

## **Licensing Sub-Committee**

**Tuesday, 20th July, 2021**

**PRESENT:** Councillor L Richards in the Chair

Councillors A Hutchison and J Illingworth

### **1 Election of the Chair**

**RESOLVED** – That Councillor L Richards be 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 which included the statement of licensing policy, cumulative impact assessment, witness statements and a submission on behalf of the applicant.

### **5 Declaration of Interests**

There were no declarations.

### **6 Application for the grant of a premises licence for Lietuvaite Shop Ltd, 15 Branch Road, Armley, Leeds, LS12 3AQ**

The report of the Chief Officer, Licensing and Regulatory presented an application for the grant of a Premises Licence for Lietuvaite Shop, Branch Road, Armley.

The application was for the sale by retail of alcohol, everyday 09:00 to 21:00 (for consumption off the premises)

The following were in attendance:

Mr S Gibson – Representing the Applicant

Mr R Zirnikas – Applicant

Councillor L Cunningham – Local Ward Councillor

Sarah Blenkhorn – West Yorkshire Police

PCSO Matthew Benn – West Yorkshire Police

PCSO Peter Cade – West Yorkshire Police

Susan Duckworth – Licensing Authority

Jonathon Hindley – Public Health

Peter Mudge - Communities Team

The Legal Officer explained the procedure to be followed.

The Senior Licensing Officer presented the application.

The application had attracted representations from West Yorkshire Police, the Licensing Authority and Public Health in their capacity as responsible authorities. Representations had also been made by the local Member of Parliament; Ward Councillors; the Communities, Housing & Environment Team and St George's Crypt.

The Sub-Committee was informed that the premises fell within the cumulative impact area for Armley.

The applicant's representative addressed the Sub-Committee. The following was raised:

- The premises were a specialist food store aimed mainly at the Latvian and Lithuanian communities and it was proposed to sell alcohol to supplement food shopping and enable customers to do this within one visit.
- The applicant was mindful of the objections submitted and the cumulative impact area. He had offered to reduce the proposed hours for sale of alcohol from 10:00 to 20:00 which would avoid sales during the morning school run.
- Any licensable activity would be ancillary to food sales.
- There would be no self service of alcohol and all alcohol would be kept behind the counter.
- All alcohol products would be individually labelled or have ultra violet markings. This could be conditioned should the license be granted.
- There would not be any sales of super strength lagers or ciders. There would be no lagers or ciders above 6% strength. This would deter street drinkers.
- It was felt that conditions offered countered the objections raised and the closed licence would act as a deterrent. It would not be easy to purchase alcohol and easier to refuse service as it would be kept behind the counter.
- There would be a maximum of 15% selling space used for alcohol.
- With regards to the cumulative impact policy it was felt that this application should be considered on its own individual merits and the applicant had no intention of breaking any conditions of sale by selling to the wrong people.

In response to questions from the sub-committee, the following was discussed:

- Spirits and wines would be available for sale.
- It was recognised from the objections submitted that there was a problem with street drinkers in the area and the applicant did not want to add to that.
- Alcohol would account for 10 to 15% of sales.
- There was no current facility for sale of refrigerated alcohol but it was proposed to do so.
- The premises would operate differently to others in the area and would not add to the problems by attracting street drinkers. Other stores sold strong beers and ciders, did not have the reduced hours or alcohol behind the counter.
- The applicant would not reduce their trading hours, just the times for the sale of alcohol.

Objectors to the application addressed the sub-committee. Issues highlighted included the following:

- There were high levels of anti-social behaviour connected to street drinking.
- Street drinkers bought their alcohol in single units to prevent it being confiscated. There was a tendency for street drinkers to purchase the alcohol in single units so any extra was not confiscated or disposed of.
- Existing premises sold to those who were alcohol dependent.
- There were regular ambulance calls to people in the area due to alcohol abuse.
- There were already numerous off licences in the area, one more would only contribute to the problem.
- Problems with street drinkers started early in the mornings.
- Local residents and other members of the public were deterred from visiting shops in the area.
- Crime and disorder was continually increasing in the area and attention was brought to statistics detailed in the report.
- Armley Ward had high levels of deprivation, higher levels of poor health and lower than average life expectancy. Alcohol was a contributory factor to these.
- The conditions would not be sufficient. Alcohol up to 6% was still strong. The peak times for street drinkers were between 14:00 and 20:00.
- There were severe problems in the Armley area and this application was not much different to how others operate.
- The applicant was not knowledgeable of the problems in the area.
- Families in the area had suffered due to alcohol dependency and there were high levels of domestic abuse.
- Problems had risen during the pandemic and there had been an increase in the number of hospital admissions.
- Children have had to witness aggressive and abusive behaviour.
- There had been a lot of work in the area by the Police and Public Health to control crime.
- People don't feel safe to shop in the area.
- Multi agency work was taking place to improve the area and it was hoped to fill vacant shop premises and develop a pocket park.
- There had been three recent similar applications, one of which had been withdrawn and the other two refused.
- The premises were located close to a school, library and outreach centre.

In response to Members questions, the following was discussed:

- The problems in Armley with street drinkers could occur at any time of the day including before the shops had opened.
- Main problems included groups of people including some from outside the area who came to buy cheap alcohol and cigarettes.
- There was usually at least half a dozen incidents a day involving street drinkers.

In summary, the applicant's representative indicated that the minimum sales would be in four packs which would deter the street drinkers. He informed the sub-committee that the alcohol offer would be different to what was available and the fact

that the premises fell within the cumulative impact area had been considered. The applicant would not be selling cheap alcohol and did not have the capacity to do so. It was requested that the application be granted as an exception to the cumulative impact policy.

The Chair concluded the open session of the hearing before the Sub-Committee went in to 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.