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**WEST YORKSHIRE  
POLICE**

*Leeds District Licensing Department*

**Licensing Department**

Millgarth Police Station  
Millgarth Street  
Leeds  
LS2 7HX

Tel: 0113-2414023

Fax: 0113-2413123

Email:

bob.patterson@westyorkshire.pnn.police.uk

Website:

Your ref:

Our ref: BP/LICENSING OFFICER/SHELL ROYDSBECK LOWER WORTLEY

15<sup>th</sup> November 2011

**LOCKETT & CO  
13 CHURCH STREET  
KIDDERMINSTER  
DY10 2AH**

**cc. Entertainment Licensing Section. Leeds City Council, Civic Hall, Leeds. LS1 1UR**

**RE: SHELL UK OIL PRODUCTS LTD. ROYDSBECK RING ROAD LOWER WORTLEY LS12 6AN  
NEW PREMISES LICENCE – LICENSING ACT 2003:  
POLICE – LETTER OF REPRESENTATION:**

Thank you for submitting your application for the above premises, received at the address above on 18<sup>th</sup> October 2011.

West Yorkshire Police are of the opinion that your application contains insufficient information about how you intend to meet the licensing objectives.

We therefore confirm that we are submitting a formal representation against your application on the grounds of:-

1. the prevention of crime & disorder
2. the prevention of public nuisance, and
3. the protection of children from harm.

Situated about a mile away from Elland Road Football Ground on foot, the Leeds United Football Liaison Inspector for West Yorkshire Police has been contacted and has expressed real concerns with regards to this application in undermining the licensing objectives.

His concerns especially extend to LUFC 'high category fixtures' where disorder is anticipated as a greater risk, but also other lower level category fixtures in general, by allowing another outlet near to the stadium to supply alcohol to spectators attending the ground:-

1. who could then use bottles etc. as missiles against the police which they have purchased from the garage, and
2. who generally also arrive intoxicated after consuming the alcohol purchased from the garage on the way to the ground.

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On match days, entering or being inside the ground is subject anyway to the restrictions of the Sporting Events (Control of Alcohol etc) Act 1985 as amended, in terms of drunkenness and drink containers, and the various separate Leeds United premises licences, similarly mirror the above legislation to restrict the sale / supply of alcohol at the ground to certain times before, during and after the actual match. Spectators are routinely searched by stewards to prevent items being taken into the ground and likewise the police also search and arrest those attempting to enter the ground whilst drunk.

In addition to this however, licensing restrictions on other outlets which supply alcohol are often put in place within the immediate vicinity of the ground.

The premises subject of this application, whilst not in the immediate vicinity are nearby to the football ground, and are also actually situated just outside the jurisdiction of the division which polices the ground, and would therefore not come under scrutiny should the police feel it necessary and appropriate to impose any restrictions in nearby areas of the ground for LUFC football fixtures.

Inspector Hemingway also makes it clear in his reply, that from a disorder perspective, it is clear that most disorder at football matches is alcohol related which is why the police and the football club work together all the time with this in mind, but sometimes bring the kick off time forward to prevent people drinking in excess prior to the game.

The Inspector also makes it clear in deterring disorder at the football ground that limiting the opportunity to consume alcohol does impact on crowd behaviour in a positive way.

The premises subject to this application are situated on a popular route to the football ground, for both drivers who will park their cars somewhere nearby and pedestrians making their way to and from the ground on foot. Furthermore, for a premises open for trading 24 hours a day 7 days a week (albeit through a hatch between the hours 0000 and 0400), alcohol supply will always be available from the garage, irrespective of the Kick Off time which is agreed between Leeds United FC and West Yorkshire Police, with a view to preventing crime and disorder, nuisance and protecting the public at large.

On the subject of the premises 'passing the test' on primary use under Section 176 Licensing Act 2003, over the years prior to and since the inauguration of the primary legislation, the 'waters have become muddier' after various high court cases have highlighted different criteria for the authorities to consider. This has resulted in changes as to how applicant's present supporting information (if at all) to establish primary use, which means that licensing authorities now have an option as quoted under paragraph 5.25 of the current S.182 statutory guidance, where the evidence is inconclusive. The paragraph 5.25 states "Where there is insufficient evidence to establish primary use, it is for the licensing authority to decide whether to grant the licence and deal with any issues through enforcement action or to defer the granting the licence until the primary use issue can be resolved to their satisfaction".

As is the norm, this company in making these types of application, DO present a statistical analysis of projected customer flow to assist licensing authorities with the 'primary use' issue.

With respect however, I submit that the following points should be taken into consideration by this licensing authority, before the "primary use issue can be resolved to their satisfaction".

1. the analysis provided is for 12 months – "Month 1 to Month 12" – but gives no indication as to which 12 month period this relates to specifically;
2. the analysis uses different criteria to make the comparison between average shop purchases/total shop sales and average fuel purchases/total fuel sales – pounds and pence for the shop and litres for fuel;
3. even then, the average amount of fuel purchases in litres far outweighs the average amount for shop purchases in pounds and pence (27.83 litres of fuel against £2.45 for the shop);
4. this then results in 10 times more litres of fuel sold than money taken in the till for total shop sales over the same 12 month period, even as the figures are presented in pounds and pence compared to litres (9,569,448 litres of fuel to £956,429 shop sales);
5. however, after converting the average amount of fuel purchases in litres and the total litres of fuel sold over the 12 month period into pounds and pence @£1-30 per litre, then far greater

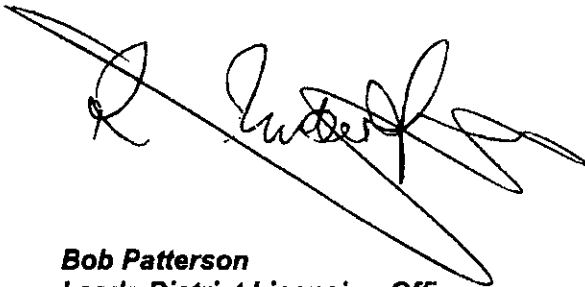
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differentials materialise when the corresponding component figures for fuel and the shop are compared – [£36.18 (average petrol) against £2.45 (average shop) & £12,440,282 (total fuel) against £956,429 (total shop)]

6. admittedly, these appear to be turnover figures before fuel tax / duty and shop expenses to arrive at gross/net profit margins which have not been produced with this analysis, but whether by average or whether by total, the figures for fuel above represent 93% of the total amounts;
7. however, for the purpose of the analysis to show that the premises should not be excluded as being primarily used as a garage, there are 46,540 more customers who use the shop over the 12 month period, as against those who use the garage to buy fuel – 390,394 (shop) against 343,854 (fuel) or 53% (shop) against 47% (fuel) as per the pie chart produced;
8. The premises are situated on the A6110 Ring Road at Lower Wortley, one of the busiest roads in Leeds, linking a nearby motorway junction with the bottom end of Pudsey;
9. given the exact location of this Shell garage on the A6110 in primarily industrial surroundings, it is hard to envisage the intended convenience store serving the "local community" as it reads on the general description of the premises (page 4). It is however, much easier to foresee that the same premises will serve those "further afield" as is also described;
10. the nearest residential estates not only have little or no access to the garage other than by going there by vehicle or a long walk on foot, but the same surrounding residential estates are equally well served by 7 existing licensed premises, which offer the supply of alcohol for consumption off the premises alone;
11. as a result of the location of this garage and the nearest residential estates to it, it would be fair to conclude that a significant proportion of the total number of shop customers quoted with the analysis – 390,394 – will include 'mixed use customers' (those going to garage to purchase petrol and then buy something from the shop as well); as it has been established and conceded previously with similar applications, that this company's method of recording these types of statistics, cannot isolate 'mixed use' customers from the shop and fuel alone customers, and they are in fact absorbed between the two.
12. In conclusion of the analytical figures produced, for the reasons given before, it would be difficult to envisage many customers going to the garage to use the shop only, either on foot or by vehicle.

Please accept this letter as a relevant representation to this application, with the concerns of the West Yorkshire Police Football Liaison Inspector paramount and with a view to the licensing objectives being undermined if the licence is granted, in precedence of the 'primary use' issue.



**Bob Patterson**  
**Leeds District Licensing Officer**  
**West Yorkshire Police**

Date: 15<sup>th</sup> November 2011

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Glover, Barry

From: Sara [sara@lockett.uk.com]  
Sent: 29 November 2011 16:53  
To: bob.patterson@westyorkshire.pnn.police.uk; O'Brien, Victoria; Entertainment Licensing  
Cc: Corrigan Lockett  
Subject: RE: SHELL UK OIL ROYDSBECK LEEDS : NOT PROTECTIVELY MARKED

Dear Sir,

Thank you for your email and representation in respect of the above matter.

We have noted the comments made regarding the issues surrounding football matches, in order to try and allay these concerns, Shell would be more than happy to offer a condition which would mean they would have to stop the sale of alcohol at the site for a certain period of time before matches start and after they finish. We would therefore like to suggest the following:

"On match days when Leeds United Football Club are playing at home, alcohol will not be permitted to be sold for at least two hours prior to the kick off time and for two hours after full time."

Please would you be kind enough to confirm whether this condition would be agreeable to the Police and would permit you to withdraw your representation.

May I take this opportunity to thank you for your help in this matter, should you have any queries or require further information, please do not hesitate to contact me.

Kind regards,

Sara

Sara Clement MBII.tp  
Licensing Manager

Lockett & Co  
Tel: 01562 864488  
Fax: 01562 863539

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-----Original Message-----

From: bob.patterson@westyorkshire.pnn.police.uk  
[mailto:bob.patterson@westyorkshire.pnn.police.uk]  
Sent: 15 November 2011 18:30  
To: victoria.o'brien@leeds.gov.uk; entertainment.licensing@leeds.gov.uk  
Cc: Sara  
Subject: SHELL UK OIL ROYDSBECK LEEDS : NOT PROTECTIVELY MARKED

Dear Vicki,

Please see attached a letter of representation for the above premises.

Regards.

Mr. Bob Patterson

Leeds District Licensing Officer  
West Yorkshire Police  
Licensing Department  
Millgarth Police Station  
Millgarth Street  
Leeds  
LS2 7HX  
Tel: 0113-2414023  
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----- Forwarded by Robert Patterson/717958/BRAD/WYP on 15/11/2011 18:11  
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K2053

15/11/2011 18:11

Please respond to  
K2053

rp234

Message from K2053

To

cc

Subject

(See attached file: SK205311111518110.pdf)

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