

LICENSING SUB-COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON TUESDAY, 28TH FEBRUARY, 2017 AT 11.00 AM

MEMBERSHIP

Councillors

R Downes - Otley and Yeadon;

B Gettings - Morley North;

Third Member to be confirmed

Agenda compiled by: Governance Services Civic Hall LEEDS LS1 1UR

Tel No: 3788662

AGENDA

Item No	Ward	Item Not Open		Page No
			PRELIMINARY PROCEDURES	
			ELECTION OF THE CHAIR	
2			APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS	
			To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)	
			(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)	

Item No	Ward	Item Not Open		Page No
3			EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC	
			1) To highlight reports or appendices which:	
			a) officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.	
			b) To consider whether or not to accept the officers recommendation in respect of the above information.	
			c) If so, to formally pass the following resolution:-	
			RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information	
			rules, the press and the public will be excluded from that part of the hearing where Members will deliberate on each application as it is in the public interest to allow the Members to have a full and frank debate on the matter before them.	
4			LATE ITEMS	
			To identify any applications as late items of business which have been admitted to the agenda for consideration	
			(the special circumstances shall be identified in the minutes)	

Item No	Ward	Item Not Open		Page No
5			DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.	
			<u>HEARINGS</u>	
6	City and Hunslet		WINSTON'S - APPLICATION FOR THE GRANT OF PREMISES LICENCE, WINSTONS HEALTH AND LEISURE DRH LTD, 295 DEWSBURY ROAD, HUNSLET, LEEDS LS11 5LS	1 - 40
			To consider the report of the Head of Elections, Licensing and Registration on an application for the grant of a premises licence, made by Dan Hall T/a DRH Health Ltd, for Winstons Health And Leisure DRH Health Ltd, 295 Dewsbury Road, Hunslet, Leeds, LS11 5LS.	
			Third Party Recording	
			Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.	
			Use of Recordings by Third Parties – code of practice	
			a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.	
			b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.	
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Agenda Item 6



Report author: Mrs Bridget Massey

0113 378 5029

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 28th February 2017

Subject: Application for the Grant of a Premises licence for Winstons Health and Leisure DRH Health Ltd, 295 Dewsbury Road, Hunslet, Leeds, LS11 5LS

Are specific electoral Wards affected?		☐ No
If relevant, name(s) of Ward(s): City & Hunslet		
Are there implications for equality and diversity and cohesion and integration?	☐ Yes	⊠ No
Is the decision eligible for Call-In?	Yes	⊠ No
Does the report contain confidential or exempt information?	Yes	⊠ No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

This is an application for the grant of a premises licence, made by Dan Hall T/a DRH Health Ltd, for Winstons Health And Leisure DRH Health Ltd, 295 Dewsbury Road, Hunslet, Leeds, LS11 5LS.

Responsible authorities and Ward Members have been notified of this application.

The application has attracted representations from other persons and responsible authorities.

A hearing was scheduled for the 14th February 2017. The applicant requested an adjournment prior to the hearing in writing as he has taken on legal representation and wished to confer with his representative. The applicant attended and verbally requested an adjournment. This was duly granted and the hearing was rescheduled for the 28th February 2017.

1 Purpose of this report

- 1.1 To advise Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for a new premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

2 History of the premises

- 2.1 This premises was previously licensed under the Licensing Act 2003 for Recorded Music and Sale of Alcohol granted September 2006
- 2.2 The licensed hours being Sunday to Thursday 11:00 to 00:00 and Friday and Saturday 11:00 to 01:00
- 2.3 The licence was revoked on the 21st November 2006 due to a review brought by West Yorkshire Police.
- 2.4 Should this licence application be granted, the premises will be under new management and ownership from the previous application.

3 The application

- 3.1 The applicant's name is Dan Hall T/a DRH Health Ltd, .
- 3.2 The proposed designated premises supervisor is Daniel Ryan Hall
- 3.3 In summary the application is for:
- 3.4 Sale of Alcohol 20:00 to 05:00
- 3.5 Recorded Music 23:00 to 05:30
- The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule which is attached at **Appendix A.**

4 Location

4.1 A map which identifies the location of this premises is attached at **Appendix B.**

5 Representations

5.1 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

Representations from Responsible Authorities

- 5.2 There have been representations from responsible authorities.
- 5.3 Representations have been received from West Yorkshire Police and Health and Safety and The Noise Nuisance Team in their capacities as responsible authorities which may be found at **Appendix C.**
- Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with Leeds City Council Health and Safety and Leeds City Council Noise Nuisance Team. A copy of the agreements may be found at **Appendix D.**

The representation submitted by West Yorkshire Police remains as a matter for Members consideration.

Other representations

5.5 There is a representation from the Ward Councillor by email on the grounds of public nuisance which may be found at **Appendix E**

6 Local Licensing Guidance

Guidance. This means that the area in which this premises is situated have been identified by the Community Committees as vulnerable to problem drinking and there are additional issues that directly impact the promotion of the licensing objectives. The applicant has been sent the Local Licensing Guidance during the application process and has volunteered conditions to mitigate these concerns. The Local Licensing Guidance is attached at **Appendix F.**

7 Licensing hours

- 7.1 Members are directed to paragraphs 6.8 to 6.15 of the Statement of Licensing Policy which states the criteria that will be applied to any decision for new applications or variations which include extending hours.
- 7.2 In brief the Policy states at 6.14 that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so.
- 7.3 The council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not impact on the licensing objectives, given the potential for neighbouring premises to seek the same additional hours to prevent rivals gaining a commercial advantage.
- 7.4 A list of premises in the local area and their licensed hours and activities is provided at **Appendix G.**

8 Equality and diversity implications

8.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the licensing subcommittee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

9 Options available to Members

- 9.1 The licensing subcommittee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
 - Grant the application as requested.
 - Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
 - Exclude any licensable activities to which the application relates.
 - Refuse to specify the said person as the designated premises supervisor.
 - Reject the whole or part of the application.
- 9.2 Members of the licensing subcommittee are asked to note that they may not reject the whole or part of the application merely because they consider it desirable to do so. It must be appropriate in order to promote the licensing objectives.

10 Background papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy

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Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d, e) (please read guidance note 9)

CCTV covering all relevant external and internal areas

CCTV to be monitored throughout trading hours

SIA registered security staff to be employed

Challenge 25 policy with no admission to under 18s

First Aider on site at all times

Dedicated Dispersal Policy

Data Protection Policy

Zero tolerance to illegal drug activity

Refusals Logbook

Early morning cleaning to entrance area

Admission Policy

Random drugs searches

Staff to be trained to understand relevant licensing conditions

b) The prevention of crime and disorder

One SIA registered security operative to be employed from 20:00 to 05:30, followed by a second operative from 22:00 TO 05:30. CCTV coverage of all relevant areas, random searches regarding illegal drugs, offensive weapons and the smuggling of alcohol into the premises, adequate lighting levels throughout, and no bottles, drinks or "glassware" to be taken out of the premises. Polycarbonate or similar "glassware" to be used.

c) Public safety

A first aider will be on site at all times. CCTV images to be kept for a minimum of 30 days and preserved in compatibility with best practice. Adequate lighting will be maintained throughout all public areas, with a zero tolerance policy regarding illegal substances, offensive weapons and persons with an unpleasant/aggressive attitude. An incident log to be used; fire marshal appointed, and all staff trained regarding licensing conditions.

d) The prevention of public nuisance

A two 2 door entrance lobby system will be used to prevent sound spillage from the premises. A taxi free phone system is already in place, along with dispersal policy. Security staff will remind customers to exit quietly, with all activity covered by CCTV.

Any person causing public nuisance will be banned from the premises.

Regular external sound checks will be undertaken, and all resident complaints recorded with remedial action regarded as being of paramount importance.

e) The protection of children from harm

Challenge 25 Policy – with staff training to ensure understanding of and acceptable forms of ID No under 18's to be admitted.

CCTV to cover all relevant internal and external areas.

All refusals to be recorded in a Refusals Log.

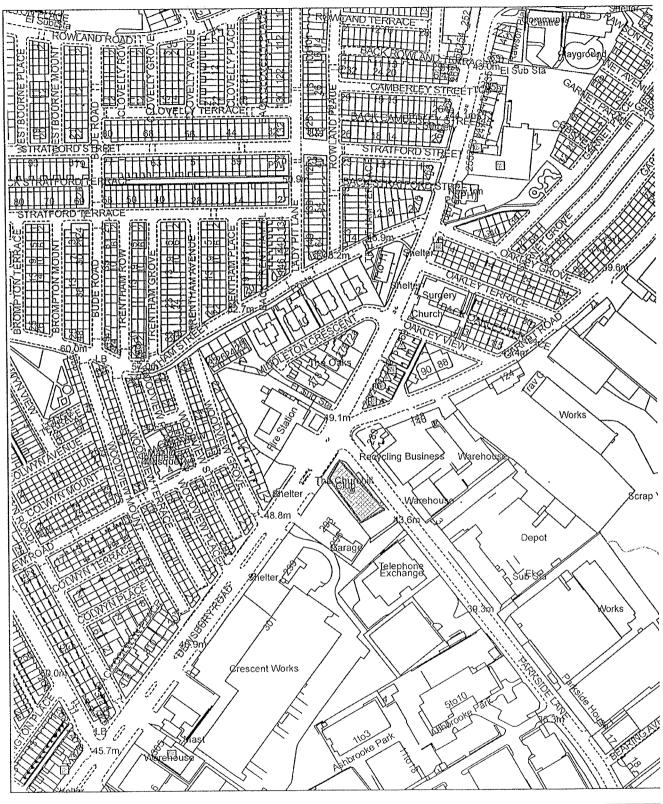
Checklist

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises

Please	tick	to	indicate	agreem	en
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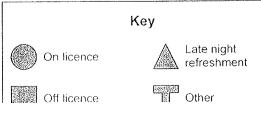
APPENDIX B



'his map is based upon the Ordinance Survey's digital data with the permission of the Ordinance Survey on behalf of the controller of Her Aajesty's Stationary Office

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Leeds District Licensing Department

Leeds District Licensing Department First Floor Elland Road DHQ Elland Road Leeds LS11 8BU

Tel: 0113 3859414

Email:

westyorkshire.pnn.police.uk

19th January 2017

Dan Hall (DRH Health Ltd) 295, Dewsbury Road Leeds LS11 5LS



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

RE: WINSTONS HEALTH & LEISURE, 295, DEWSBURY ROAD, LEEDS, LS1 5LS APPLICATION FOR A NEW PREMISES LICENCE – LICENSING ACT 2003 POLICE – LETTER OF OBJECTION

Thank you for submitting the application for the above mentioned premises, which we received at this address on 22nd December 2016.

West Yorkshire Police object outright to this application for the following reasons:

Winstons, formerly known as Churchills, and prior to that known as Winstons, had its premises licence revoked by the Licensing Authority following an application to review the licence by West Yorkshire Police Licensing Department in November 2006. The application to review the licence, made by the police in September 2006, was as a result of evidence that the premises were operating as a brothel. At the Licensing Committee hearing on 21st November 2006 the Committee accepted the evidence by West Yorkshire Police and revoked the licence due to the undermining of the prevention of crime and disorder licensing objective as the premises were operating as a brothel.

On 20th February 2013 we received an application from John Gaunt Solicitors for a premises licence for Winstons. West Yorkshire Police objected outright to this on the grounds that granting a premises licence to a brothel would not be promoting the licensing objectives. The application was withdrawn.

I met the current applicant, Dan Hall, director of DRH Health Ltd since December 2013, at the premises on Thursday 22nd Sept 2016, to discuss a potential application for a new premises licence. I was shown

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evarious 'treatment/massage' rooms – there were a minimal amount of treatment tables present, the majority of furniture in the rooms being beds.

Having seen the venue, and researched police intelligence and entries on social media and websites, I am not convinced that Winstons has changed the historical nature of its business. I made the applicant aware that I thought it was still operating as a brothel and that any application for a premises licence would receive a police objection.

I would therefore ask that the Licensing Authority refuse the application for a premises licence as it could not possibly promote the licensing objective of the prevention of crime and disorder. Should this matter go to hearing I would also ask that the presiding Sub-Committee give serious consideration to visiting the premises as part of their decision making process.

Yours sincerely,

Leeds District Licensing Officer

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DRH Health Ltd 295 Dewsbury Road Leeds LS11 5LS Health and Safety Service Leeds City Council Millshaw Park Way Leeds LS11 0LS

Contact:

Tel: 0113 378 6585

@leeds.gov.uk

Our reference: PREM/03934/001

23 December 2016

Dear Sir

Licensing Act 2003

Premises: Winstons Health And Leisure, DRH Health Ltd, 295 Dewsbury Road,

Hunslet, Leeds, LS11 5LS

Thank you for submitting your application for the above premises.

Health and safety services are of the opinion that your application contains insufficient information about how you intend to meet the licensing objective/s.

We therefore confirm that we are submitting a formal representation against your application on the grounds of public safety.

However, Health and Safety Services are of the opinion that the said objectives could be met should you be prepared to incorporate certain identified measures within your operating schedule

Please find enclosed a document which at Part 1 contains the suggested measures which this authority considers are proportionate and appropriate to the nature of your application.

Should you be in **agreement** with the suggested measures then please signify this by completing and signing **Part 2** of the enclosed form and return the complete document to this office as soon as possible, but no later than 19 January 2017.

Upon receipt of your consent at Part 2, it will be taken that you signify your wishes for the licensing authority to amend your operating schedule to incorporate the proposed measures.

Alternatively should you **disagree** with the proposed measures, then please complete **Part 3** and again return the complete document to this office as soon as possible, but no later than the stated date.



PART 1 - to be completed by the Responsible Authority

Health and Safety Service Proposed controlled measures under the Licensing Act 2003

Name & Address of Premises: Winstons Health And Leisure, DRH Health Ltd, 295 Dewsbury Road, Hunslet, Leeds, LS11 5LS,

Having considered the application under the Licensing Act 2003 for the above premises, the Health and Safety Service considers that the following measures are proportionate and necessary in order to promote the public safety licensing objective:

Measures proposed:

No	Potential Control Measures
	Public Safety 3 :- Management Arrangements
1.	Written records of all accidents and safety incidents involving members of the public will be kept. These will be made available at the request of an authorised officer.
2.	A suitably trained and competent person must ensure regular safety checks of the premises including decorative and functional fixtures, floor surfaces and equipment (including electrical appliances) to which the public may come into contact are undertaken. Records of these safety checks must be kept and made available for inspection by an authorised officer.
3.	Empty bottles and glasses will be collected regularly paying particular attention to balcony areas and raised levels.
	Public Safety 4 :- Fire/Electrical Safety
4.	Electrical installations will be inspected on a periodic basis (at least every 3 years or at a frequency specified in writing) by a suitably qualified and competent person. If used, any temporary electrical wiring and distributions will also be inspected. Inspection records/certificates will be kept. These will be made available at the request of an authorised officer.
	Public Safety 6 :- General Housekeeping
5.	Regular safety checks of guarding to stairs, balconies, landings and ramps will be undertaken, and a supervision policy will be maintained to prevent people from inappropriate behaviour including climbing which may lead to a fall from height.
6.	Safety glass that is impact resistant should be used wherever possible in all areas where the public may come into contact with it. Where it is not used in public areas, glazing should be shielded to protect it from impact.
7.	A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner Public Safety 8 :- First Aid
8.	Adequate and appropriate first aid equipment and materials will be available on the premises.

The Health and Safety Service is satisfied that the proposed measures are not adequately dealt with by other legislation.

By signing the declaration enclosed overleaf the applicant agrees to incorporate the proposed measures as conditions within the operating schedule for the said premises.

Upon the satisfactory completion of the declaration the health and safety service will provide notice to the licensing authority that our representation is withdrawn in accordance with schedule 10(a) of the Licensing Act 2003 (Hearings) Regulations 2005.
Signed:
Dated:

PART 2 – Agreement with Proposed Measures

to be completed by the applicant or applicant's representative

Consent for proposed controlled measures under the Licensing Act 2003

Name & Address of Premises: Winstons Health And Leisure, DRH Health Ltd, 295 Dewsbury Road, Hunslet, Leeds, LS11 5LS,
I / We
confirm that I am / we are the applicant / the applicants representative (delete as appropriate) for the premises as stated above.
In signing this document I / we agree with the measures proposed by the Health and Safety Service, and we provide our consent for the licensing authority to incorporate the said measures into the operating schedule for the stated premises.
Signed:

Please return this document to:

Dated:

Health and Safety Service Leeds City Council Millshaw Park Way Leeds LS11 0LS



Dan Hall T/a SRH Health Ltd 295 Dewsbury Road Leeds LS11 5LS Environmental Protection Team Leeds City Council Millshaw Park Way Leeds LS11 0LS

Contact:

Tel: 0113 378 6589

Gary.mann@leeds.gov.uk
Our reference: PREM/03934/001

18 January 2017

Dear Mr Hall

Licensing Act 2003 Name and Address of Premises: DRH Health Ltd, Winstons, 295 Dewsbury Road, Hunslet, Leeds, LS11 5LS,

We refer to your licensing application for the above premises. We believe you have not given enough information about how you intend to meet a licensing objective, which is to prevent public nuisance. We therefore submit a formal objection to your application that includes information specifically associated with the premises and the area.

You could meet the objective by agreeing to certain measures that we suggest are reasonable and relevant to your application. Please see part 1 of the enclosed document.

If you agree with the measures please complete and sign part 2 of the enclosed form and return it to us as soon as possible. Once we receive the form we will take it that you wish the licensing authority to amend your operating schedule to include those measures as conditions on the licence. If you disagree with the suggested measures then please complete part 3 and return it to us as soon as possible.

If you feel we should consider anything else or you have any questions please do not hesitate to contact us.

If the opening hours you propose under this application differ to those on the current planning approval then you should also apply to Planning Services to vary the hours. If you operate without planning permission you may have not met the relevant planning condition. You can contact Planning Services on 0113 222 4409.

Yours sincerely

Environmental Health Officer

www.leeds.gov.uk

general enquiries 0113 222 4444

Page 15

PART 1

To be completed by the responsible authority

Leeds City Council's Environmental Action Service Proposed Controlled Measures under the Licensing Act 2003 Name and Address of Premises: DRH Health Ltd, Winstons, 295 Dewsbury Road, Hunslet, Leeds, LS11 5LS,

The immediate area is commercial in nature however there are residential properties nearby on Dewsbury Road and Woodview Grove. The application includes the provision of recorded music until 5:30 am. The activity has the potential to disturb occupants of nearby residential properties when background noise levels significantly reduce during the night.

Having considered the application under the Licensing Act 2003 for the above premises, we consider that the following measures are relevant and reasonable in order to meet the following aim of the licence:

Prevention of public nuisance

Noise and Vibration

1. Noise from a licensable activity at the premises will not be audible at the nearest noise sensitive premises which are residential properties on Desbury Road and Woodview Grove.

Signed:

Dated: 18/1/2017

PART 2

To be completed by the responsible authority

Leeds City Council's Environmental Action Service Proposed Controlled Measures under the Licensing Act 2003 Name and Address of Premises: DRH Health Ltd, Winstons, 295 Dewsbury Road, Hunslet, Leeds, LS11 5LS,
I / We
confirm that I am / we are the applicant / the applicant's representative (delete as appropriate) for the premises as stated above.
In signing this document I / we agree with the measures proposed by Leeds City Council's Environmental Action Service, and we provide our consent for the licensing authority to incorporate the said measures into the operating schedule for the stated premises.
Signed:
Dated:
PART 3
Name and Address of Premises: DRH Health Ltd, Winstons, 295 Dewsbury Road, Hunslet, Leeds, LS11 5LS,
I / We
confirm that I am / we are the applicant / the applicant's representative (delete as appropriate) for the premises as stated above.
I / We formally advise that we are not prepared to accept the proposed measures as suggested by Leeds City Council's Environmental Action Service.
In this instance we understand that Leeds City Council's environmental action service will maintain their representation to my /our application, which will now proceed to a hearing before the licensing sub-committee.
Signed:
Dated:
Please return this document to:
Environmental Protection Team Leeds City Council Millshaw Park Way Leeds LS11 0LS

PART 2 - Agreement with Proposed Measures

to be completed by the applicant or applicant's representative

Consent for proposed controlled measures under the Licensing Act 2003

Name & Address of Premises: Winstons Health And Leisure, DRH Health Ltd, 295 Dewsbury Road, Hunslet, Leeds, LS11 5LS,

11WE DAN HALL (DRH HEACTHLED)

confirm that I am / we are the applicant / the applicants representative (delete as appropriate) for the premises as stated above.

In signing this document I / we agree with the measures proposed by the Health and Safety Service, and we provide our consent for the licensing authority to incorporate the said measures into the operating schedule for the stated premises.

Signed:

Dated: 5/1/19

Please return this document to:

Health and Safety Service **Leeds City Council** Millshaw Park Way Leeds **LS11 0LS**

> 0 9 JAN 2017 INSTRUCTION

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Massey, Bridget

From:

Sent:

08 February 2017 08:20

To:

Massey, Bridget

Cc:

drhhealthltd@gmail.com Environmental Health representation - Licence application for Winstons Health and

Leisure

Hi Bridget

Subject:

The applicant has agreed to the condition below to be included in their licence should it be granted. I am happy to remove my representation.

regards

Environmental Health Officer Environmental Protection Millshaw Park Way Leeds **LS11 0LS**

Tel: 0113 378 6589

From: DRH HEALTH LTD [mailto:drhhealthltd@gmail.com]

Sent: 07 February 2017 18:14

To: Mann, Gary

Subject: Re: Environmental Health representation - Licence application for Winstons Health and Leisure

Dear

I have not received any letter from Environmental health representation. However I can confirm and as so willing to sign/agree that no noise from a licensable activity at the premises will not be audible at the nearest noise sensitive premises which are residential properties on Dewsbury Road and Woodview Grove.

Please let me know what I need to do next to confirm I will comply with this matter.

Kind regards Dan Hall Director

DRH Health Itd

On 7 Feb 2017, at 15:23, Mann, Gary < @leeds.gov.uk > wrote:

Dear Mr

I sent you a representation letter in relation to the above application dated 18th January 2017. From our records we have not received a response and will therefore be required to attend the licencing panel hearing next Tuesday. The required condition (as below) is standard when premises wish to operate during the hours you have applied for. I see no problems with you being unable to

comply with this condition. If you agree then I will remove my objection to your application and there will be one less issue for you to deal with at the hearing.

If you wish to discuss this matter please do not hesitate to contact me 4

Regards

1. Noise from a licensable activity at the premises will not be audible at the nearest noise sensitive premises which are residential properties on Dewsbury Road and Woodview Grove.



Environmental Health Officer Environmental Protection Millshaw Park Way Leeds LS11 0LS

Tel: 0113 378 6589

The Ice Cube is back and now you can enjoy it whatever the weather

Yorkshire's coolest wintertime attraction is back at Millennium Square from 27 January to 19 February

Leeds City Council - MJ Local Authority of the Year 2016

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Massey, Bridget

From:

Nash, Cllr Elizabeth

Sent:

23 December 2016 11:15 Entertainment Licensing

To: Cc:

Iqbal, Cllr Mohammed; Davey, Cllr Patrick

Subject:

Winstons Application to sell alcohol

I object to the opening hours of this application, i.e. 23.00 to 5.00. This is a residential area and totally unsuitable for these opening hours. Surely it should be the other way around? E.g. 5.00pm to 23.00pm. Elizabeth Nash



Local Licensing Guidance

South Leeds



APPENDIX F

You have been sent this guidance note because you have, or are considering, making an application for a licence to sell alcohol or provide late night refreshment in the south Leeds area.

This information is provided to anyone applying for a licence to sell alcohol or provide late night refreshment in LS10 or LS11. It may be used to by residents or other interested people who make a representation against an application. It will be provided to the Licensing Subcommittee at any subsequent licensing hearing.

Why have you been sent this information?

Under the Licensing Act 2003 you are required to complete an 'operating schedule'. You are expected to have regard to the council's Statement of Licensing Policy. You must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives and to demonstrate knowledge of your local area when describing the steps you propose to take to promote the licensing objectives.

In order to assist you, Leeds City Council has collated information on this area including any special policies that relate to the area. You should make your own enquiries as well and demonstrate how you have considered the following in your operating schedule:

- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children and young persons may congregate.
- Any risk posed to the local area by the your proposed licensable activities; and
- Any local initiatives which may help mitigate potential risks.

Scope

The scope of this guidance includes all premises licensed under the Licensing Act 2003 in post code areas LS10 and LS11 which mainly comprises of three wards, City and Hunslet, Middleton and Beeston & Holbeck. This covers the localities of Beeston, Middleton, Belle Isle, Holbeck and Hunslet.

It is a fact (Joint Strategic Needs Assessment 2012, NHS Leeds) that if you live in LS10 or LS11 you can expect your life expectancy to be lower than that of residents in other areas of Leeds. The three contributory factors to a reduced life expectancy are alcohol, obesity and smoking. The Licensing Act 2003 authorises the activity of the sale or supply of alcohol and the provision of late night refreshment and therefore the question is whether reducing people's access to alcohol and high fat content takeaway food will have a positive outcome on life expectancy in LS10 and LS11.

Local Concerns

"The late licensing of local shops and the sale of alcohol to underage persons or to adults who buy it for underage persons has had a negative impact on our community. It has led to large groups of people (largely under 30) congregating around these shops and displaying intimidating behaviour, fighting and creating noise. It means residents sometimes feel you don't want to go there in an evening due to this behaviour. We value our young people and everyone in our community and want to ensure there are positive and safe activities for people, which don't harm their health or result in other's feeling intimidated. We feel that late licensing and underage drink sales undermine this."

Christine Jenkinson, Middleton Community Group, Committee Member

In the LS10 and LS11 area there is concern about:

Alcohol

- The wide and obvious availability of alcohol in convenience stores, newsagents, corner shops and off licences.
- The contributory factor and possible links between violent crime and domestic violence and exacerbated by the availability of alcohol due to the numbers of premises which sell alcohol for consumption off the premises in the area.
- The higher proportion of premises licensed for alcohol for consumption off the premises.
- The ability for people with mental health or alcohol problems to easily obtain alcohol.
- The ability for people who are already intoxicated to easily obtain more alcohol.
- The pack size super strength cider is sold in, which leads to people with alcohol dependency issues to drink more than they need to.

Protection of children

- The normalisation of alcohol abuse and the effect this has on children living in the area
- The sale and supply of alcohol to young people and children and the impact this has on their behaviour in the community and impact on their health.

Nuisance

- The accumulation of premises providing takeaway food and off sales of alcohol in the Dewsbury Road area
- Littering of food wrappers and waste food originating from takeaways.

Responsible Retailing

In 2010 the Government introduced a new Mandatory Code for Alcohol Retailing. This was brought into law by the implementation of 5 new mandatory conditions. These were updated in 2014 and further details can be found on the Home Office website: https://www.gov.uk/alcohol-licensing#mandatory-licensing-conditions

Specifically the Government brought in a new mandatory condition prohibiting the sale of alcohol below cost. Cost is defined as the cost of the VAT and duty charge. More information can be found on the Government website: https://www.gov.uk/government/publications/banning-the-sale-of-alcohol-below-the-cost-of-duty-plus-vat

Responsible retailing, including age related sales of alcohol, has long been promoted by West Yorkshire Trading Standards. In particular West Yorkshire Trading Standards have been working with alcohol retailers in south Leeds and working together the failure rate for underage sales of alcohol has dropped from 45% to 13%. More information can be found on their website at http://www.ts.wyjs.org.uk/wyjs-trading-underage-sales.asp

Other sources of information can be found at:

http://www.brc.org.uk/Downloads/FCSG0475ResponsibleRetailingofAlcohol.pdf http://biiab.bii.org/qualifications/qualification-ARAR

When considering responsible retailing, you may wish to consider what you would do about:

- The sale of large quantities of alcohol
- The sale of super strength alcohol in large containers (2 and 3 litre plastic bottles)
- The sale of alcohol to people who are already drunk
- How to address selling alcohol to people who are pregnant
- How to refer someone who appears to have a drinking problem

- How to display alcohol
- What to name the premises
- Healthy takeaway options available for example low fat versions of popular dishes
- Nutritional information on all takeaway foods.

It may be useful for you to make yourself aware of organisations in the area that can help people with alcohol addiction, and to get acquainted with the local West Yorkshire Police Neighbourhood Policing Team.

Measures to address local concerns

The availability of alcohol is a major concern, as harmful and hazardous drinking is a contributory factor in many of the concerns mentioned in this document. As such the licensing authority would expect anyone wishing to open or extend premises that sell alcohol, or sell hot food to provide extra measures to ensure these problems are not exacerbated.

It is highly likely that any application which includes the sale by retail of alcohol or the sale of hot food and drink will attract representations from a number of interested people. In order to mitigate the concerns stated in this document, you are encouraged to contact Entertainment Licensing, West Yorkshire Police, Environmental Health and Health to see if there are any specific measures that can be adopted. Contact details for agencies are included in the application packs and on the council website.

If you don't contact the responsible authorities, and you do not offer additional measures you can expect to receive a contact from a number of the agencies about your application. This may be by phone, email or by way of a formal objection to your application.

Entertainment Licensing provides a Proforma Risk Assessment which is a list of suggested measures prospective licensees may like to include in their operating schedule. In addition you may wish to consider if any of the following measures would be appropriate for your business to adopt. These measures could be offered as part of the operating schedule. A form is attached to the end of this document to assist you with this.

Crime and Disorder

- All areas of the premises to be used for the display of alcohol are marked on the plan. The
 display of alcohol will not change without the consent of the licensing authority by way of a
 minor variation application to the licence.
- The display of alcohol will be in a designated area of the premises which is capable of being supervised from the counter area.
- The display of spirits shall be in an area accessible only by staff
- The display of high-strength beers, ciders and lagers of 7.5% alcohol by volume (abv) or higher will be in an area accessible only by staff.
- There will be no sale of cider and lager of 7.5% alcohol by volume (abv) in 1, 2 or 3 litre plastic bottles.
- All areas where alcohol is displayed shall be covered by CCTV

Prevention of public nuisance

 Staff will make hourly checks around the premises and remove any litter, including takeaway wrappers, can and bottles.

Protection of children

- There will be a Check 25 proof of age verification scheme in place.
- Alcohol will not be displayed next to the public entrance/exit of the premises.
- The name of the premises will not contain reference to alcohol.
- There will be no window display posters or similar advertising contained reference to alcohol displayed on the premises shop frontage or the highway abutting the premises.
- All alcohol sale refusals will be recorded in a register which will be retained on the premises for inspection by responsible authorities on request.

Local Information

Area Profile

Postcode areas LS10 and LS11 mainly comprises of three wards, City and Hunslet, Middleton and Beeston & Holbeck. This covers the localities of Beeston, Middleton, Belle Isle, Holbeck and Hunslet. Data source 2011 Census.

City and Hunslet



Size	1,059 hectares
No of household space:	s 16,774 of which

15,207 are occupied

Population	33,705
BME	39.2%

Religion (top 3)

Christian	13,925 (41.3%)
No religion	11,058 (32.8%)
Muslim	4,791 (14.2%)

Middleton Park



Size	997 hectares
No of household spaces	11,719, of which

11,397 are occupied

Population	26,228
BME	11.5%

Religion (top 3)

Christian	14,984 (57.1%)
No religion	8,984 (34.3%)
Religion not stated	1,761 (6.7%)

Beeston and Holbeck



Size 700 hectares
No of household spaces 10,483, of which
9,830 are occupied

Population 22,187 BME 27.4%

Religion (top 3)

Christian 11,811 (53.2%) No religion 6,202 (28%) Religion not stated 1,556 (7%)

Leeds Observatory

The Leeds Observatory is a tool for everyone to explore strategic data, information and intelligence about Leeds' communities and geographies. The observatory provides a clear evidence base for communities and professionals to determine the needs of people in Leeds which will shape decision making and services.

The following links provides statistical data on demographic profile, economic activity, education and skills, community safety, housing and health in this area.

<u>Inner South Area</u>

Neighbourhood Plans

The Localism Act 2011 introduced major reforms to the planning system that gives local communities new rights to shape and plan their neighbourhood. The Act introduces a new initiative called the neighbourhood plan. These plans are optional – if local communities choose, you can be used to set out policies for the development or use of land but you must be 'pro development'.

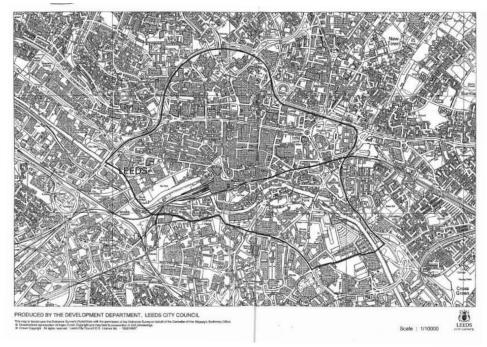
The Act also includes new powers for local communities to prepare a Neighbourhood Development Order (NDO) for their area, which will be able to promote a particular type of development. Related to the NDO, is the Community Right to Build Order (CRtB) and this will provide for community-led site development.

Local communities may also be interested in applying to the Council to have a valued area designated as a Local Green Space.

For regular updates on neighbourhood planning check http://www.leeds.gov.uk/council/Pages/Neighbourhood-planning.aspx

Additional measures already in place

A designated public places order is in place in the following area:



Designated Public Place Orders (DPPOs) give police officers discretionary powers to require a person to stop drinking and confiscate alcohol or containers of alcohol in public places. Failure to comply with alcohol restrictions in DPPOs can result in arrest and/or a fine of up to £500. DPPOs are implemented by local councils in order to address alcohol-related crime and disorder in public places under section 13 of the Police and Criminal Justice Act 2001.

Licensing Profile

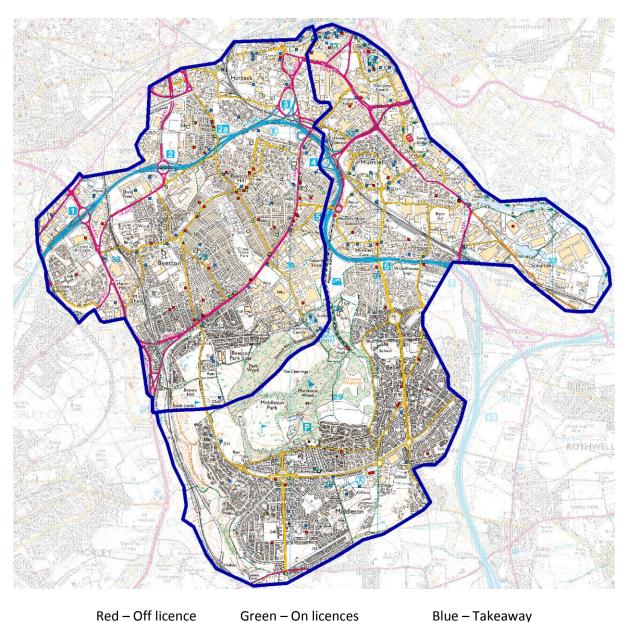
As of October 2012, Inner South Leeds (LS10 and LS11) has a total of 223 licensed premises. 116 are "on licensed" premises (pubs, restaurants, hotels, clubs) and 79 are off licensed premises (off licences or takeaways that sell alcohol). There are 28 licensed takeaways in the area that sell hot food after 11pm. Before 11pm takeaways do not require a licence.

LS10 and LS11	Event Space	Hotels	Takeaways	Off licences	Pub and Bars	Registered club	Restaurant	Sports or social clubs	Total
Ardsley & Robin Hood	0	0	0	0	1	0	0	0	1
Beeston & Holbeck	2	1	10	23	13	8	1	6	64
City & Hunslet	0	3	12	31	37	7	8	10	108
Middleton Park	0	0	6	21	4	6	0	7	44
Morley North	1	0	0	4	0	0	1	0	6
Total	3	4	28	79	55	21	10	23	223

The majority of "on licensed" premises cease selling alcohol at 11pm with a smaller number ceasing alcohol sales at midnight or 1am. This is significantly earlier than the city centre, but in keeping with other residential areas. In the main late night refreshment premises (takeaways) are open until 2am, with a number closing at 11.30pm or midnight.

There has been a steady increase in the number of premises selling alcohol for consumption off the premises in LS10 and LS11.

2005	2006	2007	2008	2009	2010	2011	2012	Current
65	66	72	74	76	74	76	77	79



Green – On licences

Blue - Takeaway

On-licensed premises

There are a number of areas where there is an accumulation of licensed premises. Top Moor Side in Holbeck, Dewsbury Road and Hunslet all have a number of licensed premises, but not in the concentrations found elsewhere in the city. The accumulation of licensed premises is localised. This, in itself, prevents the council from applying a formal cumulative impact policy in south Leeds. However any application in this area will be scrutinised and cumulative impact will be considered if the application is for premises in an area that already has an accumulation of similar premises.

Off licensed premises

The number of premises licensed for the sales of alcohol for consumption off the premises (off licences) is high in comparison to other wards in the city. On a city wide ranking Beeston and Holbeck sits at 7th while Middleton Park is ranked 10th out of 33 wards. In contrast when looking at pubs, Beeston and Holbeck is ranked 16th and Middleton Park is ranked 32nd.

Trading Standards has worked with premises licensed to sell alcohol for consumption off the premises to reduce the number of failed test purchase attempts over the last two years. This has meant an overall improvement in this area to a level below that experienced across Leeds.

Late night takeaways

Dewsbury Road is an area of special concern with a total of 31 late night takeaways operating from this busy area of Beeston. Not all the takeaways are licensed for the sale of hot food after 11pm and most are not controlled by conditions relating to litter nuisance. This has led to this area becoming of concern on the grounds of public nuisance caused by the amount of litter accumulations in the area.



This is a back street in Beeston Hill.



Once the clean-up crews, the area looks a lot better. However within a week, litter is starting to accumulate again.



The littering around takeaway and off licence premises is a much bigger concern.

Health and Community Safety Information

There is clear evidence that some areas of south Leeds have high levels of problems associated with alcohol misuse. These include:

- During 2011, there were almost 14,000 domestic related *incidents* reported to the police across Leeds with approximately 4,000 of them in City and Holbeck Division.
- There were approximately 4,000 domestic related *crimes* in the same period across Leeds. Domestic Violence accounted for 33.6% of violent crimes in City and Holbeck Division.
- There were 5 domestic homicides and 192 MARAC cases in Leeds during 2011.
- Children were present at 4,966 incidents of domestic violence during 2011 which is an
 increase of 24% compared to the previous twelve month period. As some households have
 more than one child, each incident is potentially witnessed by more than one child. So the
 number of children recorded as being present is 6,145. This has changed significantly
 compared with 4,233 children present at the time of the last profile.
- The age group for victims most likely to be assaulted appears to be between the ages of 18 and 24.
- Alcohol was the most frequently cited contributing factor, accounting for 49% of incidents and 46% of crimes in the most recent period compared with 52% incidents at the time of the last profile. Drugs contributed to about 8% of incidents and 7% of crimes, which is an increase of around 5% from the time of the last profile.

Source: West Yorkshire Police crime data

Hospital Admissions

In Leeds there were a total of 53,910 all-age alcohol related admissions between April 2009 and March 2010 of people registered with a Leeds GP and living in Leeds. Of these admission 48% were male and 52% were female. This is an increase from 37,709 in 2007/08 and 42,538 in 2008/09.

Of the 48 postcode districts in the Leeds area, LS11 has the highest number of people being admitted to hospital with an average of 36 people admitted three or more times per year, followed by LS9 with 29 people.

10 postcode districts have one or more residents who had been admitted on 10 or more occasions per year (2007-09 average). LS11 had the highest number with an average of 3.3 people admitted, followed by LS13 with 2.3 people.

In comparison the overall hospital admission rates for alcohol specific and alcohol attributable admissions in Inner South Leeds are much higher than the rest of Leeds:

	Holbeck	South Leeds	Leeds Average
Alcohol specific admissions (/1000)	17.6	10.9	6
Alcohol attributable admissions (/1000)	30.8	24.6	18.7

Fires

Most alcohol related fires in Leeds happen between 21:00 and 03:00 at night with 90% of incidences occurring in residential properties. The majority of incidences are related to cooking. 52% of the injuries occurred in an area of Leeds ranked in the 10% most deprived nationally. Between 2008/09 and 2010/11 56 people suspected of being under the influence of drink or drugs were injured by fires and of these 31 were suspected to be under the influence of alcohol.

Drinking while pregnant

The UK Chief Medical Officer's advice to women is:

'Women who are pregnant or trying to conceive should avoid alcohol altogether. However, if they do choose to drink, to minimise the risk to the baby, we recommend they should not drink more than 1-2 units once or twice a week and should not get drunk.'

The National Institute for Health and Clinical Excellence (NICE) advises healthcare professionals (GPS and nurses):

- Pregnant women and women planning to become pregnant should be advised to avoid drinking alcohol in the first three months of pregnancy, because there may be an increased risk of miscarriage.
- Women should be advised that if they choose to drink alcohol while they are pregnant, they
 should drink no more than 1-2 units of alcohol once or twice a week. There is uncertainty
 about how much alcohol is safe to drink in pregnancy, but at this low level there is no
 evidence of any harm to their unborn baby.
- Women should be advised not get to drunk or binge drink (drinking more than 7.5 UK units
 of alcohol on a single occasion) while they are pregnant because this can harm their unborn
 baby.
- If women want to avoid all possible alcohol-related risks, they should not drink alcohol during pregnancy because the evidence on this is limited.

Obesity

Tackling obesity is one of the most significant public and personal health challenges facing our society. Obesity is a serious threat to health with 22% of men and 23% of women now classed as clinically obese (BMI greater than 30kg/m2). Among people aged 55 – 74 years two thirds of women and three quarters of men are overweight or obese.

The Leeds Joint Strategic Needs Assessment (JSNA) outlines key lifestyle behaviours that are of significance, which includes obesity. The findings suggest obesity levels are rising. The JSNA describes obesity as the second most important preventable cause of death after smoking. The cost to NHS in Leeds was £205m in 2010.

In relation to children, 1 in 10 in reception class and this rises to 1 in 5 for those children in Year 6 (primary school) are obese.

The recent MSOA health area profiles produced by NHS Leeds 2012, suggests Middleton and Westwoods as one of four neighbourhoods in the south east area with significant numbers of cases classed as obese. The profiles highlight linked factors such as deprivation and alcohol.

An overview of the area, in relation to obesity in the areas known as Middleton and Westwoods shows a number of indicators and highlighted below are those that directly show an impact on people's health:

- 7,535 people live in the area.
- The population is predominately white British.
- There is a higher than average proportion of children and young people
- 55% of residents rent their homes from the local authority
- The number of JSA claimants is 9.2% compared to 4.5% in Leeds
- Secondary school absenteeism is 19.4% compared to 11.3% for Leeds
- There are a higher number of young persons classified as NEETS (not in education, employment or training) 14.2% compared to 7% for the rest of Leeds
- Educational attainment at key stage 4 = 5+ A-C including English & Maths is 31.5% compared to 53.4% for the rest of Leeds
- Obesity is higher than the Leeds average
- Smoking rates are almost double the Leeds average
- Diabetes is higher than the Leeds overall figure
- COPD is much higher than the Leeds average and the age standardised rate is also high
- CHD is higher than the Leeds average
- Admissions for alcohol related conditions are high
- Cancer rates are slightly lower than the Leeds average however when standardised against age it is in line with the Leeds average
- Mortality rates for under 75 are much higher than the Leeds average

The National Obesity Observatory's Report on Obesity and alcohol states that the relationship between obesity and alcohol consumption is complex. Associations between the two are heavily influenced by a number of factors including: patterns and levels of drinking; types of alcoholic drinks consumed; gender; body weight; diet; genes; physical activity levels and other lifestyle factors.

Some of the key points from the report include:

- Many people are not aware of the calories contained in alcoholic drinks
- The effects of alcohol on body weight may be more pronounced in overweight and obese people
- Alcohol consumption can lead to an increase in food intake
- Heavy, but less frequent drinkers seem to be at higher risk of obesity than moderate, frequent drinkers
- The relationships between obesity and alcohol consumption differ between men and women
- Excess body weight and alcohol consumption appear to act together to increase the risk of liver cirrhosis

• There is emerging evidence of a link between familial risk of alcohol dependency and obesity in women

All of this leads to a concern about the availability of alcohol and unhealthy foods.

Sources

Local information provided by http://openlylocal.com

Additional data provided by http://www.westyorkshireobservatory.org/home
Licensing information provided by Entertainment Licensing (extracted October 2012)

Crime data provided by West Yorkshire Police

Health information provided by NHS Leeds (Leeds Alcohol Harm Reduction Action Plan 2011-

2015, Alcohol Needs Assessment Info 2011 & Tackling Alcohol and

Community Safety in South Leeds – Summary Findings) Joint Strategic Needs Assessment 2012, NHS Leeds

Contact Details

Entertainment Licensing Section Phone: 0113 378 5029 Leeds City Council Fax: 0113 336 7124

Civic Hall Website: www.leeds.gov.uk/licensing

Leeds LS1 1UR Email: <u>entertainment.licensing@leeds.gov.uk</u>

This document should be used as a guidance tool. Only the courts can give an authoritative opinion on statute law. Every effort has been made to ensure this document is both comprehensive and accurate but in an attempt to simplify the law omissions have been made. Please refer to the Licensing Act 2003 and associated regulations for full details of the law. You should seek your own legal advice on the matters raised in this guidance note.

Risk Assessment Proforma – South Leeds

Premises name:	
Premises Address:	
Applicants Name:	
Please be advised I wish to amend my application to add the following measures to the operatin schedule.	g
<u>Crime and Disorder</u>	
Suggested measures	✓
All areas of the premises to be used for the display of alcohol are marked on the plan. The display of alcohol will not change without the consent of the licensing authority by way of a minor variation application to the licence.	
The display of alcohol will be in a designated area of the premises which is capable of being supervised from the counter area.	
The display of spirits shall be in an area accessible only by staff	
The display of high-strength beers, ciders and lagers of 7.5% alcohol by volume (abv) or higher will be in an area accessible only by staff.	
There will be no sale of cider and lager of 7.5% alcohol by volume (abv) in 1, 2 or 3 litre plastic bottles.	
All areas where alcohol is displayed shall be covered by CCTV	
Prevention of public nuisance	
Suggested measures	✓
Staff will make hourly checks around the premises and remove any litter, including takeaway wrappers, can and bottles.	
Protection of children	_
Suggested measures	✓

1 Total Cition of Chinaren	
Suggested measures	✓
There will be a Check 25 proof of age verification scheme in place.	
Alcohol will not be displayed next to the public entrance/exit of the premises.	
The name of the premises will not contain reference to alcohol.	
There will be no window display posters or similar advertising contained reference to alcohol displayed on the premises shop frontage or the highway abutting the premises.	
All alcohol sale refusals will be recorded in a register which will be retained on the premises for inspection by responsible authorities on request.	

Please return this page to Entertainment Licensing, Civic Hall, Leeds, LS1 1UR or by email to entertainment.licensing@leeds.gov.uk





Issued premises licences and club certificates within an area

PREM/03706/001 - Pas Anatana, 287 Dewsbury Road, Hunslet, Leeds, LS11 5HN

Sale by retail of alcohol

Every Day 08:00 - 22:00

PREM/01425/002 - China Chef, 279 Dewsbury Road, Hunslet, Leeds, LS11 5HN

Provision of late night refreshment

 Monday to Thursday
 23:00 - 23:30

 Friday & Saturday
 23:00 - 00:00

 Sunday
 23:00 - 23:30

PREM/03374/005 - European Foods, 277 Dewsbury Road, Hunslet, Leeds, LS11 5HN

Sale by retail of alcohol

Every Day 09:00 - 23:00

PREM/03201/009 - Iceland Foods, 255 - 257 Dewsbury Road, Hunslet, Leeds, LS11 5HZ

Sale by retail of alcohol

 Monday to Saturday
 08:00 - 23:00

 Sunday
 10:00 - 22:30

PREM/01979/002 - Crazy Chef's, 271 Dewsbury Road, Hunslet, Leeds, LS11 5HN

Provision of late night refreshment

Friday & Saturday 23:00 - 02:00 Sunday to Thursday 23:00 - 01:00

PREM/00037/002 - Nite Inn Bed & Breakfast, 281 - 283 Dewsbury Road, Hunslet, Leeds, LS11 5HN

Sale by retail of alcohol

 Monday to Saturday
 10:00 - 00:00

 Sunday
 12:00 - 23:30

Performance of recorded music

Every Day 00:00 - 23:59

PREM/02320 - Hussain Brothers Food Store, 24 - 26 Trentham Grove, Beeston, Leeds, LS11 6HT

Sale by retail of alcohol

Monday to Saturday 08:00 - 23:00 Sunday 10:30 - 22:30

PREM/00077/V01 - T.E.K. Express (formerly P.K Tek Off Licence), 265 Dewsbury Road, Beeston, Leeds, LS11 5HN

Sale by retail of alcohol

Every Day 07:00 - 00:00

PREM/02460 - Imran Fisheries & Takeaway, 2 Woodview Road, Beeston, Leeds, LS11 6LE

Provision of late night refreshment

Friday & Saturday 23:00 - 01:30 Sunday to Thursday 23:00 - 01:00

