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1st March 2007

APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT COSTCUTTERS STORE, 49 CARDINAL ROAD, BEESTON, LEEDS, LS11 8EY

On 22nd January 2007 the Licensing Sub Committee heard an application by Azaan and Sons Ltd, 11 Hill Top Grove, Allerton, Bradford, BD15 7LF for the grant of a premises licence at the above premises.

The applicant sought the following:

Supply of alcohol (for consumption off the premises:)

Monday to Sunday 07:00 hours until 22:00 hours

Recorded music:

Monday to Sunday 06:00 hours until 22:00 hours

Hours premises to be open to the public:

Monday to Sunday 06:00 hours until 22:00 hours

This letter represents the formal decision of the Sub Committee in respect of the application.

Preliminary Procedural Issues

The Sub Committee considered preliminary matters of a purely procedural nature. There were no declarations of interest made.

The Sub Committee then decided that the procedure for the hearing would not be varied. The Sub Committee also considered if the public should be excluded from any parts of the hearing.



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The Sub Committee decided to exclude the public from that part of the hearing where Members would deliberate on the application as 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 Sub Committee had considered the Licensing Officers Report and the written representations received from local residents opposed to the application (listed in Appendix A) along with a petition from local residents in support of the application.

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.

Prior to commencement of the hearing, the Legal Advisor clarified several points with the applicant's solicitor, Mr Burman. Members heard that the application for recorded music at the premises had now been withdrawn and that the application itself was for Unit 1 at 49 Cardinal Road only. The Sub Committee noted these revisions to the application.

The Sub Committee then went on to consider the application.

The Hearing

The Sub Committee considered the verbal submissions of the applicant's solicitor, Mr Burman, 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 following parties attended the hearing:

Mr C Burman, solicitor representing the applicant;

Mr S G Shaik, the applicant;

Mr Nowland and Mr Day, local residents in support of the application;

Mr M Matharu, local resident and proprietor of a nearby off-licence;

Mrs Whetstone, Mrs Prudhoe and Mrs Crowther, local residents opposed to the application.

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The Sub Committee noted that the following agreement had been reached between the applicant and West Yorkshire Police regarding their suggested conditions:

- Operate an effective CCTV system to be maintained in accordance with guidelines issued by West Yorkshire Police;
- Adopt the Check 21 proof of age scheme in accordance with guidance issued by West Yorkshire Police.

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

The Sub Committee began by considering the verbal representations made by Mr Matharu, a local resident opposed to the application. Mr Matharu began by explaining that he was the proprietor of a nearby off-licence which had been established for twenty years. Mr Matharu questioned what benefit another off-licence would have on the area, particularly given the problems that the area suffered with underage drinking. The Sub Committee heard that as Mr Matharu had lived in the area for a number of years, he knew many local residents and young people and was therefore able to identify youths who were under the age of 18 and ensure that they were not served alcohol. Mr Matharu concluded his submissions by stating that the area did not need another retailer to supply alcohol as this would create competition and lead to cheaper alcohol potentially being available to young people.

Mrs Crowther was then permitted to address the Sub Committee to voice her objections. Members heard that Mrs Crowther was a youth worker in the area and had experienced the problems caused by underage drinking first-hand. Under 18's were able to get hold of alcohol by asking over 18's to purchase drinks for them, which were then consumed on the streets. This in turn led to violence, intimidation and broken glass and vomit in the streets. Mrs Crowther explained that although the community was close-knit, tackling the problems caused by alcohol abuse was not easy. To allow another retailer to sell alcohol would simply exacerbate these problems. Mrs Crowther therefore urged the Sub Committee to refuse the application for the sake of the local community and its young people.

The Sub Committee then heard verbal representation from Mrs Whetstone who was also opposed to the application. Members heard that Mrs Whetstone worked with elderly people in the area and was aware of the level of intimidation local people were subjected to as a result of youths drinking and loitering on the streets. Mrs Whetstone informed the Sub Committee that many elderly people did not venture out of their homes after 3:00 pm due to the problems in the area. She too urged the Sub Committee to reject the application.

Mr Burman, the applicant's solicitor then addressed the Sub Committee in support of the application. Mr Burman began by explaining that the application was to allow the sale of alcohol from a convenience store, where alcohol would make up around 20% of the total stock and be stored behind the counter. The premises would not be operated solely as an off-licence and would stock a full range of food and household products for the benefit of the local area. Members heard that it was the applicant's intention to provide between seven and nine CCTV cameras on the premises, some of which would cover the area outside the shop to prevent youths from congregating.

Mr Burman acknowledged that there was great local concern at the application. However he pointed out to Members that several of the letters of objection were actually pre-written standard objections that had been signed. It was reported that four individuals had now withdrawn their objections on the basis that the premises were not solely an off-licence.

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Members heard that Mr Shaikh, the applicant, had experience of running a convenience store in Scotland, was a Personal Licence holder and the proposed DPS for the premises. Underage drinking was a problem currently affecting the whole country, Mr Burman continued, and whilst unfortunate, the problems the area should not be used as a reason to prevent Mr Shaikh from operating a legitimate business. Rather than refuse the application, Mr Burman suggested that conditions be added to address local residents concerns.

Turning to address the petition compiled in support of the application, Mr Burman informed Members that this had been placed in the local hairdressers and individuals had chosen to sign it, it had not been taken around the streets. There were no other convenience stores in the vicinity Mr Burman continued, and as a lot of local residents did not own cars Mr Shaikh would be providing a much needed local service. The Licensing Act did not permit Members to take commercial considerations into account, Mr Burman reminded the Sub Committee.

To conclude his submissions, Mr Burman outlined the steps Mr Shaikh was willing to take to address the concerns of local residents in respect of the application. These included provision of CCTV, the Check 21 system, security shutters, a panic button located behind the counter and the use of a refusal log. Given these assurances and the agreements made with the Police with regard to the application, Mr Burman urged the Sub Committee to grant the licence as requested.

The decision

The Sub Committee had regard to the written submissions made by local residents opposed to the application and the petition submitted by those in favour of the application. Members also considered the verbal representations made by all interested parties at the hearing.

The Sub Committee judged the application against the four licensing objectives. In respect of the prevention of crime and disorder it was noted that the Police had not objected on these grounds although certain measures had been agreed which were to be incorporated into the operating schedule. It was not considered that the premises would add to the levels of crime and disorder which exist at present. Measures had been identified by the Police in respect of public safety and it was noted by Members that the Fire Authority had not made any objection. There were to be CCTV cameras fitted and the Check 21 scheme adopted. It was considered that this would serve to prevent any increase in public nuisance. It was again noted that the Police made no representation in respect of public nuisance. The Check 21 scheme was to be adopted to protect children under 18 from obtaining alcohol.

In light of these considerations, the premises licence is granted as requested for the supply of alcohol (for consumption off the premises) to take place at Unit 1, 49 Cardinal Road, Beeston, Leeds 11 subject to the following conditions:

1. There are to be at least 7 internal CCTV cameras and 2 external cameras with full recording facilities, to be approved by West Yorkshire Police;
2. The Designated Premises Supervisor is to work with the residents groups and youth service in the area.

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:

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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

Residents opposed to the application

M Matharu
J & H Whetstone
S Evans
Y Crowther
T Walker
A Regan
M Burton
J Jones
M Parnell
S Page
M McPherson
J Mitchell
L Kirkpatrick
C Gosney
C Porter
J Hunter
Resident of 33 Cardinal Avenue
Resident of 58 Cardinal Road
Resident of 32 Waincliffe Place
Resident of 55 Waincliffe Place
Resident of 37 Waincliffe Place
Resident of 38 Cardinal Grove

Residents in support of the application

C Morley
76 signatories to a petition