

Licensing Sub-Committee

Tuesday, 13th October, 2020

PRESENT: Councillor B Garner in the Chair

Councillors N Buckley and A Marshall-
Katung

1 Election of the Chair

RESOLVED – Councillor Ben Garner was elected as Chair for the hearing.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals.

3 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information.

4 Late Items

There were no late items. Supplementary information had been submitted with regard to Agenda Item 6, Application for the grant of a Premises Licence for No Problem Off Licence & Convenience Store, 41 Armley Ridge Road, Armley, Leeds. This information had been distributed to all parties and published alongside the Agenda prior to the hearing.

5 Declarations of Disclosable Pecuniary Interests

There were no declarations.

6 Application for the Grant of a Premises Licence for No Problem Off Licence & Convenience Store, 41 Armley Ridge Road, Armley, Leeds, LS12 3LD

The report of the Chief Officer, Elections and Regulatory presented an application for the grant of a Premises Licence for No Problem Off Licence & Convenience Store, 41 Armley Ridge Road, Armley, Leeds, LS12 3LD.

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

The application was for the sale of alcohol for consumption off the premises from 06:00 to 23:00 every day.

The application had received a representation from the Council's Communities and Environment team as a responsible authority. There had also been representations from the Leeds West MP and local Ward Councillors. A further ten representations

had been made from local residents with the main concerns of the potential for an increase in crime and anti-social behaviour.

The following were in attendance:

- Nick Semper – Representing the applicant
- David Dodson – Applicant
- Peter Mudge - Localities Improvement Manager
- Jonathon Hindley – Advanced Health Improvement Specialist
- John McKimmings – Anti-Social Behaviour Team Manager
- Councillor James McKenna

The applicant's representative addressed the Sub-Committee. Reference was made to the following information that had been supplied following the application:

- Information relating to crime and anti-social behaviour over the previous six months which indicated that this was at a low level in the area of the premises.
- Statements of truth and links to video evidence which indicated the area did not suffer from problems with street drinkers.
- A link to a video tour of the premises which demonstrated that the shop was at the top end of the market with regards to equipment, furnishings and feel.

The applicant's representative informed the Sub-Committee that he would address the representations during his summary.

In response to questions to the applicant's representative, the following was discussed:

- The applicant wished to sell alcohol to increase profits.
- The video evidence of litter in the area demonstrated that it was not disproportionate as it would be in an area where there were street drinkers.
- The applicant would be happy to accept a condition with regards to the maximum strength of beers, lagers and ciders to be sold. There would also be no sale of single cans or bottles.

The Localities Improvement Manager addressed the Sub-Committee. The following was highlighted:

- Armley was one of only two areas in Leeds that required special assistance to make the area more safe and attractive. This included partnership working with colleagues from Public Health, Leeds Anti-Social Behaviour Team and West Yorkshire Police.
- The premises were located next to an area that had problems with street drinkers. Another off-licence would exacerbate existing problems and anti-social behaviour would spread into the area.
- Armley had a cumulative impact area due to the problems in the vicinity. The premises were on the border of this area.

- The premises fell within the Public Spaces Protection Order (PSPO) area. A recent review had recommended the area remains subject to the PSPO. This was in place due to the levels of anti-social behaviour and the harmful impact on resident's lives.
- Due to the residential nature of the area, granting of this application could be harmful to children. The premises were opposite a community theatre which held children's events.

The Anti-Social Behaviour Team Manager addressed the Sub-Committee. The following was highlighted:

- The area was problematic with anti-social behaviour and there were also issues with violent crime.
- There had been issues in the wider area and high profile incidents including an attempted murder.
- There were issues in the Town Street area due to street drinkers which included the public receiving verbal abuse.
- There were tower blocks and a parade of shops to the other side of Armley Moor which also suffered problems and people felt too intimidated to use these shops.

The Advanced Health Improvement Specialist addressed the Sub-Committee. The following was highlighted:

- The opening of another off-licence would have wider health determinants and also an impact on young people.
- The area had a high number of alcohol dependant and drug addicted people.
- It was felt that customers who had been refused elsewhere would be attracted to these premises.
- There was already a strain on services in the area and funding for outreach services had already been cut.

In response to questions, the following was discussed:

- The area had a high number of drink and drug dependant people and this had risen since the start of the pandemic.
- Street drinkers were known to be attracted to areas on the periphery of cumulative impact areas. A high concentration of outlets selling alcohol would have a detrimental impact.
- Granting of the application was likely to add to the cumulative impact even though it wasn't in the cumulative impact area.
- Street drinking in Armley had led to the need for additional policing and other resources. There had been a reduction but a significant rise during lockdown which led to a zero tolerance approach from the police. Problems with street drinkers were worse on an evening.
- Preventing the sale of a particular type of alcohol was not likely to stop the problems with street drinkers.
- There had been some displacement of the problems from the cumulative impact area to surrounding streets.

A local Ward Councillor addressed the Sub-Committee. The following was highlighted:

- If this was just to be a convenience store it would be welcomed.
- More outlets selling alcohol would result in reduced prices.
- There had been problems with street drinkers in the area for several years.
- Many prisoners who were released from Armley Prison remained in the area. This had shown an increase in people with mental health problems in the area.
- All three Ward Councillors and the local MP were in objection to the application.
- There was no need for a further off-license in the area.
- Local residents deserved respite from the problems in the area.
- Community clean ups had shown a high amount of alcohol related waste.

The applicant's representative responded to the representations. The following was highlighted:

- The applicant was understanding of the concerns raised.
- There had not been any representation from West Yorkshire Police and other responsible authorities as the application met the licensing objectives.
- It was accepted that Armley had a problem but the premises were outside the cumulative impact area.
- The applicant was a responsible businessman and there was no desire to sell alcohol products to street drinkers or young people. He was aware of the damage caused by irresponsible retailers.
- The video evidence showed where the street drinkers went and the products they used. There was no plan to sell the high strength alcohol that they favoured.
- Official crime statistics showed that figures were low in the vicinity of the premises.
- Street drinking was not technically a crime and outside the licensing objectives.
- There was no evidence to suggest that there would be an increase in crime or anti-social behaviour due to the sale of alcohol from these premises.
- The sale of alcohol would not be marketed towards street drinkers.
- The applicant had accepted the conditions offered by West Yorkshire Police and would accept any further that the Licensing Sub-Committee felt fit.
- The police were the guardians of the PSPO and did not object.
- There was no objection from the local Arts Centre.
- There would not be the sale of cheap alcohol.
- The applicant would be happy to see a reduction in the proposed hours of sale of alcohol.
- There was no objection from the home for autistic children.
- The applicant would be happy to have a condition for alcohol products to be marked to show where they had been sold.

The Sub-Committee went into private session to discuss the application in further detail. Following this further questions were put to the applicant's representative. The following was discussed:

- The applicant did not have crime figures available for the period prior to the previous six months but informed the Sub-Committee that these figures were publicly available. There had not been a growth in Armley during the period.
- Further to comments that the street legal was not a crime, reference was made to what constituted a public nuisance.

The Chair concluded the open session of the hearing before the Sub-Committee went into private session to make their decision. All parties were informed that the decision would be sent within 5 working days.

The Licensing Sub-Committee 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.

RESOLVED –

That the application be refused.