

Licensing Sub-Committee

Tuesday, 4th July, 2023

PRESENT: Councillor N Buckley in the Chair

Councillors S Holroyd-Case and I Wilson

1 Election of the Chair

RESOLVED – Councillor N Buckley was elected Chair of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents.

3 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That the public be excluded from the meeting during consideration of the following part of the agenda designated as exempt from publication 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 public were present there would be disclosure to them of exempt information so designated as follows:

Agenda Item 8 – That Appendices A and B to the report “Application for the Grant of a Personal Licence for Jamie Bloomfield” be designated as exempt from publication under the provisions of the Access to Information Procedure Rules 10.4(1), 10.4(2) and 10.4(7) and considered in private. The appendices contain information relating to an individual; information which is likely to reveal the identity of an individual; and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. In all the circumstances of the matter the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

4 Late Items

There were no late items of business.

5 Declaration of Interests

No declarations of interest were made.

6 Certification of Films - London Animation Festival

The report of the Chief Officer, Elections and Regulatory, sought consideration of an application for the certification of 8 films proposed to be shown at Hyde Park Picture House, 73 Brudenell Road, Headingley, Leeds, LS6 1JD, as part of the London Animation Festival: Marvellous Animations 8-12, to be screened on the 15th and 16th July 2023.

A synopsis of each of the films was outlined in the appendix to the report along with comments from the licensing officer and proposed PG certification for the Festival, for consideration in line with BBFC (British Board of Film Classification) guidance. Members of the Sub-Committee had viewed the films prior to the meeting.

RESOLVED – That the films be classified as follows:

Death of the Gods - PG
The Most Boring Granny in the World - PG
Laika and Nemo- PG
Mezosoique Alternatif - PG
Burry Man - PG
Polar Bear Bears Boredom - PG
Pig - PG
Migrants – PG

7 Application to Vary a Premises Licence held by Off Licence, 259 Beeston Road, Beeston, Leeds, LS11 7LR

The report of the Chief Officer, Elections and Regulatory, presented an application to vary a Premises Licence held by Off Licence, 259 Beeston Road, Beeston, Leeds, LS11 7LR.

The application sought to extend the sale by retail of alcohol for consumption off the premises, from the existing hours of 07:00 to 23:00, Monday to Sunday, to 24 hours a day, 7 days a week, and revise the following conditions:

- To remove condition 24 as a duplication of condition 23;
- To remove conditions 27, 28, 30, 34, 37, 40 and 43; and
- To reword condition 46 so that children will be prevented from entering the premises between 22:00 and 07:00 hours.

The application received representations from responsible authorities and a local Ward Councillor, mostly on the grounds of grounds of crime and disorder and public nuisance.

Prior to the hearing, the applicant had agreed to measures proposed by West Yorkshire Police (WYP) to address the prevention of crime and disorder licensing objective. Subsequently, WYP withdrew their representation as the agreed measures would be included on the operating schedule for the premises, should the variation application be granted.

The following were in attendance for this item:

Mr S Al Ampasi – the applicant
Nicola Kelly-Johnson - Public Health Team
Peter Mudge – LCC Safer Stronger Communities Team

The local Ward Councillor who had submitted a representation did not attend the hearing and the Sub Committee resolved to consider their written representation in their absence.

The Legal Officer outlined the procedure for the meeting and the Licensing Officer provided an overview of the application.

Mr Al Ampasi addressed the Sub Committee and provided the following information in support of the application:

- The recent increase in utility bills associated with trading was the reason for the application to extend the hours for sale of alcohol as he felt this would generate additional revenue.
- The application was for 24 hour 7 days per week sale of alcohol but he would accept at least up to 02:00 hours.
- The hot food take-away next door closed at 02:00 hours and he felt that people buying food there would be likely to visit his shop to purchase alcohol to consume with their food.
- He had discussed and accepted measures suggested by West Yorkshire Police, including the installation of an additional CCTV camera and implementation of an incident book.
- With regard to the Care Home located nearby, he had not received a complaint from them in the last five years, and during the pandemic he had supported the Care Home staff by supplying free food and drink to them when they finished their shift and couldn't access anywhere else.

In conclusion, Mr Al Ampasi reiterated that he did not need 24 hour sales but would accept 02:00 hours close.

In response to questions from the Sub-Committee, the following was discussed:

- Mr Al Ampasi hoped to increase his cashflow from £1000 per day to £1500 with extended trading hours. His utility bills had increased from £400.00 to £1600.00 per month and he expected a rent increase for the premises at the end of the year.
- His premises catered for the local European residents and since Brexit, he could not afford to buy the foodstuffs they had previously, so wanted to focus on alcohol sales which he knew would sell.
- The local Nisa store had closed down and the Asda supermarket a mile away closed at 22:00 hours so his shop could cater for residents wishing to buy products later in the evening.
- The later hours would cater for late night shift workers, NHS and care staff and police officers. Mr Al Ampasi reported he had good relationships with local police officers and had discussed the possibility of a late night licence with them. He also felt the later hours would allow people with babies and young children to shop for essentials they may have forgotten, such as nappies.
- He believed the additional sales he could make would cover the wage of an additional staff member if one was needed. As he was already paying for electric through the night for the shops fridge and cold storage units, he felt he should try to put that money to use by opening the shop for longer.
- In respect of crime and disorder, Mr Al Ampasi was considering installing shutters to the shop front and installing a hatch to make late night sales through as he had discussed this with a friend who operated a premises in Gipton.

Nicola Kelly-Johnson, Public Health Team, then addressed the meeting and provided the following information:

- The area around this premises was densely populated and classed as one of the most deprived in the city. This revealed who would feel the impact of the wider determinants of health and of these, children felt the impact the most.

- A study by Edinburgh University found that impoverished areas were also the areas with the highest level of premises selling alcohol. Additionally, risk from harm data compiled by Entertainment Licensing and the Public Health Team ranked this area as 42 out of 107, showing a medium level of risk. The data referenced varied indicators including young people Not in Employment, Education or Training (NEETS) and the number of ambulance call outs. However children were particularly susceptible to risk from alcohol, due to its effect on their developing brains and impact on their ability to assess risk.
- This area has a high number of NEETS – ranked 19 out of 107 areas – and a high number of children and young people in receipt of social care. Those children and young people in Social Care had already experienced trauma and harm in their family situation.
- The area already had a high concentration of premises selling alcohol and ranked 14 out of 107 areas. Alcohol is therefore already accessible in the locality, and alcohol sales bring an abundance of marketing into a child’s environment which can normalise alcohol into their lives and shift social beliefs over the use of alcohol.
- Statistics showed that crime was already in the area – 30 incidents of violent crime, 75 anti-social behaviour incidents and 88 violent/sexual offences recorded in the last 12 months – and additional alcohol sales in the area would increase the reports.
- In terms of the environment, there was a small grassed area and Cross Flatts community park nearby. People were known to congregate there already and the park had been identified as a problem area for people street drinking. Residents would not attend the park, so Public Health had undertaken work to encourage community use there and to discourage street drinkers.

In discussions with Members, Ms Kelly-Johnson provided additional information:

- There were other off-licences in the area, but the question was “where do we draw the line?” If they are there already, and more were licensed, this would in a way promote alcohol due to all the marketing associated with alcohol.
- Although no evidence was available to present to the Sub Committee of children consuming alcohol, there was developmental experience that children and young people do take risks as part of their learning, drinking alcohol does present a risk to them.
- In response to a query about the terminal hour, Ms Kelly-Johnson stated she had not known of the offer of the 02:00 hours closing prior to the hearing and her case had been based on the proposal for a 24 hour licence as set out in the application.
- There would be a difference to the community between 24 hour sales and the new proposal of 02:00 hours closing in terms of noise and disturbance as the premises was in a residential area. Additionally, she posed the question “If you could buy alcohol at any time during the proposed 24 hour request, then when do you actually ever stop being able to drink alcohol?”
- It would be more acceptable if the terminal hour was pulled back to 02:00 hours

Peter Mudge, Safer Stronger Communities Team, then addressed the Sub Committee with the following:

- Having heard the offer to reduce the hours of operation to close at 02:00 hours, Mr Mudge stated there was a big difference between 24 hour sales and 02:00 hours close. He had experience of working in Armley and Harehills and 24 hours had caused a problem in Armley as people from outside the locality visited premises they knew they could purchase alcohol from through the night. If this premises closed at 02:00 hours it would lessen the appeal and make the proposal more acceptable.
- He acknowledged this was a well-managed shop in a nice local shopping area. Although this was a residential area, this row is the main shopping area for residents. Were this application granted and the area experience an increase in anti-social behaviour, there would be concerns. The premises was 20 yards from housing so it would have an impact on the families and children living nearby.
- The applicant has reached agreement with West Yorkshire Police and their record showed that it was a well-managed shop, but if additional conditions to address noise and people congregating could be added, that would be a good resolution.

In discussions with Members, Mr Mudge provided more information on his experience of people travelling from Wakefield and Morley to purchase alcohol from premises in Armley operating 24 hour licences and that as this premises opened at 07:00 hours, the proposal to amend the terminal hour to 02:00 hours would provide a good break.

In summing up, Mr Al Ampasi acknowledged that he understood the concerns raised in the objections, however he noted that there were 6 off-licences between his premises and the community park. He sought 24 hours or 02:00 close, his suppliers were more expensive than supermarkets, in turn this meant his prices were not necessarily cheap and may not attract street drinkers. Additionally:

- He had not previously experienced problems with large groups of people inside the shop due to its size or with people congregating outside the shop. If he or his staff saw someone who was already drunk, they would not be served as he wished to maintain his good relationship with the police.
- Mr Al Ampasi spoke of his work within the community - across the road are flats for young offenders and he had helped them get jobs and food.
- He acknowledged that West Yorkshire Police did make an objection to the application for 24 hour sales, and he had agreed to install CCTV and implement an incident log book in response. He had discussed installing the shutter and hatch approach for late night sales with police officers. When the shutter was down, he did not believe anyone who had purchased alcohol would stay outside the shop to consume it.
- In terms of local residents, he believed there was only one flat above one of the shops in the row, the remainder were houses to the rear of the row.
- In terms of noise and disturbance, no music was played in the shop and the shop did not generate loud noises, additionally if there was noise during the later hours, he would close the shutter and prevent people entering the shop.

In conclusion Mr Al Ampasi reiterated his offer to reduce the terminal hour for sales of alcohol to 02:00 hours as this would match the hot food take away next door

which he believed could generate sales for his premises. No other premises nearby sold alcohol through the night. He would still open at 07:00 hours and would operate the shutter and hatch after 23:00 hours. Mr Al Ampasi also reported that he had previously worked in close protection and had held a Security Industry Accreditation for work in pubs and would seek accreditation again if that would help.

The Sub Committee deliberated in private and in reaching its decision, considered the report of the Head of Elections, Licensing and Registration, including the written representations opposing the application. The Sub Committee also had regard to the relevant provisions of the Licensing Act 2003, the Guidance issued under Section 182 of the Act and Leeds City Council's Statement of Licensing Policy. The Sub Committee also considered the oral representations, contributions, and explanations from the applicant.

RESOLVED – That the application be granted as amended at the hearing by the applicant.

To clarify:

- Sale of alcohol for consumption off the premises – 07:00 to 02:00 hours the following day, 7 days a week;
- To amend the conditions on the existing Premises Licence as requested;
- The measures agreed between the applicant and West Yorkshire Police will be added to the operating schedule for the premises.

8 Application for the Grant of a Personal Licence for Jamie Bloomfield

The Chief Officer, Elections and Regulatory submitted a report seeking consideration of an application for the grant of a Personal Licence for Mr Jamie Bloomfield.

West Yorkshire Police had served an objection notice on the Licensing Authority as they considered it appropriate for the promotion of the crime prevention licensing objective.

Mr B Patterson attended the hearing on behalf of West Yorkshire Police. The applicant did not attend the hearing.

The Sub Committee was provided with information detailing Mr Bloomfield's contact with the Licensing Authority and it was noted that he had not returned a Parties Notice of Intention to Attend form. Members carefully considered the options available to them and

RESOLVED – To adjourn the hearing to Tuesday 22nd August 2023