

Licensing Sub-Committee

Tuesday, 5th March, 2024

PRESENT: Councillor N Buckley in the Chair

Councillors S Holroyd-Case and I Wilson

1 Election of the Chair

RESOLVED – That Councillor Buckley be 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

The agenda contained no exempt information.

4 Late Items

There were no late items of business.

5 Declaration of Interests

No declarations of interest were made.

6 Certification of a Film - Oska Bright Film Festival: Short Film Showcase

The report of the Chief Officer, Elections and Regulatory advised Members of an application for the certification of a number of short films, to be screened as part of the Oska Bright Film Festival on 13th March 2024, at Hyde Park Picture House.

The Licensing Officer presented the application providing the following points:

- The application was received from Hyde Park Picture House to have ten short films certified as they were not currently certified by the BBFC.
- A list of the films requiring certification was appended to the report at Appendix A and a synopsis had been provided for each film along with the applicant's recommended classification of 12A for each film.
- Members had been provided with links to access the films but these were not included within the published agenda.
- The BBFC had been made available for Members via a link in the report.
- Supplementary information had been circulated which provided the comments of officers on the films.

RESOLVED – To apply the classification of 12A to the following films as requested:

- A Tale of Swords and Smoke
- Dead Cat Film
- Unscarfed
- Glitch
- Holiday Maker
- My Cameras

- The Cunning
- What I am hiding from you
- Good Vibrations
- Chicken

7 Application to Vary a Premises Licence held by Nisa 2 Ash Road, Headingley, Leeds, LS6 3JF

The report of the Chief Officer, Elections and Regulatory, requested Members consideration of an application submitted by Everyday Stores Limited to vary a premises licence held by NISA, 2 Ash Road, Headingley, Leeds LS6 3JF.

The following attended the hearing:

Sarah Blenkhorn, Licensing Officer, West Yorkshire Police

Susan Duckworth, Principal Licensing Officer, LCC Entertainment Licensing
Don Mort – Local Democracy Reporter.

Councillor J Pryor – Headingley and Hyde Park ward Councillor (part)

The applicant did not attend the hearing. The Legal Officer outlined the procedure for the hearing where the applicant did not attend and the options available to the Sub Committee. Members heard that the applicant was aware of the date and time of the hearing, having been served with the Notice of Hearing and associated documents. Members were also informed that the applicant had been represented by ‘Licensing Matters’ – a licensing consultancy firm – until 28th February 2024, when the Licensing Authority was advised that Licensing Matters would no longer represent the applicant and had returned all documentation to them. The applicant had not contacted the Licensing Authority to advise whether they would or would not attend. Having canvassed the views of the parties present on whether to proceed in the absence of the applicant or to adjourn the hearing to a specified date, the Sub Committee resolved to continue in the applicant’s absence and to take their written submission into account.

The Licensing Officer informed the Sub-Committee that the application proposed to extend the terminal hour for the Sale by Retail of Alcohol to 03:00 hours daily, to extend the terminal hour of Late Night Refreshment to 05:00 hours daily, and to allow the premises to open to the public 24 hours a day, 7 days a week. The premises lay within the Headingley Cumulative Impact Assessment (CIA) area and had attracted representations from West Yorkshire Police, local residents, local ward councillors and the Licensing Authority. The Sub Committee noted that no local ward councillors or local residents attended the hearing and resolved to take their written submissions into consideration in their absence.

The Sub Committee then heard from the representative of West Yorkshire Police (WYP) who highlighted that WYP had identified a number of issues associated with the application which essentially sought 24 hours opening with sale of alcohol for 22 hours, every day.

- The premises lay within the Headingley CIA area, at the junction of Ash Road and North Lane – North Lane being identified as one of the top streets for

reported incidents of crime and disorder. Members were referred to the table at page 99 of the agenda which presented calls to WYP for service in the last two years. A number were attributed to “Everyday Stores/NISA” – the application site, either because it was involved in the incident, or because the caller has used the premises as a location to direct WYP to. The calls showed that incidents of crime and disorder were regularly reported at this location.

- Turning to the statistics at page 137 of the agenda, North Lane consistently appeared top for reported alcohol related nuisance – the peak hours being 13:00 to 18:00 and 22:00 to 00:30 hours, with half of the reported incidents occurring in the early hours when the applicant proposed to sell alcohol. Alcohol consumption was the main driver of crime in the area and WYP felt there was enough alcohol available in the area during the requested hours already.

Members were then directed to the statement submitted by Sergeant S. Green, who worked in the North West Neighbourhood Policing Team which covered Headingley. Members noted the comment that extending the hours at the NISA premises would allow student parties to continue further into the night as they would be able to purchase alcohol in the early hours.

Additionally,

- A number of street drinkers congregated on the bench opposite the NISA premises which led to people feeling intimidated.
- Litter, including broken bottles/cans and untidiness in the area, was associated with the premises.
- There were public safety concerns around people using nearby doorways to urinate and vomit.
- Shoppers and staff had received abuse and verbal threats from drunken people.
- There had also been incidents of misogynistic language directed towards females, and this had now been written into the Public Spaces Protection Order for Headingley to address that behaviour.
- The Otley Run had a huge number of participants, people queued to get into pubs along the Run, and whilst queueing, they leave to purchase alcohol from shops along the route like NISA to buy take out alcohol to drink in the queue.
- It was noted that NISA was located directly opposite the Headingley Taps public house.

The Sub Committee was then referred to the statement submitted by the representative of WYP with the following matters highlighted:

- During a visit at 03:00 hours to the premises on Sunday 3rd December 2023, whilst dealing with an incident to locate two suspicious individuals which led them to the NISA premises at 2 Ash Road, officers had observed a sale of alcohol to a member of the public beyond currently permitted hours. Officers requested to see the Premises Licence – which stated that the hours for the sale of alcohol and the opening hours were from 05:00 to midnight. The premises should also be closed at midnight. However, Mr T Hussain the Designated Premises Supervisor believed the premises already had 24 hour opening and alcohol sales.
- The Premises Licence was displayed in the premises and clearly showed the permitted hours, so the DPS should have been aware of them.

- Mr Hussain said this was due to miscommunication between himself and his legal representative who represented the premises in 2018 when the transfer of licence was granted.
- The CCTV at the premises was not working. It took 6 weeks for an engineer to visit the premises and on checking 2 weeks later, the system still did not work.
- In respect of the Licensing Policy, paragraph 7.38 stated that the onus was on the applicant to show that their later opening hours and sale of alcohol would not impact upon the area or add to the existing problems. WYP believed the applicant had not addressed this and the current conditions mirrored those that would be seen in a premises opening from 8 am to 6 pm, not one that intended to operate 24 hours. Additionally, the applicant did not reference or address the Headingley CIA or crime hotspots in the area.
- Para 7.19 of the Licensing Policy stated that the Council had determined the area where NISA is situated suffered from the cumulative impact of licensed premises which consequently led to problems which undermined the licensing objectives, specifically the area around North Lane and Otley Road, and Members were reminded that NISA sat at the junction of North Lane and Ash Road.
- The application sought more hours for the sale of alcohol during the peak hours recorded for problems associated with alcohol related violent crime and nuisance being perpetrated on the people visiting the area. The relevant peak hours for the Headingley CIA being 13:00 to 18:00 hrs and 22:00 to 03:00 hrs. The applicant proposed to sell alcohol within the peak hours from 05:00 hrs to 03:00 hrs, almost 24 hours a day in an area that is suffering from violence and nuisance.

Responding to questions from the Sub Committee, the WYP representative confirmed that a follow up phone call to the operator had found the system was not yet working, a visit to check the CCTV system would be undertaken once the operator advised it had been fixed.

The Sub Committee then heard from the representative of the Licensing Authority who provided the following information:

- The premises sat within a dense area of housing with Ash Road and the surrounding streets providing hundreds of houses.
- There was an issue with all night parties in the locality.
- The premises lay at the junction of Ash Road/North Lane, where participants of the “Otley Run” stopped to buy additional alcohol as they queued to gain entry to pubs on the Otley Run route.
- Referencing page 135 of the agenda, which included maps showing hot spots for reported incidents of assault / drunk and disorderly behaviour, it was confirmed that the NISA premises lay within a hotspot.
- Members were advised that should the operator decide to relinquish the Premises Licence, the NISA store would revert to existing planning controls and having checked, the officer confirmed there were no planning controls applied to this premises.
- In conclusion, the operator should currently operate to the existing Premises Licence and close at midnight.

Responding to questions from the Sub Committee, the representative of the Licensing Authority confirmed that the Headingley locality had changed in recent years. There had been a movement to restore Headingley homes to owner occupier with less student accommodation. Headingley was just below the city centre in terms of recorded crime and disorder, but over recent years the Licensing Authority had encouraged different styles of licensed premises there such as food led venues, smaller operations and craft beer venues, so there had been a shift away from alcohol led venues favoured by students. This approach had worked well until about three/four years ago. Students had moved out of Headingley to purpose-built student accommodation in the city centre and families had moved back into Headingley. However, more recently, the Otley Run had seen a resurgence in popularity with a different demographic of participants now coming from all over the country, including stag and hen parties.

During deliberations, the Licensing Sub Committee carefully considered the written submissions from the applicant, local ward councillors, local residents, West Yorkshire Police and the Licensing Authority. Members also had regard to the Statement of Licensing Policy including the Headingley Cumulative Impact Assessment (CIA), the Licensing Act 2003 and associated Guidance and the verbal submissions made at the hearing by representatives of West Yorkshire Police and the Licensing Authority.

The Sub Committee felt that the applicant had not addressed the CIA and failed to discharge the requirement to show that granting this application would not impact upon or add to the existing problems experienced in the locality. The application proposed the sale of alcohol during peak hours recorded for alcohol related crime and disorder in the locality, but the applicant had failed to provide justification for setting aside the CIA.

RESOLVED – To refuse the application.

Although not a reason to refuse the application, the Sub Committee additionally expressed concern that the applicant had been operating the premises in breach of the existing Premises Licence.