

Licensing Sub-Committee

Monday, 18th November, 2013

PRESENT: Councillor R Downes in the Chair

Councillors K Bruce and N Buckley

120 Election of the Chair

Councillor Ryk Downes was elected Chair of the Licensing Sub Committee for the duration of the meeting.

121 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents.

122 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt information. On this occasion there were no members of the public present.

123 Late Items

Supplementary information submitted by West Yorkshire Trading Standards had been sent to the Members of the Licensing sub-committee and all interested parties. It was noted that the applicant's solicitor was not in receipt of the supplementary information and was not able to respond to the information within the document. Therefore, the information was not heard during the hearing and Members did not use the information during their deliberations.

124 Declarations of Disclosable Pecuniary Interests

No declarations were made.

125 Review of the Premises Licence for Hyde Park Newsagents, 7 Hyde Park Road, Woodhouse, Leeds, LS6 1PY

An application for the review of a premises licence under Section 51 of the Licensing Act 2003, was sought by West Yorkshire Police in respect of Hyde Park Newsagent, 7 Hyde Park Road, Woodhouse, Leeds, LS6 1PY. West Yorkshire Police were in attendance for the hearing along with HM Revenues and Customs and West Yorkshire Trading Standards.

The premises licence holders Mr Mohebullah Noori and Mr Mohammed Akbar Noori were in attendance for the hearing with their solicitor Mr Hodgson. Mr Mohebullah Noori is the Designated Premises Supervisor for Hyde Park Newsagent.

West Yorkshire Police outlined the grounds for the review under the prevention of crime and disorder licensing objective. The premises had come to the attention of West Yorkshire Police via an application to extend the licensable activities at News and Booze. Checks were carried out with various agencies to ensure that there were no issues which had not been highlighted previously. The Off-licence premises and the Premises Licence Holder had been the subject of an investigation by HM Revenues and Customs. Over the last three consecutive years seizures had been made for counterfeit products and goods which had not had UK duty paid.

Members attention was drawn to page 21 of the agenda which listed the dates and the goods seized from Hyde Park Newsagent.

The officer from HM Revenues and Customs told the sub-committee of the procedure during the inspection of a premises and of notices issued where goods were seized. The Sub-committee were told that there had been five seizures at the Hyde Park Newsagents in which counterfeit alcohol and tobacco had been seized.

Members attention was drawn to counterfeit tobacco being found behind kickboards under shelving and on a later date concealed inside a live fuse box.

Members were made aware of the effects that counterfeit products can cause. It has been documented that counterfeit tobacco can contain higher levels of nicotine and produce more carbon monoxide. The tobacco could also incorporate a mix of cancer causing chemicals including arsenic, cadmium, benzene and formaldehyde.

It has been documented that illicit alcohol has been known to contain chemicals used in antifreeze within their manufacture, can cause health issues ranging from nausea to blindness or coma and death.

The HM Revenues and Customs Officer told the Members that warnings had been issued and this was a normal procedure and although there have been several visits to the premises there was not enough to bring about a prosecution. The Officer was not able to say if other inspections had taken place which had resulted in no seizure of goods. West Yorkshire Police have brought no charges so far. Members were told that these premises were situated in a student area.

The applicant's solicitor told the sub-committee that Mr Mohebullah Noori was the current Designated Premises Supervisor for the premises having taken over in 2011 from his uncle Mr Mohammed Akbar Noori who is the Premises Licence holder for News and Booze, the premises are unrelated.

The committee heard that the clientele are students and locals with the main part of the business coming from the sale of alcohol. The premises is the only source of income and Mr Mohebullah Noori is saving to bring his wife to England from Afganistan.

The committee were told that items for sale are usually purchased from cash and carry. However, alcohol was purchased from a man in a white van on one occasion. The applicant told the committee that he believed that the UK duty had been paid and had been given a receipt. The tobacco and cigarettes were purchased whilst on holiday for personal use.

The Chair sort clarification from HM Revenues and Customers officer on identification of goods deemed to be counterfeit or non UK duty paid. The officer was also asked if alcohol seized had been tested. The goods had not been tested as the quantity was too small for testing the officer was unable to clarify testing limits but said that if a prosecution was brought then testing would be carried out.

West Yorkshire Police told the Members that counterfeit goods particular alcohol and tobacco is an issue in the Hyde Park area and they continually issue warnings of the harm that can be caused through the purchasing of counterfeit goods to both residents and retailers.

RESOLVED – After careful consideration the Licensing sub-committee decided to issue a 28 day suspension. The Licensing sub-committee take very seriously the purchasing and selling of counterfeit goods and the dangers of procuring goods away from reputable cash and carry outlets. In setting the 28 day suspension the Members hoped that Mr Noori would reflect on the responsibility that he has as a fit and proper person to conduct his business within the licensing objectives.

The 28 day suspension is effective 21 days from the receipt of the decision letter – in line with the Licensing Act 2003 Section 52 paragraph 11.

126 Review of the Premises Licence for News And Booze, 14 Eldon Terrace, Woodhouse, Leeds, LS2 9AB

An application for the review of a premises licence under Section 51 of the Licensing Act 2003, was sought by West Yorkshire Police in respect of News and Booze 14 Eldon Terrace, Woodhouse, Leeds, LS2 9AB. West Yorkshire Police were in attendance for the hearing along with HM Revenues and Customs and West Yorkshire Trading Standards.

The premises licence holder Mr Mohammed Akbar Noori was in attendance for the hearing with his solicitor Mr Hodgson.

West Yorkshire Police outlined the grounds for the review under the prevention of crime and disorder licensing objective. The premises had come to the attention of West Yorkshire Police via an application to extend the licensable activities. Checks were carried out with various agencies to ensure that there were no issues which had not been highlighted previously. The Off-licence premises and the Premises Licence Holder had been the subject of an investigation by HM Revenues and Customs. Over the last three consecutive years seizures had been made for counterfeit products and goods which had not had UK duty paid.

Members attention was drawn to page 47 of the agenda which listed the dates and the goods seized from News and Booze.

The officer from HM Revenues and Customs told the sub-committee of the procedure during the inspection of a premises and of notices issued where goods were seized. The Sub-committee were told that there had been five seizures at News and Booze in which counterfeit alcohol and tobacco had been seized.

Members were made aware of the effects that counterfeit products can cause. It has been documented that counterfeit tobacco can contain higher levels of nicotine and produce more carbon monoxide. The tobacco could also incorporate a mix of cancer causing chemicals including arsenic, cadmium, benzene and formaldehyde.

It has been documented that illicit alcohol has been known to contain chemicals used in antifreeze within their manufacture, can cause health issues ranging from nausea to blindness or coma and death.

The HM Revenues and Customs Officer told the Members that warnings had been issued and this was a normal procedure and although there have been several visits to the premises there was not enough to bring about a prosecution. The Officer was not able to say if other inspections had taken place which had resulted in no seizure of goods. West Yorkshire Police have brought no charges so far.

Members were told that these premises were situated in a student area.

The applicant's solicitor told the sub-committee that Mr Mohammed Akbar Noori was the current premises licence holder for the premises News and Booze with his nephew Mr Mohebullah Noori specified as the Designated Premises Supervisor. Mr Mohammed Akbar Noori is the main sales person at the premises, his wife who is currently pregnant assists behind the counter on occasion.

The committee heard that the clientele are students and locals with 50% of the business coming from the sale of alcohol.

The committee were told that items for sale are usually purchased from outlets including TV Cash and Carry and Costco. However, alcohol has previously been purchased from a man in a white van and from Kaisa Stores in Beeston, the applicant had no suspicions as he knew the owner of the store.

The applicant told the Members that tobacco found in a drawer had been bought from a stall at Leeds Market for personal use.

RESOLVED – After careful consideration the Licensing sub-committee decided to issue a 7 day suspension. The Licensing sub-committee take very seriously the purchasing and selling of counterfeit goods and the dangers of procuring goods away from reputable cash and carry outlets. In setting the 7 day suspension the Members hoped that Mr Noori would reflect on the responsibility that he has as a fit and proper person to conduct his business within the licensing objectives.

The 7 day suspension is effective 21 days from the receipt of the decision letter – in line with the Licensing Act 2003 Section 52 paragraph 11.