

Licensing Sub-Committee

Tuesday, 12th December, 2023

PRESENT: Councillor J Gibson in the Chair

Councillor E Carlisle

1 Election of the Chair

RESOLVED – To elect Councillor J Gibson as Chair for the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

3 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

4 Late Items

There were no formal late items.

5 Declaration of Interests

No declarations of interest were made.

6 Application for the Grant of a Premises Licence for Unit 7C, Hilltop Commercial Centre, Houghley Lane, Bramley, Leeds, LS13 2DN

The Chief Officer Elections and Regulatory submitted a report for Members consideration of an application to grant a premises licence made by Cassandra Jane Rae, for Unit 7C Hilltop Commercial Centre, Houghley Lane, Bramley, Leeds, LS13 2DN.

Attending the meeting were:

- Cassandra Jane Rae – Applicant
- The applicant's daughter attended to observe the hearing.

The Legal officer explained the procedure for the hearing. As there were only two Members on the Sub-Committee, the applicant agreed to proceed with the hearing on this basis.

The Licensing Officer presented the application informing Members of the following points:

- The application was for the grant of a premises licence, made by Cassandra Jane Rae, for Unit 7C Hilltop Commercial Centre, Houghley Lane, Bramley, Leeds, LS13 2DN.
- The business was proposed as a storage unit for the sale of alcohol for an online delivery service proposing the sale by retail of alcohol for consumption off the premises only for the hours of Monday-Friday 09:00 - 17:00, Saturday 11:00 - 16:00 and Sunday 11:00 - 14:00.
- It was noted that the premises will not be open to members of the public.
- It was the first application for licensable activity for the premises.

- Responsible authorities and Ward Members had been notified of this application. No representations had been received in response.
- The application had attracted a representation from a member of the public, which remained outstanding, opposed to the application mainly on the grounds of public nuisance. They held fears of retribution and had not attended the Sub-Committee.
- A copy of the application form was available at Appendix A, a map of the locality at Appendix B, the public objection comment at Appendix C and a list of surrounding premises at Appendix D.

The applicant provided the Sub-Committee with the following information:

- Rather than tabling an additional document which responded to the concerns raised in the objection comment, this information was verbally presented as part of the applicant's submission.
- The unit was currently in their ownership and was used for storage purposes.
- The business was proposed for sale online by delivery only and was not open to the public. The unit was to be used for storage, packing boxes, and distributing deliveries.
- Sales will consist of craft beer, costing approximately between £4-£5 a can, with the ability for a customer to build a variety pack. It was the ambition to create a trade account with many locally and nationally significant breweries, allowing customers to place convenient orders without having to visit multiple shops.
- As the objector had referenced increased traffic, it was noted, that no additional noise or traffic was expected through this application as the unit was part of an old mill, business complex, containing multiple other businesses that required deliveries and vehicle usage.
- It was a basement unit at the far end of the mill complex and was not contributing to litter in the area, as referenced in the objection comment. Packaging was to be disposed of into locked recycle bins.
- Advertisements of the proposals had been displayed clearly on four laminated, blue notices. One was placed on the gate to the mill, another outside the premises.
- As the objection had referenced traffic and roads being dark nearby, it was noted that street lighting was a concern for Highways and with no current deliveries taking place, the business was not yet contributing to traffic.
- One to two deliveries were expected to the premises each week for distribution and the same delivery courier companies as other businesses in the will were to be used, to limit disturbance.
- Sale was to consist of hand-picked, high-quality craft beer in cardboard packaging to be delivered upon online order request. There were no similar businesses noted within the locality and local breweries such as Horsforth, Kirkstall and Wilde Childe were proposed for sale.
- The business was considered to have no extra impact on the area, given the location, operations and surrounding existing businesses.

Responding to questions from Members the Sub-Committee were informed of the following by the applicant:

- It was confirmed that there was no signage proposed which may draw public attention to the unit and any promotion will stress that sales are for online order and delivery only and it is not a shop.
- To outline confidence that the business will not contribute to additional traffic in the area, it was noted that the premises will not be open for customers and delivery was to be conducted by the applicant or by distribution courier services.
- Previously, there was an intention to run a sweet shop from the premises but had not been done due to the unit being deemed unsuitable for physical customers. The unit had been owned by the applicant for three years and had only been used for storage purposes.
- If the business was to be opened to the public as a bottle shop, this would be done at an alternative location, better suited to this business model. It was hoped that the business would expand in these terms.
- The applicant had no previous experience with running premises with licensed activities, however, they held a personal license, had previously home brewed beer and was establishing the business due to a passion for craft beer and, from experience, having had to go to multiple shops to purchase a range of craft beer.
- Age verification for online orders was via a check box to enter the website, more formal requirements were needed for delivery, with couriers requiring ID to complete delivery.
- Credible couriers were to be used and an email or text code can be used for proof of order. It was noted the beer for sale was expensive and not perceived to be attractive to alcoholics or younger people.
- The applicant noted they were enthusiastic for the business to succeed and had no intention to sell cheaper beer if the application were granted.
- The applicant noted they were self employed but this was their first attempt at setting up a beer or online sale business.
- Deliveries were expected to be sent out in bulk, towards the end of the week, to limit multiple vehicles attending every day.
- The applicant lived locally and had chosen this unit due to it being a reasonable price and with it being a basement unit, was a good space and temperature for brewing beer, if they were wanting to do so.
- No exact competitors with the same business model in the locality were known, although some breweries sell their own beers online for delivery. It was the intention to contact local breweries to propose to sell their beer and consolidate working relationships.
- Delivery and work vans were noted to be common in the mill complex, with catering, mechanic and woodwork, as well as many more businesses residing there.
- It was felt that the objection was based against the impact of the mill complex rather than this application itself.
- It was clarified that the licensed times applied for were until 17:00 Monday to Friday, 16:00 Saturday and 14:00 on Sunday, as suggested and agreed with West Yorkshire Police (WYP). It was understood distribution was unable to take place later than these hours.

- The following suggested measures were agreed to be followed and incorporated into the operating schedule, as per licensing guidance for alcohol delivery services;
 - There will be no access to the licensed premises by members of the public at any time whilst the premises licence has effect, except for those who use the premises for their business, employment, or residence.
 - The premises licence holder/designated premises supervisor shall adopt a 'Challenge 25' age verification policy that shall be applied at the point of order, sale and on delivery.
 - All people involved in the delivery of alcohol, be this the premises licence holder/designated premises supervisor, employees or third party courier, shall at the point of delivery be satisfied that the person to whom the alcohol is being delivered is 18 years and over. If at any point of the process acceptable photographic age verification documents cannot be produced, the delivery shall be refused, and alcohol returned to the licensed premises.
 - Deliveries shall only be made to the address indicated on the order.
 - Deliveries shall only to be made to bona fide business/commercial addresses or private residences and not to any public/open spaces (e.g. car parks, street corners, bus stops, public parks).
 - Deliveries shall be refused to any person who is, or who appears to be under the influence of alcohol or drugs and the alcohol shall be returned to the licensed premises.
 - The licence holder/designated premises supervisor shall ensure that only the alcohol items specified on orders processed for despatch are loaded onto delivery vehicles, and no surplus stock shall be carried on vehicles.
 - With regards to all third-party couriers used to provide the delivery of alcohol, the premises licence holder/designated premises supervisor shall have a contractual arrangement with each third party to be satisfied that the promotion of the licensing objectives and terms of the premises licence are complied with at all times, with particular attention to the point of delivery.
 - Hackney Carriages or Private Hire vehicles shall not be used for deliveries under any circumstances.
 - The premises licence holder/designated premises supervisor shall keep records of or have access to all alcohol orders. Records shall include for each order: the full name and address of who made the order; age verification at point of order; any refusals made at the point of order; the items ordered; the date and time of the despatch; details of the delivery provider/driver; the date and time of delivery; the full postal delivery address; the name and date of birth of the person receiving the order; detail of identification/proof of age documents received; details of any refusals at the point of delivery including reasons. Records shall be retained at the licensed premises for a period of 12 months and be produced on request for inspection by a police officer or an authorised person of the licensing authority.

RESOLVED – To grant the application as applied for, subject to the incorporation into the operating schedule of the following conditions:

- There will be no access to the licensed premises by members of the public at any time whilst the premises licence has effect, except for those who use the premises for their business, employment, or residence.
- The premises licence holder/designated premises supervisor shall adopt a “Challenge 25” age verification policy that shall be applied at the point of order, sale and on delivery.
- All people involved in the delivery of alcohol, be this the premises licence holder/designated premises supervisor, employees or third party courier, shall at the point of delivery be satisfied that the person to who the alcohol is being delivered is 18 years and over. If at any point of the process acceptable photographic age verification documents cannot be produced, the delivery shall be refused, and alcohol returned to the licensed premises.
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- The licence holder/designated premises supervisor shall ensure that only the alcohol items specified on orders processed for despatch are loaded onto delivery vehicles, and no surplus stock shall be carried on vehicles.
- With regards to all third-party couriers used to provide the delivery of alcohol, the premises licence holder/designated premises supervisor shall have a contractual arrangement with each third party to be satisfied that the promotion of the licensing objectives and terms of the premises licence are complied with at all times, with particular attention to the point of delivery.
- Hackney Carriages or Private Hire vehicles shall not be used for deliveries under any circumstances.

7 Application for the Grant of a Premises Licence for Reksio Mini Market, 5 Middleton District Centre, Ring Road Middleton, Leeds, LS10 4AX

The Chief Officer Elections and Regulatory submitted a report for Members consideration of an application to grant a premises licence made by Reksio Limited, for Reksio Mini Market, 5 Middleton District Centre, Ring Road Middleton, Middleton, Leeds, LS10 4AX.

Attending the meeting were:

- Tony Clarke – JMC Licensing – Applicant’s Representative
- Mohammed Ahmad – Director of Reksio Ltd – Applicant

The Legal officer explained the procedure for the hearing. As there were only two Members on the Sub-Committee, the applicant agreed to proceed with the hearing on this basis.

The Licensing Officer presented the application informing the Members of the following points:

- The application was for the grant of a premises licence made by Reksio Limited, for Reksio Mini Market, 5 Middleton District Centre, Ring Road Middleton, Middleton, Leeds, LS10 4AX.
- The licence was for a newsagent also selling European foodstuffs, situated in a mixed-use retail section of a block of retail units. This was the first licence application made by the premises.
- In summary, the application was for Sale by retail of alcohol (for consumption off the premises) every day 07:00 - 23:00.
- Responsible Authorities and Ward Members had been notified of the application. Negotiations and amendments to the operating schedule had been made, including the provision of CCTV to address issues of anti-social behaviour and youths congregating.
- Two public objection comments had been received, which remained outstanding. The objectors held fears of retribution, personal details had been redacted, the objectors remained anonymous and had thus not attended the hearing.
- A copy of the application form was available at appendix A, a map of the locality at appendix B, agreements with WYP at appendix C, agreements with Councillor Dixon at appendix D, redacted objection comments at appendix E and a list of local licensed premises at appendix F.

The applicant's representative provided the Sub-Committee with the following information:

- The applicant had owned the premises since October 2023, the premises and previously been a paper shop.
- The applicant had signed a 15 year lease and had refurbished the shop at a substantial cost, showing his long term commitment to the shop and the community.
- With the applicant's representative having conducted a site visit to the shop a day prior to the hearing, the shop was outlined to be ordered and clean and there were no issues with youths congregating noted.
- Waste bins had been provided outside the shop, one which the applicant paid for at a cost of £1,000 per annum and another bin was approximately 30 yards from the premises within the parade of shops.
- 3 temporary event notice (TEN) licences had been granted for the store to sell alcohol, with no issues reported.
- The applicant noted that if contact details for the objectors had been available, they were happy to liaise with them to address their concerns.
- The two objection comments were noted to be similar with regards to their content and it was queried that they may be the same person.
- The comments regarding litter stemming from the premises were considered not applicable to the shop.
- There were two external and two internal CCTV cameras installed and all CCTV conditions were to be followed.
- With 22 conditions agreed with WYP and an additional 3 with Councillor Dixon, it was noted these were to be followed and will satisfy the concerns raised by objectors.

- The application was considered to be reasonable and appropriate to the premises scale and location and was not proposing to sell alcohol late into the night.

Responding to questions from Members the Sub-Committee were informed of the following by the applicant team:

- Members raised concerns that anti-social behaviour occurred at the parade of shops, and it was hoped the shop would not attract or facilitate this. The negotiations with WYP displayed a positive start.
- As the hours applied for would allow the sale of alcohol from 7:00, it was noted this was early and had the potential to be a magnet for street drinkers. In response it was outlined that the applicant sought to keep his opening times and licensed hours in sync, as if the licensed hours were later, the alcohol that was stocked would have to be blocked off and could lead to conflict with customers.
- It was noted that Section 182 guidance outlined the sale of alcohol in line with a premises opening time was best practise unless good reasons were identified. The Legal Officer noted this as 10.15 of the guidance, *'Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.'*
- The local ASDA store was noted to have a later start time for their alcohol licence than their opening time. In response it was noted that ASDA had designated security and was better suited to containing conflict with customers and the application had been submitted in line with the guidance.
- Members noted that conflict arising from people not being able to purchase alcohol early in the morning was not the situation or clientele they would like the shop to attract.
- Members suggested, to positively impact the community and address litter concerns, the applicant could engage with Ward Members and local litter picking groups.
- It was confirmed that the applicant worked at previous shops holding alcohol licences, but this was the first license he had applied for in the capacity of a shop owner. He also intended to purchase a close by barber shop, which showed commitment to staying in the area and developing community assets.
- The applicant and his wife held personal licenses and had been provided with the appropriate compliance literature.
- The premises differed from other local shops as it supplied Eastern European foods, specifically, Polish, Romanian and Slavic. It was noted that the alcohol proposed for stock will be comprised of some Eastern Europe favoured choices and that customers had requested the sale of alcohol to suit their convenience.
- It was estimated that food products would make up around 80% of the shops stock and up to 50% of sales may be alcohol.
- Middleton was in the top 1 percentile for deprivation in the UK, with poverty associated with increased prevalence of alcoholism and it was proposed that the licensed hours be revised to start from 09:00 to discourage alcohol consumption early in the day. In response it was noted no issues had

occurred during the TENS, procedure will be followed, drunk people will not be served, an incident book will be available, and the licensing objectives will be upheld.

- Members noted alcoholics tend to prefer small shops and anyone behaving in an aggressive manner should be removed from the premises. Conflict was not likely to arise from people who were not dependant on alcohol.
- Although some difficulties may arise with a later start time to the licence, the applicant agreed he would be content with a 08:00 start time. It was noted sufficient measures were in place to support the licensing objectives and limit any confrontation that may occur.

In summing up the applicant outlined the following:

- The objectors had not expanded on their concerns, had not attended the hearing and had not supplied evidence to support their claims. The objections had the potential to be submitted by competing local businesses.
- The four licensing objectives had been covered. The shop was considered safe and drunk people were not to be served alcohol.
- The hours applied for were not unreasonable and the preference was to match the opening times.
- The applicant was commended for taking on and improving a shop that had fallen into a bad condition and proposals to purchase another shop in the parade showed commitment to the community and location. The shop was to be a family run business for the local community.
- The objection comments were vague, and the applicant had agreed to a substantial number of conditions proposed by WYP and Ward Members.

RESOLVED – To grant the application, subject to the alteration of the hours permitted for the sale of alcohol, which would be 08:00 to 23:00 Monday to Sunday.

8 Application for the Grant of a Premises Licence for Bombay 2 Goa, 16A Headingley Lane, Headingley, Leeds, LS6 2AS

The Chief Officer Elections and Regulatory submitted a report for Members consideration of an application to grant a premises licence made by Bombay to Goa Limited, for Bombay 2 Goa, 16A Headingley Lane, Headingley, Leeds, LS6 2AS.

Attending the meeting were:

- Sandeep Manhas – Applicant and Proposed Designated Premises Supervisor
- Mrs. Sue Buckle – Public Objector and Community Representative
- Peter Mudge – LCC, Localities Improvement Manager, Stronger, Safer Communities

The Legal officer explained the procedure for the hearing. As there were only two Members on the Sub-Committee, all parties agreed to proceed with the hearing on this basis.

The Licensing Officer presented the application informing the Members of the following points:

- The application was for the grant of a premises licence, made by Bombay to Goa Limited, for Bombay 2 Goa, 16A Headingley Lane, Headingley, Leeds, LS6 2AS.
- The premises operated as a bar and restaurant, proposing the sale by retail of alcohol, late night refreshment and recorded music. This was the first licence application made by the business.
- Responsible authorities and Ward Members had been notified of this application and representations had been received from WYP, Environmental Health and twelve other persons. Agreements had been reached with WYP and Environmental Health and the operating schedule amended accordingly. Four objection comments had been withdrawn so eight objections remained an outstanding matter for the Sub-Committee's consideration.
- Following the agreement to amend the proposed operating schedule the application was for the sale by retail of alcohol (for consumption on the premises) Every day 11:00 until midnight, late night refreshment every day 23:00 until midnight, performance of recorded music every day 11:00 until midnight and the hours the premises were open to the public, every day 11:00 until midnight.
- A copy of the application form was available at appendix A, a map of the locality at appendix B, the agreement with WYP at appendix C, agreement with Environmental Health at appendix D, objection comments at appendix E and a list of local licenced premises at appendix F.

The applicant provided the Sub-Committee with the following information:

- The applicant was to be the store manager of the premises.
- The premises and the one next door had previously been LS6 Café which had closed a year previously. The arrangements were now to split the premises as a South Indian costal restaurant, Bombay 2 Goa, and an Italian restaurant.
- The application had been made after the closure of multiple premises in the locality, opening the opportunity for new premises to serve the community.
- The hours applied for had been reduced and it was thought some of the objections were grounded on a misinterpretation that the premises was to act as a nightclub or bar and not a sit-down restaurant, given the late hours originally applied for.
- An Officer from the Environmental Protection Team had visited the premises and they had discussed that the sale of alcohol will be for indoor customers only and was not to be sent out for delivery, as well as mitigating disturbance to local residents.
- The proposed operating schedule had been informed by, and in liaison with the Licensing Authority.
- The restaurant had 50 covers and the 1st floor was approximately 700ft².
- The previous business at the premises, LS6 Café, had held an alcohol licence.
- The customers the restaurant will attract were noted to be local workers and families, and not students. It was an a la carte style restaurant and was not a drinking establishment, drinkers were to be ordered to supplement meals.
- The objection comments had been read and were perceived to be more in objection to the concentration of students and the Otley Run.

- The applicant was ready to assist the local community and did not seek to attract trouble or public nuisance, with necessary objectives and systems in place. The opening hours of 11:00 to 12:00 midnight was thought to be reasonable.
- The restaurant will not impact residents negatively and operations will safeguard their interests.

The objectors addressed the Sub-Committee providing the Members with the following information:

Public Objector and Community Representative

- LS6 Café had previously been the Clock Café, with previous owners having a long history and had been supportive of the community, including the sponsorship of Unity Day, an annual local community event.
- There was a hope that the new owners will engage with Unity Day and looked forward to them working with the community.
- The initial concern was the original hours applied for, which was until 3:30am, and the impact it would have on local residents. It was noted that Hyde Park was a mixed demographic area, with students and older people and whilst each community was generally respectful towards each other, student parties had disturbed residents and effected their sleep, work and childcare.
- A minority of students had created noise and disturbance, with the Universities and the Anti-Social Behaviour team assisting with mitigation and management, however, it had caused some residents to move out of the area.
- Disturbance by students was comprised of being loud when returning from nights out, broken glass and litter, urination in gardens and trespassing. These issues were often difficult to address.
- An increase in the number of premises serving alcohol, particularly at late evenings and nights, were likely to increase anti-social behaviour in the area.
- The reduction in the hours applied for were appreciated but were still until midnight, which can impact upon resident's sleep.
- Although the restaurant wasn't aimed at students, it will still attract them, leading to potential issues arising.
- The main concerns were the late exit time, residents possessing little power to address issues of disturbance and public nuisance, impact of frequent delivery drivers, debris from takeaways and the potential for it not to be biodegradable.
- The premises was noted to be inside the Headingley/Hyde Park Cumulative Impact Area (CIA).

Localities Improvement Manager, Stronger, Safer Communities

- It was good to hear the applicant was willing to work with the community.
- The Otley Run, post Covid-19 pandemic, had become a huge drinking event, attracting people across the UK and involving lots of heavy drinking.
- While the Otley Run particularly effected Headingley, it was becoming an increased concern for Hyde Park residents.
- The new premises had the potential to attract students and heavy drinking. It was hoped they will hold a policy to not allow people taking part in the Otley Run to enter the premises, as many comparable pubs, bars and restaurants also had.

- It was requested that the premises employ door staff for Saturday afternoons and evenings, when the disturbance and nuisance caused by the Otley Run peaked.

Responding to questions from Members the Sub-Committee were informed of the following by the applicant:

- It was confirmed that the restaurant will not use plastic or polystyrene trays for food that was to be sold as a takeaway or delivered to people's homes.
- As the opening times were until midnight and the licensed hours applied for were also midnight, Members noted this will not leave sufficient drinking up time. The applicant agreed it was appropriate to amend the licence time to 23:30 to accommodate this and Members outlined TENs can be applied for special events if later times were required for specific events.
- The applicant confirmed there will be no outside drinking space or any allowances for drinks to be taken outside.
- The applicant was willing to work with the community and engage with events such as Unity Day.
- The applicant was mindful that the provision of security staff may significantly increase operation costs but was willing to employ security if problems arise. The Legal Officer noted provision of security may be difficult on short notice terms and also that door staff may be off putting to restaurant customers.
- The applicant proposed to close the restaurant at peak times on Saturday's, the busiest day for the Otley Run.
- Members noted other Indian restaurants in the locality did not attract heavy drinkers on the Otley Run and neither did the two previous businesses at the premises, who also managed without door staff. This business model posed less of a risk than bars or pubs.
- The restaurant will take bookings and will know the scope of customers and business that will occur in advance. Members proposed to condition that customers will only be served alcohol when they had ordered food or in the bar area when they were waiting for a table.

Responding to questions from Members the following information was provided by the objectors:

- The LS6 Café was noted to have had 120 covers.
- The demographic of Otley Run participants had changed and wasn't exclusive to students as had previously been the case, with events such as stag dos occurring.
- Provided mitigation was in place to not allow Otley Run participants in the premises, the application could be acceptable.
- The takeaway element raised concerns in regard to litter.

RESOLVED – To grant the application, subject to the alteration of the hours permitted for the sale of alcohol and to the addition of a “restaurant condition” (see below). The hours would be:

The Sale by Retail of Alcohol (for consumption on the premises) - Every day 11:00 until 23:30

Late Night Refreshment - Every day 23:00 until midnight

Performance of Recorded Music - Every day 11:00 until midnight

Hours the premises are open to the public - Every day 11:00 until midnight

The Committee added the following condition:

The sale/supply of alcohol shall only be made to accompany the sale of food. This does not preclude the sale/supply of alcohol to a person waiting to be seated in the restaurant or at the conclusion of the meal.