilst underage.

The Licensing Authority, Ms Brennand, gave the Sub-Committee evidence relating to the underage alcohol sale, and the process which followed afterwards by herself and West Yorkshire Police. It was believed that granting an extended licence six months after an alleged case of underage alcohol sale was inappropriate.

The two public objectors gave evidence relating to the local context;

- There has been a historic issue of anti-social behaviour in Garforth Town Centre, with current inappropriate behaviour including door slamming and swearing
- Budgens Garforth did not letter drop to nearby residents about their Application
- There is a lack of policing in the area should the current issues with anti-social behaviour increase
- There are no public toilets In Garforth, and this will lead to increased urinating and vomiting in the street

In response to questions from Sub-Committee Members, the following was confirmed;

- The Applicant informed the Sub-Committee of community engagement that has taken place in the local area, including hiring local staff and sponsoring the local football team
- Mr Botkai explained his understanding of a Public Spaces Order Protection (PSPO) and that the existence of one in Garforth was not relevant to the application further to this
- PC Clifford stated that the PSPO was relevant due to it indicating an existing issue regarding drinking and anti-social behaviour in Garforth

RESOLVED – That the variation be granted as applied for.

7 Application for the Grant of a Premises Licence for Sushi Nakamura, Eastgate, Leeds, LS2 7JL

This application was withdrawn prior to the hearing.