



## LICENSING SUB-COMMITTEE

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MEETING TO BE HELD IN CIVIC HALL, LEEDS ON  
TUESDAY, 16TH FEBRUARY, 2016 AT 10.00 AM

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### MEMBERSHIP

#### Councillors

A Khan  
G Wilkinson  
M Harland

Burmantofts & Richmond Hill  
Wetherby  
Kippax & Methley

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Agenda compiled by:  
Governance Services  
Civic Hall  
LEEDS LS1 1UR  
Tel No: 2243836

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<b><u>PRELIMINARY PROCEDURES</u></b>  <b>ELECTION OF THE CHAIR</b>	
2			<b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b>  To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)  (*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)	

Item No	Ward	Item Not Open		Page No
3			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1) To highlight reports or appendices which:</p> <p>a) officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>b) To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>c) If so, to formally pass the following resolution:-</p> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing 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 press and public were present there would be disclosure to them of exempt information</p> <p>2) To note that under the Licensing Procedure rules, the press and the public will be excluded from that part of the hearing where Members will deliberate on each application as it is in the public interest to allow the Members to have a full and frank debate on the matter before them.</p>	
4			<p><b>LATE ITEMS</b></p> <p>To identify any applications as late items of business which have been admitted to the agenda for consideration</p> <p>(the special circumstances shall be identified in the minutes)</p>	

Item No	Ward	Item Not Open		Page No
5			<p><b>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</b></p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
6			<p><b>APPLICATION TO VARY A PREMISES LICENCE HELD BY ELLAND ROAD GENERAL STORE, 86 ELLAND ROAD, HOLBECK, LEEDS, LS11 0AB</b></p> <p>To receive and consider the attached report of the Head of Elections, Licensing and Registration regarding an application to vary a premises licence at Elland Road General Store, 86 Elland Road, Holbeck Leeds, LS11 0AB</p> <p><b><u>HEARINGS</u></b></p> <p><b><u>Third Party Recording</u></b></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties – code of practice</p> <ol style="list-style-type: none"> <li>a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.</li> <li>b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.</li> </ol>	1 - 32



Report author: Mrs Bridget Massey  
0113 2474095

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## Report of the Head of Elections, Licensing and Registration

### Report to the Licensing Sub Committee

Date: 16th February 2016

Subject: Application to Vary a Premises Licence held by Elland Road General Store,  
86 Elland Road, Holbeck, Leeds, LS11 0AB

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

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### Summary of main issues

This is an application to vary a premises licence, made by Mr Iftikhar Mohmand, for Elland Road General Store, 86 Elland Road, Holbeck, Leeds, LS11 0AB

Responsible authorities and Ward Members have been notified of this application.

The application has attracted representations from a responsible authority.

## **1 Purpose of this report**

1.1 To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") to vary a premises licence in respect of the above mentioned premises.

1.2 Members are required to consider this application due to the receipt of a representation.

## **2 History of premises**

2.1 The premises has the benefit of a premises licence to permit the sale of alcohol

Monday to Saturday	08:00 to 23:00
Sunday	10.00 to 22:30

2.2 Detail of the existing licence is attached at **Appendix A**.

## **3 The application**

3.1 The applicant is Mr Iftikhar Mohmand

3.2 Briefly the application is to Increase trading to 24 hours a day

## **4 The operating schedule**

4.1 The applicant proposes to promote the licensing objectives by taking the additional steps identified in the operating schedule attached at **Appendix B**

4.2 The applicant considers that the existing measures are sufficient to promote the licensing objectives and no further measures are necessary.

## **5 Location**

5.2 A map which identifies the location of this premises is attached at **Appendix C**.

## **6 Representations**

6.1 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

### Representations from Responsible Authorities

6.2 Representations have been received from Leeds City Council Environmental Protection Team in their capacity as a responsible authority. A copy of the representation may be found at **Appendix D**.

6.3 The representation submitted by Environmental Noise Team remains as a matter for Members consideration.

## Other representations

6.4 There are no other representations.

## **7 Local Licensing Guidance**

7.1 This application is in an area where the council has put in place Local Licensing Guidance. This means that the area in which this premises is situated have been identified by the Community Committees as vulnerable to problem drinking and there are additional issues that directly impact the promotion of the licensing objectives. The applicant has been sent the Local Licensing Guidance during the application process but has not volunteered conditions to mitigate these concerns. The Local Licensing Guidance is attached at **Appendix E**.

## **8 Licensing hours**

8.1 Members are directed to paragraphs 6.8 to 6.15 for the Statement of Licensing Policy which states the criteria that will be applied to any decision for new applications or variations which include extending hours.

8.2 In brief the Policy states at 6.14 that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so. The council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not impact on the licensing objectives, given the potential for neighbouring premises to seek the same additional hours to prevent rivals gaining a commercial advantage.

8.3 A list of premises in the local area and their licensed hours and activities is provided at **Appendix F**.

## **9 Equality and diversity implications**

9.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the licensing subcommittee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

## **10 Options available to Members**

10.1 The licensing subcommittee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives.

- Grant the variation as requested.
- Grant the variation whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates.
- Reject the whole or part of the application.

10.2 Members of the licensing subcommittee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it

considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

## **11 Background papers**

- Guidance issued under s182 Licensing Act 2003
- Statement of Licensing Policy



# Details of premises licence

APPENDIX A

## For: Elland Road General Store

This document provides details of the premises licence issued to the stated premises and is not a licence itself.

**Licence number:** PREM/00604/004

**Premises the licence relates to:** Elland Road General Store, 86 Elland Road, Holbeck, Leeds, LS11 0AB

**Date licence first effective:** 3rd September 2005

**Date current version effective from:** March 20, 2015

### Licensable activities authorised by the licence:

Sale by retail of alcohol	
Monday to Saturday	08:00 - 23:00
Sunday	10:00 - 22:30

### Opening hours of the premises:

The hours of licensable activities for the premises are as above. There are no regulated opening hours for non-licensable activities.

### Premises licence holder(s):

Mr Iftikhar Mohmand, 86 Elland Road, Holbeck, Leeds, LS11 0AB

### Designated premises supervisor:

Iftikhar Mohmand

### Access to the premises by children

Access to the premises by children is unrestricted

## Annex 1 – Mandatory Conditions

1. No supply of alcohol may be made under this licence
  - a. At a time when there is no designated premises supervisor in respect of the premises licence, or
  - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- a. a holographic mark, or
  - b. an ultraviolet feature.
4. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1 of this condition -

- a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b. "permitted price" is the price found by applying the formula  $P = D + (D \times V)$  where -
  - i. P is the permitted price,
  - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
  - i. the holder of the premises licence,
  - ii. the designated premises supervisor (if any) in respect of such a licence, or
  - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e. "value added tax" mean value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Embedded Restrictions**

5. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.

6. The above restrictions do not prohibit:

- a. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- b. the sale of alcohol to a trader or club for the purposes of the trade or club;

7. Alcohol shall not be sold in an open container or be consumed off the licensed premises.

### **Annex 2 – Conditions consistent with the operating schedule**

#### **Additional details in respect of licensable activities authorised by this licence**

#### **Conditions consistent with the operating schedule relating to the licensing objectives**

**None**

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

None

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**M**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d, e) (please read guidance note 10)**

Elland Road General Store will apply a standard of operation which will ensure compliance of all four licensing objectives based upon factors more particularly outlined in sections (b) to (e) below

**b) The prevention of crime and disorder**

- The style of operation at these premises is designed to minimise crime and disorder. This will be achieved by the use of CCTV with backup recording facility of 30 days. Currently the store has 16 CCTV cameras in total. There are 5 cameras which will monitor the outside area of the store, 2 cameras on the back side of the store and the rest of them within the store. Out of the total CCTV's, there are 5 CCTV that have facility of High definition recording to have good view of the store within inside & out. All the CCTV's are connected to mobile device and can be viewed from the smart phone on a 24 hours 7 days basis. All the CCTV cameras have 30 days recording backup facility. The CCTV footage shall be presented to the police officials and other government departments as & when requested. There will be notices in the store to inform & make them aware that CCTV recording is in progress
- Two members of the staff will be on shift at any time, one serving the customers at the till who will be checking the age of the customers for selling alcohol and for the safety of customers of the store
- The premises seek to benefit solely from the sale of alcohol for consumption off the premises.
- A Designated Premises Supervisor [DPS] – Iftikhar Mohmand, will be available in store.
- Security Shutters with an open grille or large slots will be erected as they allow light to be emitted from the premises. The shutters will be rolled down from 23:00 hours to 06:00 hours in the morning and the customers will be served through the serving hatch
- These premises operate a challenge 21 policy as a minimum in order to ensure that liquor is sold only to persons of lawful age (being that, should a person not look the age of 21 then he/she would need to prove they are in fact of lawful age 18 or over). These issues also overlap on the section dealing with protection of children from harm. All staff members will undergo training concerning knowledge of licensing laws together with the social impact of the sale of alcohol.
- The display of alcohol will be in a designated area of the premises which is capable of being supervised from the counter area
- The display of spirits shall be in an area accessible only by staff members
- All of the areas where alcohol is located shall be covered by CCTV

**c) Public safety**

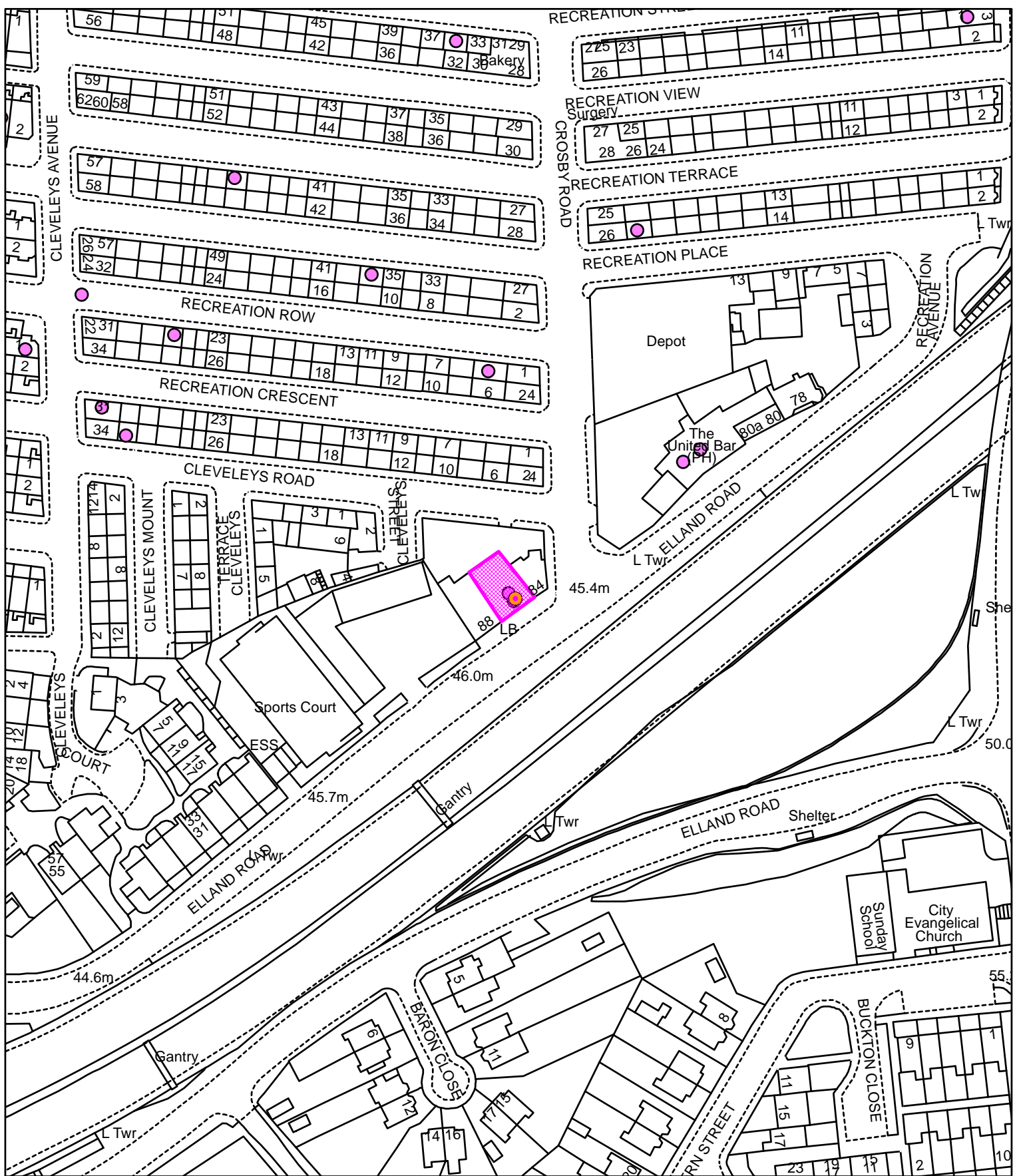
The premise currently complies with current legal requirements for Fire Safety and Health and safety including periodic risk assessments.

**d) The prevention of public nuisance**

- These premises are proposed to be licensed for the consumption of alcohol off the premises only. In addition to there being no consumption on the premises, there is no form of entertainment on the premises.
- There are no outdoor areas utilised for the benefit of members of the public and the nature of operation does not require the employment of door supervisors or use of dedicated taxi firms.
- The management policy at the premises is to welcome communication with any local persons in relation to any issues which arise concerning the operation of these premises.
- The staff members will make hourly checks around the premises and remove any litter, including takeaway wrappers, can and bottles from the frontage
- The shop shall display anti littering signs within the premises

**e) The protection of children from harm**

- It is proposed that these premises will benefit from 24 hour license for consumption of alcohol off the premises only. In order to ensure compliance with legislation, the store will operate a 'Challenge 21' policy as a minimum whereby a person not looking the age of 21 must prove that they are in fact over the lawful age of 18 for the purposes of sale of alcohol. Acceptable forms of identification concerning the issue of age are a Passport, photo card driving license or an approved PASS logo proof of age card. All staff are obligated to familiarise themselves with these requirements. The company will operate a due diligence policy, incorporating the minimum challenge 21 policy above, also incorporating full training for all the staff on a regular basis.
- The store has a CCTV recording system with backup recording facility of 30 days which shall be produced to police authorities if required.
- There will be prominent signage located throughout the store confirming the legal minimum age for the purchase of alcohol and other age related products and the company policy.
- No alcohol will be displayed near the entrance/exit areas of the premises.
- The name of premises will not depict alcohol
- There will be no window display posters or similar advertising on the premises containing alcohol
- All alcohol sale refusals will be recorded in the register
- No supply of alcohol will be made under this licence
  - a. At the time when there is no designated premises supervisor
  - b. At the time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended







This map is based upon the Ordnance Survey's digital data with the permission of the Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office

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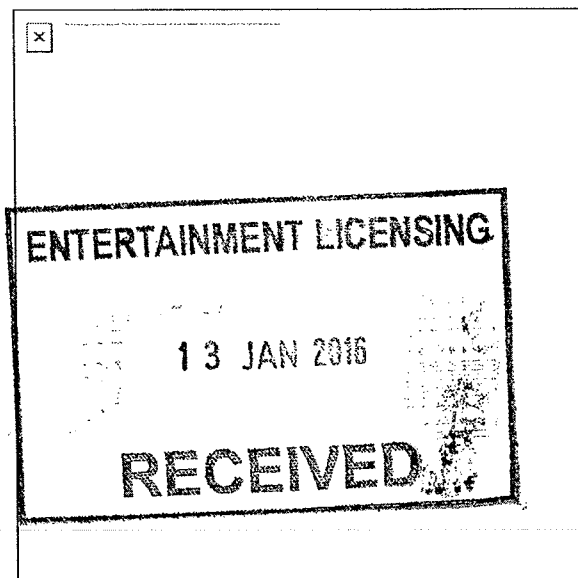
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**Key**

	On licence		Late night refreshment
	Off licence		Other

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Mr Iftikhar Mohmand  
86 Elland Road  
Holbeck  
Leeds  
LS11 0AB

Environmental Protection Team  
Leeds City Council  
Millshaw Park Way  
Leeds  
LS11 0LS

Contact: Mr. Mudhar  
Telephone: 0113 2476253  
Our reference: PREM/00604/005  
Date: 13 January 2016

Dear Mr Mohmand

**Licensing Act 2003**

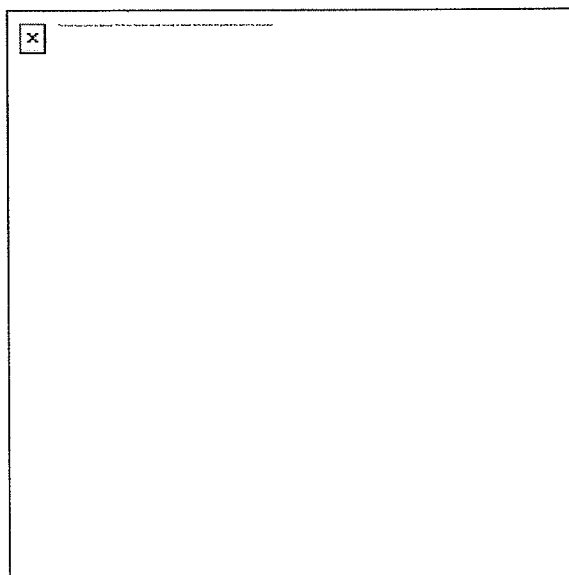
**Name and Address of Premises: 86 Elland Road, Holbeck, Leeds, LS11 0AB**

**Letter of Representation – Full Objection.**

We refer to your licensing application for the above premises. We believe that your application does not give enough information about how you intend to meet an important objective of the licence, which is to prevent public nuisance. We therefore confirm that we are submitting a formal objection to your application.

[www.leeds.gov.uk](http://www.leeds.gov.uk)

general enquiries 0113 222  
4444



The premises comprise a ground floor grocery shop with an off Licence and the upper floor levels are believed to be used for storage. The premises are joined to another shop selling second hand goods. There are more off licence shops in the area, (including the United Bar public house) and I believe that these outlets are not allowed to sell alcohol beyond 23:00 hours. The shop in question is located in the densely populated residential area which is shown on the attached map at appendix A.

The current opening hours of the premises (for the retail sale of alcohol) are as follows:

8:00 hours – 23:00 hours (Monday – Saturday)

10:00 hours – 22:30 hours (Sundays).

The applicant has now seeking to sell alcohol for 24 hours. The main shop door will be open till 23:00 hours and thereafter the alcohol will be sold through the serving hatch that will be installed to the front wall.

Impact on neighbouring properties (Late night noise and disturbance)

Given that there are residential properties situated close to the application premises, the Department has some concerns that the extended hours of the sale of alcohol will generate noise nuisance complaints by way of comings and goings of customers, noise from customer's vehicles (car horns, banging doors, car stereos, engines revving etc).

The shop will also attract local youths who will congregate outside the shop during the night and early hours, particularly during the summer making noise and disturbing the local residents. The serving hatch puts the point of purchase out in the street, which could also cause noise disturbance to the residents.

In my opinion there are no other shops in the area that have been granted late night licences to sell alcohol after 23:00 hours, and should the application premises be granted 24 hour licence, it will provide a focal point for the customers and could also set a precedent encouraging other shops in the area to follow suit.

In view of the above concerns, Leeds City Council's Health and Environmental Action Service (HEAS) fully objects to this application as there is a greater potential for public nuisance to noise sensitive occupants which will undermine the prevention of public nuisance objective of the Licensing Act 2003.

Yours sincerely

Gurdip Mudhar  
Environmental Health Officer

APPENDIX A

LICENSED PREMISES

Dmaxim Afro,  
Caribbean Food

Holbeck Youth Centre





You have been sent this guidance note because you have, or are considering, making an application for a licence to sell alcohol or provide late night refreshment in the south Leeds area.

This information is provided to anyone applying for a licence to sell alcohol or provide late night refreshment in LS10 or LS11. It may be used to by residents or other interested people who make a representation against an application. It will be provided to the Licensing Subcommittee at any subsequent licensing hearing.

#### **Why have you been sent this information?**

Under the Licensing Act 2003 you are required to complete an 'operating schedule'. You are expected to have regard to the council's Statement of Licensing Policy. You must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives and to demonstrate knowledge of your local area when describing the steps you propose to take to promote the licensing objectives.

In order to assist you, Leeds City Council has collated information on this area including any special policies that relate to the area. You should make your own enquiries as well and demonstrate how you have considered the following in your operating schedule:

- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children and young persons may congregate.
- Any risk posed to the local area by the your proposed licensable activities; and
- Any local initiatives which may help mitigate potential risks.

#### **Scope**

The scope of this guidance includes all premises licensed under the Licensing Act 2003 in post code areas LS10 and LS11 which mainly comprises of three wards, City and Hunslet, Middleton and Beeston & Holbeck. This covers the localities of Beeston, Middleton, Belle Isle, Holbeck and Hunslet.

It is a fact (Joint Strategic Needs Assessment 2012, NHS Leeds) that if you live in LS10 or LS11 you can expect your life expectancy to be lower than that of residents in other areas of Leeds. The three contributory factors to a reduced life expectancy are alcohol, obesity and smoking. The Licensing Act 2003 authorises the activity of the sale or supply of alcohol and the provision of late night refreshment and therefore the question is whether reducing people's access to alcohol and high fat content takeaway food will have a positive outcome on life expectancy in LS10 and LS11.

#### **Local Concerns**

*"The late licensing of local shops and the sale of alcohol to underage persons or to adults who buy it for underage persons has had a negative impact on our community. It has led to large groups of people (largely under 30) congregating around these shops and displaying intimidating behaviour, fighting and creating noise. It means residents sometimes feel you don't want to go there in an evening due to this behaviour. We value our young people and everyone in our community and want to ensure there are positive and safe activities for people, which don't harm their health or result in other's feeling intimidated. We feel that late licensing and underage drink sales undermine this."*

Christine Jenkinson, Middleton Community Group, Committee Member

In the LS10 and LS11 area there is concern about:

## Alcohol

- The wide and obvious availability of alcohol in convenience stores, newsagents, corner shops and off licences.
- The contributory factor and possible links between violent crime and domestic violence and exacerbated by the availability of alcohol due to the numbers of premises which sell alcohol for consumption off the premises in the area.
- The higher proportion of premises licensed for alcohol for consumption off the premises.
- The ability for people with mental health or alcohol problems to easily obtain alcohol.
- The ability for people who are already intoxicated to easily obtain more alcohol.
- The pack size super strength cider is sold in, which leads to people with alcohol dependency issues to drink more than they need to.

## Protection of children

- The normalisation of alcohol abuse and the effect this has on children living in the area
- The sale and supply of alcohol to young people and children and the impact this has on their behaviour in the community and impact on their health.

## Nuisance

- The accumulation of premises providing takeaway food and off sales of alcohol in the Dewsbury Road area
- Littering of food wrappers and waste food originating from takeaways.

## Responsible Retailing

In 2010 the Government introduced a new Mandatory Code for Alcohol Retailing. This was brought into law by the implementation of 5 new mandatory conditions. These were updated in 2014 and further details can be found on the Home Office website: <https://www.gov.uk/alcohol-licensing#mandatory-licensing-conditions>

Specifically the Government brought in a new mandatory condition prohibiting the sale of alcohol below cost. Cost is defined as the cost of the VAT and duty charge. More information can be found on the Government website: <https://www.gov.uk/government/publications/banning-the-sale-of-alcohol-below-the-cost-of-duty-plus-vat>

Responsible retailing, including age related sales of alcohol, has long been promoted by West Yorkshire Trading Standards. In particular West Yorkshire Trading Standards have been working with alcohol retailers in south Leeds and working together the failure rate for underage sales of alcohol has dropped from 45% to 13%. More information can be found on their website at <http://www.ts.wyjs.org.uk/wyjs-trading-underage-sales.asp>

Other sources of information can be found at:

<http://www.brc.org.uk/Downloads/FCSG0475ResponsibleRetailingofAlcohol.pdf>  
<http://biiab.bii.org/qualifications/qualification-ARAR>

When considering responsible retailing, you may wish to consider what you would do about:

- The sale of large quantities of alcohol
- The sale of super strength alcohol in large containers (2 and 3 litre plastic bottles)
- The sale of alcohol to people who are already drunk
- How to address selling alcohol to people who are pregnant
- How to refer someone who appears to have a drinking problem
- How to display alcohol

- What to name the premises
- Healthy takeaway options available for example low fat versions of popular dishes
- Nutritional information on all takeaway foods.

It may be useful for you to make yourself aware of organisations in the area that can help people with alcohol addiction, and to get acquainted with the local West Yorkshire Police Neighbourhood Policing Team.

### **Measures to address local concerns**

The availability of alcohol is a major concern, as harmful and hazardous drinking is a contributory factor in many of the concerns mentioned in this document. As such the licensing authority would expect anyone wishing to open or extend premises that sell alcohol, or sell hot food to provide extra measures to ensure these problems are not exacerbated.

It is highly likely that any application which includes the sale by retail of alcohol or the sale of hot food and drink will attract representations from a number of interested people. In order to mitigate the concerns stated in this document, you are encouraged to contact Entertainment Licensing, West Yorkshire Police, Environmental Health and Health to see if there are any specific measures that can be adopted. Contact details for agencies are included in the application packs and on the council website.

If you don't contact the responsible authorities, and you do not offer additional measures you can expect to receive a contact from a number of the agencies about your application. This may be by phone, email or by way of a formal objection to your application.

Entertainment Licensing provides a Proforma Risk Assessment which is a list of suggested measures prospective licensees may like to include in their operating schedule. In addition you may wish to consider if any of the following measures would be appropriate for your business to adopt. These measures could be offered as part of the operating schedule. A form is attached to the end of this document to assist you with this.

### Crime and Disorder

- All areas of the premises to be used for the display of alcohol are marked on the plan. The display of alcohol will not change without the consent of the licensing authority by way of a minor variation application to the licence.
- The display of alcohol will be in a designated area of the premises which is capable of being supervised from the counter area.
- The display of spirits shall be in an area accessible only by staff
- The display of high-strength beers, ciders and lagers of 7.5% alcohol by volume (abv) or higher will be in an area accessible only by staff.
- There will be no sale of cider and lager of 7.5% alcohol by volume (abv) in 1, 2 or 3 litre plastic bottles.
- All areas where alcohol is displayed shall be covered by CCTV

### Prevention of public nuisance

- Staff will make hourly checks around the premises and remove any litter, including takeaway wrappers, can and bottles.

### Protection of children

- There will be a Check 25 proof of age verification scheme in place.
- Alcohol will not be displayed next to the public entrance/exit of the premises.
- The name of the premises will not contain reference to alcohol.
- There will be no window display posters or similar advertising contained reference to alcohol displayed on the premises shop frontage or the highway abutting the premises.
- All alcohol sale refusals will be recorded in a register which will be retained on the premises for inspection by responsible authorities on request.

## Local Information

### Area Profile

Postcode areas LS10 and LS11 mainly comprises of three wards, City and Hunslet, Middleton and Beeston & Holbeck. This covers the localities of Beeston, Middleton, Belle Isle, Holbeck and Hunslet. Data source 2011 Census.

#### City and Hunslet



Size 1,059 hectares  
No of household spaces 16,774 of which 15,207 are occupied

Population 33,705  
BME 39.2%

Religion (top 3)  
Christian 13,925 (41.3%)  
No religion 11,058 (32.8%)  
Muslim 4,791 (14.2%)

#### Middleton Park



Size 997 hectares  
No of household spaces 11,719, of which 11,397 are occupied

Population 26,228  
BME 11.5%

Religion (top 3)  
Christian 14,984 (57.1%)  
No religion 8,984 (34.3%)  
Religion not stated 1,761 (6.7%)



### Beeston and Holbeck



Size	700 hectares
No of household spaces	10,483, of which 9,830 are occupied
Population	22,187
BME	27.4%
Religion (top 3)	
Christian	11,811 (53.2%)
No religion	6,202 (28%)
Religion not stated	1,556 (7%)

### **Leeds Observatory**

The Leeds Observatory is a tool for everyone to explore strategic data, information and intelligence about Leeds' communities and geographies. The observatory provides a clear evidence base for communities and professionals to determine the needs of people in Leeds which will shape decision making and services.

The following links provides statistical data on demographic profile, economic activity, education and skills, community safety, housing and health in this area.

[Inner South Area](#)

### **Neighbourhood Plans**

The Localism Act 2011 introduced major reforms to the planning system that gives local communities new rights to shape and plan their neighbourhood. The Act introduces a new initiative called the neighbourhood plan. These plans are optional – if local communities choose, you can be used to set out policies for the development or use of land but you must be 'pro development'.

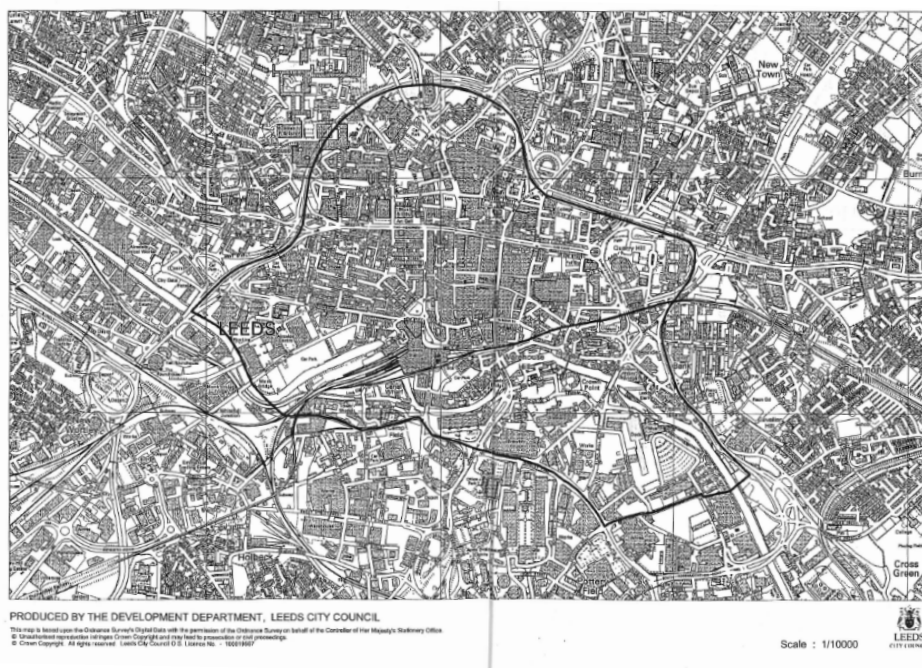
The Act also includes new powers for local communities to prepare a Neighbourhood Development Order (NDO) for their area, which will be able to promote a particular type of development. Related to the NDO, is the Community Right to Build Order (CRtB) and this will provide for community-led site development.

Local communities may also be interested in applying to the Council to have a valued area designated as a Local Green Space.

For regular updates on neighbourhood planning check  
<http://www.leeds.gov.uk/council/Pages/Neighbourhood-planning.aspx>

## Additional measures already in place

A designated public places order is in place in the following area:



Designated Public Place Orders (DPPOs) give police officers discretionary powers to require a person to stop drinking and confiscate alcohol or containers of alcohol in public places. Failure to comply with alcohol restrictions in DPPOs can result in arrest and/or a fine of up to £500. DPPOs are implemented by local councils in order to address alcohol-related crime and disorder in public places under section 13 of the Police and Criminal Justice Act 2001.

## Licensing Profile

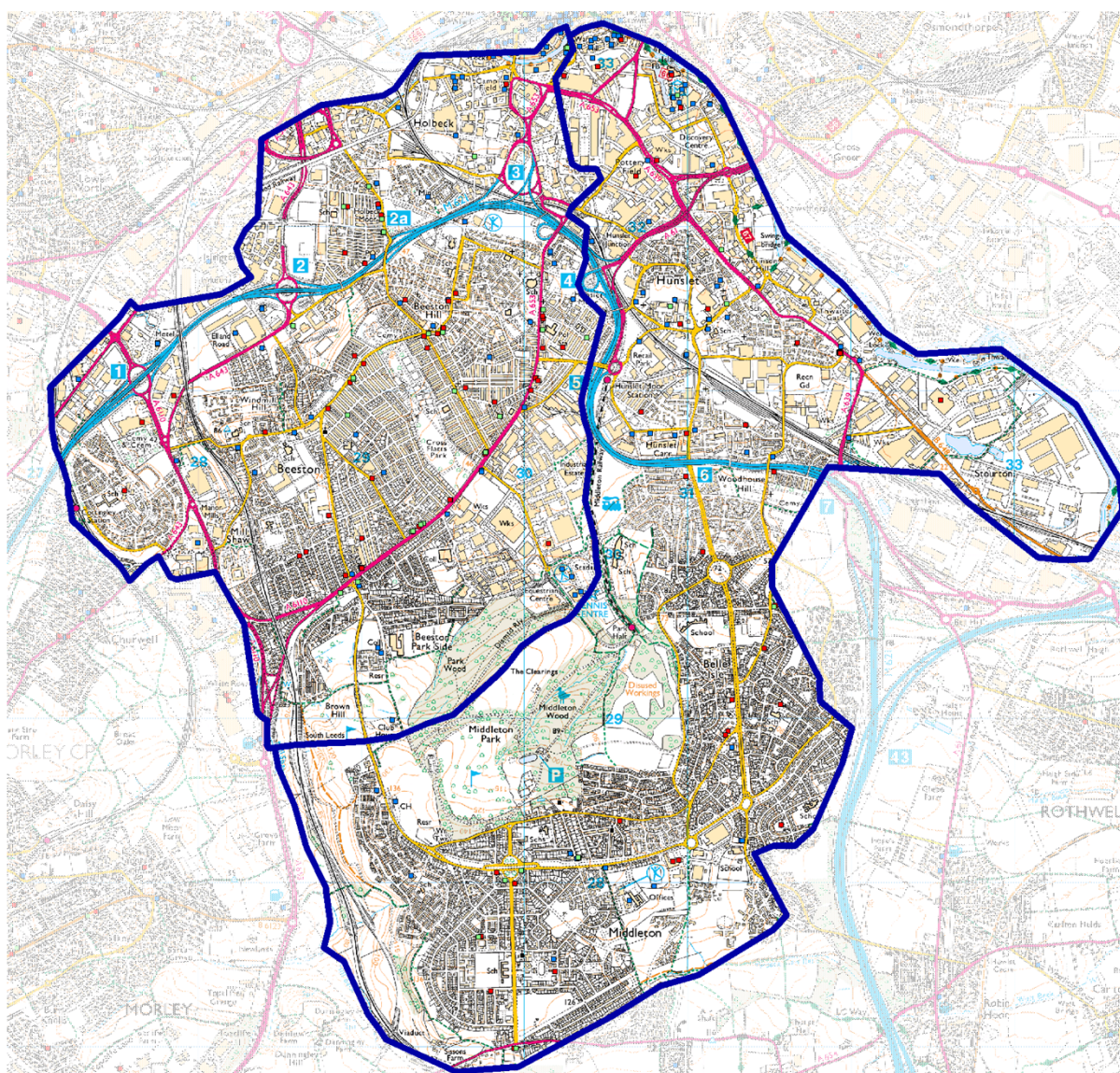
As of October 2012, Inner South Leeds (LS10 and LS11) has a total of 223 licensed premises. 116 are “on licensed” premises (pubs, restaurants, hotels, clubs) and 79 are off licensed premises (off licences or takeaways that sell alcohol). There are 28 licensed takeaways in the area that sell hot food after 11pm. Before 11pm takeaways do not require a licence.

LS10 and LS11	Event Space	Hotels	Takeaways	Off licences	Pub and Bars	Registered club	Restaurant	Sports or social clubs	Total
Ardsley & Robin Hood	0	0	0	0	1	0	0	0	1
Beeston & Holbeck	2	1	10	23	13	8	1	6	64
City & Hunslet	0	3	12	31	37	7	8	10	108
Middleton Park	0	0	6	21	4	6	0	7	44
Morley North	1	0	0	4	0	0	1	0	6
<b>Total</b>	<b>3</b>	<b>4</b>	<b>28</b>	<b>79</b>	<b>55</b>	<b>21</b>	<b>10</b>	<b>23</b>	<b>223</b>

The majority of “on licensed” premises cease selling alcohol at 11pm with a smaller number ceasing alcohol sales at midnight or 1am. This is significantly earlier than the city centre, but in keeping with other residential areas. In the main late night refreshment premises (takeaways) are open until 2am, with a number closing at 11.30pm or midnight.

There has been a steady increase in the number of premises selling alcohol for consumption off the premises in LS10 and LS11.

2005	2006	2007	2008	2009	2010	2011	2012	Current
65	66	72	74	76	74	76	77	79



Red – Off licence

Green – On licences

Blue – Takeaway

### On-licensed premises

There are a number of areas where there is an accumulation of licensed premises. Top Moor Side in Holbeck, Dewsbury Road and Hunslet all have a number of licensed premises, but not in the concentrations found elsewhere in the city. The accumulation of licensed premises is localised. This, in itself, prevents the council from applying a formal cumulative impact policy in south Leeds. However any application in this area will be scrutinised and cumulative impact will be considered if the application is for premises in an area that already has an accumulation of similar premises.

### Off licensed premises

The number of premises licensed for the sales of alcohol for consumption off the premises (off licences) is high in comparison to other wards in the city. On a city wide ranking Beeston and Holbeck sits at 7<sup>th</sup> while Middleton Park is ranked 10<sup>th</sup> out of 33 wards. In contrast when looking at pubs, Beeston and Holbeck is ranked 16<sup>th</sup> and Middleton Park is ranked 32<sup>nd</sup>.

Trading Standards has worked with premises licensed to sell alcohol for consumption off the premises to reduce the number of failed test purchase attempts over the last two years. This has meant an overall improvement in this area to a level below that experienced across Leeds.

### Late night takeaways

Dewsbury Road is an area of special concern with a total of 31 late night takeaways operating from this busy area of Beeston. Not all the takeaways are licensed for the sale of hot food after 11pm and most are not controlled by conditions relating to litter nuisance. This has led to this area becoming of concern on the grounds of public nuisance caused by the amount of litter accumulations in the area.



This is a back street in Beeston Hill.



Once the clean-up crews, the area looks a lot better. However within a week, litter is starting to accumulate again.



The littering around takeaway and off licence premises is a much bigger concern.

### **Health and Community Safety Information**

There is clear evidence that some areas of south Leeds have high levels of problems associated with alcohol misuse. These include:

- During 2011, there were almost 14,000 domestic related *incidents* reported to the police across Leeds with approximately 4,000 of them in City and Holbeck Division.
- There were approximately 4,000 domestic related *crimes* in the same period across Leeds. Domestic Violence accounted for 33.6% of violent crimes in City and Holbeck Division.
- There were 5 domestic homicides and 192 MARAC cases in Leeds during 2011.
- Children were present at 4,966 incidents of domestic violence during 2011 which is an increase of 24% compared to the previous twelve month period. As some households have more than one child, each incident is potentially witnessed by more than one child. So the number of children recorded as being present is 6,145. This has changed significantly compared with 4,233 children present at the time of the last profile.
- The age group for victims most likely to be assaulted appears to be between the ages of 18 and 24.
- Alcohol was the most frequently cited contributing factor, accounting for 49% of incidents and 46% of crimes in the most recent period compared with 52% incidents at the time of the last profile. Drugs contributed to about 8% of incidents and 7% of crimes, which is an increase of around 5% from the time of the last profile.

Source: West Yorkshire Police crime data

### Hospital Admissions

In Leeds there were a total of 53,910 all-age alcohol related admissions between April 2009 and March 2010 of people registered with a Leeds GP and living in Leeds. Of these admission 48% were male and 52% were female. This is an increase from 37,709 in 2007/08 and 42,538 in 2008/09.

Of the 48 postcode districts in the Leeds area, LS11 has the highest number of people being admitted to hospital with an average of 36 people admitted three or more times per year, followed by LS9 with 29 people.

10 postcode districts have one or more residents who had been admitted on 10 or more occasions per year (2007-09 average). LS11 had the highest number with an average of 3.3 people admitted, followed by LS13 with 2.3 people.

In comparison the overall hospital admission rates for alcohol specific and alcohol attributable admissions in Inner South Leeds are much higher than the rest of Leeds:

	Holbeck	South Leeds	Leeds Average
Alcohol specific admissions (/1000)	17.6	10.9	6
Alcohol attributable admissions (/1000)	30.8	24.6	18.7

### Fires

Most alcohol related fires in Leeds happen between 21:00 and 03:00 at night with 90% of incidences occurring in residential properties. The majority of incidences are related to cooking. 52% of the injuries occurred in an area of Leeds ranked in the 10% most deprived nationally. Between 2008/09 and 2010/11 56 people suspected of being under the influence of drink or drugs were injured by fires and of these 31 were suspected to be under the influence of alcohol.

### Drinking while pregnant

The UK Chief Medical Officer's advice to women is:

'Women who are pregnant or trying to conceive should avoid alcohol altogether. However, if they do choose to drink, to minimise the risk to the baby, we recommend they should not drink more than 1-2 units once or twice a week and should not get drunk.'

The National Institute for Health and Clinical Excellence (NICE) advises healthcare professionals (GPs and nurses):

- Pregnant women and women planning to become pregnant should be advised to avoid drinking alcohol in the first three months of pregnancy, because there may be an increased risk of miscarriage.
- Women should be advised that if they choose to drink alcohol while they are pregnant, they should drink no more than 1-2 units of alcohol once or twice a week. There is uncertainty about how much alcohol is safe to drink in pregnancy, but at this low level there is no evidence of any harm to their unborn baby.
- Women should be advised not to get drunk or binge drink (drinking more than 7.5 UK units of alcohol on a single occasion) while they are pregnant because this can harm their unborn baby.
- If women want to avoid all possible alcohol-related risks, they should not drink alcohol during pregnancy because the evidence on this is limited.

### Obesity

Tackling obesity is one of the most significant public and personal health challenges facing our society. Obesity is a serious threat to health with 22% of men and 23% of women now classed as clinically obese (BMI greater than 30kg/m<sup>2</sup>). Among people aged 55 – 74 years two thirds of women and three quarters of men are overweight or obese.

The Leeds Joint Strategic Needs Assessment (JSNA) outlines key lifestyle behaviours that are of significance, which includes obesity. The findings suggest obesity levels are rising. The JSNA describes obesity as the second most important preventable cause of death after smoking. The cost to NHS in Leeds was £205m in 2010.

In relation to children, 1 in 10 in reception class and this rises to 1 in 5 for those children in Year 6 (primary school) are obese.

The recent MSOA health area profiles produced by NHS Leeds 2012, suggests Middleton and Westwoods as one of four neighbourhoods in the south east area with significant numbers of cases classed as obese. The profiles highlight linked factors such as deprivation and alcohol.

An overview of the area, in relation to obesity in the areas known as Middleton and Westwoods shows a number of indicators and highlighted below are those that directly show an impact on people's health:

- 7,535 people live in the area.
- The population is predominately white British.
- There is a higher than average proportion of children and young people
- 55% of residents rent their homes from the local authority
- The number of JSA claimants is 9.2% compared to 4.5% in Leeds
- Secondary school absenteeism is 19.4% compared to 11.3% for Leeds
- There are a higher number of young persons classified as NEETS (not in education, employment or training) - 14.2% compared to 7% for the rest of Leeds
- Educational attainment at key stage 4 = 5+ A-C including English & Maths is 31.5% compared to 53.4% for the rest of Leeds
- Obesity is higher than the Leeds average
- Smoking rates are almost double the Leeds average
- Diabetes is higher than the Leeds overall figure
- COPD is much higher than the Leeds average and the age standardised rate is also high
- CHD is higher than the Leeds average
- Admissions for alcohol related conditions are high
- Cancer rates are slightly lower than the Leeds average however when standardised against age it is in line with the Leeds average
- Mortality rates for under 75 are much higher than the Leeds average

The National Obesity Observatory's Report on Obesity and alcohol states that the relationship between obesity and alcohol consumption is complex. Associations between the two are heavily influenced by a number of factors including: patterns and levels of drinking; types of alcoholic drinks consumed; gender; body weight; diet; genes; physical activity levels and other lifestyle factors.

Some of the key points from the report include:

- Many people are not aware of the calories contained in alcoholic drinks
- The effects of alcohol on body weight may be more pronounced in overweight and obese people
- Alcohol consumption can lead to an increase in food intake
- Heavy, but less frequent drinkers seem to be at higher risk of obesity than moderate, frequent drinkers
- The relationships between obesity and alcohol consumption differ between men and women
- Excess body weight and alcohol consumption appear to act together to increase the risk of liver cirrhosis

- There is emerging evidence of a link between familial risk of alcohol dependency and obesity in women

All of this leads to a concern about the availability of alcohol and unhealthy foods.

### Sources

Local information	provided by <a href="http://openlylocal.com">http://openlylocal.com</a>
Additional data	provided by <a href="http://www.westyorkshireobservatory.org/home">http://www.westyorkshireobservatory.org/home</a>
Licensing information	provided by Entertainment Licensing (extracted October 2012)
Crime data	provided by West Yorkshire Police
Health information	provided by NHS Leeds (Leeds Alcohol Harm Reduction Action Plan 2011-2015, Alcohol Needs Assessment Info 2011 & Tackling Alcohol and Community Safety in South Leeds – Summary Findings) Joint Strategic Needs Assessment 2012, NHS Leeds

### Contact Details

Entertainment Licensing Section	Phone:	0113 247 4095
Leeds City Council	Fax:	0113 224 3885
Civic Hall	Website:	<a href="http://www.leeds.gov.uk/licensing">www.leeds.gov.uk/licensing</a>
Leeds LS1 1UR	Email:	<a href="mailto:entertainment.licensing@leeds.gov.uk">entertainment.licensing@leeds.gov.uk</a>

This document should be used as a guidance tool. Only the courts can give an authoritative opinion on statute law. Every effort has been made to ensure this document is both comprehensive and accurate but in an attempt to simplify the law omissions have been made. Please refer to the Licensing Act 2003 and associated regulations for full details of the law. You should seek your own legal advice on the matters raised in this guidance note.



## Risk Assessment Proforma – South Leeds

Premises name: \_\_\_\_\_

Premises Address: \_\_\_\_\_

Applicants Name: \_\_\_\_\_

Please be advised I wish to amend my application to add the following measures to the operating schedule.

### Crime and Disorder

<b>Suggested measures</b>	✓
All areas of the premises to be used for the display of alcohol are marked on the plan. The display of alcohol will not change without the consent of the licensing authority by way of a minor variation application to the licence.	
The display of alcohol will be in a designated area of the premises which is capable of being supervised from the counter area.	
The display of spirits shall be in an area accessible only by staff	
The display of high-strength beers, ciders and lagers of 7.5% alcohol by volume (abv) or higher will be in an area accessible only by staff.	
There will be no sale of cider and lager of 7.5% alcohol by volume (abv) in 1, 2 or 3 litre plastic bottles.	
All areas where alcohol is displayed shall be covered by CCTV	

### Prevention of public nuisance

<b>Suggested measures</b>	✓
Staff will make hourly checks around the premises and remove any litter, including takeaway wrappers, can and bottles.	

### Protection of children

<b>Suggested measures</b>	✓
There will be a Check 25 proof of age verification scheme in place.	
Alcohol will not be displayed next to the public entrance/exit of the premises.	
The name of the premises will not contain reference to alcohol.	
There will be no window display posters or similar advertising contained reference to alcohol displayed on the premises shop frontage or the highway abutting the premises.	
All alcohol sale refusals will be recorded in a register which will be retained on the premises for inspection by responsible authorities on request.	

**Please return this page to Entertainment Licensing, Civic Hall, Leeds, LS1 1UR  
or by email to [entertainment.licensing@leeds.gov.uk](mailto:entertainment.licensing@leeds.gov.uk)**

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## Issued premises licences and club certificates within an area



### **PREM/01853/003 - Pizza Napolena, 6 Top Moor Side, Holbeck, Leeds, LS11 0AA**

Provision of late night refreshment

Every Day

23:00 - 01:00

### **PREM/00604/004 - Elland Road General Store, 86 Elland Road, Holbeck, Leeds, LS11 0AB**

Sale by retail of alcohol

Monday to Saturday

08:00 - 23:00

Sunday

10:00 - 22:30

### **PREM/00832 - Barton Stores, 32 Barton Grove, Hunslet, Leeds, LS11 8TW,**

Sale by retail of alcohol

Monday to Saturday

08:00 - 23:00

Sunday

10:00 - 22:30

### **PREM/00096 - Top Moorside Off - Licence, Flat And Premises Shop (off Licence), 51 - 52 Top Moor Side, Holbeck, Leeds, LS11 9LH**

Sale by retail of alcohol

Monday to Saturday

08:00 - 23:00

Sunday

10:00 - 22:30

### **PREM/00127 - Colenso Stores, 1 Colenso Place, Holbeck, Leeds, LS11 0DF**

Sale by retail of alcohol

Monday to Saturday

08:00 - 23:00

Sunday

10:00 - 22:30

### **PREM/02819 - The United Bar, 82 Elland Road, Holbeck, Leeds, LS11 0AB,**

Sale by retail of alcohol

Every Day

11:00 - 23:00

Performance of recorded music

Every Day

11:00 - 23:00

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