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4th April 2024

By email: [REDACTED]

Booze 4 U, 220 Roundhay road, Leeds, LS8 5AA Application for 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 18 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 (Burmantofts – E02002377) as **medium**. It is ranked 25th highest out of 107 MSOAs for potential alcohol related harm.

Indicator	MSOA Category	Rank
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, count	Very high	7
Antisocial behaviour - alcohol related, count	High	12
Looked after children	High	13
Deprivation Score	High	15
Off Licence premises count	High	16
Not achieving English & Maths strong pass	High	20
Stroke emergency hospital admissions (age std. rate)	High	21
Crime where alcohol flagged, count	Medium	26
Licensing risk score	Medium	33
Violent crime where alcohol flagged, count	Medium	34
Ambulance callouts related to alcohol, count	Medium	43
Alcohol related harm hospital stays (narrow, age std. rate)	Medium	53
Alcohol specific emergency admission count	Low	62
Alcohol treatment, all episode counts	Low	72
On Licence premises count	Low	77
AUDIT tests scoring 16 or more (higher risk)	Low	79
Noise complaints	Low	88
Alcoholic liver disease mortality rate	Low	90

These 18 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 second highest in Leeds for a population under 16, and 4th for children not in education, employment or training. It is ranked 12th for looked after children and 20th for children with a low educational attainment. This shows there is a relatively high proportion of vulnerable children living in this area.

The data shows that this area ranks very high for drunk and disorderly, litter and alcohol related antisocial behaviour. It is ranked 16th highest for density of off licences. This shows that there are a very high number of vulnerable children and families living in an area that already has a high number of licensed premises selling alcohol for consumption off the premises, i.e. minimarkets and corner shops. This area already suffers from drunk and disorderly and antisocial behaviour. This is high even within the context of an area where the reporting of crime is historically low.

These data points towards an area with both adults and children suffering from alcohol related harm, whether that be directly or indirectly. 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 29 premises which hold licences to sell alcohol for consumption off the premises and many more on-licences and takeaways, all 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 for a ‘shadow’ licence to match the licence recently revoked by the Licensing authority on 6th February. This licence was subject to a review due to seizures of counterfeit cigarettes and illegal vapes. The sale of smuggled goods had a direct and negative impact on the prevention of crime and disorder objective and the licence was revoked.

Your application is to replace this licence so that you can trade from the premises yourself. You have applied for sale by retail of alcohol to be permitted 24 hours a day, every day, with the same opening hours.

You have not specified conditions to be applied to the licence. Instead, you have stated that this application will be on the same terms as the revoked licence. For the avoidance of doubt the previous licence was subject to the following conditions:

The prevention of crime and disorder

Every on-duty Manager will adopt the Check 21 or similar proof of age scheme but only one which is recognised by West Yorkshire Police (WYP).

The Licensee and staff will ask for proof of age from any person appearing to under the age of 21 who attempts to purchase alcohol at the premises.

No alcohol delivery service will be provided from this store.

A suitable closed circuit television (CCTV) system will be maintained and be operational on the premises at all times when licensed activities are being carried out.

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 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 West Yorkshire Police, namely 31 days.

A supervisor's register will be maintained at the licensed premises, showing the names, addresses and up-to-date contact details for the Designated Premises Supervisor (DPS) and all personal licence holders.

The Supervisors Register will state the name of the person who is in overall charge of the premises at each time that licensed activities are carried out, and this information will be retained for a period of twelve months and produced for inspection on request to an authorised officer.

The Licensee will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti-social behaviour, and ejections from the premises.

The Incident Report Register will contain consecutively numbered pages, the date time and location of the incident, details of the nature of the incident, the names and registration numbers of any door staff involved or to whom the incident was reported, the names and personal licence numbers (if any) of any other staff involved or to whom the incident was reported, the names and numbers of any police officers attending, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident.

The Incident Report Register will be produced for inspection immediately on the request of an authorised officer.

The Licensee will adopt a proof of age scheme which is approved by WYP and West Yorkshire Trading Standards (WYTS).

We are installing a service hatch to serve customers after 22:00 hrs.

Public Safety

Electrical installations will be inspected on a periodic basis (at least every 5 years) by a suitably qualified and competent person. Inspection records/ certificates will be kept. These will be made available at the request of an authorised officer.

The prevention of public nuisance

The Licensee will ensure that lighting provided for the purpose of customer and staff safety, for the security of the premises, and lighting associated with activities of entertainment and advertising is of such and intensity, suitable positioned and operated so as not to cause nuisance to neighbouring or adjoining premises.

Waste material and bottles will not be placed in any external receptacle between 11pm and 7am the following day to minimise noise disturbance to neighbouring properties.

Deliveries and commercial waste collections shall not take place between 11pm and 7am the following day.

Noise from the use of any serving hatch to facilitate the sale by retail of alcohol shall not be audible at the nearest noise sensitive premises between 11pm and 7am the following day.

The DPS or their representative will monitor the activity of patrons using the premises and remind them of their public responsibilities where necessary, in particular emphasising the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos, and anti-social behaviour.

Protection of children from harm

Signs will be provided informing customers that sales will not be made to under 18s, and that age identification may be required.

The Licensee will liaise with any adult orientated premises close to his/her premises which the Licensee suspects are at risk of admitting underage children from his/her own premises.

It is not clear if you intend for these conditions to be applied to the new licence, or if you have considered if these conditions are still appropriate considering the recent Clear, Hold, Build operation undertaken by agencies, and the review of the previous licence.

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 this. 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.

In addition, this premises serves alcohol to customers after 22:00 through a hatch. This can lead to people not only accessing alcohol all through the night, but queuing and shouting at the hatch can cause a public nuisance. Please note that as already stated, this area has a history of a reluctance to report crime, and yet is still ranked highly for antisocial behaviour, litter and drunk and disorderly behaviour. Even if your premises is not directly attributed in this crime, serving alcohol through a hatch 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 assessment or even referenced it in your application at all.

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