

Licensing Sub-Committee

Tuesday, 15th August, 2023

PRESENT: Councillor A Hutchison in the Chair

Councillors A Ali and L Martin

1 Election of the Chair

RESOLVED – To elect Councillor A Hutchison 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, but supplementary information was circulated to Members prior to the meeting, in relation to item 6 'application for the grant of a Premises Licence for Kasa, 278A Belle Isle Road, Belle Isle, Leeds, LS10 3QJ' & item 7 'application for the grant of a Premises Licence RSPB St Aidan's Nature Park, St. Aidan's Nature Reserve, Astley Lane, Swillington, Leeds, LS26 8AL.'

5 Declaration of Interests

No declarations of interest were made.

6 Application for the grant of a premises licence for Kasa, 278A Belle Isle Road, Belle Isle, Leeds, LS10 3QJ

The Chief Officer Elections and Regulatory submitted a report for Members consideration on an application for the grant of a premises licence made by Jon Atkin Ltd, for Kasa, 278A Belle Isle Road, Belle Isle, Leeds, LS10 3QJ.

Attending the meeting were:

- Chris Rees-Gay, Woods Whur, Applicant's Representative
- Aqueel Bashir, Director, Jon Atkin Ltd, Applicant
- Warren King, Acoustic Expert
- Councillor Wayne Dixon, Middleton Park Ward
- Vanessa Holroyd, Environmental Protection Team
- Lisa Starbrook, Public Objector
- Tracy Morris, Public Objector

The Legal officer explained the procedure for the hearing.

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

- The application had been made by Jon Atkin Ltd. for a convenience store which was currently licensed under the Licensing Act 2023 and proposed to

authorise alcohol sales for consumption off the premises for 24 hours a day, 7 days a week.

- Responsible authorities and Ward Members had been notified on the application and had attracted representations from Ward Members, responsible authorities and other persons.
- The premises currently benefited from a premises license for the sale by retail of alcohol from Monday to Sunday from the hours of 7:00 to 23:00 and the new application was for Monday to Sunday, 24 hours a day.
- A copy of the application form was available at appendix A, a map detailing the location of the premises at appendix B, a copy of the Environmental Protection Team's (EPT) objection at Appendix C, a copy of the agreed conditions with West Yorkshire Police (WYP) was available at Appendix D, Ward Members and Local MP objection, along with 30 public objection letters were available at appendix E.
- 10 of the public objectors were concerned with retribution if their details were exposed and had not attended the meeting but wanted their comments considered by the Sub-Committee.
- A letter in support of the application was available at appendix F.

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

- Grant of the application was sought, with the agreed WYP conditions attached.
- The premises was a small convenience store and the new application had been submitted in response to customers requesting increased hours to purchase products, including alcohol.
- Support for the application was demonstrated by the petition of support detailed from pages 7 to 91 of the first supplementary information pack for item 6. 198 signatures and 78 support letters contrasted the 30 objection letters.
- The convenience store had been in operation for 13 years, had previously been a pub and no enforcement action was noted for the premises.
- The applicant and Designated Premises Supervisor (DPS) had held a personal license since 2003, which had been renewed in 2014.
- Kasa was a chain of stores with four owned in Leeds by the applicant's family members.
- If the application were granted, two new members of staff would be recruited.
- The DPS had supported local football teams financially, including South Leeds AFC.
- The application was for offsite sale of alcohol only and the existing license would be surrendered if the application were granted.
- The DPS was a professional operator and had contacted responsible authorities to discuss appropriate measures for operation.
- A schedule of proposed conditions were detailed at pages 26 and 27 of the agenda pack, with eight conditions for CCTV provision, along with WYP proposals at page 38 and were deemed sufficient for meeting the licensing objectives.

- As agreed with WYP, customers will not enter the shop past 23:00 and service past this time will be conducted through a hatch, with appropriate measures in place to discourage people from congregating outside.
- Further proposed conditions regarding litter and limiting noise disturbance to local residents had been submitted as part of supplementary pack 2. Anti-social behaviour will be discouraged, and delivery hours restricted.
- Point 2.18 of the Section 182 guidance noted matters for personal accountability regarding noise nuisance.
- A letter had been sent out to local residents, through Entertainment Licensing on the 7th of August 2023 but had received no response.
- The flat below the shop had submitted a letter of support, detailed at page 81 of the agenda pack.
- The EPT's objection noting noise nuisance was not perceived to be stemming from the premises and the representation was based on potential noise and lacked evidence as there were no current issues for the existing license up to 23:00.
- The noise assessment, from page 93 of the first supplementary information pack had noted most of the noise in the area was from traffic. Noise had been monitored over a four-day period from Monday the 24th of July to Thursday the 27th of July 2023.
- The reference to drugs and gangs in some objection comments had provided no evidence and if concerns were serious, an agreement with WYP would not have been reached.
- A perception that Ward Members had wrote to local residents to increase objection was outlined.
- There would be cigarettes but no vapes sold at the premises.
- In line with the Thwaites Case 2008, applications should be determined against evidence and not perceived issues.

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

- No complaints against the store had been received since its opening from local residents or businesses.
- It was confirmed the DPS was the landlord of the carpark and complex of shops of which Kasa was a part of. This included a vape shop and fencing shop. Complaints had been received regarding nuisance in the carpark.
- Anti-social behaviour issues within the carpark were being rectified through WYP. The carpark was contained by a small wooden barrier and had a gate which was always open as the space was shared with the other businesses in the complex.
- The shop sold beer, wine and spirits; the majority of sales were low strength beer with high strength beer noted as being less popular and expensive.
- The representations regarding anti-social behaviour were not the fault of the store and the area was noted to be deprived with social issues across the ward.

- The 24 hours daily had been applied for due to local demand and a shop run by a family member under the same name operated in Beeston under a 24-hour license, with customers often going there after 23:00.
- The petition for support had been run over three days from the shop and the convivence element regarding sale of goods such as Calpol and nappies were offered by supporters to supplement the generic text.
- Walking and drop off in taxi's were the primary way people access the store.
- The Acoustic Expert outlined the process for the noise assessment as a sound level meter being attached to the store, on the closest side to residents, and had been run from 9:30am on the Monday to 12:00 noon on the Thursday.
- Members noted it may have provided more insight if the assessment had been run on a weekend where more disturbance was likely. It was explained that to provide a clear assessment and a worst case analysis, the assessment was conducted against the lowest baseline noise level with background noise increased at weekend.
- The noise assessment had largely picked up on traffic which would be difficult to associate with the store. The assessment picked up on the loudest sound over a 15-minute period against the average background noise level.
- Members were sceptical as to how much weight to apply to the noise assessment in their determination as it was not conducted over the weekend and the Acoustic Expert had noted some omissions of maximum noise when not constant.
- Signage and the ability to refuse service or move people on was noted to discourage street drinking.
- The application was submitted as a new application and not a variation on the existing due to policy of the legal representative, with new applications allowing firm policy and attached conditions.
- Members noted the hatch service may increase street drinking, in response it was outlined the store was not within a Cumulative Impact Area, there was the WYP signage condition, and the staff will be to go outside and address any arising problems.
- The complaints regarding aggregate storage within the carpark were from 2021 and had only been for a 3-month period.
- The DPS would work with responsible authorities to address anti-social vehicle use in the carpark. It was noted that this was less frequent than in previous years and agreements had been reached with WYP, who would be objecting if majorly concerned.
- It was not perceived that the extended licensed hours would encourage other local shops to apply for the same and the application should be determined on its own merits.

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

Environmental Health (EPT)

- The applicant owned the attached carpark, where anti-social behaviour, often involving vehicles occurs.

- There were no other stores with a 24 hour license to sell alcohol in the locality and would be a magnet for young people through the night and noise and disturbance to nearby residents was expected.
- The condition for service from a hatch after 23:00 hours posed the potential for long queues outside late at night with no real measures in place to discourage noise and nuisance such as a security guard.
- People may be able to purchase alcohol and drink on the streets 24 hours a day.
- The support comment submitted by the flat below was suspicious as the flat was owned by the applicant as there may be fear of retribution to complain against your landlord.
- Nearby residents had outlined experience of nuisance and feeling unsafe, particularly focused on anti-social behaviour in the carpark which will likely increase with extended licensed hours.
- Complaints had been received when the carpark had been used as an aggregate yard.
- Drunk behaviour and increased disturbance from cars were expected and the offered conditions would not go far enough to control nuisance.
- Pubs had the ability to turn drunk people down whereas, for this model, people could purchase alcohol for others, not in view of the shop who may be intoxicated.
- The overnight hours will encourage loitering and if the application were granted EPT will have limited powers to deal with arising issues.

Councillor Wayne Dixon

- Acting in the capacity as an elected Ward Member and on behalf of local residents there was a perception that the convenience store had lost the trust of some locals and there was concern that the hours applied for showed low consideration for those living nearby.
- The store was used by nearby residents as there was not a lot of shops in the area and may suffer from fear of retribution if they were to object.
- The conditioned use of the hatch at night did not address issues of people congregating in the carpark and causing disturbance.
- A CCTV camera had been funded through the Inner South Community Committee, costing £35,000 to monitor anti-social behaviour occurring in the carpark, largely stemming from motor bikes and quad bikes.
- The support comments in the supplement pack were generic and some had referenced buying nappies overnight and not alcohol which seemed unusual.
- Approval of this application will set a precedent for other shops in the ward to apply for later hours and increase access to alcohol.
- Kasa was located in a deprived area with access to cigarettes and alcohol 24 hours a day impacting health outcomes and increasing alcohol and smoking related diseases. Local alcoholics may struggle with addiction further with increased access, contributing to social issues.
- Mitigating noise from cars late at night will be difficult to enforce and there were no measures for proper security or control for anti-social behaviour.

Public Objector

- The local resident lived behind the store and often experienced noise and anti-social behaviour and was unable to go to bed until after the shop closed at 23:00 due to the nuisance. Extending the license and opening hours will heavily impact their sleep.
- The anti-social cars and bikes using the carpark pose danger and risk to the public, especially children, with a local nursery unable to let children play outside due to this.
- The patrons from the nearby working men's club will likely use the shop after the club has closed, encouraging heavy drinking, street drinking, drink driving and overall disturbance.
- The carpark was often used by drug users, with cannabis often being openly used which was undesirable to the local community.
- They were scared to use the shop at later hours and as living with a disability, walking to other stores was very difficult.
- Fear of retribution due to objecting to the application was noted.

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

- The public objectors noted they had not received the letter that the DPS had sent out on the 7th of August 2023.
- Councillor Dixon confirmed he had received the letter via email.
- The Inner South Community Committee had funded the carpark CCTV camera from June 2022 to June 2023 in order to mitigate and track anti-social behaviour.

In summing up the applicant's representative outlined the following:

- Street drinking was not an issue for the area and would not be encouraged by the grant of the new license.
- The loss of trust with local people was disputed as the store was 13 years into operation and contact details had been provided to local residents to assist with addressing concerns.
- There was no notable evidence for any drug use being encouraged or allowed from the premises.
- The store was not located within a Cumulative Impact Area and there was no enforcement action against the premises.
- If serious concerns were held regarding anti-social behaviour WYP would be objecting in their capacity as a responsible authority.
- The operating schedule was thought to be robust and appropriate to the business model.
- EPT had provided no hard evidence for their claims and disturbance was speculative.
- The application should be determined against its own merits and objection should be based on evidence, with reference to the powers of review and the Thwaites Case 2008.

RESOLVED – To grant the license as applied for, including the additional conditions and amended operating schedule as agreed with West Yorkshire Police.

7 Application for the grant of a premises licence for RSPB St Aidan's Nature Park, St. Aidan's Nature Reserve, Astley Lane, Swillington, Leeds, LS26 8AL

The Chief Officer Elections and Regulatory submitted a report for Members' consideration of an application for the grant of a time-limited premises licence made by Leeds Culture Trust for RSPB St. Aidan's Nature Park, St. Aidan's Nature Reserve, Astley Lane, Swillington, Leeds, LS26 8AL

Attending the meeting were:

- Matthew Phipps, TLT Solicitors – Applicant's Representative
- Tom Reilly, Director of Production – Leeds Culture Trust, Applicant
- Carl Foster, Head of Visitor Experience – Leeds Culture Trust
- Roisin Caffrey, Senior Producer – Leeds Culture Trust

The Legal Officer explained the procedure for the hearing.

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

- The application was for a time limited licensed event submitted by Leeds Culture Trust and was to be held at the nature park from Monday the 4th of September to Saturday the 9th 2023.
- The site was comprised of a nature park with a visitors' centre and stages will be set up around the site for theatrical performances as part of the Leeds City of Culture 2023. Performances were to take place outside at set points around the site.
- Responsible authorities and Ward Members had been notified of the application, with no objections received.
- The application had attracted objection comments from local residents, mainly based around safety and nuisance concerns.
- The summary of the application was for provision of plays, films, live music, recorded music, dance and anything of a similar description to live music, recorded music or performances of dance Monday – Saturday 17:00 – 23:00.
- A copy of the application form was available at appendix A, a risk assessment for outdoor events at appendix B, a noise mitigation plan at appendix C, a map of the site at appendix D, redacted copies of the representations at appendix E and a list of premises in the surrounding area at appendix F.

The applicant's representative provided the following information:

- The operating schedule, outlining how the licensing objectives will be upheld was available from page 103 of the report and detailed event safety, partnership and advisory group work, security and steward provision and traffic and noise management plans.
- There was no alcohol license as part of the application and no alcohol will be permitted on site for the event.
- Page 113 of the report detailed the risk assessment for outdoor events that had been conducted and was deemed satisfactory.
- Page 131 of the report provided an overview of the noise mitigation plan, and a further acoustic management plan was available at supplementary information pack 2.

- It was expected to take around 2 hours for people to walk through the park with four 20-minute activities. Pages, 132,133 and 135 of the report detailed a breakdown of the areas across the nature park where the activities would take place.
- In response to the objection comments, it was noted the concerns were predominantly regarding the impact litter, noise and traffic may have on nature and also anti-social behaviour. Plans and partnership work with the RSPB were considered sufficient to address the concerns.
- Supplement pack 1 detailed the events as part of the Leeds City of Culture 2023. The events at St. Aidan's were co-produced with NEST, part of the National Youth Theatre with actors aged 17-25 performing at the event.
- The RPSB were custodians of the site and work had been done in close collaboration to address public concern and mitigate any impact on nature.
- Page 15 of supplement pack 1 detailed food and drink provision, noting no glass or single use plastic were to be used and the model promoted sustainable arts.
- Page 17 of supplement pack 1 outlined parking and site access, page 19 site safety, page 21 a safety management plan and page 23 was an objection matrix and how concerns were addressed.
- 25 letters had been sent to objectors with the aim to mitigate concerns and encourage engagement with the event.
- Page 46 of supplement pack 1 outlined stakeholder engagement noting all the partnership work and community engagement that had been conducted, as well as a transport and water safety plans. Page 51 detailed the nesting bird mitigation plans and on page 55 was a letter of support for the event by an RSPB site manager.
- Supplement pack 2 was the noise management plan and guidance for dealing with any complaints during and after the event.
- The planning was considered to be mindful of the area and it was noted that the lack of responsible authority objection was positive.
- The following paragraphs from the Council's Statement of Licensing Policy should be seen as relevant to consideration of this application;
 - 1.5 – Overall encouragement of the licensing objectives.
 - 2.1 – Leeds as a significant European city.
 - 2.5 – Knowledge of the local area.
 - 2.11 – Diverse events.
 - 3.8 – Child friendly.
 - 4.6 – Early consultation.
 - 4.7 – Risk assessment.
 - 4.23 – Varied consultation.
 - 4.30 – Child safety.
 - 5.15 – Group agency work.
 - 5.32 – Mitigation of concerns.

Responding to questions from Members the Sub-Committee were informed of the following by the applicants and their representative:

- The application had not been submitted under a Temporary Event Notice (TEN) as there were an expected 500 customers and 200 performers attending which exceeds the 499 capacity of a TEN.

- The RPSB were the landowner, but all events were run through Leeds City of Culture 2023 staff.
- A young person's license was not required as all performers will be over the age of 17.
- No alcohol will be allowed to be brought on the site, for sale or personal consumption.

In summing up, the applicant's representative outlined the following:

- The application was considered to be well planned, and grant of the license was legitimate.
- The concerns were speculative and the risk of not promoting the licensing objectives were low given the sound planning and consultation process.

RESOLVED – To grant the license, as applied for.

8 Application for the grant of a premises licence for One Stop 64 - 66 Cross Gates Road, Cross Gates, Leeds, LS15 7NN

The Chief Officer Elections and Regulatory submitted a report for Members' consideration on an application for the grant of a premises licence, made by One Stop Stores Limited, for One Stop 64-66 Cross Gates Road, Cross Gates, Leeds, LS15 7NN

Attending the meeting were:

- Hardish Purewal, Licensing Manager, Tesco Group
- Daniel Harris, Area Manager, One Stop
- Angela Chapman, Store Manager/Proposed DPS
- Mrs. Shires, Public Objector
- Mrs. Brogden, Public Objector

The Legal Officer explained the procedure for the hearing.

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

- The application had been made by One Stop Stores Ltd and was a new application for a new premises.
- Responsible authorities and Ward Members had been consulted on the application.
- Agreements with EPT and WYP had been reached and proposed conditions from both authorities had been attached to the operating schedule.
- In summary, the application was for sale by retail of alcohol for consumption off the premises every day from 6:00 to 23:00.
- A copy of the application form was available at appendix A, a map of the locality was available at appendix B, agreement with EPT at appendix C, agreement with WYP at appendix D, public representations at appendix E, and other local licensed premises at appendix F.
- There were 7 submitted objection comments which expressed concerns regarding crime and disorder and nuisance, one objector held fear of retribution.

The applicant's representative provided the following information:

- The application had been made in order to sell alcohol as part of the stock for a new convenience store.
- The area manager had been in post for 10 years and their jurisdiction covered 27 stores across the district of Leeds.
- The store manager and proposed DPS had worked for One Stop since 2005 and had 6 years of store management experience. They would be the point of contact for residents and lived nearby the premises.
- One Stop operated 700 stores nationally, had over 10,000 employees. 300 of the shops were franchised but this store would not be.
- The model of shop was convenience and to top up on supermarket shopping, alcohol was proposed to be sold to supplement other products and each One Stop was tailored to local needs. The shop was expected to open in October 2023.
- Staff for the shop had been recruited from the local area and were in the process of being trained by the store manager, this included stocking, security and sales and would be refreshed when necessary.
- The store would operate a good neighbour policy and run initiatives such as raising money for charity and running food bank donations. It was noted that the store would be happy to join resident organisations and work with the community.
- A good relationship with WYP was outlined, with the licensing manager being in liaison with local Officers and was a direct contact for them should any issues arise.
- The licensing manager was involved with a standards group for the industry and provided guidance for small shops regarding responsible sales of alcohol.
- To responsibly sell alcohol, the One Stop organisation was involved with the Portman Group and Drink Aware and operated high standards to ensure public safety and no sales to people under the legal age, as well as Challenge 25.
- Any new public health or Home Office policy and guidance regarding alcohol sales were privately audited by One Stop and training standards were noted to always be followed.
- The concerns that alcohol will be sold to drunk people expressed in objection comments were addressed, noting staff will be trained on licensing objectives, empowering staff to be able to make the right call. The till will bring up a reminder of policy when alcohol is scanned, and details of all checked ID's will be recorded.
- Security measures were outlined as, robust CCTV with screens displayed at the door and checkout, spirits will be stored behind the counter and security panic alarms and instant door locks were installed at all One Stop locations.
- The prices for alcohol were set nationally by the organisation.
- In reaching agreement with EPT and WYP, the licensed hours had been adjusted and appropriate conditions, such as litter picks were attached.
- Any issues local residents may raise can be dealt via the chain of command through the organisation, beginning with the store manager and then higher depending on the severity of a potential incident or concern.
- There was no concern for anti-social behaviour raised by WYP or EPT.

- The application should be determined on its own merits and reference to other businesses in objections were not relevant to this case.

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

- It was confirmed that the premises was not within a Cumulative Impact Area which had been referenced in objection comment 7.
- The 'mag safe' door locks were to be used if a potentially threatening or dangerous person tries to enter the premises with one button automatically locking the doors. The staff safe lanyards can be used to contact a remote security team should a staff member feel unsafe.
- The proposed DPS had been involved in provision for foodbanks and the Pudsey Community Project as part of their role at a different One Stop store.
- All efforts to mitigate anti-social behaviour will be implemented to limit disturbance to residents and keep staff safe who may be leaving work late at night.
- The hours starting from 6:00 had been applied for as the world operates on a 24 hour schedule and people coming off a night shift may want a drink after their shift when they return home. Alcohol would not be sold to drunk people in the morning.
- Most customers were expected to travel to the shop on foot and the majority were expected to be from the local area.
- The premises was currently a vacant shop.
- It was outlined that trading hours were discussed regularly with the regional manager and if a store manager felt there were issues WYP or high management will be contacted. Hours may also be varied if trade was low.

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

- Concern regarding the hours of sale were expressed with 6:00 being very early to begin sales and 23:00 being late. Shops within the locality seemed to close around 21:00 due to nuisance.
- The premises was located on a dual carriageway with residential housing opposite leading to the potential for unsafe and inconsiderate parking.
- The congregation of groups of people late at night outside shops had led to feelings of insecurity.
- A nearby house had been burglarised recently and late night sale of alcohol may attract undesirable people to the residential area.
- The area had experienced disturbance late into the night with underage drinking on the streets.
- The early hours for sale may impact young people negatively and expose children to irresponsible alcohol use.
- There had previously been a wine shop on the street which had closed earlier that licensed due to drunk people creating disturbance.
- People will only shop for alcohol in the later hours which will contribute to street drinking.

Responding to questions from Members the following information was provided by the objecting responsible authorities:

- Members noted local stores were licensed until similar hours but in response it was outlined these stores often close earlier due to nuisance issues.
- The sale of alcohol later in the evening was worse than morning sales from observation of other local shops.

In summing up, the applicant's representative outlined the following:

- The local objection allowed the applicant team to hold themselves to a higher standard and would be happy to hold open conversations with residents.
- Policies and practises were robust to ensure responsible sale of alcohol.
- There was no evidence of bad practise or cause for major concern for the opening of this store and responsible authorities had not objected.
- The Thwaites case was referenced as the case should be judged on its own merit and not against any comparable local business.
- The store wanted to be a part of the community, serving local people convenience.

RESOLVED – To grant the license, as applied for, including the conditions and operating schedule as agreed with West Yorkshire Police and the Environmental Protection Team.