

Licensing Sub-Committee

Tuesday, 7th January, 2025

PRESENT: Councillor L Farley in the Chair

Councillors R Downes and S Hamilton

1 Election of the Chair

RESOLVED – To elect Councillor Farley to the Chair for the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

3 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information.

4 Late Items

There were no late items, however supplementary information had been published and circulated in relation to Agenda item 7, Application to Vary a Premises Licence held by Carpatica 2 Ltd., 24 - 26 Tong Road, Farnley, Leeds, LS12 1HX.

5 Declaration of Interests

No declarations of interest were made.

6 Application to Vary a Premises Licence held by AP's Local Newsagents, 434 Dewsbury Road, Beeston, Leeds, LS11 7LJ

The report of the Chief Officer Elections and Regulatory requested Members' consideration of an application to vary a premises licence made by Hiren Ashvin Patel, for AP's Local Newsagents, 434 Dewsbury Road, Beeston, Leeds, LS11 7LJ. The application sought to extend the hours for the Sale by Retail of Alcohol to 24 hours a day, 7 days a week.

Present at the meeting were:

Hiren Ashvin Patel – Applicant

Kate Rowell, EPT – Objector.

The Principal Legal Officer set out the procedure for the meeting.

The Principal Licensing Officer presented the report which included the following information:

- A copy of the current premises licence detailing the existing operating schedule was appended to the submitted report at Appendix A.
- A redacted copy of the application form at Appendix B.
- A representation had been received from West Yorkshire Police in their capacity as a responsible authority. However, negotiations had taken place prior to the hearing and the operating schedule had been amended to include

measures suggested by and agreed with West Yorkshire Police. A copy of the representation and agreement were attached to the submitted report at Appendix D.

- The application had also attracted a representation from the Environmental Protection Team and this remained an outstanding representation for the Sub Committee to consider, as attached at Appendix E of the report.
- A list of licensed premises in the local area and their hours and activities was attached to the report at Appendix F.

The applicant, Mr H A Patel, provided the Licensing Sub-Committee with the following information:

- The premises was part of the Premier Store franchise and had been refurbished to a high standard at a cost of £100,000. As well as sales of goods, the store provided lots of other services to residents.
- In respect of the sale of alcohol, currently alcohol was totally blocked off from the main store area by a door and could only be accessed by staff. Customer ID was checked for every sale of alcohol. The store had CCTV, a Check 25 policy in place and an Incident Log was used, all sorts of incidents were recorded such as children trying to buy a vape. Safety measures were in place, which included an alarm system, but Mr Patel did make an offer to add other measures if that was needed.
- The way the store was designed and the demographic of its customers meant that it attracted good customers who were well behaved. As the store was located close to Elland Road Police headquarters, police officers stationed there shopped in the store.
- The area outside the store was kept clean and tidy and there was a bin, there was nothing to attract people lingering outside, especially in cold weather.

In response to questions from the Members of the Sub-Committee, the following information was provided:

- The application to extend the hours for the Sale by Retail of Alcohol to 24 hours a day, 7 days a week, had been made in order to assist the business moving forward. Mr Patel had realised that a lot of local residents worked night shifts and shopped through the night/early morning, and the 24/7 alcohol offer would mean that they could include alcohol in their shopping during those times.
- If they could not sell alcohol during the proposed extended hours, it would impact on sales. Night trade was prime, there was a supermarket nearby, and he had a small store which only really catered for what they could stock and what their local customers wanted.
- Noting the location of the store on a main arterial route, Mr Patel confirmed that he had not experienced any issues.
- In response to a comment about a key issue in the city being the day time drinking community and what the store would do to prevent it, Mr Patel stated

they had never had any issues with loitering outside the premises, if they did, he would speak to staff about how to speak to those loitering to encourage them to leave. He added that as most customers were local residents, they shopped and went home, they did not loiter.

The Sub Committee then heard from Kate Rowell on behalf of the Environmental Protection Team (EPT) who provided the following information:

- The representation was submitted because the Beeston area was currently under consideration as a Cumulative Impact Assessment (CIA) area, and there were concerns of the displacement effect of street drinkers moving from the proposed CIA area to the area where this store is located.
- There were concerns that consumption of alcohol contributed to anti-social behaviour, public nuisance and crime.
- Dewsbury Road already had a concentration of licensed premises in the area, with 4 or 5 in close proximity to AP's Local Newsagents, but none had a 24/7 alcohol licence so the grant of this application may set a precedent and encourage the other premises to seek 24/7 sales of alcohol which in turn could encourage further street drinking in the area.
- The measures the applicant had agreed with WYP were noted and appreciated.
- The comments regarding street drinkers/loitering and the cold weather were noted, however in the summer and warmer months it would be more appealing to sit outside to consume alcohol purchased in the store.
- Ms Rowell highlighted the submission at Appendix E and confirmed that she had visited the area on 24th October 2024 to familiarise herself with the location – at 3.00 pm she parked on the roadside and witnessed street drinking, which was evidence that street drinking already occurred nearby whilst the store operated its current hours. She considered that street drinking would get worse if this application was granted.
- In conclusion Ms Rowell stated that she felt the sale of alcohol up to 02:00 hours was reasonable for a premises in this location.

In response to questions from the Members of the Sub-Committee, the following information was provided:

- Clarification that the location of AP's Local Newsagents did not lie within the area covered by the proposed Beeston CIA area.
- There was an additional issue of people visiting the store by car during the proposed extended hours, parking at the front of the store, revving engines, closing doors and playing radios, which would cause disturbance to nearby residents.
- No complaints about the store had been received by EPT whilst it operated under its current permitted hours of operation however it was Ms Rowel's experience that local residents were often not aware of applications like this,

and only noticed changes once an amended or new premise licence was in operation, at that point they started to make complaints.

- In respect of other neighbouring premises, it was noted that one premises had a 24/7 alcohol licence, Ms Rowell stated that she did not have experience of any issues associated with that premises.
- In response to a query on the evidence available to support the belief that the extended hours at AP's Local Newsagents would cause the issues described by EPT, and noting that no objections to this application had been received from local ward Councillors or local residents and that measures put forward by WYP to address crime and disorder had been agreed, Ms Rowell reiterated her experience that there was already street drinking at 3.00 pm in the area, and although she could not prove that the alcohol consumed had been purchased at AP's Local Newsagents she could say that street drinking was evident already and that 24/7 alcohol sales from the store could exacerbate the issue.

In answer to a query from the Sub Committee regarding promotional material for alcohol, Mr Patel confirmed that the store did promote alcohol offers as it was part of a franchise. However, he was conscious of what they put on the front of the store as it was close to a local school and children regularly passed the store and also shopped in there. They could address it as he was concerned for children in the area and the store could seek to reduce their exposure to alcohol.

Mr Patel then summed up the application, responding to comments from EPT as he did so, to highlight the following:

- Parking at the front of the store was very restricted as there was a bus stop outside.
- In terms of cars waiting and revving their engines, he had never experienced this and if they did, we would go and talk to the driver.
- Lots of children shopped in the store on their way to and from school, as there were schools locally. They got along well with them, some of them did misbehave but the staff would tell them to stop,
- The 'beer cave' is locked in the afternoon at the end of the school day when the shop is busy with school children and staff are too busy to unlock the door to it to serve alcohol.

Following summing up from the applicant, the Sub Committee then deliberated the application, taking into account the Licensing Act 2003 and associated Section 182 Guidance, the written submissions received and the verbal submissions made at the hearing. The Sub Committee also balanced consideration of the application with the Council's own Statement of Licensing Policy. Members recognised the concerns of the Environmental Protection Team but noted that no objections had been received from local ward Councillors or residents. Members also noted that the applicant, Mr Patel, was amendable to limit the advertisement of alcohol to passers-by, the Sub Committee had noted that this was a busy store and felt that in the circumstances it was a reasonable step to impose an additional condition.

RESOLVED – To grant the application as applied for, subject to the incorporation of the measures agreed with West Yorkshire Police and the inclusion of the following two additional conditions:

- The name of the premises shall not contain any reference to alcohol.
- There shall be no internal or external window displays depicting alcohol promotions and neither shall there be any similar displays to the store frontage or in front of the premises.

7 Application to Vary a Premises Licence held by Carpatica 2 Ltd., 24 - 26 Tong Road, Farnley, Leeds, LS12 1HX

The report of the Chief Officer Elections and Regulatory requested Members consideration on an application to vary a premises licence made by Carpatica 2 Ltd., for Carpatica 2, 24 - 26 Tong Road, Farnley, Leeds, LS12 1HX. The application sought to vary the licence to extend the Sale by Retail of Alcohol and the opening times to 00:00 – 23:59 hours daily.

Present at the meeting were:

Mrs Rand Hussein (for the DPS/applicant Mr Rebaz Akram)

Sarah Blenkhorn, West Yorkshire Police

Vanessa Holroyd, Environmental Protection Team

Peter Mudge, Local Neighbourhoods Team

John Hindley, Public Health Team

Councillor Andy Parnham, Armley Ward Councillor

The Principal Legal Officer set out the procedure for the meeting, noting that the Licensing Authority had received an email from the Licensing Consultant on behalf of the applicant the previous evening which set out the reason for a request for the hearing to be adjourned.

Mrs Rand Hussein attended on behalf of the applicant, her husband, and the Licensing Consultant, neither of whom could attend. Mrs Hussein confirmed the request for the hearing to be adjourned as the applicant was unwell.

The Sub Committee then heard from each of the parties present at the hearing to seek their view on the request for an adjournment. The Sub Committee then went into closed session to consider the request. On resuming in open session, the Sub Committee resolved to continue to hear the application.

The Principal Legal Officer explained their advice to the Sub Committee, having regard to Section 12 of The Licensing Act 2003 (Hearings) Regulations 2005 which state that “...an authority may (a) adjourn a hearing to a specified date, or (b) arrange for a hearing to be held on specified additional dates, where it considers this to be necessary for its consideration of any representations or notice made by a party.”

Members had determined that an adjournment was not necessary for them to determine this application and it was not in the public interest to adjourn the hearing when all parties were in attendance to deal with it. The Principal Legal Officer then set out the procedure for the remainder of the meeting.

The Principal Licensing Officer presented the report and provided the following information:

- A copy of the current premises licence detailing the existing operating schedule was appended to the submitted report at Appendix A. The current licence authorised the sale by retail of alcohol - Friday & Saturday 08:00 - 00:00 and Sunday to Thursday 08:00 - 23:00, with the opening hours of the premises being Friday & Saturday 08:00 - 00:00 and Sunday to Thursday 08:00 - 23:00.
- A redacted copy of the application form attached at Appendix B.
- Representations had been received from responsible authorities and other interested parties and these remained outstanding matters for the Sub Committee to consider.
- The representations from West Yorkshire Police and the Environmental Protection Team were attached as Appendices D and E of the report.
- The representation from the Public Health Team was attached as Appendix F, the local Neighbourhood Centres Team at Appendix G, local Ward Councillors and from two members of the public at Appendix H.
- A list of licensed premises in the local area and their hours and activities was attached to the report at Appendix I.

The Sub Committee then heard from Mrs Hussein on behalf of the applicant who provided the following information in support of the application:

- Referring to the representation from West Yorkshire Police (WYP) which outlined the 1546 incidents, 845 crimes recorded, and 174 arrests made in the last 12 months in the area (Appendix D of the report), she stated that 996 of those incidents were related to the nearby Sainsburys supermarket and were not associated with Carpatica 2. She suggested that most of these were related to bike theft.
- The store had CCTV cameras which covered everything inside and outside the shop. The applicant was always happy to help the police and had sent CCTV images to the police to assist with their enquiries
- In respect of traffic, accidents and crime, Mrs Hussein stated they had operated the store for 18 months and no crime had been committed. Incidents outside of the store were beyond their control.
- Regarding noise, Mrs Rand stated that the store had operated past 00:00 midnight but had not sold alcohol, and no noise complaints had been received.
- The applicant had consulted with neighbours and they had recommended more hours, the neighbour who lived above the premises had never had a problem with the store.
- Local residents worked shifts and late hours, and it wasn't that everyone wanted to buy alcohol at later hours but the store was having to refuse sales because of the existing permitted hours.

- In respect of noise, litter and proximity to local schools, the operator would prioritise their store, but again, they could not control matters outside the store.
- In conclusion, Mrs Hussein emphasised that this was a small shop for people who lived nearby, there were other larger shops in Armley, and she questioned the representation which had concerns about customers driving specifically to Carpatica 2.

In response to questions from the Members of the Sub-Committee, the following information was provided:

- The application to extend the hours for sale of alcohol had been made because there were a lot of people living nearby who worked and/or worked shifts, they were trying to buy their alcohol with the rest of their shopping, but currently had to be refused. Not many nearby shops open that late so the applicant was trying to help the local community by offering that service.
- In response to a further query why 24/7 alcohol sales were needed, Mrs Hussein explained that currently alcohol was less than 22% of sales, if the extended hours to sell alcohol were permitted, it would mean less people travelling to the Armley District Centre and less noise from passers-by.
- The store would not contribute to the issues of alcohol related crime and disorder already experienced in the area, some of the recorded incidents were related to violence in schools and were not related to alcohol or local shops.

The Sub Committee then heard from Sarah Blenkhorn, on behalf of West Yorkshire Police, who provided the following information:

- The Carpatica 2 store was in a deprived area and alcohol consumption was already an issue in the area. In the 3 month period between September – December 2024, 455 incidents were recorded in the area around the store. It is in a high crime area. The Home Office Police Led Alcohol Intervention Checklist and Toolkit 2023 (contained within the supplementary information) reported that alcohol is one of the main drivers of crime, 65% of violent crime is alcohol related, and 59% of those crimes happen in the evening.
- There was a wider issue of 24/7 alcohol sales and the impact on the wider community.
- The store was a short walk to the Armley Cumulative Impact Assessment (CIA) area.
- The proposed extended hours would attract street drinkers and street crime/anti- social behaviour. The early hours will impact on children going past the store to school.
- The easy availability of alcohol seeps into the community, the draw of later hours means people will be hanging around the store later into the night/early morning.
- Referring to the supplementary information, Gilpin Terrace which is two streets away from Carpatica 2, is a “Hot spotting” area – Hot spotting focusses WYP

resources on a small geographical area to reduce crime. Such areas often show disproportionate crime levels. Carpartica 2 was 2 minutes away from that hotspot and was also very close to a primary school and a youth centre.

- The Policing Plan aims to reduce crime and protect the vulnerable. That preventative policing approach was the driver behind WYP opposing licensing applications such as this.
- The applicant should demonstrate how they would address and deal with the impact of the application on street drinking and WYP did not believe the issue had been given enough consideration.
- Although extra measures had been offered, WYP did not believe these were enough to promote the licensing objectives and WYP hoped they had provided enough reasons for the Sub Committee not to grant the application.

In response to questions from the Members of the Sub-Committee, clarification was provided on where the recorded incidents occurred. Crime data extraction for the area around Carpartica 2 was provided - 455 incidents were recorded in the area around the store during September – December 2024, resulting in 230 logged crimes, 50 arrests and 12 stop and searches.

The Sub Committee then heard from Vanessa Holroyd, Environmental Protection Team (EPT) who provided the following information in support of the representation:

- Carpartica 2 is located very close to Armley town centre and the Armley CIA area.
- The community does not need 24/7 sales of alcohol as the existing hours are ample and there is another off-licence directly opposite this store.
- This application could lead to increased public nuisance later in the night/early morning.
- The use of the night-hatch to serve customers will not prevent public nuisance but could lead to increased noise and shouting as customers queue at the hatch and more littering.

The Sub Committee then heard from Peter Mudge, Neighbourhood Centres Team:

- Quite a few public safety issues had not been yet raised, such as the store being located on a busy road, on a dangerous corner at the junction of Green Lane and Tong Road, with no parking near the shop. Of the two roads at the junction, one leads to residential properties, the other being a main road into Leeds city centre.
- There was an ungated area next to the shop where people could hang out and consume alcohol and this could become a problem area.
- The current terminal hours of Sunday to Thursday 23:00 hours and Friday/Saturday to 00:00 midnight were sufficient.

In response to a query from the Sub Committee regarding use of the ungated area by street drinkers, WYP confirmed that there were street drinkers in the area, but it was not known whether they currently congregated next to Carpartica 2.

The Sub Committee then heard from Jonathan Hindley, Public Health, who began by explaining his previous experience working at HMP Leeds and HMP Wealstun and his awareness of the issues in the area where adults have an addiction and where there are a number of Looked After Children. He went on to provide the following:

- In August 2024, Public Health conducted a Health Needs Assessment for the area which found that 62% of residents in high rise dwellings reported an increase in alcohol related illness.
- He acknowledged that it was almost impossible for one premises to control everything, but in his experience, in fair weather there was a proliferation of street drinking.
- Incidents of public nuisance and anti-social behaviour have been on the rise in the last four Assessments and this was attributed to alcohol consumption.
- Reference to the Public Health representation which included lived experience of residents who stated that “alcohol was available all the time”.
- The 24/7 availability of alcohol at this store would attract customers from out of the area and exacerbate public nuisance issues.
- This area is ranked as one of the 1% most deprived areas in Leeds. There is evidence of the impact of alcohol availability on the residents. He worked with a number of families in the area who live within a 10 minute walk of the store where the adults were in recovery – if they were struggling and wanted alcohol or had a relapse after the Public Health teams usual working hours, there would be no support available for them to advise against shopping for alcohol at the store. He had concerns for those parents who were addicted to alcohol.

In answer to a query regarding any link between the Carpatica 2 store and concerns for the wellbeing of the community and crime prevention, Mr Hindley highlighted that part of his representation which set out what can happen to children who live in an area with a high availability of alcohol. There were many vulnerable residents, carers and parents in the area, and the high availability of alcohol normalises street drinking for them when they see it, particularly for children. All of the local care providers and partnerships are worried about the impact of alcohol on children, and how availability normalises the behaviours associated with it. If the store opening hours were outside the opening hours of the support services that was an area of most concern, particularly as the four nearby tower blocks house the most vulnerable, addicts and dependants. After midnight, there will be nowhere for alcohol dependents and addicts to get help. Additionally, it was acknowledged that it was difficult for the vendor to spot addicts, the sale of alcohol over the counter is a quick transaction so they don't have the time to spot someone who may already be drunk.

The Sub Committee then heard from Armley ward Councillor Andy Parnham who provided the following information:

- Everyone present hearing the crime statistics for the 3 month period in 2024 could now appreciate the stark reality of the local area.

- He had attended the residents lounge nearby and residents had explained their troubles and concerns to him, granting the 24/7 application to sell alcohol would be a disaster for the area.
- Councillor Parnham held ward surgeries in the nearby New Wortley Community Centre and had witnessed street drinkers outside the Centre. The Chief Executive of the Community Centre was concerned when they learned of the application.
- There were four residential tower blocks surrounding the premises, two directly across the road, the residents there include the most vulnerable who are at risk of addiction and self-harm and are at a high risk of suicide.

Answering a query from the Sub Committee, Councillor Parnham confirmed that there was already a street drinking community near to the store.

Having heard the submissions of the objectors, the Sub Committee had further queries for the applicant who provided the following responses:

- In respect of how the applicant would work to protect the wider community from alcohol misuse – the store had been open for 18 months and had traded until 02:00 hours without any issues. CCTV was in place and recorded 24/7.
- In respect of children, it was the parents responsibility to ensure good behaviour, not the applicants.
- In respect of how the applicant would address concerns about vulnerable people purchasing alcohol during the extended hours and the perceived impact on children/the family, Mrs Hussein stated that the staff could not sell alcohol to someone who was already drunk. Alcohol was available everywhere, there were several larger supermarkets nearby including Sainsburys and Asda.
- They had operated the store for 18 months and had noticed patrons asking to buy alcohol after 11.00 pm and had refused them, meeting that demand was the reason for the application.

Mrs Hussein then summed up the application and responded to comments made during verbal submissions, including:

- She had moved to Leeds in 2016 and was mother to two girls. When she opened the store, she had worried that it would be a very bad area, but she had not experienced any problems at all.
- The resident in the flat above the store could not hear anything from the store.
- It was a personal decision to drink alcohol, not the community's and alcohol was not the biggest problem in the area.
- The applicant could reduce the terminal hour to 04:00 on Friday and Saturday and 03:00 hours weekdays.
- 95-97% of patrons attended by walking to the store as they lived nearby, they did not drive to the store.

- Regarding the local families with problems, Mrs Hussein questioned whether the community would not be responsible for themselves and their children.
- There had been 13 burglaries in the street next to the store, but when she reviewed the CCTV it involved bikes and there were bikes everywhere.
- The area of high crime mentioned (the hotspot) was not right next to the shop.

The Sub Committee asked one final question of WYP to clarify how many crimes were directly linked to this premises, and noted the response that a couple were related but not relative to this hearing, one did relate to a stolen bike.

Following summing up from the applicant, the Sub Committee then deliberated the application, taking into account the Licensing Act 2003 and associated Section 182 Guidance. Members also had close regard to the written submissions received and the verbal submissions made at the hearing, particularly the representations from those with expertise of the local area and the helpful submissions of the local ward Councillor and representative of Public Health.

The Sub Committee did not doubt the good intentions of the applicant but concluded the licensing objectives would be undermined through the grant of this application to vary the licence, even if the terminal hour was reduced to 03:00 or 04:00 hours as offered at the hearing.

Members were of the view that granting the application would be likely to increase incidents of crime and disorder in the area. The extended hours applied for were out of line with other licensed premises in the area and granting this application could set a precedent, encouraging more applications from this area. Members concluded that even a minimal increase in hours for the sale of alcohol at this premises would exacerbate issues and undermine the licensing objectives.

RESOLVED – To refuse the application.