



Private & Confidential

[REDACTED]
Eri Red Sea Ltd
97 Roundhay Road
Leeds
LS8 5AJ

Elections and Regulatory Services

Entertainment Licensing
Civic Hall
Leeds LS1 1UR

Contact: Susan Duckworth
Tel: 0113 378 5029
Email: entertainment.licensing@leeds.gov.uk

By email: [REDACTED] and
[REDACTED]

28 August 2024

Eri Red Sea, 97 Roundhay Road, Leeds LS8 5AQ
Application to vary a premises licence under the Licensing Act 2003
Licensing Authority Letter of Representation

Thank you for submitting your application for a premises licence for the above premises.

The area in which the subject premises is located is a cumulative impact area. Specifically, your application falls within the cumulative impact area of Harehills as described in the Statement of Licensing Policy at paragraphs 7.29 to 7.31 which states:

- 7.29 The council has assessed crime statistics for the area known as Harehills and has determined that there is an area that is suffering from the cumulative impact of off-licensed premises and consequently this is leading to problems which are undermining the licensing objectives. Specifically the area around Harehills Road and Harehills Lane is particularly suffering from the cumulative impact of too many off licences. Maps showing the exact geographical area included in this area can be found in the cumulative impact assessment.
- 7.30 In this area the nature of the problems is alcohol related violent crime and nuisance being suffered by people living in this mainly residential area. More information on the evidence can be found in the cumulative impact assessment.
- 7.31 It would be inconsistent with the council's duty to promote the licensing objectives to grant new and variation application for any premises licence which seeks off sales and late night refreshment to operate during the peak hours described in the cumulative impact assessment for Harehills.

I refer you to the council's Cumulative Impact Assessment Harehills and Burmantofts 2024 for further information. This provides both crime data, and additional data on 21 relevant data sets. It also contains statements from residents and partners relating to the issues being experienced due to the cumulative effect of licensed premises in the area.



I refer you to 7.38 to 7.46 of the Policy which describes how applications for premises situated within a designated cumulative impact area for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused and it is for the applicant to demonstrate that their application would not add to the cumulative impact.

I also refer you to 7.45 of the Statement of Licensing Policy which describes examples of factors the licensing authority will not consider as meeting the standard of rebuttal include:

- That the premises will be well managed and run as all licensed premises should meet this standard.
- That the premises will be constructed to a high standard.
- That the applicant operates similar premises elsewhere, such as in another licensing authority area, without complaint.

Alcohol Licensing Data Matrix

In 2023 the Council updated the Alcohol Licensing Data Matrix. The data used in the Matrix has been updated and is based on areas known as MSOAs. A [MSOA](#) is a geographic area which represents a population of around 7200. By entering the postcode for the premises the matrix displays the ranking of this MSOA against certain data sets. This allows responsible authorities and the licensing authority to establish the problems being experienced in the MSOA. The Matrix also provides an overall ranking against all 107 MSOA areas in Leeds.

The matrix has rated the MSOA concerned (Harehills North – E02002377) as **medium**. It is ranked 25th highest out of 107 MSOAs for potential alcohol related harm.

Indicator	Category	Rank (1 is most harm)
Population aged 16 and under	Very High	2
Litter complaints	Very High	3
NEET (not in education or training)	Very High	4
Drunk and disorderly	Very High	7
Antisocial behaviour - alcohol related	High	12
Looked after children	High	13
Deprivation Score	High	15
Off licence premises	High	16
Not achieving English & Maths strong pass	High	20
Stroke emergency hospital admissions	High	21
Crime where alcohol flagged	Medium	26
Licensing risk score	Medium	33
Violent crime where alcohol flagged	Medium	34
Ambulance callouts related to alcohol	Medium	43
Alcohol related harm hospital stays	Medium	53
Alcohol specific emergency admissions	Low	62
Alcohol treatment, all episode counts	Low	72
On licence premises	Low	77
Alcohol Use Disorders Identification Test	Low	79
Noise complaints	Low	88
Alcoholic liver disease mortality rate	Low	90

These 21 data sets either demonstrate the vulnerability of children and adults who live in the area or are directly related to one of the four licensing objectives.

To explain what this means, the area in which your premises is located ranks very high for:

- Population aged 16 and under
- Children not in education, employment or training
- Drunk and disorderly crime
- Litter complaints reported to Environmental Health

This area ranks high for

- Alcohol related antisocial behaviour
- A high density of off licensed premises
- Deprivation
- Looked after children and children with lower educational attainment

As you can see this area is still suffering from alcohol related harm. In addition, it is an area where vulnerable children and families live and there is a lot of undesirable alcohol, related behaviour.

All this is confirmed by the anecdotal evidence provided by residents for the 2024 Cumulative Impact Assessment and the additional evidence provided by West Yorkshire Police, Leeds Antisocial Behaviour Team, and Safer Stronger Communities Team.

To provide some more context, in the Harehills and Burmantofts cumulative impact area, there are more than 21 premises which hold licences to sell alcohol for consumption off the premises within a ten-minute walk away.

I strongly suggest you read through the attached cumulative impact assessment and consider the data in all three MSOA areas that form part of the cumulative impact area. As this area is very densely populated, all three MSOAs are relevant to your application, and I will rely on this data in my representation to the licensing sub-committee.

The council holds a 6 weekly multiagency group where various agencies, including ward members, Entertainment Licensing, West Yorkshire Police (Neighbourhood Policing and Police Licensing), Touchstone, which provide outreach treatment services, Environmental Health and others to discuss the ongoing issues in the area. Those most reported are the issues related to street drinking, where large groups of people stand in the street to drink and socialise. These groups often display antisocial behaviour. We know from the outreach work, that people come from all over the city to Harehills to stand and drink in the street. The reason for this is the proliferation of small shops selling alcohol.

Specifically, in Harehills we are aware that it is not just dependent drinkers that drink in the street. For some who live in the area, the way they socialise is to stand in their own back streets, or between the terraced housing drinking with neighbours and friends. This way of socialising can be loud and disturbing for other neighbours and comes with a host of issues around littering and public urination.

As part of the review of the cumulative impact assessment, I recently requested that Leeds Antisocial Behaviour Team provide some more information with regards to this type of disorder. They advise the following:

“Street drinking is the number one issue raised when we meet with local residents, partners and ward members in this area. The problematic drinkers are attracted to the Harehills area by the ready availability of cheap alcohol. They gather in groups, shout and argue amongst themselves, litter alcoholic drinks cans, urinate and defecate in public, and cause occasional violence thus causing harassment, alarm and distress to other members of the community and raising the fear

of crime. Members of the public also report being intimidated and dissuaded from using local businesses as a result.

A number of efforts have been made by Leeds City Council, West Yorkshire Police and other partners to reduce the levels of street drinking and the associated nuisance and disorder in Harehills, including:

- *A Public Spaces Protection Order – PSPO.*
- *A Premises Closure Order limiting the public consumption of alcohol.*
- *Anti-Social Behaviour Injunctions for individuals.*
- *Outreach projects to address underlying alcohol addiction issues.*
- *Work to educate off-licences and distribute literature encouraging responsible sales of alcohol.*
- *Multi-agency operations targeting the untaxed sale of alcohol in the area.*

These measures require significant public resource, one example would be an injunction we obtained against JJ for his persistent anti-social behaviour in and around the Nowells and Cliftons area of Harehills and very close to this shop, an injunction he breached many times and was given many last chances by the courts who insisted he needed treatment away from alcohol rather than punishment, however when he appeared in court again for breaching his injunction a further 13 times the court were less tolerant and he was sentenced to 10 weeks in prison. As a result of this and his behaviours he was also evicted from his house by his landlord and will be homeless upon his release. He and the other people in the area who are vulnerable to the lure of the plentiful supply of cheap alcohol do not need that access and availability to be increased. The cost of the legal action taken to prosecute the breaches of the injunction ran into thousands of pounds of public money.

In addition across Harehills including the Nowells and Cliftons area, there are large extended migrant families and networks of friends from their home country. Culturally they drink and socialise in large groups, often late at night with music playing. An off shoot of this, which we also get complaints about, is that whilst this is going on children are left to play out in the street unsupervised at very young ages until very late at night. We have received complaints for the last 4 summers and we have tried to tackle it through education with targeted interventions concentrating primarily on the child safeguarding aspect with the Police, the Out of Hours Noise Team and Leeds Anti-Social Behaviour Team to deal with the complains around the excessive drinking and the noise.”

Your Application

Your application is to vary your current premises licence to extend the hours to sell alcohol from Monday to Friday 17:30 to 20:30, and Saturday/Sunday 09:00 to 20:30 to Monday to Thursday 07:00 to 03:00 and Friday to Sunday 07:00 to 05:00.

This is an extraordinary request given the problems being experienced in Harehills, that do not appear to be abating despite the revocation of several licences in the past year.

I refer you to the Decision Notice from the grant of the licence last year. In the Decision, the Licensing Subcommittee considered your premises location and the proximity to the Archway Resource Centre. Archway provides a range of services for young people aged 16 to 25 years. These include counselling, drop-in services, support and advice in a crisis and support into employment, education and training. In its decision the Committee was concerned by the immediate proximity to the Archway Resource Centre and the potential harmful effects on young people attending the centre. Your own representative suggested reducing the hours during which alcohol could be sold, and although not a unanimous decision, the Committee did accept that to reduce the hours during the week to early evening could be a solution.

Your application is now to extend those hours so that you would be offering alcohol for sale from the early morning, right through to the early hours of the next morning, seven days a week. You do not offer any mitigation, other than you have operated for a year without complaint. You do not show how your proposal (to sell alcohol 20-22 hours a day) would not encourage dependent drinkers from gathering near your premises, not add to the alcohol related antisocial behaviour, or protect those vulnerable children and families who live in the area and who may be using the Archway Resource Centre next door.

The issues in this area relate to people drinking and urinating in the street, and the associated antisocial behaviour. People purchase their alcohol from premises such as yours. Many of them purchase alcohol at the same time as food and other goods, and so are hard to identify. They purchase their alcohol at all times of the day. They are not concerned about what type of alcohol they buy and have been found with all types of alcohol including low and high strength beer, lager and cider as well as spirits such as vodka. It is for this very reason, along with the density of other licensed premises within a short walk away, that this area was designated as suffering from the cumulative impact of off licences.

This area has a history of a reluctance to report crime, and yet is still ranked high and very highly for antisocial behaviour, litter and drunk and disorderly behaviour. Even if your premises is not directly attributed to this crime, serving alcohol throughout the night will not promote the prevention of public nuisance or crime and disorder.

Every application is considered on its own merits, whether it is in a cumulative impact area or not. The fact that this premises is in a cumulative impact area places the onus on you, as the applicant, to demonstrate to the licensing authority how your premises would not add to the problems being experienced here.

I have carefully considered your application, as applied for, and cannot see where you have addressed the issues. In fact, you have not addressed the cumulative impact at all. The fact that you have applied for a 20-22 hour licence shows that you have no regard for your neighbours, or the people of Harehills, and that you are simply seeking to make a profit.

Conclusion

Bearing in mind the severity of the problems being experienced in the area, with this area suffering from issues with people drinking on the street and causing disorder and anti-social behaviour issues, the Licensing Authority is of the opinion that your application does not contain sufficient information about how granting your licence would not add to the impact already being experienced in the area.

Therefore, the licensing authority submits a formal representation to your application on the grounds of the prevention of crime and disorder, public safety, public nuisance and the protection of children from harm and will recommend to the licensing sub-committee that this application is refused.

Should you have any questions, please contact us.

Yours faithfully



Susan Duckworth
Principal Licensing Officer
Entertainment Licensing

Notice of Decision

of the Licensing Sub Committee



Date of Hearing:	18th April 2023
Determination Date:	18th April 2023
Notice of Decision:	25th May 2023
Members:	Councillor James Gibson (Chair) Councillor Sharon Hamilton Councillor Ryk Downes
Legal Officer:	Robert Brown (Principal Legal Officer)
Committee Clerk:	Toby Russell (Governance Officer)
Licensing Officer:	Matthew Nelson (Principal Licensing Officer)
Applicant:	Eri Red Sea Ltd
Premises:	Eri Red Sea, 97 Roundhay Road, Leeds, LS8 5AQ
Application:	Grant of a Premises Licence
Attendees:	James Rankin (Counsel for the Applicant) Samson Ukubamicael (Applicant's Director) Councillor Salma Arif (Local Ward Councillor) P.C. Andrew Clifford (West Yorkshire Police Licensing) P.C. Hayward (West Yorkshire Police) Susan Duckworth (Principal Licensing Officer, Entertainment Licensing) Chetna Patel (Advanced Health Improvement Specialist, Adults & Health, Leeds City Council) Amelia Slezac (Advanced Health Improvement Specialist, Adults & Health, Leeds City Council)

This application was brought before the Licensing Sub Committee due to the receipt of relevant representations

The Licensing Sub Committee considered:

1. Report from the Chief Officer Elections and Regulatory
2. Licensing Act 2003
3. Guidance issued by the Home Office pursuant to Section 182 of the Act
4. Relevant licensing objectives
5. Licensing Act 2003 Statement of Licensing Policy 2023 – 2027
6. Representations received from responsible authorities
7. Representations received from other persons.

Having taken all these matters into account the Licensing Sub Committee have agreed to **grant** the application in line with the copy of the licence attached at Appendix 2.

We would draw your attention to the following sections on the enclosed licence:

Page 1 and 2 detail the activities and hours of operation.

Annex 1 contains the mandatory conditions and embedded restrictions.

Annex 2 contains the conditions consistent with the operating schedule.

Annex 3 details of conditions attached after a hearing by the Licensing Authority.

The reason for this decision is as follows:

Members of the Council's Licensing Sub Committee considered an application for the grant of a premises licence made by Eri Red Sea Ltd, for Eri Red Sea, 97 Roundhay Road, Leeds, LS8 5AQ.

The Committee had read the contents of the document pack in advance of the hearing.

At the start of the hearing, the Legal Officer explained the procedure that would be followed. All parties present indicated that they were content with a 20-minute time limit for their presentations. The Licensing Officer summarised the Report.

Mr Rankin addressed the Committee on behalf of the Applicant's Director, Mr Ukubamicael. He said that Mr Ukubamicael is a devout Christian and has a Degree in Theology from a Yorkshire college. From the profits of the business he sends money to his elderly parents. Mr Rankin said the shop supplies everything that one could need. He said that 95% of the customers are local, most traveling to the premises on foot and Mr Ukubamicael knows most of his customers by name. Mr Rankin said that over the years Mr Ukubamicael has been asked for alcohol and he said that alcohol sales would be a small but significant part of the offer. The business has been faced with rising rates and other costs.

Mr Rankin said it was wrong to suggest that granting a new licence would lead to people descending upon Harehills. He said that if customer's want to buy a bottle of wine they have to leave Mr Ukubamicael's shop. There are, he said, two other licensed shops but these are five minutes away. He added that this shop is not within an area saturated with licensed premises; Eri Red Sea's shop sits by itself in terms of licensed premises, other than a few restaurants. He said that there are the usual types of high street business nearby - a barber's shop, for example - but no other off licensed premises. He referred to what he said were the two closest licensed premises, but said that there are no other off licences within the immediate vicinity. Mr Rankin said he accepted that there are issues in Harehills Road and Harehills Lane, including problems of street drinking, but he said there are no such issues where the Applicant's shop is located and it sits very much by itself, other than a licensed restaurant. He said that the closest licensed shops are Roundhay Convenience Store and The Corner Shop, there being no other off licences in the immediate vicinity.

Mr Rankin said that he acknowledged that there are issues of street drinking in Harehills Road and in Harehills Lane where there are many off-sales licensed premises, but submitted that the subject premises is in a different locality to that. He said that while the cumulative impact policy was introduced in 2018 it was only extended to encompass Roundhay Road in January 2023.

Mr Rankin reminded the Committee that the introduction of cumulative impact areas was not intended to bring down an iron curtain; he referred to the judgment of District Judge Anderson in the Brewdog case and said that this dicta was recognised in paragraph 7.42 of the Council's Statement of Licensing Policy. He also reminded the Committee that it can depart from the Policy in deserving cases, and submitted that this was such a case. he also referred to paragraph 7.44 of the Policy and said that these premises fell within that category. He said that it was open to the Committee to reduce the hours even further if necessary and he said the terminal hour for sales of alcohol could be 8.30pm, which he said he was putting forward for the Committee's consideration. He added that the shop would not be alcohol led and would be operating primarily within the daytime economy.

Mr Rankin referred the hearing to the conditions offered by the Applicant, including that "No more than 25% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol." He added that this could be reduced if the Committee considered it appropriate. With reference to the offered measures, he suggested that no such restrictions apply to a number of other licensed premises in the area.

The Applicant had, Mr Rankin said, sought to engage with the Responsible Authorities but had "hit a bit of a brick wall" and he suggested the Responsible Authorities were "wedded to" the Cumulative Impact Policy. He then added that the Authorities appeared to prefer to leave applications in the Cumulative Impact Area for the licensing sub-committee to determine.

Mr Rankin started to read aloud from a document that had not been included in the agenda pack or any supplementary information. The Committee said that it would take into account the fact that there was no representation from Environmental Health.

Mr Rankin said that there had been a reduction in reported crime in the area in which the Applicant's shop is located and that if the application was granted it would not represent an increase in the number of premises licences when compared with the number when the Cumulative Impact Policy was brought in. He said that if there are issues in the area, then the solution is for enforcement action to be taken against those premises that are selling alcohol to people who are already intoxicated or who are selling high strength alcohol. He reminded the Committee that it must examine each application on its merits.

In response to questions from the Committee regarding proposed condition 6, the Applicant estimated that in terms of percentage of the shop area would mean that 20% would equate to two or three shelves.

Asked why the Applicant felt the need to sell alcohol from 9.00am if most of his customers were buying items like bread and milk, Mr Rankin said that that is when those customers are doing their shopping, and just because a customer buys alcohol at 9.00am does not mean they will be consuming it at 9.00am. He said that it was up to the Committee to decide whether or not a later start would be appropriate, but asserted that this was not an area where street drinking was an issue.

Councillor Arif addressed the Committee. She said that Harehills is not a terrible area but it is densely populated and she said that residents have experienced the negative sides of a saturation of alcohol outlets so close to their homes.

Councillor Arif told the hearing that the premises is very close to the Archway Centre, which is used by GIPSIL to provide support and services to young people aged 16 to 25 and there would be a negative impact on those people having to potentially pass groups of drinkers who may congregate outside the premises if the application were granted. She said that the shop is also close to the Dixon Academy, St Aidan's Church and a local mosque.

Councillor Arif also said that the Outreach programme had been extended in the Harehills area, there are high rates of domestic violence in which alcohol can be a contributory factor, there are problems of littering to the side and rear of the premises. She said that while there are issues in Harehills Road, there are also problems on Roundhay Road and she said that some people consider this a No Go area. She said she has been told that nurses feel intimidated on their way to work at the hospital. She disagreed that this would be an isolated licensed premises and disputed the suggestion that violent crime was falling and said that there had had to be an increased police presence.

P.C. Clifford addressed the hearing. He said that there was a cumulative impact policy for a good reason. He said there are some 29 licensed premises in a mainly residential area. He referred to alcohol-related crime and anti-social behaviour and a generally bad atmosphere. He said that it was telling that there are so many new applications for licences in an area which is already saturated with off licences.

P.C. Clifford said that street drinking starts early. He said that 25% of floor space was in his view a significant percentage to be devoted to alcohol products.

He said much of the reduction in crime could be attributable to the side effects of the Covid Pandemic. He said that it is not the case that restricting alcohol sales to wines and spirits and lower strength beers and lagers will take it out of the reach of street drinkers, who he said drink to get drunk because they are alcohol dependent. He said that Harehills is a destination for street drinkers.

In response to questions from the Committee, P.C. Clifford said that he believed the crime figures had reduced due to the lockdowns, etc. during the pandemic. He said that the sort of issues from

street drinking are swearing, fighting, littering and general nuisance. Asked whether he could comment on whether the crime figures are higher than in 2016/2017, P.C. Clifford said that some people may suffer in silence. The Committee said that it has to rely on the reported statistics. Mr Rankin agreed that the Committee should not speculate on the causes of any reduction, but reiterated that there is a backdrop of falling crime he added that while it cannot be said that the reason for the reduction is Covid, he was not suggesting it cannot be taken into account.

Mrs Duckworth addressed the Committee. With reference to the crime statistics, she said that the cumulative impact assessment shows a rise and fall in crime figures.

She referred the hearing to the Council's Statement of Licensing Policy - in particular the factors not to be taken into account when considering whether an Applicant has discharged the burden of showing that granting the application will not add to the cumulative impact.

Mrs Duckworth also referred to the other conditions offered - including the restriction on alcohol strength - and said that many street drinkers have to drink to avoid withdrawal effects, whatever the time of day. She referred the Committee to her written representation.

Addressing Mr Rankin's comments on the Brewdog case, Mrs Duckworth said that the decision was from 2012 and the Cumulative Impact Assessment has been reviewed three times since then. She said that the Policy did not impose an "iron curtain" and she referred to paragraphs 7.42 and 7.43 of the Policy. She added that the application District Judge Anderson decided was very different to that which had been considered by the licensing sub-committee.

Ms Patel addressed the Committee. She said that the premises is not isolated, there being some 29 off licensed premises in the cumulative impact area. She took the Committee through her representation, focusing on the numbers of vulnerable children, poverty, domestic violence and struggling parents. She said that while alcohol does not cause domestic abuse it can contribute to irritability and other negative feelings.

Ms Slezac also spoke in support of Ms Patel's representation, highlighting what she said were the potential impacts for patients and staff at St James' Hospital, which she said is a leading hospital for hepatology.

The Committee asked the Applicant why he wanted to sell alcohol. Mr Ukubamicael said that initially he had not intended to sell alcohol. He said he had had the shop for three years and had tried to avoid having to sell alcohol, partly on moral grounds. He said that eventually he had come to the conclusion that he could not manage without a licence. He said he needed to cater for all of his customers. He said that he now stocks halal products for his Muslim customers. He said that he is part of the community and having an alcohol licence would not mean that he was regardless of the community.

Mr Rankin addressed the Committee again. He said that it is hard not to be sympathetic to Mr Ukubamicael. He said that he is seeking modest hours for the sale of alcohol - only until 8.30pm - and would be happy with a slightly later start for sales.

Mr Rankin submitted that granting the licence would not increase the negative impact. He said that the premises is not on an island, but he referred to the map and said there are no other off licensed premises nearby. On the other hand, he submitted that refusing the application would not alter street drinking. He said that a culture of street drinking exists and he did not doubt that issues exist as a consequence. He questioned how granting the application would alter the issues of domestic violence and vulnerable children. He said that granting the application would not be increasing the overall numbers as there had been three licences surrendered.

Mr Rankin repeated that the application is against a backdrop of falling crime. He said that without the conditions being offered, he would have a difficulty. But this was, he said, within the exceptions under paragraph 7.44; a small premises, operating before midnight and not being alcohol-led. He said that if West Yorkshire Police have an issue with street drinking they should take action to address it; he referred to the power of review.

The Committee took time to deliberate.

Decision

The Licensing Sub-Committee resolved to grant the application, subject to the incorporation of the conditions proposed under Appendix B of the Public Agenda Pack (the percentage figure of 15% being substituted for the figure of 25% under proposed condition 6) together with the following modifications of the operating schedule and additional conditions:

The Sale by retail of alcohol (for consumption off the premises) shall be permitted to take place:

- Monday to Friday 17:30 to 20:30 hours
- Saturday and Sunday 09:00 to 20:30 hours

1. The name of the premises shall not contain any reference to alcohol.
2. There shall be no advertisement of alcohol products external to the premises and no externally-facing internal window displays of alcohol products.

In reaching its decision, the Committee considered and took into account the contents of, and documentation appended to, the Report of the Head of Elections, Licensing and Regulatory, including the written representations opposing the application. The 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, in particular the cumulative impact policy. The Committee also considered the oral representations, contributions and explanations from Mr Rankin on behalf of Mr Ukubamicael, from Mr Ukubamicael himself and from the representatives of the responsible authorities at the hearing.

The Committee considered the application in the context of the cumulative impact policy, but was mindful that such a policy is not an "iron curtain" precluding any new licences, as such an approach can prevent new and innovative operators from raising standards in an area rather than adding to an existing problem.

The Committee considered that granting the application as applied for would not be consistent with the Council's duty to promote the licencing objectives in this specific area. The Committee considered that the Applicant had not demonstrated that granting the application in that form would not add to the cumulative impact of off-licenced premises in the area. Indeed, taking into account the Applicant's own case, there seemed to be a real risk that an area hitherto lacking in off licences might become more appealing to street drinkers and the focus of their unwelcome and problematic activities extended to this specific location.

Neither could it be said that the proposal represented a new or innovative approach or one that might raise standards in the area. The Committee considered that there was a significant risk that street drinkers would congregate in the immediate vicinity of the premises. The fact that the premises are situated away from other off licensed premises would not, in the Committee's considered view, necessarily mean that street drinkers would not be drawn to the shop. On the contrary, the apparent lack of alternative alcohol retail outlets in that area arguably increased the likelihood. With regard to the licensing objectives - in particular the protection of children from harm - the Committee was concerned by the immediate proximity of the premises to the Archway Resource Centre and the potentially harmful effects (including normalisation of street drinking) on young people attending the Archway Centre during the week, notably as children and young people arrived at the Centre and again when they left. That was not, however, a risk that appeared to apply at weekends.

Mr Rankin had raised the possibility of the Committee reducing the hours for the licensable activity. Rather than refusing the application outright, the majority of the Committee considered that the licensing objectives could still be maintained by amending the hours during which alcohol sales would be permitted on Mondays to Fridays. This would address the concerns regarding the proximity of the premises to the Archway Centre and its position on a major route used by students attending local schools. Despite initial misgivings based on the cumulative impact concerns, the majority of the Committee considered that granting the application as altered and with the incorporation of the conditions offered and imposed was, in all the circumstances, reasonable, proportionate and appropriate in this case.

The Chair dissented in part from the majority decision in that he would not have approved the sale of alcohol on Mondays to Fridays because of the proximity of the premises to the Archway Centre. However, the decision of the majority carried the resolution as set out above.

Whether an application to vary the hours might be justified at some point in the future would of course depend on the evidence at the time and was not a matter for the Committee considering this application in light of the representations, evidence and information available to it.

The Committee did consider whether it would be appropriate and proportionate to require that alcoholic products be covered up or otherwise removed from view at all times that their sale was not permitted during the hours that the premises were open to the public. The Committee concluded that as the sale of such products would of course be unlawful when not permitted under the licensing regime, how compliance with the law was ensured would be a practical matter for the premises licence holder and the designated premises supervisor to address. It might be that the premises will want to consider such steps or, for example, to put up prominent signage near to alcohol on display stating the authorised hours for the sale by retail of alcohol.

Right of Appeal

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 receiving this notice.

Appeals should be addressed to the Magistrates Court at:

**Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP**

and be accompanied by a copy of this notice of decision and the court fee of £75. Cheques should be made payable to HMCS.

Please note that the Magistrates have the power to award costs against any party as a result of appeal proceedings.