

Licensing Sub-Committee

Monday, 4th October, 2010

PRESENT: Councillor M Dobson in the Chair

Councillors Mrs R Feldman and B Selby

96 Election of the Chair

RESOLVED – Councillor M Dobson was elected Chair for the duration of the meeting

97 Late Items

No formal late items of business were added to the agenda for the meeting. However the following documents were made available prior to the hearing:
Item 6 – Vicky's General Store (minute 99 refers)

- A list of people in support of the application – submitted by the solicitor for the applicant on 1st October 2010 and despatched to the Sub Committee prior to the hearing
- A bundle of documents containing 13 statements withdrawing previous objections and 3 letters of support – submitted by the solicitor for the applicant on the morning of the hearing.
- A copy of an "Age Restricted Sales Policy Document" – tabled at the hearing by the solicitor for the applicant

98 Declarations of Interest

There were no declarations of interest

99 "Vicky's General Store" - Application for the Grant of a Premises

Licence for Vicky's General Store, 5 Garton Road, Burmantofts LS9 9NH
The Sub-Committee, having regard to the Licensing Act 2003, the Statement of Licensing Policy and the Statutory Guidance, considered the written submissions before them relating to an application for the grant of a Premises Licence in respect of "Vicky's General Store, 5 Garton Road, Burmantofts.

Representations had been submitted by a number of members of the public – 84 in objection and 74 in support. The following members of the public who had objected to the application attended the hearing: Mr G Chand, Miss S Chand and Mrs M Driffield along with local ward Councillor R Brett who attended as an observer. Miss S Covell also attended at the request of Ms S Chand, S Patterson, J Ibbetson and L Webster to make representation on their behalf.

Mr N Bedi, Miss S Bedi and Mrs M Kaur attended the hearing in support of the applicant. Not all of the members of the public attended the hearing and the Sub Committee resolved to take their written representations into account and to proceed in their absence

At the start of the hearing, the Sub Committee dealt with preliminary matters.
Withdrawal of objections

- Members noted receipt of a schedule of names of people stating their withdrawal of their previous objection submitted by the applicant on 1 October 2010
- Documents submitted by the applicant on the morning of the hearing included further signed statements from members of the public withdrawing their previous objections. This bundle also contained 2 letters from Mr N Myland and Mr I Myland regarding the circumstances of Mr N Myland's initial objection which caused Members concern.

The Sub Committee varied normal procedure to allow the content of the letters to be read to the meeting. Mr N Bedi was then called to explain the circumstances of his discussions with Mr I and Mr N Myland. Miss Roth then addressed the hearing with regard to the validity of the letters. Mr G Chand was then afforded the opportunity to respond. Miss S Chand and Mrs Driffield also responded regarding the letters of objection.

The Sub Committee adjourned the hearing at this point to consider the matter of the number of objections and withdrawals; the weight of the evidence and to allow the applicant time to seek telephone validation of the letters from Mr I and Mr N Myland.

On recommencement, Miss Roth reported that she had spoken to Mr N Myland and she had obtained verbal validation from him of the contents of his letter as being true. Miss Roth indicated that she did not seek to adjourn the hearing for Mr Myland to attend. On hearing this, the Sub Committee resolved to continue and stated they would proceed on the basis of the application before them, noting that the 12 withdrawn objections resulted in there being 72 members of the public objecting and 74 supporting the application.

The hearing resumed and the Sub Committee heard from Miss S Covell, co-opted member of the local area committee on behalf of 4 residents who had submitted an objection to the application. She stated the application had been discussed at the Richmond Hill Forum where she was approached by a number of concerned residents. Miss Covell reported on the anti-social behaviour already experienced in the Garton area close to the shop and said residents felt the freer availability of alcohol would exacerbate this. The shop was close to a park and there was concern that persons would consume alcohol there. She added that the area was not covered by any CCTV which could record incidents of asb or disorder. Members noted that West Yorkshire Police had not submitted a representation. Miss Covell responded the matter had been discussed with WYP who had indicated they would make a representation.

Mr G Chand addressed the meeting and reiterated locals' concerns regarding anti-social behaviour, crime in the locality and the increased possibility of people drinking on the street.

The Sub Committee then heard from Miss Roth, solicitor for the applicants – Mr & Mrs Syan who were in attendance. Miss Roth addressed the objections received from local residents and confirmed that no representations had been

received from the Responsible Authorities. She outlined the experience Mr & Mrs Syan had in the off-licence trade and their proposed management of this premises which they intended to close at 21:00 hours every night. Miss Roth tabled a copy of the applicants own "Age Restricted Sales Policy" and stated the applicants would accept the measures within it as conditions on the Premises Licence should it be granted.

After careful consideration; and being mindful that no representations had been submitted by the Responsible Authorities and that there were no reports of any incidents associated with the premises; the Sub Committee felt that it was possible to grant the licence without detriment to the licensing objectives.

RESOLVED – That the application be granted

Supply of alcohol (for consumption off the premises

Sunday to Saturday 08:00 to 21:00 hours

- The Sub Committee decided those measures contained within the Age Restricted Sales Policy Document tabled at the meeting by the applicant were necessary and proportionate and they shall be placed on the Premises Licence as conditions

100 "Sainsbury's"- Application to vary a Premises Licence for Sainsbury's Supermarkets Limited, 70 - 74 Brudenell Road, Headingley Leeds LS6 1EG

The Sub-Committee, having regard to the Licensing Act 2003, the Statement of Licensing Policy and the Statutory Guidance, considered the written submissions before them relating to an application to vary an existing Premises Licence in respect of premises trading as Sainsbury's Supermarket, 70-74 Brudenell Road, Headingley

Representations had been submitted by LCC Environmental Protection Team (LCC EPT) and local ward Councillor J Monaghan who also attended the hearing.

The Sub Committee head from Mr B Kenny on behalf of LCC EPT regarding the full objection submitted by the Department due to concerns of the likelihood of public nuisance being caused by patrons attending the premises at later hours. Mr Kenny described the residential nature of the area including the flats above the premises. He stated this was not a suitable location for the 24 hour sale of alcohol. During questions from the Sub Committee it was noted the premises currently operated 24 hours a day (without the sale of alcohol) and Mr Kenny confirmed that no complaints had been received.

Councillor J Monaghan then addressed the Sub Committee and expressed his concerns about the impact 24 hour sales of alcohol would have on the area in terms of alcohol related noise and disturbance generated by shoppers at the later hours, the likelihood this store would attract shoppers from other parts of the city and the possibility that people would stop off at the shop early in the morning on the way home from a night out in town. He described the locality as a student area and was concerned the application had been made during the summer holidays when the student population was not in

residence. He acknowledged that Sainsbury's would manage the inside of the store well but was concerned about the management of the external area.

He also referred to the existing Cumulative Impact Area for the area which was being reviewed as part of the review of the city's Licensing Policy and the inclusion of off-licensed premises could be one of the matters raised in the consultation. The Sub Committee acknowledged this but stated that their deliberations would rely upon the current CIP.

During discussions Councillor Monaghan provided information on his experience of another 24 hour supermarket in the locality and the problems associated with its operation and expressed his belief that similar problems could occur at the Sainsbury' premises if the application was granted.

The Sub Committee then heard from Mr R Botkai, solicitor for the applicant. Ms J Brown, who had been Designated Premises Supervisor for the store until very recently accompanied him. Mr Botkai explained the licence history of the premises and the reason behind the request for Late Night Refreshment and 24 hour sale of alcohol. He referred to that part of the Guidance which set out a presumption to grant licences for supermarkets to sell alcohol during their normal hours of trade, as long as this did not impact upon the licensing objectives. The store had operated 24 hours per day since June 2010 without complaint. Furthermore, Ms Brown had consulted the residents in the flats above the supermarket and they had not reported any problems to her. He commented that the objectors present had not consulted with local residents, and there was no evidence, specific to this store, to support the objectors supposition on what might happen if the application was granted.

The Sub Committee carefully considered the report containing her written representations and the application. Members also had regard to the verbal submissions at the hearing and took into account the fact that neither Councillor Monaghan or LCC EPT had received any complaints about the current operation of the premises.

Members were pleased the applicant had contacted the local residents prior to the hearing and noted there were no objections from them.

RESOLVED – That the application be granted as requested

- The Sub Committee took the opportunity to remind LCC EPT and Councillor Monaghan of the right to review the Premises Licence should they experience problems associated with this premises in the future.