

## **Licensing Sub-Committee**

**Monday, 1st September, 2014**

**PRESENT:** Councillor G Hyde in the Chair

Councillors B Flynn and M Harland

### **39 Election of the Chair**

Councillor Hyde was elected Chair of the meeting

### **40 Late Items**

There were no formal late items, however the applicant's legal representative sought to submit additional information on the measures to be taken to ensure that the activities proposed did not add to the impact already being experienced in the area. With the agreement of the Chair, this information was circulated to all parties. Members were also provided with large-scale drawings of the internal layout of the premises

### **41 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests

### **42 "One Stop" - Application to Vary a Premises Licence at One Stop, 265 Hyde Park Road, Woodhouse LS6 1AG**

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 to vary a premises licence in respect of One Stop Stores Ltd, for One Stop 265 Hyde Park Road Woodhouse LS6, which was located in an area covered by a Cumulative Impact Policy (CIP)

Representations had been received from West Yorkshire Police, Leeds City Council Entertainment Licensing, a local Ward Member and members of the public  
Present at the hearing were:

Ms Cochrane – applicant's legal representative  
Ms Marklew – Trading Law Manager for One Stop  
Mr Akroyd – Area Manager for One Stop  
Mr Patterson – West Yorkshire Police  
Sgt Shaw – West Yorkshire Police  
Ms Sanderson – West Yorkshire Police  
Ms Holden – Leeds City Council Entertainment Licensing  
Councillor Akhtar – Ward Member  
Ms Buckle – local resident and Chair of South Headingley Community Association  
Rev Powley – local resident and member of St Augustine's Church Wrangthorn

The Sub-Committee heard from Ms Cochrane on behalf of the applicant who stated there were three aspects to the application; one being an amendment to the plan of the premises; the removal of the embedded restriction for Christmas Day and finally an extension to the opening hours for 24 hour opening to enable flexibility, especially during term time

As the premises were in an area covered by a CIP, measures were in place to ensure the additional hours, if granted, would not add to the pressures in the area. Details of these measures were provided and included provision of CCTV; operation of Challenge 25; operation of a staff safe system and extensive training. Furthermore, a good manager was in place at the store; it was well run and was acknowledged locally as an asset to the area

Reference was also made to statistics indicating that alcohol-related crime was reducing year on year; that no specific evidence had been submitted to show that the store contributed to crime and disorder in the area and the good working relationship which existed between the store and the local police was highlighted

The fact that the Licensing Act enabled a Licence to be reviewed if the Licensing objectives were not being met was also pointed out to Members

In response to questions from the Sub-Committee, Ms Cochrane stated that One Stop was willing to alter the CCTV equipment to show the outside of the premises if that was required and in respect of concerns raised about litter and drunkenness outside the premises, Members were informed that regular sweeps and litter picks were undertaken; that staff were well trained and would contact the police if there were instances of anti-social behaviour. Regarding noise and disturbance, to help address this issue, Ms Marklew offered to put up a sign reminding patrons leaving the premises to do so quietly. An 'open door' policy in respect of complaints or concerns could be offered to enable residents to raise any concerns

Details of the hatch and microphone system for late night sales was outlined with Members being informed that this system would continue but could be reviewed in discussions with the police

The Licensing Sub-Committee then heard representations from West Yorkshire Police (WYP), with Mr Patterson stressing that the objection raised by WYP was based entirely on the CIP which brought with it a different set of rules and that it was felt the applicant had offered little to ensure the premises did not add to the cumulative impact of premises in the area

Details of the number of drink-related incidents where the police were called during July – August 2014 were provided, with these including people in drink being threatening; throwing bottles and being asleep in the local park. The high level of calls received in what was not a peak period was of concern and it was felt that granting the application would lead to more calls for service from WYP

Members then heard representations from Ms Buckle, on behalf of local residents and the South Headingley Community Association

Ms Buckle stated there was much support for the staff at the premises and the manager but that they were unable to control incidents which occurred outside the premises; that the concerns raised in the written representations were not speculative but were based on experiences and that it was not practical to contact the police on every occasion of late-night disturbance

There was also a concern about the health implications for young people who would have access to alcohol 24 hours a day; that the current opening hours of the

premises were sufficient and that the 24 hour licences granted to two supermarkets in the area were having a detrimental impact

Members then heard from Reverend Powley who commented on the litter which was left on church grounds, particularly bottles; that people sat on the church walls and drank alcohol and that granting the application would add to these existing problems. Concerns were also raised about the absence of a litter bin outside the store

Reverend Powley referred to the number of hostels in the area which provided refuge for people, some of whom had problems with alcohol misuse. AA and Al-Anon meetings also took place in the church hall and there was concern that increasing the hours when alcohol could be purchased in the local area would provide an unhelpful temptation to people dealing with alcohol misuse

Members then considered representations from the Council's Entertainment Licensing Officer who referred to the crime statistics set out in the CIP Area 2 Headingley/Hyde Park, (appendix E of the Licensing Officer's report); particularly increases in incidents which occurred around the start and finish of term time. The Sub-Committee was also referred to paragraphs 7.51, 7.53 and 7.54 of the Licensing Act 2003 Statement of Licensing Policy 2014 - 2018

In summing up the case for the applicant, their legal representative stated that steps could be taken to address the issue of litter; that it would be helpful if residents raised their concerns with the staff; that the premises had operated for many years without incident and was a responsible retailer. Whilst there was a presumption that the additional trading hours would be to sell alcohol, this was not the case; that people chose to shop at different hours; a wide range of goods would be available and that the store would be adding to the benefits of the local area

Additional conditions on the licence could assist in allaying the concerns raised in the representations to the application and if granting a 24 hour licence was not considered appropriate, an extension to the existing hours was suggested

Members noted the offer of regular litter picks in the church grounds, offered to Reverend Powley by the Area Manager

The Licensing Sub-Committee carefully considered both the written and verbal representations from the applicant; their legal representative; West Yorkshire Police; Entertainment Licensing; the written representations from local residents and the verbal submissions made by Ms Buckle and Reverend Powley on behalf of local residents. Members also considered the late written submission from the applicant's legal representative

The Licensing Sub-Committee noted the information provided by the applicant's legal representative regarding training and the existence of a good working relationship between the staff at the premises and the police in the area. Members also considered the view put forward that granting the application would not add to the cumulative impact in the area. Reference was also made to conditions and other adjustments by the applicant, for example the provision of litter bins, CCTV coverage outside the premises and a variation of the hours being sought in the application

It was, however, the decision of the Licensing Sub-Committee to refuse the application as it was not satisfied that it had been demonstrated that granting the application should not add to the cumulative impact of licensed premises in the area

The Licensing Sub-Committee was satisfied with the proposed amendment to the plan of the store layout as depicted on the drawings circulated to Members. Regarding the removal of the embedded restriction on opening hours for Christmas Day, this variation was refused

**RESOLVED** - That the application be refused