

Licensing Sub-Committee

Tuesday, 22nd September, 2020

PRESENT: Councillors N Buckley, B Garner and
A Marshall-Katung

1 Election of the Chair

RESOLVED – That Councillor B Garner be elected as Chair for the duration 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

There were no items identified where it was considered necessary to exclude the press and public.

4 Late Items

Although there were no formal late items, the Chair did accept the inclusion of the following:

- (i) A series of photographs supplied by the applicant showing images from both inside and outside the premises
- (ii) A series of photographs supplied by a Ward Councillor highlighting street drinking problems in the area
- (iii) Two additional appendices to the Licensing Officers report: Appendix J, an extract from the Cumulative Impact Assessment 2018 and Appendix K, a list of the surrounding premises

It was reported that the information had been circulated to all parties previously

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests made at the meeting.

6 Application for the Grant of a Premises Licence for Zuber Mini Market, 29 - 31 Seaforth Place, Harehills, Leeds, LS9 6AF

The Sub Committee considered report by the Chief Officer (Elections and Regulatory) which set out details of an application made under Section 17 of the Licensing Act 2003 for a new premises licence in respect of Zuber Mini Market, 29-31 Seaforth Place, Harehills, Leeds, LS9 6AF.

The Legal Adviser to the Sub-Committee explained the procedures to be followed and the Senior Licensing Officer outlined the application.

In summary, the application was for the following:

Sale by Retail of Alcohol:

Monday to Sunday 07:00 until 22:30 hours

Non-standard timings:

No non-standard timings for bank holidays or special occasions are Proposed.

Representations opposing the application had been received from numerous responsible authorities to this application, including representations from the Licensing Authority, Cleaner Neighbourhoods, Communities & Environment and West Yorkshire Police. Representations had also been received from two local ward Councillors and from a local resident. These also opposed the application.

The following were in attendance:

Mr Sarwat Hama Abdulla (Applicant)

Mr Nick Semper, Director at the Licensing Guys Ltd. (Applicant's Representative)

Mr Peter Mudge (Localities Improvement Manager, Communities and Environment, Leeds City Council)

Ms Chetna Patel (Adults & Health, Leeds City Council, witness for P Mudge)

Mrs Susan Duckworth (Principal Licensing Officer, Leeds City Council)

Ms Samantha Longfellow-Peniket (Principal Licensing Officer, Leeds City Council)

Mr Nawazish Khan (Licensing Officer, Leeds City Council)

P.C. Andrew Clifford (West Yorkshire Police, Leeds District Licensing Department)

Sgt. Frederick Winster (East Leeds Neighbourhood Policing Team, West Yorkshire Police)

Councillor Salma Arif (Local Ward Member)

Councillor Arif Hussain (Local Ward Member, observing)

Addressing the Sub Committee the Applicant's Representative, Mr Semper suggested that no one was questioning the Cumulative Impact Area but this hearing was all about the conditions being offered by the applicant. He said that it was impossible for any applicant to show that there would be no impact but he reminded the Committee that, as paragraph 14.44 of the Guidance issued under section 182 of the Licensing Act 2003 made clear, an applicant only had to demonstrate that granting the application would be unlikely to add to the cumulative impact.

He said that there are many off-licence premises operating in the area and he questioned whether one more would really add to the existing problems. He said that the applicant would only keep a very small quantity of alcohol on the premises (which was described as a tiny shop).

Mr Semper explained the applicant had a good CCTV system in place, he would not be selling beer or cider with a high alcohol content and would not be selling alcohol to "street drinkers" or to children. He also pointed out that the closing time was earlier than other similar premises in the area.

The Sub Committee then heard from P.C. Clifford who suggested that even if this was a small shop, the fact remained that there were already lot of

Final minutes

off-licences in the area. He said that the problem in the area was not simply an issue of traditional street drinkers but more a problem of social drinking in the street. Groups of men standing around drinking and smoking as if the street was a bar. He said they were often loud and boisterous and could become intimidating and drunk. P.C.Clifford suggested the Applicant and his representative did not understand the area and that granting the application would add to rather than alleviate the issues.

The Sub Committee then heard from Sergeant Winstler who explained that he had been in his current post of neighbourhood policing sergeant for some 18 months and said that public consumption of alcohol was a serious problem leading to noise nuisance, littering, intimidation, violence and disorder.

Sergeant Winstler said there was a proliferation of off-licences in the area and the police tried to work with them to encourage them not to sell to people under the influence of alcohol. He suggested the large number of off-licences in the area drove down price and drinkers would travel to the area from elsewhere. There were, he said, a specific issue in the immediate location of the shop.

Sergeant Winstler said that granting the application would lead to an increase in crime and disorder in this area.

The Sub Committee then heard from Mrs Duckworth (Principal Licensing Officer, LCC). Referring to her written representation she said she had detailed the Licensing Authorities concerns, which included the alcohol risk matrix, the high number of under 16s and looked after children in the area.

Mrs Duckworth said there was no iron curtain policy being adopted. She agreed with Mr Semper that authorities must be careful not to halt development but, suggested this particular application was not significantly different to other businesses in the area.

The Sub Committee then heard from Mr Mudge (Localities Improvement Manager LCC) who explained that a lot of work had been carried out by the authorities to reduce street drinking in the area. A Public Space Protection Order was in place and the police would confiscate alcohol from people openly drinking in the street. Mr Mudge said that whenever a new Off-Licence opens street drinkers would start to congregate there.

In relation to the protection of children from harm, the Sub Committee heard from Mr Mudge and his witness, Ms Patel, that there was a higher proportion of children in this area than elsewhere (31% of the local population was under 16, compared with 19.3% nationally). The street drinking not only sets a bad example, but can also be intimidating to children. The misuse of alcohol by adults has a detrimental effect on children. It also leads to an increased risk of mental health problems and was often used as a coping mechanism.

In terms of public safety, Ms Patel said that there had been a high number of Covid-19 cases in Harehills and people who are congregating to drink are often not socially-distancing.

Addressing the Sub Committee Councillor Arif she said that she grew up in the area and had detailed knowledge of its problems. She referred to the high crime figures

and to the public nuisance and anti-social behaviour problems, many of which were associated with the street drinking. She suggested that by allowing this application it would conflict with all the hard work being carried out by the police and local residents to improve the area.

The Sub-Committee went into private session to make deliberations. Following a short adjournment the meeting returned to open session

The Licensing Sub-Committee, having carefully considered the report of the Chief Officer (Elections and Regulatory), the Statement of Licensing Policy and the representations submitted and made at the hearing on behalf of the applicant and those from the objectors.

RESOLVED – That the application be refused