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22<sup>nd</sup> February 2007

**APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT STOP PRESS NEWSAGENTS, 2 STATION ROAD, CROSSGATES, LEEDS, LS15 7JX**

On 22<sup>nd</sup> January 2007 the Licensing Sub Committee heard an application by Mrs Kuldip Lali, 2 Station Road, Crossgates, Leeds, LS15 7JX 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                      05:00 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.

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.



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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 (Mr and Mrs Blenkhorn, Mr Singh and one further objector who wished to remain anonymous.)

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's accountant, Mr Choudry, 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 Choudry, representing the applicant

Mrs Lali, the applicant

Mr Singh, local resident and owner of Drinks Plus, 20 Station Road, Crossgates, Leeds 15

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

- Every on-duty manager will adopt the Check 21 or a similar proof of age scheme, but only one which is recognised by West Yorkshire Police;
- The Licensee and staff will ask for proof of age from any person appearing to be under the age of 21 who attempts to purchase alcohol at the premises;
- A CCTV system will be installed, operated and maintained to standards acceptable to West Yorkshire Police to cover both the inside and outside of the licensed premises;

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and any consultation on the installation, operation and maintenance of such a system will take place with the local crime prevention officer employed by West Yorkshire Police;

- Security footage will be made secure and retained for a period of time to the satisfaction of WYP.

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 Singh, objecting to the application. Mr Singh explained that there were already a number of off-licences in the area and to grant any more would compromise public safety. As the proprietor at Drinks Plus Mr Singh informed Members that he sometimes had a problem with youths hanging around outside the shop, intimidating customers. Referring to the original Police objection to the application, Mr Singh was informed that this had now been withdrawn following agreement with the applicant. Concluding his submissions, Mr Singh urged the Sub Committee to refuse the application as it would cause problems in the area.

The Chair informed Mr Singh that under the provisions of the 2003 Licensing Act the Sub Committee were not able to take commercial considerations into account.

Mrs Lali, the applicant, then addressed the Sub Committee in support of the application. Members heard that the newsagents had operated from the premises for the past forty years however the business now needed to expand and sell more products, hence the need for this application. Mrs Lali explained that the shop was a part of the community, and she herself knew many of the customers, both old and young.

Referring to the points raised in the letters of objection, Mrs Lali informed the Sub Committee that 5:00 am was the current opening time of the shop and the application had been tailored to match this. However Mrs Lali was willing to amend the hours if necessary. Mr Choudry also addressed Members, stating that steps had been taken to address the objections raised, including installing CCTV and litter bins outside the premises. However the shop did not currently have a problem with congregating youths, Mr Choudry concluded.

### **The decision**

The Sub Committee had regard to the written submissions made by local residents opposed to the application and the verbal representations made by Mr Singh at the hearing. Members also carefully considered the representations made by the applicant in support of the application. The Sub Committee felt that the applicant was an experienced retailer who was seeking to stock a wider range of products for the benefit of customers. However, Members did share the concerns of some local residents regarding the start time for the sale of alcohol. Therefore it was agreed to grant the licence for the following amended hours:

#### **Supply of alcohol (for consumption off the premises:)**

Monday to Sunday                      10:00 hours until 22:00 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:

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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**