

Licensing Sub-Committee

Tuesday, 8th August, 2023

PRESENT: Councillor L Farley in the Chair

Councillors S Holroyd-Case and
A Hutchison

1 Election of the Chair

RESOLVED – That Councillor L Farley be elected as Chair throughout the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals.

3 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

4 Late Items

There were no formal late items.

5 Declaration of Interests

No declarations of interest were raised at the meeting.

6 Application for the Grant of a Premises Licence for In N Out, Bradford Road, Stanningley, Pudsey, LS28 6AT

The report of the Chief Officer (Elections and Regulatory) presented a report of an application for the grant of a premises licence made by Mr Mohammed Doski, for In N Out, 17 Bradford Road, Stanningley, Pudsey, LS28 6AT.

In attendance at the meeting were:

- Mr Mohammed Doski – Applicant and Proposed DPS
- Councillor Andrew Carter – Objector

The Legal Officer outlined the procedure for the hearing.

The premises intends to operate as a convenience store proposing the sale of retail by alcohol for consumption off the premises only.

Representations were received from West Yorkshire Police and LCC Environmental Protection Team in their capacity as responsible authorities, however, measures have been reached with both responsible authorities and the operating schedule has been amended accordingly. As a result, they have both withdrawn their representations.

The application has attracted ten individual representations from local ward councillors and local residents which remain outstanding.

Further to measures agreed with responsible authorities, the application has been revised and seeks sale by retail of alcohol Sunday – Thursday 07:00 until 23:00 and Friday & Saturday 07:00 until 00:00.

The applicant informed the Sub-Committee that:

- The operating hours as originally sought for, until 4am, have been amended due to the number of concerns raised relating to anti-social behaviour.
- The applicant proposes to install CCTV to the front, rear and side of the premises. It was also believed that the CCTV will make street users feel safer at night, and there is also a bus service operating until late with a bus stop opposite the premises which is believed will make customers feel safer.
- Signage will be put up to the front and rear inside the premises.
- Challenge 25 will be in place to mitigate underage sales.
- It is believed that there is plenty of parking on-street.
- Employees will be trained to meet the obligations of the licensing objectives.

Councillor Andrew Carter informed the Sub-Committee of his concerns. They were as follows:

- Varley Street which is located near the premises is badly lit and concerns have been raised regarding anti-social behaviour which West Yorkshire Police have been involved with.
- The 10 objections outstanding remain despite the reduction of hours. Residents welcome the reduction in hours but feel that the hours should still be reduced.
- The nearest off-licence is open until 10pm.
- Concern that the applicant has not consulted with local residents.

Responding to questions from Sub-Committee Members, the applicant confirmed the following:

- The applicant owns a business a couple of minutes away on Town Street, which operates until 11pm and the applicant has had no issues associated with this premises.
- The premises on Town Street has residents located above, hence why the applicant has applied for a premises licence in a different location albeit nearby.
- Patrons in the locality were keen for a convenience store nearby and support has been received from local residents as well as existing users of the applicant's premises on Town Street.
- The applicant does not own the land to the rear of the property and is unable to install additional lighting.
- The gate to the rear of the premises leads to 3 different properties and to the side of the premises, there is a 1m wall which will be monitored by CCTV.
- It is considered that the premises will attract a lot of customers, particularly between 10-11pm on a weekend. There are also a lot of people in the locality who do not drive, and the premises offers a closer option than ASDA.

In responding to questions from Sub-Committee Members, Councillor Andrew Carter confirmed the following:

- Varley Street is located on the junction next to the premises and anti-social behaviour related incidents include vehicles being abandoned. Drug and alcohol incidents in association with Varley Street is unknown.
- No complaints from local residents have been received in relation to other nearby premises.
- There is occasional anti-social behaviour associated with ASDA carpark. However, it was felt that the distance between the premises and ASDA would not have an impact on anti-social behaviour.
- Better lighting may impact upon residents on Varley Street due to light pollution.
- It is felt that the proposed operating hours will exacerbate existing anti-social behaviour related issues in the locality and concern that the nearby off licence will also seek to extend their hours if the application is approved.

In summarising, the applicant believes that local residents are supportive of the premises and existing relationships have already been built up with local people and other people who are customers of his other premises on Town Street.

At this point in the meeting, the Sub-Committee moved into private session to deliberate on the application. In reaching its decision, members considered the report of the Head of Elections, Licensing and Registration, including the written representations opposing the application. The Sub Committee also had regard to the relevant provisions of the Licensing Act 2003, the Guidance issued under Section 182 of the Act and Leeds City Council's Statement of Licensing Policy. The Sub Committee also considered the oral representations, contributions, and explanations from the applicant and objector.

RESOLVED – To grant the application as applied for, subject to a variation to the operating hours as requested by West Yorkshire Police and Leeds City Council Environmental Protection Team as follows:

- Sunday – Thursday 07:00 until 23:00
- Friday & Saturday 07:00 until 00:00

The meeting concluded at 11:10.