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Licensing Committee

Tuesday, 31st October, 2006

PRESENT: Councillor D Wilson in the Chair

Councillors R Downes, R D Feldman,
V Morgan, F Robinson, B Selby and
G Wilkinson

36 Declarations of Interest

There were no declarations of interest

37 Review of a Premise Licence - "Convenience Store", 87 Whinmoor Crescent Leeds LS14

The Committee considered a Review of the Premises Licence currently held at the above premises which had been necessitated following application made by West Yorkshire Police under Section 51 of the Licensing Act 2003 having regard to all the stated licensing objectives for the City:

The Committee had received and considered the written submissions of West Yorkshire Police (WYP), local residents and LCC Anti Social Behaviour Unit prior to the hearing. It was noted that much of the evidence supplied by WYP was regarded as confidential and was not available to the public due to the nature of the information relating to actual crime reports and statistics; however it was referred to verbally at the hearing.

The Committee dealt with a request to adjourn the hearing made by the legal representative for the Premise Licence Holder (PLH) who felt that the human rights of the PLH were adversely affected because cross examination was not permitted. Legal advice confirmed that the Licensing Act 2003 did not provide for cross-examination and the accepted procedure for the hearing allowed the PLH to hear all evidence prior to their own submission. The Committee regarded this as a fair and reasonable way to proceed and did not therefore grant the request.

Just prior to the hearing the Committee received requests to allow additional documents both from the applicant and from the PLH to be included within the papers to be considered at the hearing. Having noted that both parties accepted these documents, the Committee accepted the submissions as evidence to be considered at the hearing.

In brief, WYP had become increasingly concerned about the frequent and repeated sales of alcohol from this premise to persons of insufficient age. WYP presented evidence to support this claim including local crime rate statistics; incident logs and witness statements which they believed showed the impact of alcohol sales to under age persons on the locality. Local residents independently submitted representations which supported this and also revealed incidents of anti social behaviour, low level crime and disorder and public nuisance which they related directly to the operation of the Convenience Store and its continued sale of alcohol to persons under the age of 18 years

The Committee considered the verbal submissions from Mr Ian Skelt – Counsel – on behalf of WYP. Who was accompanied by the following;

Mr Percival – from the Office of the Force Solicitor
Ms W Hainsworth – LCC Anti Social Behaviour Unit
Mr Bob Patterson – Licensing Officer for WYP
PC L Dobson }
PC S Buxton } WYP
PC A Collinson }

The Committee also heard representation from a group of local residents who attended the hearing:

Mr T Paul
Mrs A Paul
Mrs L Bowers
Mrs M Edwards

The Committee also considered the verbal submissions of Mr Tim Wells – solicitor for Mr P S Chhokar – the Premise Licence Holder at the Convenience Store. Mr Wells was accompanied by the following:

Mr P S Chhokar – Premises Licence Holder
Mr H Chhokar – son and assistant to the Premise Licence Holder
Miss M Wells – Licensing Clerk
Mr R Armstrong – witness

The Committee reviewed the Licence and had regard to all the evidence and representations, the Licensing Act, the Licensing Policy and the Guidance.

The Committee were satisfied with the evidence presented that alcohol had been sold to persons obviously under the age of 18. These incidents undermined the licensing objectives adopted by the Licensing Authority in order to prevent crime and disorder, protect public safety; prevent incidents of public nuisance and crucially, to protect children from harm.

The Committee noted the submissions from WYP and identified the following three areas of concern which had caused or contributed to problems at and around the premises:

- Sale of alcohol to persons under the age of 18 years
- Attitude of the current premises licence holder to the concerns of the police
- Unwillingness of the PLH holder to make changes to address those concerns

The Committee also had regard to the submissions of local residents who had witnessed the sales of alcohol to persons seen to be under the age of 18 years and who had been distressed by subsequent incidents of crime and disorder and public nuisance in the locality.

The Committee further concluded that action was needed to address this problem.

The Committee acknowledged the PLH had 22 years trade experience and noted all the measures proposed by Mr Wells. However given the weight of evidence and history of problems associated to the premises the Committee did not feel that these

measures could adequately deal with the matters and they were not sufficient to address and uphold the four stated licensing objectives for the City.

RESOLVED - The Committee therefore accepted the evidence of WYP and local residents with regard to under age sales and resolved to revoke the Premises Licence in respect of the Convenience Store

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Our reference: A61/hg/Convenience Store
13 November 2006

“CONVENIENCE STORE”, 87 WHINMOOR CRESCENT, LEEDS LS14 1EQ – REVIEW OF A PREMISES LICENCE FOLLOWING AN APPLICATION MADE UNDER SECTION 51 OF THE LICENSING ACT 2003

On 31st October 2006 the Licensing Committee met to consider a Review of the Premises Licence currently held at the premises known as “Convenience Store” 87 Whinmoor Crescent, Leeds LS14 1EQ. The Review had been necessitated following application made by West Yorkshire Police under Section 51 of the Licensing Act 2003 and with regard to all the stated licensing objectives for the City:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

This letter represents the formal decision of the Committee in respect of the Review.

Preliminary Procedural Issues

The Committee considered preliminary matters of a purely procedural nature.

There were no declarations of interest made.

The Committee decided that the procedure for the hearing would be varied to allow the parties present sufficient time to make their case. 30 minutes was allotted for each party

The Committee also considered if the public should be excluded from any parts of the hearing. The Committee decided to exclude the public from that part of the hearing where Members would deliberate on submissions and evidence presented. This would allow them to have a full and frank discussion on all matters put before them and this fact outweighed the public interest in not doing so.

Prior to the hearing the Committee had considered the Licensing Officers Report containing a copy of the application as made by West Yorkshire Police (WYP) along with several witness



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statements supplied by officers from WYP. Statements from local residents and LCC Anti Social Behaviour Unit were also included within the written submission from WYP. It should be noted that much of the evidence supplied by WYP was regarded as confidential and was not available to the public due to the nature of the information relating to actual crime reports and statistics; however WYP did refer to this during their verbal submissions.

Following the despatch of the Notice for the hearing several local residents independently submitted letters of representation and these were also included within the report.

The Committee then dealt with several matters relating to the hearing and evidence to be laid before it:

Request to adjourn the hearing

The Licensing Officer reported receipt of a written request to defer the Review hearing. This had been submitted by the legal representative for the Premise Licence Holder (PLH) the previous day. The PLH legal representative set out the grounds for the request as being because the evidence submitted by WYP was in paper format the PLH legal representative took the view that he would not be permitted to cross examine the officers involved and as such, it was his submission that this directly contravened the rights of the PLH.

Legal advice was provided which confirmed that the Licensing Act 2003 did not provide for cross-examination. The accepted procedure for the hearing did allow the "respondent" to hear all evidence prior to their own submission. Additionally, the allotted 30 minutes did not include question time and at the discretion of the Chair, if either party had further submissions to make, questions could be asked to the other parties through the Chair. The Committee considered that this was a fair way to proceed

DECISION – That the requested to defer the hearing be not granted

Late Submissions

Just prior to the hearing the Committee received requests to allow the following documents to be included within the papers to be considered at the hearing:

- From WYP – Additional statement from Ms W Hainsworth LCC Anti Social Behaviour unit.

It was noted that at the time of submission, this document was unsigned; however the legal representative for the PLH accepted that the witness would sign the statement

- From the PLH – Document containing photographs of the store interior, plus a petition signed by shop customers in support of the PLH

DECISION - The Committee noted that the parties had accepted these documents, and the Committee therefore accepted the submissions as evidence to be considered at the hearing.

The Committee then went on to consider the review of the Premise Licence.

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The Hearing

The Committee considered the verbal submissions from Mr Ian Skelt – Counsel – on behalf of WYP. He was accompanied by the following;

Mr Percival – from the Office of the Force Solicitor
Ms W Hainsworth – LCC Anti Social Behaviour Unit
Mr Bob Patterson – Licensing Officer for WYP
PC L Dobson }
PC S Buxton } WYP
PC A Collinson }

The Committee also heard representation from a group of local residents who attended the hearing:

Mr T Paul
Mrs A Paul
Mrs L Bowers
Mrs M Edwards

The Committee also considered the verbal submissions of Mr Tim Wells – solicitor for Mr P S Chhokar – the Premise Licence Holder at the Convenience Store. Mr Wells was accompanied by the following:

Mr P S Chhokar – Premises Licence Holder
Mr H Chhokar – son and assistant to the Premise Licence Holder
Miss M Wells – Licensing Clerk
Mr R Armstrong – witness

In considering the Review, the Committee took into account the written submissions contained within the Licensing Officers report plus the verbal submissions made at the hearing by the interested parties.

The Committee also had regard to the provisions of the Licensing Act 2003, guidance under Section 182 of that Act and the Council's own Licensing Policy and in particular Section 12 (Enforcement and Reviews)

The Committee then went onto consider the following paragraphs of the Guidance as the Committee took the view these paragraphs had bearing on the application:

5:99	Reviews
5:107	Powers of a Licensing Authority on the determination of a Review
5:110	the cause or causes of the concerns which the representations identify
5:111	matters to note when considering possible courses of action

Reasons for the Review request

In brief, WYP had become increasingly concerned about the frequent and repeated sales of alcohol from this premise to persons of insufficient age. WYP presented evidence to support this claim including local crime rate statistics; incident logs and witness statements which they believed showed the impact of alcohol sales to under age persons on the locality. Local residents independently submitted representations which supported this and also revealed

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incidents of anti social behaviour, low level crime and disorder and public nuisance which they related directly to the operation of the Convenience Store and its continued sale of alcohol to persons under the age of 18 years

Submissions and Evidence on behalf of the applicant - West Yorkshire Police

The Committee heard representation from Mr Skelt on behalf of WYP. Mr Skelt began by outlining the main thrust of the case being brought by WYP – namely that outlined above. Mr Skelt indicated his intention to refer to the written evidence already submitted and contained within the Licensing Officers report which would be confirmed by witnesses. He outlined the position of WYP with regard to possible action to be taken by the Committee stating that the situation could not be adequately dealt with by variation or conditions on the Premises Licence. WYP believed the situation was of such significance that a revocation was sought and he referred to the evidence submitted by Mr Patterson, District Licensing Officer, which provided a history of the premises in question

Mr Skelt then made his submission to the Committee, in the form of questions and answers to the Police Officers who had submitted witness statements in support of the Review application and were in attendance at the hearing.

In answer to questions from Mr Skelt, PC Dobson confirmed the information contained within her written submission and made the following statements:

- She had produced the report containing crime statistics included within the written submissions. This report made reference to all calls made to the police, reported crimes and incidents which occurred in the area and were regarded by WYP as specific to the Convenience Store.
- PC Dobson confirmed that she had commissioned a report from a data analyst which allowed WYP to compare the figures against other premises in the area. She clarified the difference between formal crime statistics and records of contact with the local area policing team. She stated that her report recorded just a fragment of the local picture – as it revealed official records, whereas calls made to the local neighbourhood policing team were made directly and were not centrally audited, therefore not recorded within her report. Officers from the neighbourhood policing team made their mobile contact telephone numbers available to the public in order to receive reports
- Referring to her statement at pages 63/64 she stated that she supported revocation of the Premises Licence due to the attitude of the PLH to the ongoing situation.
- In creating her report, she had reviewed reports by a number of other police officers who had visited the Convenience Store. Following a visit, officers would record the event in their “pocketbook” and then complete a form detailing the content of any discussions held with the PLH as factual evidence. The contents of the form would be transferred to electronic data at a later date. From this information it was clear that Mr Chhoker had received numerous warnings during such visits but had failed to act. A copy of the form would not be sent to the individual in question, in this case Mr P S Chhokar, but would be available should it be required in evidence at a later date.

In answer to a query from the Committee, PC Dobson explained that she had visited the premises herself approximately 10-20 times during the 14 year period she had worked within the Police Division, and rather than be averaged out to 2 visits per year, the visits had tended to occur in clusters. Furthermore, she believed the submitted evidence showed that statistical



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records attributed to the Convenience Store were not comparable with other premises in the locality, rather the records showed the impact the Convenience Store had on the locality.

- Regarding her statement at page 64, PC Dobson confirmed that West Yorkshire Trading Standards were aware of the premises and of the alleged sale of alcohol to persons under the age of 18.
- A number of test purchases had been made at the premises, but all had been unsuccessful. The Committee were aware of the nature of “test purchases” whereby juvenile volunteers acting on behalf of WYP and Trading Standards attempt to purchase alcohol from a premise.
- Turning to a report contained at page 149, PC Dobson stated she could not comment on the content of the report which contained information from a local Police Community Support Officer (PCSO) which suggested that youths purchased alcohol from the Convenience Store and that the owner used a system of passwords to ensure that he did not sell alcohol to Trading Standards test purchasers.
- WYP had liaised with Trading Standards who informed them that the Designated Premises Supervisor (DPS being Mr P S Chhokar) was very test purchase aware. To explain, the juvenile volunteers who undertook test purchases were always drawn from outside the locality and it became apparent that Mr P S Chhokar only sold alcohol to young people he knew.
- WY Trading Standards and WYP had undertaken 10-15 test purchases at the premises. Given the wealth of information WYP had about the premises it was very unusual that not one test purchase had been successful. She suggested that Mr Chhokar knew the local residents and his clientele very well. The use of passwords was a well-known trick in the off-licence trade, and as yet WYP did not know the relevant password. WYP would only learn this if it was offered and no one was likely to do so as this would jeopardise their ability to make purchases of alcohol.
- In conclusion PC Dobson on behalf of the three Police Constables present confirmed that they were not aware when the posters discouraging the purchase of alcohol by persons under the age of 18 had been displayed at the premises. (as contained in the additional submission from the PLH)

Mr Skelt then introduced PC A Collinson who gave the following information through questions and answers in support of her written submission.

- The Convenience Store lay within a residential area and was across the road from a primary school. Whinmoor Crescent was predominately privately owned area comprising of 2/3 bedroom bungalows. Residents tended to be middle aged rather than families and as a result there were very few children in that area.
- The youths who frequented the area were known to the police and came from the Stanks and Swarcliffe area of the City. Some of these youths were known to have Anti Social Behaviour Orders against them, some were truanting from school and most came from adjacent council estates.
- She had visited the premises with PC Buxton several times in the previous two years having received complaints from local residents about the operation of the premises. The police had visited in order to both investigate the claims and to offer support if it appeared Mr P S Chhokar had been intimidated by any party to make sales of alcohol to under age persons. Mr P S Chhokar had not taken up any offer of support nor made contact with the police following these visits.



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- It was her opinion that Mr P S Chhokar was not intimidated by the children to sell alcohol. Furthermore it was known that sales were made to children between the ages of 8 to 18 years.

In answer to queries from the Committee regarding a comment in a written submission about plastic carrier bags, PC Collinson confirmed there was a “Pubwatch” initiative in the locality, but Mr P S Chhokar did not participate. Regarding the sighting of young people carrying white carrier bags containing alcohol bought from the premise, PC Collinson confirmed that Mr Chhokars premise was the only shop using white carrier bags in June 2006. This fact could be seen to identify the shop where the youths had purchased alcohol. Other premises in the area used blue carrier bags. The Police identified the youths as being from the Stanks area rather than the immediate locality because they were known to the police through their other activities – some were known to have received cautions and/or convictions for violence and a number of these were due to receive emergency ASBO’s. Approximately 7 ASBO’s were due to be issued for public nuisance and anti social behaviour type offences similar to those mentioned at this hearing and within the written submissions.

Furthermore, she stated she was not aware of other similar premises closing down in the Stanks area – which could have been a reason why the youths would travel out of their area to this premises. She suggested that the easy purchase of alcohol by them was the only reason they would travel to this shop.

The Committee referred her to that part of the witness statement taken during a taped interview with Mr P S Chhokar and expressed concern that part of the written statement stated “answer not understood”. PC Collinson explained this was because the tape machine used during the interview had not recorded the interview properly – not because she had not understood the response from Mr P S Chhokar.

PC Collinson noted the comment that the police had been aware of the problem of sale of alcohol to under age persons for some time. She replied that to take action, the sale had to be seen, and as yet this had not been possible. Additionally, the location of the premises provided easy escape routes for the youths. When the police visited the premises they arrived in uniform and in a marked police car and were therefore highly visible. This produced what she described as the “starburst” effect – whereby the group of youths would separate and disappear down the snickets and ginnels adjacent to the shop and onto other parts of the estate, making capture very difficult.

Mr Skelt then introduced PC Buxton who made the following statements during a question and answer session by him and from questions from the committee:

- This premise and problems perceived to be associated to it was a frequent source of discussion at local community meetings, plus police “task it” meetings
- She confirmed there were very few children resident in the area, and she concluded the only attraction to this area for them was this off-licence. Furthermore, although there were other off-licences in the wider local area at Wellington Hill and Whitelaithe Road, there was no evidence to link them to similar types of behaviour by local youths.
- In particular the PLH of the Whitelaithe Road off-licence encountered problems with local youths because he would not sell alcohol to them. He had suffered abuse from youths and these incidents were being investigated by the police



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- She confirmed that her statement suggested Mr P S Chhokar sold alcohol to young people from the back door of the premises, although she did not know whether this took place during normal shop hours or afterwards
- In conclusion she confirmed this premise was across the road from a primary school, and although no problems of anti social behaviour had been recorded within the school grounds, the alleyways and snickets in the surrounding area did attract problems.

Mr Skelt then introduced Ms W Hainsworth from Leeds City Councils Anti Social Behaviour Unit to confirm her written evidence and to answer questions from himself and the Committee. In answer Ms Hainsworth made the following statements:

- In discussions with residents of the Whitelaites area they had spoken about youths coming through the walkways with carrier bags of beer or cider from another area. It was apparent that these bags were not from the Whitelaites off-licence.
- The PLH of the Whitelaites off-licence bore the brunt of the anti-social behaviour caused by youths who had drunk alcohol bought from another shop. The youths when drunk, would attempt to buy more alcohol from him and would become confrontational when he refused. An incident had occurred the previous week when he had been physically threatened and a verbal threat to burn down the property was made. Local PCSO's had dealt with the incident. In the previous 3 weeks 10 similar incidents had occurred 5 ASBO applications had been made.
- Officers of the ASB Unit had spoken to parents of some of the youths, and parents were concerned that their children had been able to purchase alcohol
- Previously the ASB Unit had not been involved in the Whinmoor area, but the problem of anti social behaviour was now at such a level that officers were working Saturdays & Sundays to take statements in order to deal with the situation.
- She confirmed that residents of the Whitelaites area had reported children carrying white carrier bags containing alcohol from Chhokars (also known locally as "Petes")
- Although she had not been to the premises she had driven past and witnessed groups of children and youths hanging around outside, some of whom she recognised due to their other activities.
- She confirmed she had not spoken with Mr P S Chhokar as the ASBUnit had only recently become involved with the situation
- With regard to her being able to identify those youths from other areas of the city, Ms Hainsworth stated the Unit had access to police computer records and were able to identify youths from photographs

Mr Skelt then referred the Committee to those witness statements submitted by the school caretaker and two residents local to the premises and requested the Committee lend significant weight to them, although he did not want to concentrate upon them in detail himself

Mr Skelt then referred to a witness statement from the Headteacher of the local school; however this had been omitted by the police from the written evidence. The Committee agreed to the request that this be copied and tabled to all parties at the next appropriate point.

To close his submission, Mr Skelt referred the Committee to the written record of the taped interview with Mr Chhokar which recorded his denial of any illegal activity at his premises. Mr Skelt then referred to the local crime statistics which he suggested showed a different picture



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due to the significant number of incidents in the immediate locality reported to the police. These could be supported by the number of calls made directly to the neighbourhood policing team.

He reminded the Committee that the crime statistics, as reported earlier, only provided a snapshot of what was happening in the locality. With reference to the submission marked LMD II; this provided a summary overview of the problems which still continued at the premises. Mr Skelt clarified that WYP had been very exclusive in the selection of the statistics and had only included those incidents which could be directly attributable to this premise. Mr Skelt suggested this proved the PLH continued to trade in the same manner despite having received numerous warnings from the police and that he showed little regard for the local area or local residents.

The anti social behaviour problems now evident in the locality were as a direct result of the sale of alcohol to under age persons and the most revealing testimonies to this were the statements of local residents. Mr Skelt stated that these sales were totally unacceptable, and it was for all of these reasons, including the attitude of the PLH that WYP had made application for a Review and in particular a revocation of the Licence as WYP had no faith that a variation or additional conditions would amend the entrenched and longstanding behaviour of the PLH

As a final comment, Mr Skelt acknowledged the late application to change the named Designated Premises Supervisor (DPS) at the premises. Mr Skelt reported that WYP would not accept this as an option for the Committee to consider as the suggested DPS was a family member who currently assisted Mr P S Chhokar at the premises.

The Committee having noted the conclusion of WYP case then heard verbal representation from several local residents who had made written submissions

Submissions of Local Residents

Mrs A Paul addressed the Committee and reported that she had witnessed an increase in the number of youths frequenting the locality and causing problems. Although she could not see the door to the off licence from her property, she did see youths walk past her bungalow and return very quickly carrying bags containing alcohol. She suggested that they would not have had sufficient time to purchase the alcohol from any shop other than the Convenience Store. She stated she had witnessed children as young as 10 years old drinking alcohol openly in the street and that she could judge their age as she had a grandchild of a similar age.

Mrs Paul described the problems encountered by residents as horrendous and reported acts of vandalism such as kicking down a neighbour's wall, damaging trees, kicking over bins, throwing eggs and smashing windows. A neighbour had a pellet fired through a window and her own conservatory window had been smashed by a parking cone and a greenhouse window had been smashed. Neighbours had erected metal fences around their gardens to prevent the youths getting into the gardens, and she herself had planted shrubs. Additionally, weapons had been found in local gardens, including a cosh and chunks of wood, which the local residents attributed to the youths.

Mrs Edwards then addressed the Committee stating she had lived in the area for 30 years and described the area known as Hawthorn Farm which was regarded locally as a nature



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reserve. She stated she regularly walked her dogs there, sometimes with her grand daughter, and during the summer months had encountered abuse from gangs of youths hanging around. On one occasion they threatened her 4 year old granddaughter because the girl had been staring at them. They had also threatened her dogs. Mrs Edwards stated she didn't feel that she could say anything to them in response. She added that she no longer shopped in the premise and did not go out in an evening because of the youths.

Mrs Edwards stated she did not believe the youths were local to the area as she recognised most local youth as she had watched the local children go the school and grow up. She did not recognise any of the youths as children who had attended that school in the past.

Mrs Edwards then described recent incidents she attributed to the youths such as the felling of 12 mature trees in the grounds of Hawthorn Farm. When LCC Parks & Countryside had attended to them they had found weapons such as saws within the grounds. The local school children had erected laminated signs around the grounds to highlight the nature reserve and these had been pulled down and set alight. Mrs Edwards described the youths as drunk, and stated they bought the alcohol from "Peters". She had witnessed the youths knock on the back door Mr Chhokars premises (known as Peters) in an afternoon and then come away with carrier bags of alcohol which would drink in public. Mrs Edwards closed by stating that during the summer she would not sit in her back garden because of the noise emanating from the youths and reported a "running battle" had taken place the previous year when the youths had been armed with baseball bats. On summer nights, the youths remained in the area until 01:00 hours sitting on the walls and hurling abuse at each other and residents. Finally she reported that litter was also a problem, beer cans and bottles were left everywhere and often she would collect these with Mrs Bowers.

Mrs Bowers then addressed the Committee stating she supported all that had been said so far and reported on the foul language and threatening behaviour from the youths, who also urinated outside the shop. She also stated she had witnessed youths purchasing alcohol from the back door of the Convenience Store.

In answer to questions from the Committee, the local residents confirmed that Mr P S Chhokar had started to use blue carrier bags, similar to other local shops, in recent weeks instead of the white bags reported earlier. Mrs Edwards additionally added that she had witnessed a sale of alcohol to a youth between 12:00 and 14:00 hours when the shop itself was closed

The Chair having noted the end of the local residents submissions invited Mr Wells to make representation on behalf of Mr P S Chhokar, the PLH

Submissions and evidence of Mr P S Chhokar – the Premises Licence Holder

Mr Wells began by stating that his only witness would be Mr R M Armstrong. Mr Armstrong was the youth referred to in the additional statement from Ms Hainsworth of the ASB Unit.

In answer to questions from Mr Wells and from the Committee, Mr Armstrong made the following statements:

- He confirmed he knew Ms Hainsworth and was the youth referred to in her statement



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- He stated he had given his coat to Mr P S Chhokar to look after for a short while on one occasion prior to Christmas the previous year and in return Mr P S Chhokar had supplied him with some cigarettes and chocolate
- Mr Armstrong had done this as he had no money to buy the goods
- Mr Armstrong stated he was 17 years old at the time
- With regards to the comments made by his father, Mr Armstrong stated he believed his father thought he had given the coat in return for alcohol, but this was not true. He had received cigarettes and chocolate in return.

Mr Skelt then addressed the Chair with regards to anticipated action to be taken by the ASB Unit regarding Mr Armstrong, however this information was not deemed to be relevant

Mr Wells then began his substantive submission to the Committee by referring to the statements submitted by WYP. First he dealt with the statement made by Mr B Patterson, WYP Licensing Officer and through the Chair, sought clarification from the police as to why no police action had been taken against the premise previously, and why no action had been taken at the time the old style Magistrates Licence had been converted to the new Premise Licence.

The Chair allowed Mr Patterson to address the Committee in response. Mr Patterson made the following statements:

- The conversion of the licence was made on the existing terms of the previous licence. WYP could at that time only oppose a conversion on 3 very specific grounds which were listed at page 55 of the report. The application to convert the licence was received by WYP on 28 July 2005 and a period of 28 days was then allowed under the Licensing Act 2003 for WYP to make representation. During that 28 day period, none of the 3 grounds were applicable, and at that time WYP held the opinion that there were no grounds to oppose the conversion
- Under the previous legislation, WYP could have sought a revocation of the Justices Licence. However again there were specific grounds to do so hinging broadly on the suitability of the individual and whether the premises were disorderly. Mr Patterson stated that as a civilian officer his role was to co-ordinate and to combine the licensing function with that of operational constables. However he would expect that any operation would be initiated by operational constables, not the licensing department. He confirmed that no division had taken action against the premises

Mr Wells then sought permission to seek clarification on the nature of the crime statistics and author of the analysts report presented to the Committee by PC Dobson. The Chair permitted PC Dobson to address the Committee and in response and in answer to further questions PC Dobson made the following statements:

- PC Dobson confirmed she had compiled the report at pages 107 – 177 of the submission based on crime reports and intelligence around the premises. The print offs were directly from WYP computer and recorded incidents which were directly attributable to the premises
- S Sheedy had compiled the crime analyst's report which compared this locality with others. PC Dobson had commissioned this report, but was not the author
- With regards to the comments at page 180 of the analysts report, PC Dobson stated she believed the crime figures showed an alarming pattern. Ms Sheedy had been requested to produce a report which covered the whole police division – a diverse area which stretched from Whinmoor to East End Park, from Micklefield to the A1.



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Whinmoor was a very small proportion of the whole division but she stated the figures did flag up the area as a crime hotspot and she reiterated that the locality of Whitelaithe bore the brunt of the crime figures, even though no alcohol was sold to youths from the local off-licence. She believed that the figures clearly supported the theory that that alcohol was sold from the premises as they reflected the fact that no crime was recorded was there, proving that he was not intimidated to sell alcohol to juveniles

- PC Dobson explained it was her belief that youths bought alcohol from Mr Chhokar but were encouraged to consume it elsewhere as he did not want any trouble to be associated with his premises
- With regard to Mr Wells question as to why WYP had not taken action against the premises before, PC Dobson explained she had been stationed at Killingbeck Division since 1998. Patrol officers dealt with whatever they came across but did not have the opportunity to get an overview of the whole situation. Licensing matters were now dealt with differently, and allowed WYP to look at the whole picture. Additionally in the past local residents were reluctant to get on board with WYP, however due to the marked increase in anti-social behaviour the local residents were now more willing to join with the police to instigate action.
- With regard to Mr Wells' comments regarding the suggested DPS, PC Dobson explained this arrangement would not satisfy WYP. The police had recently been notified of the intention to nominate Mr H Chhokar as the DPS. She had spoken to colleagues and their general view was that the replacement of Mr PS Chhokar by his son would be inappropriate as this would be a very strong father/son relationship. Mr Chhokar Snr would still be the PLH and would still exert influence on the running of the premises.

Mr Wells confirmed that Mr H Chhokar had submitted an application for a Personal Licence having passed all the relevant qualifications. WYP would have no grounds to oppose this application as he had no convictions. Once obtained Mr H Chhokar would make application to transfer the DPS into his own name. Mr Wells added that he occasionally helped out in the shop and had previously been a student and obtained a Masters Degree in Computing

Mr Wells went onto say that Mr PS Chhokar Snr wished to do all he could to promote the stated licensing objectives for the City. As it appeared that the "finger of blame" was being directed towards him, he wished to hand over the management of the premises to his son. The Committee expressed the view that this move could be regarded as an admission of guilt but Mr Wells refuted this by stating that there was no admission being made of any wrong doing.

Mr Wells then outlined several proposals offered by the PLH as follows:

Introduction of CCTV cameras - a proposal to place CCTV cameras in and around the premises so that images could be utilized by WYP if necessary, but this proposal had not been accepted by WYP. The Chair granted Mr Wells' request that WYP make comment on this

PC Dobson responded that it was normal practice for WYP to request CCTV provision at public houses and that images be saved to hard drive for a period of 31 days to allow WYP access if required. Normally, trained personnel would be asked to download evidence. With regard to these premises, WYP maintained a concern about who would have access to the



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images and how that person would deal with the material as there was continuing concern as to whether this PLH would co-operate with WYP in the future

Mr Wells confirmed that there was no CCTV system currently and referred to the photographs of the premises tabled at the meeting. He suggested there had been no need for CCTV previously, as this was clearly a small shop with a very small area for alcohol sales. He added that the conditions offered now would be carried forward and honoured by Mr H Chhokar Jnr in the future

Branded Carrier Bags – Mr Wells stated the intention to use branded carrier bags which would clearly identify the name and address of the shop. Again he stated that WYP had not agreed to this measure and the Chair asked for comment from WYP

PC Dobson responded that this was due to the attitude of the PLH in the past. Until notification of the Review, Mr Chhokar had made no attempt to make any changes despite numerous warnings. Whilst she acknowledged it had taken WYP some time to amass the resources to take action and to receive the involvement and support of local residents, Mr Chhokar had already received lots of visits from the police and made no offers then. In general his attitude had been that whatever happened outside his premises was nothing to do with him

Mr Wells referred to a statement submitted by Mrs Coombes and suggested the Committee should not lend weight to it as Mrs Coombes was not present to substantiate the contents.

Mr Wells stated the premises had operated as an off-licence since 1968, and under Mr Chhokars' management since 1984. This was a relatively small business and he again referred the Committee to the photographs. The store contained a wide range of items and was intended as a "top-up" shop for local residents to use in-between in their weekly supermarket visits. Alcohol was stocked in an area behind the counter and always had been. As it was a relatively small shop with relatively small sales of alcohol he questioned why it would attract such police attention. He reminded the Committee that the police had not taken any action previously. He suggested that the reasons for this had not fully been explained and suggested the explanation that a lack of police resources and lack of interest by local residents was to blame seemed incredible in view of the fact that the police now said this Review was resident led.

Mr Wells drew the Committee's attention to the petition tabled at the hearing on behalf of the PLH. He stated the petition had been signed by customers at the shop. The petition had been placed on the counter of the shop at his suggestion and was submitted to show the amount of support for Mr Chhokar from local residents. The petition had been displayed between 8th September until 3rd October 2006. He highlighted the signature of Mr F Rowland on the petition, whom he suggested was the same Mr F Rowland, caretaker of the school, who had submitted a statement contained within the submission of WYP

Mr Wells suggested WYP decision to seek a Review of the Premise Licence for this small shop was "overkill" and was not justified by the past history of the premises. He stated that no one challenged the fact that there were some youths who did by their actions cause distress to some of the local residents. He reminded the Committee however that their concern should be how to deal with this premises appropriately. He also reminded the Committee of the proposed measures offered by Mr Chhokar, and the fact that Mr Chhokar



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Snr intended to step down as DPS at the premises in favour of his son. He confirmed that Mr Chhokar Snr supported the offer of CCTV as he believed this would set the matter of under age sales of alcohol at his premises to rest. The offer of branded carrier bags would identify his store and therefore would clear up any confusion about who had bought alcohol from which store, they would also assist any future enforcement action undertaken in the locality.

Mr Wells in closing suggested WYP wanted to close the premises altogether, however Ms Sheedy's analyst report appeared to suggest that closure would only push trouble to another area. He then outlined action the Committee could choose to take in dealing with the Review. He stated he felt a revocation would be a step too far. Modification of the licence could be applicable to include conditions regarding CCTV provision and branded carrier bags however the Committee had no power to swap the DPS.

He therefore requested the Committee adjourn the Review Hearing for a period of 14 days to allow time for the Personal Licence for Mr H Chhokar to be issued. Once that was issued an application to change the DPS to Mr H Chhokar could be made. If WYP chose to object to that application, the Review could be adjourned again to another appropriate time.

Mr Wells concluded his submission by stating that this was a well supported establishment, and that to take action to close the premises would not solve the local problems, which appeared to be more significant than just the sale of alcohol to juveniles alone.

The Committee then sought clarification and made comment on several matters as follows:

- Area of alcohol sales – Mr Wells stated the premises was located within a parade of shops within the residential area and alcohol sales provided 25% of the business
- Petition – The Committee commented that the cause of the petition was not included on each page of the petition and that many of the signatories on the petition appeared to live at consecutive addresses, which would suggest the petition had been taken door to door. Mr Wells replied that that had not been his intention, nor had he received instruction from his client that this was the case
- Photographs – The Committee commented that although it was stated that alcohol was stored behind the counter, the photographs clearly showed bottles of alcohol contained within a fridge in an open section of the shop floor.
- Display of Notices – Mr Wells confirmed that the notices warning against the sale of alcohol to persons under the age of 18 had been on display at the premises on each occasion he had visited the premises. Indeed one appeared to be quite old due to its state of disrepair.

The Chair allowed further comment from the local residents at this point with regards to the validity of the petition. Mrs Paul confirmed that Mr H Chhokar Jnr had come to her house seeking her signature on the petition. She was aware he had visited other residents in her street, one of whom had said she had not really known what she was signing.

The Committee in reviewing the Licence considered the verbal and written evidence submitted before them from all parties. In considering this evidence, the Committee felt it first needed to establish if a problem existed at the premises. If the premises were operating in a manner which did not undermine the Licensing Objectives, then the Committee would conclude no problems existed at the premises.



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Specific Incidents

The Committee were satisfied with the evidence presented that alcohol had been sold to persons obviously under the age of 18. These incidents would undermine the licensing objectives adopted by the Licensing Authority in order to prevent crime and disorder, protect public safety; prevent incidents of public nuisance and crucially, to protect children from harm.

The Committee further concluded that action was needed to address this problem.

Decision

The Committee reviewed the Licence and had regard to all the representations, the Licensing Act and relevant Guidance.

The Committee noted the submissions from WYP and identified the following three areas of concern which had caused or contributed to problems at and around the premises:

- Sale of alcohol to persons under the age of 18 years
- Attitude of the current premises licence holder to the concerns of the police
- Unwillingness of the PLH holder to make changes to address those concerns

The Committee also had regard to the submissions of local residents who had witnessed the sales of alcohol to persons seen to be under the age of 18 years and who had been distressed by subsequent incidents of crime and disorder and public nuisance in the locality.

The Committee acknowledged the PLH had 22 years trade experience and noted the all measures proposed by Mr Wells. However given the weight of evidence and history of problems associated to the premises the Committee did not feel that these measures could adequately deal with the matters and they were not sufficient to address and uphold the four stated licensing objectives for the City.

The Committee therefore accepted the evidence of WYP and local residents with regard to under age sales and resolved to revoke the Premises Licence in respect of the Convenience Store

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the Sub Committee. You must make this appeal within 21 days of this letter reaching you.

Appeals should be addressed to the Magistrates Court at:
Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP

Appeals should be accompanied by a copy of this decision letter and the court fee of £75.00.

Yours Faithfully,

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**Helen Gray
Clerk to the Licensing Committee**

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