

Licensing Sub-Committee

Tuesday, 19th March, 2024

PRESENT: Councillor T Hinchcliffe in the Chair

Councillors R Downes and S Hamilton

1 Election of the Chair

RESOLVED – That Councillor Hinchcliffe be elected as Chair throughout the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals.

3 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

4 Late Items

There were no formal late items. However, supplementary information was published in relation to Agenda Items 7, 8, 9 and 10. Minute No. 7, 8, 9 and 10 refer.

5 Declaration of Interests

No interests were raised.

6 Certification of a Film – Betrayed: The Truth About Brexit

The report of the Chief Officer (Elections and Regulatory) advised the Sub-Committee of an application for the certification of Betrayed: The Truth About Brexit, to be screened on 23rd March 2024, at Hyde Park Picture House.

The application has been received from Leeds for Europe.

RESOLVED – To grant a rating of Category 12A.

7 Certification of Films – Leeds Young Film Festival 2024

The report of the Chief Officer (Elections and Regulatory) advised Members of an application for the certification of seventeen films to be shown at The Carriageworks Leeds, LS2 3AD, Leeds City Museum, LS2 8BH, Leeds Kirkgate Market LS2 7HY and Hyde Park Picture House LS6 1JD. The films will be shown as part of Leeds Young Film Festival 2024, taking place between 23rd March 2024 and 14th April 2024.

Supplementary information was circulated and published on the Council's website in relation to officers' comments in terms of each of the films to be shown.

Officers recommend that one of the films to be shown 'Big Dreams' be rated as a 12A rating, due to frequent use of bad language and it is considered this is too strong for a PG rating.

RESOLVED – To grant the following ratings:

Toopy and Binoo – U
Nina and the hedgehog's secret – PG
OkThanksBye – PG
Yung Punx: A Punk Parable – PG
Dancing Queen – U
Raise the Bar – PG
Big Dreams – 12A
Boris-Noris – U
Animanimals: Rhino – U
Animanimals: Dormouse – U
Animanimals: Pufferfish – U
Travel Bug – U
Tumpel (Pond) – U
Sunflower – U
The Sound Collector – U
Foxtale – U

8 Application for the grant of a premises licence for Thorp Arch and Boston Spa Cricket Club, Cricket Ground, The Village, Thorp Arch, Wetherby, LS23 7AR

The report of the Chief Officer (Elections and Regulatory) presented an application for the grant of a premises licence, made by Thorp Arch and Boston Spa Cricket Club, for Thorp Arch and Boston Spa Cricket Club, Cricket Ground, The Village, Thorp Arch, Wetherby, LS23 7AR.

Supplementary information was published on the Council's website and distributed to Sub-Committee members before the meeting. The information related to withdrawal of representations from West Yorkshire Police and Leeds City Council's Environmental Protection Team.

The following were in attendance for this item:

- Adam Gough, Thorp Arch and Boston Spa Cricket Club – Applicant
- Councillor Alan Lamb – Objector
- Councillor Norma Harrington – Objector
- Andrew Jones – Supporter
- K Walsh – Club Secretary

The Legal Adviser outlined the procedure for the hearing and the Licensing Officer presented the application.

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

In summary the application is for sale by retail of alcohol every day 11:00 until 23:30 and performance of live and recorded music every day 11:00 until 23:00. The clubhouse will be used for all licensable activities. The yellow outfield area shown on the plan as per the submitted report will be used for no more than 5 events per year.

Representations have been received from West Yorkshire Police and the Environmental Protection Team in their capacity as responsible authorities.

Supplementary information details agreements made between such responsible authorities and the applicant, and therefore both representations have been withdrawn.

The licensing authority is in receipt of twenty individual letters of objection, two letters from ward councillors and a letter from the parish council, all of which oppose to the application on all grounds of all licensing objectives. The licensing authority is also in receipt of twenty individual letters of support.

The applicant informed the Sub-Committee of the following:

- The cricket club is a community led environment and has worked hard at being a good neighbour to residents.
- West Yorkshire Police, LCCs Environmental Protection Team and the Fire Department have actively engaged throughout the process of the application and discussed issues and found resolutions to them.
- Thorp Arch and Boston Spa (TABS) has been there for 150 years and over time has established 223 members as of 2024. There are women's and children's teams also. TABS is in the centre of the village and the grounds are accessed via a private gate, with a clubhouse facility.
- TABS is on a 1 year rolling lease, and should the business fold, the playing fields will be returned to the owners and there is a possibility this may be developed into residential development.
- The applicant lives in Boston Spa and has been the Chairman of the club since 2013. He rebuilt the club and has put on a variety of events. There have been substantial private donations to help re-build the club.
- The same key challenges are faced every year in terms of financial stability and the applicant's intention is to ensure the club is self-sustaining and remains a club for all genders, abilities, and backgrounds.
- The maintenance of the ground is volunteer led and 3,000 hours of work are donated to the cricket club every year.
- Cricket is considered a declining sport and 2 local clubs have recently folded in the last 2 years. There are fund raising challenges of £5,000-£10,000 every year.
- The cost of running the club has increased significantly and there has been an introduction of a paid groundsman and professional coaches. The club has some of the best services in the area and is made affordable for all the community to partake.
- The club has previously used Temporary Event Notices (TENs) to operate events that have successfully been held but this poses a risk to probability of the weather and attendance. Therefore, the applicant is seeking security of a premises licence to ensure operations can be run effectively. The club has never had issues with the local community when the TENs were being operated. The club will not be a loud music venue, and the club want to formalise what they are doing under the TENs. Spectators enjoy a drink during the game, and players a drink after the match. Between 9:30 and 10pm players and the club tend to go into the village for a drink after games. TENs have included live bands, children's entertainment, and face painting typically fund-raising events.

- The highest attendance for spectators on a Saturday is usually 20 people. The ground is only 2.2 acres, and the club is not a big club.
- Glass is not allowed in the playing areas.
- Parking will be kept to a minimum and the club will work with the local community. There are double yellow lines on pinch points and local schools. The local farmer has allowed the club to use a field for past events.
- Complaints received regarding nudity came from a fundraising calendar event the club took part in to raise monies for local charities. This was done respectfully and with a professional photographer.
- The applicant is proud of where the cricket club has got to and is working to ensure its sustainability for the future.

Councillor Lamb addressed the Sub-Committee as an objector to the application and provided the following comments:

- The cricket club is a fantastic community asset.
- Local ward councillors are here on behalf of representations received from the local community, and legitimate concerns need addressing in relation to the hours of alcohol sales.
- The club have not had much engagement with the parish council or local community, and it is believed several concerns could have already been addressed.
- Generally, it has already been confirmed that people tend to leave the club from 9:30-10:00pm, so it is considered fair that the hours are reduced.
- Ward members do not have an issue with the premises applying for a licence, and do not want to see housing being developed on this site and wish for it to remain a cricket club.
- It is considered that 10pm is a reasonable cut off point.

Councillor Harrington also added that she would like to see a compromise with the hours also.

Further to questions from Sub-Committee Members, the following information was confirmed:

- The applicant confirmed that he would be happy for the hours to be reduced to 10pm. The applicant added that this sits well with the cricket club and the ambition is to leave by 10pm to support local clubs and vacate elsewhere.
- The applicant also confirmed he would be happy for the hours of live music to also be decreased to 10pm.

A member commented on the positive impact the cricket club is having on young people and thanked the applicant for addressing her initial concerns.

At this point in the meeting, the Sub-Committee moved into private session.

RESOLVED – To grant the licence, subject to an amendment to the hours for sale by retail of alcohol and performance of live and recorded music Monday - Thursday 11:00 until 21:30 and Friday & Saturday 11:00 until 22:00.

9 Application for the grant of a premises licence for Eden Supermarket 207 Dewsbury Road, Leeds, LS11 5HZ

The report of the Chief Officer (Elections and Regulatory) presented an application for the grant of a premises licence, made by Roielle Morris, for Eden Supermarket 207 Dewsbury Road, Leeds, LS11 5HZ.

Supplementary information was published on the Council's website and distributed prior to the meeting. The information related to agreements reached with West Yorkshire Police.

The following were in attendance for this item:

- Roielle Morris, Applicant and proposed DPS
- Joanna Onisiforou, Irwin Mitchell Solicitors – Applicant's Representative
- Saman Fakhri – Leaseholder
- Bruce Davies – Objector

The Legal Adviser to the Sub-Committee outlined the procedure to be followed, and the Licensing Officer presented the application.

The proposed licensable activities are sale by retail of alcohol (for consumption off the premises) every day 09:00 until 23:00 and the proposed opening times are 09:00 until 23:00.

The application has attracted representations from other persons and responsible authorities which remain a matter for consideration.

A representation has been received from West Yorkshire Police in their capacity as a responsible authority. Further to negotiations, the operating schedule has been amended to include suggestions from the police. They have therefore withdrawn their representation.

Representations have also been received from two individual letters of objection, including one from a ward councillor and the other from a member of the public which oppose the application on the grounds of public nuisance.

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

- The applicant has more than 12 years' experience in retail and hospitality and has lived in Middleton. The applicant has been a bar manager, shop manager and has held a personal licence since she has been 18 years of age. The applicant has also completed a course for her SIA badge, as well as health and safety training and first aid training.
- The premises is not located in a Cumulative Impact Assessment area.
- The applicant is offering something different to traditional off-licences and is the only premises in the area offering Uranian food products.
- The hours applied for is until 11pm and there are various outlets nearby with the same and/or later opening hours. There are staggered hours in the area which is supported in licensing policy.
- The applicant has offered a range of conditions, and some agreed in liaison with the police.

- Objections from residents relate to nuisance caused by street drinkers and anti-social behaviour related issues. There is a nearby street bench used by street drinkers and existing issues are not associated with the applicant.
- The operator is not responsible for the issues that already exist in the local area, and she has confirmed she is willing to comply with all the conditions she has offered.
- The applicant is wanting to set-up a legitimate business and she will not be serving to street drinkers.
- There has been a new alarm system fitted and new CCTV installed.
- There are measures in place for recycling and general waste.

A local resident attended the meeting as an objector to the application, and informed the Sub-Committee of the following:

- The resident has lived in Leeds for 23 years and 20 of them in the street he resides in.
- There has been an increase in anti-social behaviour related issues since the closure of the police station nearby and there have been issues with people urinating in residents' gardens and speeding issues.
- There has been a lack of help from the police and local authority in dealing with a range of issues and a large amount of time has been spent cleaning the street from the local resident.
- There is a high level of alcohol dependent people in the area.
- The bench on the corner used by street drinkers is always covered in litter and the addition of another premises with a premise licence will only add to existing issues that exist in the local area.
- The resident is dealing with a constant battle to ensure that the street is not covered in litter.
- There is a sense of dread in the community if another premises selling alcohol comes into the community.

In summarising, the applicant's representative explained that the applicant is willing to work with the local community and she also lives in the local area. The applicant is not looking to add to the cumulative impact. The applicant is considered a responsible operator and seeking to run a legitimate business. The clientele the applicant is wanting to attract is aimed at the sale of Ururian food products and the applicant does not want to encourage any street drinkers. It was suggested to re-locate the bench attracting street drinkers and this is something the objector could possibly work with the police on.

At this point in the meeting, the Sub-Committee moved into private session to deliberate on the application.

RESOLVED – To grant the licence as applied for, subject to the inclusion of the additional measures in the operating schedule, as agreed with West Yorkshire Police.

10 Application to transfer a Premises Licence and the Variation of the Premises Licence to specify an individual as Designated Premises Supervisor for Potraviny Danko, 39 Compton Road, Burmantofts, Leeds, LS9 7BJ.

The Sub Committee considered the report of the Chief Officer (Elections and Regulatory) which set out the following applications in relation to the premises known as Potraviny Danko, 39 Compton Road, Burmantofts, Leeds, 7BJ:

- a) an application for the Variation of the Premises Licence from Saman Ali Faiak to specify an individual (Mr Kewmars Muhamad) as Designated Premises Supervisor.
- b) Prior to the hearing, a further application for the Variation of the Premises Licence to specify an individual (Mr Kambiz Sawjblagchy) as Designated Premises Supervisor – this application to supersede the application for Mr Muhamad.
- c) an application to transfer the Premises Licence from Saman Ali Faiak to Potraviny Leeds Limited.

Supplementary information was published on the Council's website and distributed to Sub-Committee Members prior to the meeting, the information had been supplied by the Applicant's Representative and West Yorkshire Police.

The following were in attendance for this item:

- Chris Rees-Gay – Applicant's Representative
- Ziad Mohammed - Applicant
- Mr Kambiz Sawjblagchy – Designated Premises Supervisor (DPS)
- PC Andy Clifford, West Yorkshire Police – Objector

The applications had been served on West Yorkshire Police and objections had been made to both applications.

In asking parties if they had any additional information to share, it was confirmed that PC Clifford had some CCTV footage filmed from Coral Bookmakers showing the extent of street drinking in the area and issues associated with it. In response to this, the applicant's representative did not object to the Sub-Committee viewing this footage as he believed these were not issues associated with Potraviny Danko. The Sub-Committee agreed to view this footage as part of PC Clifford's presentation.

The applicant's representative referred to additional information he had in relation to a witness statement from the applicant, summarising that alcohol is not sold to street drinkers, or is there any connection to the footage of street drinkers.

The Legal Adviser to the Sub-Committee outlined the procedure for the hearing and the Licensing Officer presented the application. Members were informed:

- Since publication of the agenda, the Licensing Authority had received a further application to vary the DPS to Mr Kambiz Sawjblagchy which therefore supersedes the previous application. Sub-Committee Members were solely considering one application to transfer the premises licence at the hearing.
- The application to transfer the premises licence was served on West Yorkshire Police, and an objection to this application has been made and is presented before the Sub-Committee for determination.
- In April 2015 the initial application for a premises licence was granted, by Mr Mohammed Rasregar who also acted as the DPS. In March 2016 a transfer application and variation of the DPS was submitted by Saman Ali Faiak and

was granted. On 10th November 2023, West Yorkshire Police submitted a review application, where the premises was found to be selling non-duty paid alcohol and illicit tobacco. The Sub-Committee determining that application, revoked the licence. On 8th February 2024 an appeal was lodged with Kirklees magistrates which is due to be heard on 5th April 2024.

- The premises licence was transferred on 7th February 2024, where Mr Z Mohammed took on the licence and the premises is under new ownership.

The Applicant's Representative informed the Sub-Committee, providing the following information:

- There have been no issues linked or associated whilst the new ownership has been in place, and the police have no evidence regarding that. There is no evidence to link crime and disorder to the new owner.
- The premises do not sell to street drinkers and the premises keeps refusals register that has been completed when street drinkers are refused service.
- No visits were undertaken from the police following the footage obtained on 8th March 2024, and not aware of any issues associated with test purchases that may have been carried out.
- The CCTV footage from 8th March 2024, does not link any sale of alcohol to street drinkers.
- Mr Mohammed is a new applicant, and the lease has been surrendered by the previous owner, and there is a sale purchase agreement between the new operator and previous operator.
- Mr Mohammed has passed his personal licence course and is currently awaiting results from his DBS check. He is then intending on being the DPS himself.
- Staff in the premises have received all relevant training.
- Staff will adhere to conditions as set out in the supplementary information and includes measures to ensure that there are no links with the new operator and previous operator.
- The application to vary the premises licence to appoint a new DPS, is the second application made. The initial DPS has a conviction which the owner did not know. A new DPS will be required.
- Police have not asked for evidence regarding CCTV from the premises, nor any sale transactions.
- No evidence has been provided by the police regarding the new owner selling illicit goods.

In responding to a question from a Sub-Committee Member, it was confirmed that there are approximately 3-4 cases of stock left that will be sold off. In the proposed conditions, specifically condition 11, Sub-Committee Members suggested that the wording be 'There will be no sale of cider of 7.5% ABV **or greater**'.

In making his representation, PC Clifford informed the Sub-Committee of the following:

- A review was initially brought in and there was strong evidence against the previous owner. It is considered a usual tactic for employers to transfer a licence to prevent the licence being revoked. An appeal has also been made to the magistrates.

- The previous owner has proven to be deceptive, and it seems to much of a coincidence with the steps taken.
- A company has been set up during the review stage. It is considered that the person in overall control of a company can revert the licence to anybody.
- The police have submitted two objections to two DPS variation applications, both of which were considered to have a bad character and convictions. The person being put forward as the DPS has a conviction of sale of illicit tobacco and goods; the review is on the grounds of the same offence.
- It is considered that the previous owner, and current, are close associates.
- No test purchases have been carried out under the new ownership. Previous test purchases under the previous owner, were failed.
- It is considered that the transfer of the licence is not legitimate and the DPS being put forward has a conviction of selling illicit tobacco.
- CCTV footage is from Coral, which shows street drinking taking place outside of Potraviny Danko on 8th March 2024. The premises is directly next door to where the CCTV footage has been taken from, and the street drinkers are there almost every day.

Further to clarity from PC Clifford, he confirmed that the initial DPS was objected to on the grounds he had a conviction for obstructing the police. The second DPS has a conviction of selling illicit tobacco. The owner is therefore seeking a further DPS.

In summarising, the applicant's representative explained that reassurances can be found in the legal documents prepared by a third party, and the sale agreement is an 'arm's length deal'. No evidence has been submitted by the police to link issues associated with Mr Mohammed and there is also no CCTV footage to show that street drinkers were not being sold alcohol from the premises. The applicant purchased the premises from the previous operator, and the premises is now believed to be working well.

At this point in the meeting, Sub-Committee Members moved into private session to deliberate on the application.

The Sub-Committee moved back into public session, where additional questions were asked. Members raised concern regarding the premises operating with an unsuitable DPS, Mr Kambiz Sawjblagchy, who has a conviction relating to the sale of illicit tobacco. In responding to this, the applicant's representative confirmed that the applicant will submit a new DPS application in due course and will therefore formally withdraw in writing the Variation of the Premises Licence application to specify an individual (Mr Kambiz Sawjblagchy) as Designated Premises Supervisor. There will be no sale of alcohol at the premises until a new DPS is found.

Noting those undertakings, the Sub Committee Members then moved back into private session to deliberate further on the applications.

Upon returning, it was

RESOLVED – To:

- a) Note the withdrawal of the Variation of the Premises Licence application to specify an individual (Mr Kambiz Sawjblagchy) as Designated Premises Supervisor, and as that application was withdrawn, to refuse the original

variation of the Premises Licence to specify Mr Kewmars Muhamad as the DPS;

- b) Grant the transfer of the premises licence to appoint Potraviny Leeds Limited as the licence holder and;
- c) To note that the premises will not be able to sell alcohol until a new DPS is appointed.