

Licensing Sub-Committee

Monday, 29th April, 2013

PRESENT: Councillor J Dunn in the Chair
Councillors N Buckley and T Hanley

Late commencement time of the meeting

Due to the non-attendance of Councillor G Hussain, the meeting commenced at 10.55am following mutual agreement by all parties. Councillor T Hanley substituted for Councillor G Hussain.

186 Election of the Chair

RESOLVED – That Councillor J Dunn be elected Chair for the duration of the meeting.

187 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That the public be excluded from the meeting during consideration of that part of the agenda designated as exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information, designated in Appendix C and Appendix D of the report referred to in Minute 189 both in terms of Regulation 14 of the Licensing Act 2003 (Hearing Regulations 2005) and the Licensing Procedure Rules, and on the grounds that it is not in the public interest to disclose the contents as the information therein pertains to any action or to be taken in connection with the prevention, investigation or prosecution of crime.

188 Declarations of Disclosable Pecuniary Interests

There were no disclosable pecuniary and other interests declared at the meeting.

189 Review of the Premises Licence for Shokar Mini Market, 277 Middleton Road, Belle Isle, Leeds, LS10 3JB

The Sub-Committee considered an application made by West Yorkshire Police under Section 51 of the Licensing Act 2013 for the Review of a Premise Licence for Shokar Mini Market, 277 Middleton Road, Belle Isle, Leeds LS10 3JB.

The following were present at the meeting:-

Ms Catherine Sanderson – West Yorkshire Police
Sergeant Fullilove - West Yorkshire Police
Inspector Hammill – Middleton/Belle Isle/Rothwell and the Outers Neighbourhood Policing Team
Mr Sukhjit Singh Shokar – Licence Holder
Mr Bahia – KBS Solicitors representing the Licence Holder

The Licensing Officer presented the report and it was noted that the Licensing Authority in this instance was not in receipt of any representations or documentation in support of the Premises Licence Holder.

The Sub Committee then heard from West Yorkshire Police on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance.

Ms Sanderson gave a brief overview of the application which was, and had been the subject of an investigation by West Yorkshire Police over a sustained period of time. She also provided the Sub Committee with supplementary information which included witness statements of police officers and a chronology of intelligence/incidents, attributable to these premises from January 2102 onwards.

Reference was made to corroborated information that had been received by Rothwell Neighbourhood Policing Team in relation to drugs and dishonesty offences connected with the premises, the Premises Licence holder and other properties which the licence holder owned. As a result, a Magistrates Court Search Warrant was obtained and executed on 20th December 2012 where officers located items which they believed to be stolen, and seized 46 cannabis plants from 277A Middleton Road which were located in the living quarters above the property. Officers also executed 2 other warrants at premises Mr Shokar owned and seized a number of weapons and a 1000 cannabis plants which were under investigation. The Sub Committee were informed that Mr Shoker was on police bail until 20th June 2013 for these offences.

Inspector Hammill then addressed the meeting and referred to the high unemployment and high level of criminal activity in the Middleton/Belle Isle area. The Neighbourhood Policing Team had concerns that the community in the area would remain vulnerable if the Premises Licence holder continued to operate at the premises.

The Sub Committee then heard from Mr Bahia, the Premises Licence Holder's legal representative.

Mr Bahia stated that Mr Shokar and family had resided in the Middleton area for 20 years and had never been brought up before the Sub Committee in relation to running the premises. Mr Bahia advised the meeting that Mr Shokar and his family owned 28 premises in the area, some of which were rented out. For that reason it was difficult for him to monitor activities on a regular basis.

In relation to the 46 cannabis plants found in the living quarters at 277A Middleton Road, it was reported that Mr Shoker was storing them for a friend and there was no evidence of drugs being supplied from the property or that he was involved in any cultivation business. Mr Bahia also stated that should the premises licence be revoked, Mr Shoker would suffer financial hardship.

In response to questions from Members, Mr Bahia stated that Mr Shokar accepted that he had made an error of judgement in relation to the storage of the cannabis plants and that some criminal prosecution would now follow by West Yorkshire Police.

West Yorkshire Police were then given an opportunity to respond to Mr Bahia's representations. Sergeant Fullilove referred to social deprivation and re-iterated the fact that the Police could not have a business operating in this fashion.

In response, Mr Bahia stated again that there was no evidence that Mr Shokar had supplied drugs to customers from his premises at 277 Middleton Road.

The Sub Committee carefully considered both the written and verbal representations from West Yorkshire Police and Mr Bahia. The Legal Adviser advised the meeting that the Sub Committee's role was not to consider the innocence or guilty of the premises licence holder, but was to consider whether the prevention of crime and disorder objective was being promoted.

Members considered the options open to them on a review, including imposing conditions, removal of the DPS or suspension of the licence would be appropriate. They considered that the prevention of crime and disorder objective had been under mind, the evidence provided by West Yorkshire Police was strong and the Premises Licence holder had admitted possession of the Cannabis plants in the living quarters that were interlinked with the store.

RESOLVED –That the premises licence be revoked.

(The meeting concluded at 11.50am)