

final

The Sub Committee permitted each party 10 minutes in which to make their case. This time limit was imposed having regard to the relevant Regulations and in the interests of consistency and the efficiency of business.

The Sub Committee then went on to consider the application.

The Hearing

The Sub Committee considered the verbal submissions of the applicant Mr Patel, which addressed the application and the comments of the interested parties.

In determining the application the Sub Committee took into account written submissions from the above responsible authorities contained within the report and the Notices of Hearing. These had been circulated to the Parties prior to the hearing.

After considering the evidence and submissions the Sub Committee needed to satisfy itself that granting the licence would promote the licensing objectives.

In reaching this decision the Sub Committee had regard to the provisions of the Licensing Act 2003, guidance under Section 182 of that Act and the Council's own Licensing Policy.

In particular the Sub Committee took into account Sections 34 & 35 of the Act because these were the most relevant to the application and Chapter 7 of the Guidance relating to the prevention of crime and disorder, public nuisance and public safety

The Sub Committee then went on to consider the following paragraphs of the Licensing Policy as the Sub Committee took the view these paragraphs had bearing on the application.

11:05 to 11:10	Crime & Disorder
11:11 to 11:22	Public Safety
11:23 to 11:28	Public Nuisance

Reasons for the decision

The Sub Committee began by considering the verbal representations made by Mr Patel in support of the application. Members heard that the Fire Authority had visited Mr Patel at the premises in advance of the hearing and agreement had been reached on the following suggested conditions:

- To protect the route of exit the undermentioned door should be self-closing and when fitted in its frame be capable of meeting the performance requirements for a FD30S door – i.e. a fire door assembly which would satisfy the integrity criterion for 30 minutes if tested in accordance with BS EN 1634-1:2000 (or the British Standard currently in force when the door was made) and restrict the passage of smoke at ambient temperature to a leakage rate not exceeding 3m³/m/hour (head and jambs only) when tested at 25 Pa under BS 476:section 31.1

Position: Storeroom door.

- Emergency lighting by electricity, supplied from a separate source of supply to that of the general lighting, should be provided in the undermentioned areas, including passages, corridors, ramps and staircases leading thereto and therefrom. The emergency lighting provided should be such that when in operation the illumination given off is sufficient to enable persons to see their way out without the aid of the

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general lighting and also to illuminate all exit notices provided. The emergency lighting should operate not only on a complete failure of the normal lighting but also in the event of a sub circuit or local failure such as would be caused by the rupturing of a local distribution fuse. The following British Standards, i.e. BS 5266- Part 1: 1999, and BS 5266- Part 7: 1999 detail the acceptable standard and their application.

Areas to be covered: Throughout the sales area / storeroom.

- Illuminated fire exit sign boxes lit by both primary and emergency lighting should be provided in the undermentioned positions. Illuminated boxes incorporating graphic fire exit symbols, e.g. man moving through open door, should have white symbols on a green background. The size of the exit boxes should be appropriate for the maximum viewing distances involved.

Positions: Above entrance / exit door.

- For the protection of the premises provide the following number of 13A rated water extinguishers in the positions shown below. Each extinguisher should be fixed to a wall bracket so that the carrying handle is about 1m above floor level.

Total number of extinguishers: Three

- Positions: a.) Behind the counter
b.) Behind Post Office counter
c.) Storeroom.

These conditions would be included in the applicant's Operating Schedule, and eventually the licence, should the application be granted.

The Sub Committee noted this agreement. Mr Patel then went on to address the concerns raised by local residents in their letters of objection. Members heard that there had been an off-licence at no. 37 Ramshead Hill previously but the licence had lapsed due to the death of the previous owner. Mr Patel explained that he had purchased the Post Office ten years ago and had recently taken over the entire premises, including the former off-licence, and had made the application to allow the shop to sell alcohol again.

Mr Patel informed Members that his members of staff had worked at the shop for many years and were experienced and well-known in the community. The majority of local people wanted the off-licence to operate again for their convenience, Mr Patel continued. As the only shop on the parade, Mr Patel refuted allegations that the premises caused noise nuisance for local residents. Mr Patel concluded his submissions by urging the Sub Committee to grant the licence for the premises, as it had operated as an off-licence in the past with no reported problems.

The decision

The Sub Committee had regard to the written submissions made by local residents opposed to the application. Members also carefully considered the representations made by the applicant in support of the application. The Sub Committee noted that the premises had previously held a licence to operate as an off-licence. It was also noted that agreement had been reached with the Fire Service regarding their suggested conditions. Given that the premises had previously operated as an off-licence the Sub Committee resolved to grant the following amended hours:

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Monday to Sunday

07:30 hours until 22:30 hours

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

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

Yours faithfully,

Hannah Bailey

Clerk to the Licensing Sub Committee

Appendix A

Mrs Kitchen

C Marx