

Licensing Sub-Committee

Tuesday, 30th April, 2024

PRESENT: Councillor L Farley in the Chair

Councillors S Hamilton and T Hinchcliffe

1 Election of the Chair

RESOLVED – That Councillor Farley be elected 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

There were no exempt items.

4 Late Items

There were no formal late items. However, supplementary information had been received in relation to Agenda Item 6 - Application for the Grant of a Premises Licence for Booze 4 U, 220 Roundhay Road, Leeds, LS8 5AA. This had been published and circulated to all parties.

5 Declaration of Interests

No declarations of interests were made at the meeting.

6 Application for the Grant of a Premises Licence for Booze 4 U, 220 Roundhay Road, Leeds, LS8 5AA

The report of the Chief Officer Elections and Regulatory set out an application for the grant of a premises licence made by Sagoo Properties Limited, for Booze 4 U, 220 Roundhay Road, Leeds, LS8 5AA.

In attendance for the meeting were:

- Chris Rees-Gay, Woods Whur – Applicant’s Representative
- Shalinder Sagoo, Director of Sagoo Properties Limited – Applicant and proposed DPS
- Sue Duckworth, Entertainment Licensing - Objector
- PC Andrew Clifford, West Yorkshire Police - Objector
- Milly Slezak, Public Health - Objector
- Claire Simms, Environmental Protection Team – Objector
- Peter Mudge, Communities Team - Objector

The Legal Officer set out the procedures for the meeting.

The Licensing Officer presented the application to the Sub-Committee provided the following information:

- The application was made by the landlord of the premises for a 'shadow licence', as the existing licence is currently subject to appeal proceedings following a decision by the Licensing Sub-Committee to revoke the licence. This had followed a review brought by West Yorkshire Police on the grounds of failed test purchases and seizures from the premises of non-duty paid/counterfeit cigarettes and non-compliant electronic cigarettes.
- A history of the premises was set out at Paragraph 2 of the submitted report.
- A copy of the licence held by Mr Eliasy and subject to appeal proceedings was attached to the report at Appendix A.
- The applicant was Sagoo Properties Limited, and the proposed Designated Premises Supervisor was Shalinder Sagoo.
- The application was for Sale by Retail of Alcohol (for consumption off the premises) everyday 00:00 - 23:59. A copy of the application was appended to the report at Appendix B. It was noted that the applicant was willing to undertake all of the condition attached to the existing licence to promote the licensing objectives.
- A map identifying the location of the premises was provided at Appendix C of the report.
- Representations had been received from the following Responsible Authorities:
 - Entertainment Licensing – copy at Appendix D
 - Entertainment Licensing Enforcement – copy at Appendix E
 - Environmental Protection Team – copy at Appendix F
 - Local Neighbourhood and Communities Team – copy at Appendix G
 - Public Health – copy at Appendix H
 - West Yorkshire Police – copy at Appendix I
- Representation had also been received from the Local Ward Councillors – copy at Appendix J.
- It was noted that the premises were located within the Harehills and Burmantofts Cumulative Impact Area and a copy of the policy was provided at Appendix K.
- A list of licensed premises in the area and their licensed activities was provided at Appendix L.

The applicant's representative informed the Sub-Committee of the following:

- The supplementary information advised the Members that the primary licence for the premises had been revoked by the Licensing Sub-Committee on 6th February 2024. This was currently the subject of an appeal, and the hearing is set for 17th June 2024. As this was a standard review, as is set out in Section 51 of the Licensing Act ("the Act"), the determination does not have effect, until the appeal is disposed of. The appeal in relation to the primary licence has not been disposed of. Therefore, the primary licence was still valid, and the primary licence was being relied upon currently to sell alcohol.

- As per section 2(3) of the Act: “Nothing in this Act prevents two or more authorisations having effect concurrently in respect of the whole or a part of the same premises”.
- The applicant for this shadow premises licence is Sagoo Properties Limited, the freehold owner and Landlord of the premises. The sole director of this company is Mr Sagoo who was well known and trusted in the ‘events world’ by Leeds City Council. His family have previously operated this store before it was leased. Mr Sagoo has held his personal licence since 2005 and was able to carry on a business at the premises and promote the licensing objectives.
- The applicant’s representative was of the view that this was not a replacement licence but a ‘shadow licence’ which would incorporate all the licensed activities, hours and conditions as the primary licence.
- Issues such as street urination and anti-social behaviour in the area could not be directly related to the premises.
- The applicant’s representative highlighted leading case law in relation to shadow premises licences and the High Court judgement for *Extreme Oyster v Guildford Borough Council* (2013). He said that Leeds City Council had accepted a shadow licence for a premises in Kirkstall.

In response to questions from the Members the following information was provided:

- It was not the usual practice for illegal activities at these premises. Mr Sagoo said that he had not been aware of the recent review as he had not realised that he had to apply to be notified of licensing matters on a yearly basis. He had only become aware of the situation when the current owner of the premises had contacted him. Mr Sagoo’s representative was of the view that Mr Sagoo as the landlord would not necessarily know what was happening at the premises.

The objectors to the application provided the following information:

Entertainment Licensing

- It was noted that there had been several applications in Guildford which the Judge had agreed should have been accepted and processed. However, this could not be extended to specific applications with the same status. They had no legal status in the Licensing Act and although the Council had accepted a shadow licence at a premises in the city, the premises were not within a cumulative impact area (CIA).
- The agencies had tried to negotiate with Mr Sagoo and his representative, but they had not agreed to the proposed measures for reduced hours or for amended terms and conditions. Therefore, this was still an application for a 24-hour premises licence and should be viewed as a new application within the CIA.
- The primary licence was still in existence as this was still going through the appeal process.
- The map identifying the premises showed that the premises was located in a residential area of back-to-back dwellings, which house large family groups. It was noted that the area has a high rate of street drinkers.

- It was noted that if a shadow licence was granted there was nothing to stop Mr Sagoo from transferring the licence.

West Yorkshire Police

- This application for a 'shadow licence' is the same process and fee as for a new application. If this was a new application in a CIA, it would be refused. These premises are on Roundhay Road which has issues such as street drinking, begging and homelessness.
- The licence was revoked due to illegal trading of goods. Since the revocation of the licence there has been test purchases and the current owner continues to trade in illicit goods.
- Mr Sagoo is known as a trusted event's organiser; however, his application should be treated like any other in a CIA.

Public Health

- There are 12 childcare facilities close to the premises, and children are seeing the sale of alcohol, tobacco and vapes on a regular basis which is normalising the behaviour which could affect their lives.
- This area is the 2nd highest in the city for children under the age of 16 years old and is the 4th highest for those not in employment, education or training.
- The name of the premises 'Booze 4 U' is colloquial and easy to read. In an area where people struggle to read, it clearly indicates what the store sells.
- The area has an issue with litter and there are concerns for the health of children growing up in an area with litter which can spread diseases.
- The area is also one linked to anti-social behaviour and gang crime.

Communities Team

- Roundhay Road is not as bad as Harehills Lane. However, a recent assessment shows there is still a big issue with street drinking and a dedicated support officer is assigned to this area.
- To grant an application for a shadow licence would set a precedent for others who have had their licence revoked to follow.

Environmental Protection Team

- Public nuisance complaints are mainly in relation to noise.
- In the officers view the applicant had not demonstrated how they would support the licensing objective of public nuisance.
- The premises is located on a parade of shops with flats above. There was the potential for noise disturbance to residents living above or close by. The noise could come from car stereos, car doors, vehicle engines, especially with this being for a 24-hour licence.
- The area has seen increased littering and public urination in the street.

Responding to questions from the Sub-Committee the following information was provided:

- Mr Sagoo said that the business had previously been run by the family, they also had a business in Hyde Park. He also has an events management

business which has 'pop up stalls' which is why he has a personal licence. The application for the premises had been made before the CIA in Harehills. It had been a music shop first then changed to an off licence which the family had named 'Booze 4 U'. His father had run the shop but when he retired, the family had decided to lease the shop.

- Mr Sagoo said that he understands the issues in Harehills and on Roundhay Road as he drives through the area every day. However, he had not known about the issues at the shop. One of the steps for consideration was to terminate the current tenancy.
- Mr Sagoo and his representative said they could not wait for the outcome of the appeal as the appeal may be lost and then they could not apply for a shadow licence. They had not negotiated with the Responsible Authorities as Mr Sagoo wanted the same licence with the same hours, and conditions.
- It was noted that if the shadow licence was granted it was the proposal for the shop to close for refurbishment and for the family to run the shop again. Mr Sagoo said that he would not transfer the licence to the current premises owner.
- It was acknowledged that a premises can have more than one premises licence and the licences do not have to be identical. Each licence must be taken on its own merit at the time of making the decision. The onus was on the applicant to show how they would mitigate issues in the CIA, not just to reduce the issues but to stop them becoming worse.
- To date no complaints had been received in relation to noise disturbance at the premises. However, there was the potential for noise disturbance from the use of the hatch, street drinking, and vehicle noise from customers and deliveries. It was noted that there have been complaints in the area due to noise disturbance.
- The area has multiple agencies working in it to address litter and substance abuse, and it was suspected that organised crime gangs operate in this area.
- Mr Sagoo said that if the licence was granted, he would be willing to work with the Responsible Authorities to make the area better.

At this point in the meeting the Chair asked all present if they would be willing to negotiate. An Adjournment was agreed to for 15 minutes.

On returning to the meeting the Responsible Authorities set out the terms and conditions to which they would be willing to have on the licence. These were recorded as:

- Hours reduced to 9am to 11pm, Monday to Sunday.
- Remove the hatch.
- No sale or supply of alcohol shall be made to any customer unless that customer purchases, at the same time and in the same transaction, non-tobacco and non-alcoholic goods to the value of no less than £10, to be controlled electronically by the till.
- The display of alcohol shall be in a designated area of the premises which is capable of being supervised from the counter area. The display of spirits shall be in an area accessible only by staff.

- There shall be no sale of beer, cider, lager and perry of 6.5% alcohol by volume or above.
- There shall be no sale of beer, cider, lager and perry of 6.5% alcohol by volume and above in containers holding a capacity of 1 or more litres.
- Alcohol shall not be displayed next to the public entrance/exit of the premises.
- The name of the premises shall not contain reference to alcohol.
- There shall be no advertisement of alcohol external to the premises including window displays.
- Customers shall be discouraged from drinking alcohol outside the premises.
- No spirits in containers smaller than 70cl to be sold.

It was noted that no agreement had been made between the Responsible Authorities, the applicant or his representative.

In summing up the representative said:

- Until the primary licence is heard at appeal this is still in use, and the case of Extreme Oyster shows that a shadow licence can be applied for with the same hours, activities, and conditions.
- If the shadow licence was granted Mr Sagoo would work in partnership with the Responsible Authorities.

Members deliberations included:

- The suggested conditions set out by the Responsible Authorities.
- The hours of operation.
- The minimum spend of £10 on groceries.
- Potential to transfer the licence.
- Cumulative Impact Area Policy.

RESOLVED – To grant a premises licence with the following conditions:

- Hours reduced to 9am to 11pm, Monday to Sunday.
- Removal of the hatch.
- No sale or supply of alcohol shall be made to any customer unless that customer purchases, at the same time and in the same transaction, non-tobacco and non-alcoholic goods to the value of no less than £10, to be controlled electronically by the till.
- The display of alcohol shall be in a designated area of the premises which is capable of being supervised from the counter area. The display of spirits shall be in an area accessible only by staff.
- There shall be no sale of beer, cider, lager and perry of 6.5% alcohol by volume or above.
- There shall be no sale of beer, cider, lager and perry of 6.5% alcohol by volume and above in containers holding a capacity of 1 or more litres.
- Alcohol shall not be displayed next to the public entrance/exit of the premises.
- The name of the premises shall not contain reference to alcohol.
- There shall be no advertisement of alcohol external to the premises including window displays.
- Customers shall be discouraged from drinking alcohol outside the premises.

- No spirits in containers smaller than 70cl to be sold.

Cllr Farley requested that it be recorded he had voted to refuse the application.

7 Application for the Grant of a Premises Licence for Convenience Store, 145 Oldfield Lane, Upper Wortley, Leeds, LS12 4EX

Members had been advised by Entertainment Licensing prior to the meeting that the application for the grant of a premises licence for Convenience Store, 145 Oldfield Lane, Upper Wortley, Leeds, LS12 4EX, had been withdrawn by the applicant's representative, and would be heard at a later date.

8 Application to Vary a Premises Licence held by Go Local (with Gulf Petrol Station), Green Lane, Yeadon, Leeds, LS19 7BU

The report of the Chief Officer Elections and Regulatory requested Members consideration on an application to vary a premises licence held by Go Local (with Gulf Petrol Station), Green Lane, Yeadon, Leeds, LS19 7BU.

In attendance at the meeting were:

- Ian Rushton, JL Licensing – Applicant's Representative
- Tharmalingam Nitharshan – Applicant and existing DPS

The Legal Officer set out the procedures for the meetings.

The Licensing Officer presented the application providing the Licensing Sub Committee with the following information:

- The application was made to extend the Sale by Retail of Alcohol to 24 hours a day, 7 days a week, and to add the provision of Late Night Refreshment, from 23:00 hours to 05:00 hours every day.
- A history of the premises was provided for Members at Paragraph 2 of the submitted report. A copy of the existing licence was appended to the report at Appendix A.
- The applicant was Tharmalingam Nitharshan. A copy of the application was attached at Appendix B. It was noted that the applicant proposed to promote the licensing objectives by taking additional steps identified in the document attached to the report at Appendix C.
- A map identifying the location of the premises was attached at Appendix D.
- Representation had been received from West Yorkshire Police and in this instance the operating schedule had been amended to include a number of suggested measures. As a result, the representation had been withdrawn and a copy of the agreement was attached to the report at Appendix E.
- The application had also attracted representations from members of the public and a registered charity. These opposed the application primarily on grounds of public nuisance. Copies of the representations were appended to the report at Appendix F.

- Entertainment Licensing were also in receipt of template letters signed by individuals expressing their support for the application and copies of these were attached at Appendix G.
- A list of licensed premises in the area and the licensed hours and activities were provided to the Sub-Committee at Appendix H.

The applicant's representative provided the following information to the Sub-Committee:

- The applicant has worked in a convenience store for 20 years which has sold groceries, sweets, alcohol, cigarettes and petrol. He also has 10 years' experience at a 24-hour convenience store in Sheffield.
- Mr Nitharshan passed his personal licence with Croyden Council.
- Mr Nitharshan has bought the freehold of these premises and is committed to the business and the community.
- The applicant manages these premises daily with no issues. He currently employs 4 staff, and should he be granted the 24-hours he would need to hire more staff. He is aware that he needs to have well trained staff.
- The current licence has mandatory conditions. However, Mr Nitharshan has agreed to strengthen these conditions with:
 - CCTV inside and outside with 4 cameras outside. Recordings would be kept for 31 days and images could be supplied to the Responsible Authorities if necessary.
 - Incidents and Refusals logbooks.
 - Regular staff training.
 - Put up 'respect neighbour' notices.
 - As per agreement with West Yorkshire Police that all sales between 00:00 and 06:00 will be via a night hatch.
- No other Responsible Authority has made representation to the application.
- No Local Ward Councillors have made representations.
- Mr Nitharshan has tried to alleviate concerns of the objectors and reassure them that he is a good business operator.
- Any anti-social behaviour cannot be related to his business, it was the view that all localities have issues with anti-social behaviour.
- Notices would be put up to request that litter is put in bins and he and his staff would make regular checks of the vicinity.
- Should any young people start to congregate in the area he would ask them to move away or ring the police.
- Several matters had been highlighted by objectors, but these were not an issue at present and emails had been sent to the objectors to reassure them that Mr Nitharshan would address any issues. One of the objectors had responded to the email from Mr Nitharshan.
- It was noted that there were also residents who were in support of the application.

In response to questions from the Members the following information was provided:

- The petrol station has 4 car parking spaces to the side of the store.

- The business is currently for petrol, groceries, and cigarettes. All purchases are via the night hatch between 11:00pm and 06:00am. However, in agreement with the police this is to be 00:00 until 06:00am.
- Two months ago, Mr Nitharshan has bought the premises freehold, so he owns the site and the licence had been transferred. He had contacted the police and the Council, and no issues had been highlighted.

Summing up

In summing up the applicant's representative highlighted the following points:

- This is an established business which had its licence converted in 2005 when the council took over licensing.
- Mr Nitharshan has 30 years' experience in a different city.
- No representations had been received from Responsible Authorities.
- There had been 39 letters of support for the application.
- The shop is popular with residents.
- A review could be used should there be issues in the future.

Members discussed the application and noted the measures set out by West Yorkshire Police and agreed to.

RESOLVED – To grant the licence as applied for, with the measures as set out by West Yorkshire Police.

The meeting concluded at 12:45