

## Licensing Sub-Committee

Monday, 20th June, 2011

**PRESENT:** Councillor S Armitage in the Chair

Councillors T Hanley and D Wilson

**11 Election of the Chair**

Councillor Armitage was elected Chair for the meeting

**12 Late Items**

No formal late items of business were added to the agenda, however Members had received additional representation from West Yorkshire Police and the applicants representative in respect of Lajkonik (minute 14 refers). A further copy of the report had also been despatched to replace the poor quality copy within the agenda.

**13 Declarations of Interest**

There were no declarations of interest

- 14 "Lajkonik" - Application for the Grant of a Premises Licence - New Application for Lajkonik, 319 Harehills Lane, Harehills, Leeds LS9 6AA**  
The Sub Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy considered an application for the grant of a premises licence for a proposed continental food and delicatessen store with alcohol sales situated at 319 Harehills Lane, Harehills trading as "Lajkonik".

Representations had been received from LCC Environmental Protection Team (LCC EPT) which included measures proposed to address the licensing objectives. Those measures had been agreed by the applicant prior to the hearing and LCC EPT had subsequently withdrawn the representation on the understanding the measures would be imposed on the premises licence, should it be granted.

Representations had also been received from one local resident who did not attend the hearing and from West Yorkshire Police (WYP). The Sub Committee resolved to consider the residents' written representation in their absence and to proceed with the hearing. Mr R Tees-Edwards attended the hearing as an observer.

PC L Dobson made representation on behalf of WYP against the grant of the Licence. She stated that the applicant had not reached agreement with WYP prior to the hearing despite the statement within the applicant's letter dated 16<sup>th</sup> June 2011. The premises lay within a parade of businesses in a busy area. Furthermore, this applicant was linked to other premises on Harehills Lane that were known to WYP for their links to crime and the illegal importation of alcohol, cigarettes and tobacco into the UK. Some of those had

unsuccessfully applied for premise licences in order to legitimise illegal activities.

The Sub Committee heard evidence of events at 319 Harehills Lane as recently as 10<sup>th</sup> May 2011 when intelligence was received relating to the sale of illegally imported goods at the store. HMRC seized nearly three kilograms of mixed hand rolling tobacco where no duty had been paid which had been hidden in a freezer at the store.

PC Dobson then addressed the written representation submitted by the applicant on 16<sup>th</sup> June 2011 and reiterated her belief that the applicant was involved in illegal activity and was seeking to legitimise the unlawful importing of goods to sell via a legitimate off licence. Members heard that on 10<sup>th</sup> June 2011 HMRC Officers had seized 60 illicit cigarettes being sold over the counter at another licensed premises owned by the applicant in Halifax. To conclude, PC Dobson stated that the grant of this licence would undermine the licensing objective intended to prevent crime and disorder.

The Committee then heard representations from Mr Sina on behalf of the applicant who repeated his comments contained in his letter dated 16<sup>th</sup> June 2011. Mr Sina described the good character of the applicant and stated he was now prepared to cease sale of alcohol at 21:00 hours in response to the local residents comments. The premises would close to the public at 23:00 hours. Furthermore, the applicant would adopt the conditions proposed by WYP as well as those measures contained within the risk assessment attached to the application. Mr Sina then provided the Sub Committee with the applicant's account of events of 10<sup>th</sup> May 2011 and disputed the account presented by WYP. He stated the tobacco had not actually been found within the premises but had been found outside. It appeared wet because it had been exposed to the weather and not in a freezer, in fact, the HMRC Officers had brought this tobacco to the contractor working at the premises at the time. Mr Sina added that the applicant had not been prosecuted and no HMRC enforcement action had been taken.

The Sub Committee carefully considered all the written and verbal submissions. Members felt that the use of premises for crime was particularly serious and it would be necessary to take steps to address this issue. The Sub Committee preferred the representations of WYP to those of the applicant and had regard to the evidence that incidents had occurred recently at the premises subject to this application and at another premises run by this applicant. Members therefore felt that this premises had been and would be used for tax evasion by the importing of goods where no duty had been paid.

The Sub Committee therefore was satisfied that granting the application in part or with condition would undermine the crime prevention objective. It was therefore necessary for the promotion of this objective to refuse the application.

**RESOLVED** – To refuse the application.