

Licensing Sub-Committee

Tuesday, 5th April, 2022

PRESENT: Councillor P Alderson in the Chair

Councillors B Flynn and J Lennox

1 Election of the Chair

RESOLVED – That Councillor Alderson be elected to the 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 exempt items.

4 Late Items

There were no formal late items. However, supplementary information was published and circulated to Sub-Committee Members prior to the meeting. Minute No. 7 and 8 refer.

5 Declaration of Interests

No interests were made at the meeting.

6 Certification of Films – Juju Stories - The Pyramid Theatre, Leeds University Union

The report of the Chief Officer (Elections and Regulatory) advised the Sub-Committee of an application for the certification of a film, Juju Stories, to be screened at the Pyramid Theatre, Leeds University Union, Lifton Place, Leeds, LS2 9JT, on Sunday 8th May 2022.

It was noted that no advance screener for the film has been provided to the Licensing Authority and as a result, the applicant has requested that a category 18 rating is applied subject to the disclaimer mentioned in further detail at point 3.3 of the submitted report.

The Legal Officer outlined the procedure to be followed.

Robb Barham, Hyde Park Picture House was in attendance and explained that the film was part of an engagement project 'Seeing Africa' and is a brand-new film.

In responding to a question from a member regarding the rating, Robb agreed the proposed rating and confirmed that the content of the film is of the nature of a 18 rating.

RESOLVED – That the film 'Juju Stories' be given a '18' rating.

7 Certification of Films – Leeds Young Film Festival 2022

The report of the Chief Officer (Elections and Regulatory) advised the Sub-Committee of an application for the certification of 16 films to be shown at The Carriageworks Theatre, Millennium Square, Leeds, LS2 3AD, as part of the Leeds Young Film Festival 2022. The exhibition of these films will take place between Monday, 11th April 2022 and Friday, 15th April 2022.

Prior to the meeting, supplementary information was published and distributed to Licensing Sub-Committee Members in the form of officer comments regarding the film ratings. It was noted that Entertainment Licensing believed one of the films 'Butterflies Heart' should be a '12A' rating instead of a 'PG' rating.

The Legal Officer outlined the procedure to be followed.

Deborah Maturi, Director Leeds Young Film Festival was in attendance. Deborah explained that the Film Festival shows children films representing different backgrounds.

The Director Leeds Young Film Festival agreed to certify Butterflies Heart as a '12A' rating.

RESOLVED – To certify the films listed below with the following ratings:

The Ape Star – PG

Buster's World – 12A

Louis & Luca: Mission to the Moon – PG

A Butterfly's Heart – 12A

School of Magical Animals – PG

Kiwi & Strit – PG

The Path – 12A

The Seekers: Thrill Night – 12A

Where is Anne Frank? – 12A

The School Garden – PG

Super Furball Saves the Future – PG

The Exploits of Moominpappa – Adventures of a Young Moomin – PG

Vinski & the Invisibility Powder – PG

8 Application for the Grant of a Premises Licence for Indigo, 81 Roundhay Road, Leeds, LS8 5AQ

The report of the Chief Officer (Elections and Regulatory) advised Sub-Committee Members of an application for the grant of a premises licence for Indigo, 81 Roundhay Road, Leeds, LS8 5AQ.

The application explained that the premises intends to operate as a small grocery store offering the sale by retail of alcohol for consumption off the premises, 24 hours a day, 7 days a week. Further to submitting the application, the applicant's representative has amended the operating schedule by reducing the hours applied for from 8:00 until 23:30 every day.

The application attracted representations from a Local Ward Councillor, the Local Neighbourhood Policing Team (NPT), LCC Public Health Team and LCC

Environmental Protection Team. It was noted that following the reduction of hours, LCC Environmental Protection Team have withdrawn their representation subject to the agreement of an additional condition restricting delivery times to and from the premises between the hours of 07:00 and 21:00.

Prior to the meeting, supplementary information was published on the LCC Council website, and distributed to Sub-Committee Members. Information related to confirmation of the NPT withdrawing their representation, and further measures suggested by LCC Public Health.

The following were in attendance for this item:

- Dawit Berih – Applicant
- Yajob Tadese – Applicants Representative
- Younis Gindo – Friend of the applicant and interpreter
- Councillor S Arif – Objector

At the start of the meeting, clear language barriers were identified from the applicant and his representative. The applicants representative confirmed that English is their second language, and explained that their friend in attendance, Mr Gindo is able to interpret the hearing for them.

The Sub-Committee adjourned for a short while to determine whether the hearing was able to proceed on that basis.

After agreement from the applicant and his representative that they were keen to proceed with the hearing with Mr Gindo interpreting for them, Sub-Committee Members agreed to proceed with the hearing.

The Legal Adviser explained the procedure to be followed, and the Licensing Officer presented the application.

It was noted that representations remain outstanding from LCC Public Health Team. As well as a Local Ward Councillor on the grounds of all 4 licensing objectives.

The applicant and his representative explained that they have responded to the representations by amending their operating hours, and the premises has CCTV inside and outside and will monitor public safety in that area. The applicant's representative confirmed that he has been in the area for 6 years and the applicant has worked in a shop for 9 years. The applicant was of the opinion that the area was more business than residential and by opening another off-licence, will not create additional issues. The applicant confirmed he will regularly ask people for their ID and will not sell to underage people.

Sub-Committee Members asked questions on the following matters:

- Public safety and the applicants view on the strong representations made to the application – the applicant confirmed he is a local to the area and cares about the safety and health of the public. The applicant believed he understood the rules and regulations of running an off-licence and intends to comply with all the rules.

- Additional measures suggested by Public Health – the applicant agreed to incorporate the five measures into the operating schedule as suggested by Public Health and as contained within the supplementary information.
- Clarity on CCTV coverage – there is CCTV within the premises and outside of the front door.
- The applicants awareness of the work undertaken by the Local Authority and Local Ward Councillor in the locality on street drinking – the applicant responded by explaining premium alcohol will only be sold at the premises and he did not want to attract drunk and disorderly patrons.

Councillor S Arif addressed the Sub-Committee and explained that she was also representing many residents impacted by street drinking in Harehills and has received feedback from residents raising concerns of a new off-licence in the area, and the public nuisance it will cause. Councillor Arif highlighted that the premises is situated in a residential area and within close proximity to a health care centre, mosque, as well as Dixons Academy and an upcoming residential development.

Councillor Arif provided background context in terms of the Closure Order and Cumulative Impact Policy in Harehills, and whilst it should be noted that the premises does not fall within the Cumulative Impact area, it was considered that the premises will add to the existing issues of street drinking and build on the number of pre-existing off-licenses in the area. Further to this, it was noted that Harehills falls into one of the areas of deprivation and has the highest number of Universal Credit claimants in the city.

Councillor Arif went on to say that although the hours have been reduced, the premises is open during school and doctors hours and will likely create further issues in terms of fly-tipping. Children's safety raised a concern and the long term impact the premises will have on people's lives within the locality.

In response to a question from a Member, Councillor S Arif confirmed that Dixon's Academy is oversubscribed and there are a lot of young people in the area.

In summarising, the applicant explained the reasoning behind applying for an alcohol licence is to improve his shop with it being near a 24-hour Tesco. The applicant confirmed there are measures in place to ensure he would not sell to anyone under the age of 18 and how the applicant has already reduced the hours of the premises in responding to the representations made.

In response to a question from a member regarding pre-existing issues in the area regarding street drinking, the applicant confirmed that he is aware the area is deprived, and he is willing comply to sell alcohol responsibly.

A member sought clarity from the objector in attendance whether the additional measures suggested were satisfactory. Councillor S Arif confirmed that it did not, and the closure order in the area has been extended due to pre-existing issues. Additionally, Councillor S Arif raised concerns regarding children safety and the wellbeing of residents long term. Councillor S Arif was of the opinion that another off-licence in the area is not acceptable.

Conclusion

Having considered all information before the Licensing Sub Committee, and as part of a private deliberation process, it was

RESOLVED – That the application be refused.