

Licensing Sub-Committee

Tuesday, 12th April, 2022

PRESENT: Councillor R Downes in the Chair

Councillors J Gibson and L Richards

1 Election of the Chair

RESOLVED – To elect Cllr Ryk Downes as Chair for the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against 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, there was supplementary information in relation to Agenda Item 6 - Application for the grant of a premises licence for Residential Property 222 Queenswood Drive, Headingley, Leeds, LS6 3ND and Agenda Item 7 - Application for the grant of a premises licence for Lietuvaite Shop Ltd, 15 Branch Road, Armley, Leeds, LS12 3AQ. This had been circulated to all parties prior to the meeting.

5 Declaration of Interests

No declarations of interests were made at the meeting.

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

Prior to the start of the meeting the Licensing Sub Committee had considered a request from West Yorkshire Police to hear the application for Lietuvaite Shop Ltd first, as three police officers were attending who were on duty. The Licensing Sub Committee agreed that this item should go first to allow the officers to continue their duties.

The report of the Chief Officer Elections and Regulatory presented an application for the grant of a premises licence for Lietuvaite Shop Ltd, 15 Branch Road, Armley, Leeds, LS12 3AQ.

In attendance at the meeting were:

- Ruslanas Zirnikas – Applicant
- Dave Parker – West Yorkshire Police
- PS Craven – West Yorkshire Police
- PCSO Counsell – West Yorkshire Police
- PCSO Indiks-Clay – West Yorkshire Police
- Jonathan Hindley – Public Health
- Sue Duckworth – Licensing Authority
- David Spereall - Journalist

The Legal Officer outlined the procedure for the hearing.

Mr Zirnikas requested that a copy of the location map be tabled for information. He had updated the map indicating those premises which he thought were no longer trading. The sub-committee granted this information be tabled.

The Licensing Officer presented the application informing the Sub Committee of the following points:

- The applicant had applied for the sale by retail of alcohol, everyday 10:00am until 20:00 for consumption off the premises.
- These premises are located within an area covered by a cumulative impact policy.
- It was noted that the applicant had applied for a licence for this premises in 2021 which had attracted representations, as a consequence the application was heard at a licensing sub-committee on 20th May 2021, where Members made the decision to refuse the application. This was detailed at Point 2 of the submitted report.
- The Application was attached to the submitted report at Appendix A. It was noted that the applicant proposed to promote the licensing objectives by taking steps identified in Section 18 of the application form.
- A map identifying the location of the premises was attached at Appendix B.
- Representations had been received from West Yorkshire Police in their capacity as a responsible authority and was appended to the report at Appendix C.
- The Licensing Authority had also received a representation from Public Health Localities and Primary Care Team which was attached at Appendix D.
- Representation had also been received from the Licensing Authority in their capacity as a responsible authority which was attached at Appendix E.
- Two letters of objection had been received one from a Member of Parliament and the other on behalf of the three Local Ward Councillors. These letters were attached to the submitted report at Appendix F.
- Members were advised that the premises are located within the cumulative impact area of Armley. Details of the cumulative impact policy specific to Armley and an outline of the evidence behind the reason for setting this policy was attached at Appendix G of the submitted report.

Mr Zirnikas presented his case to the sub-committee informing them of the following:

- He has been trading at the premises for eight months with no profit. His wife works in the shop during the day and was unable to take a wage. He himself has another job and takes over from her to work until the shop closes. He also works Saturday and Sunday in the shop when his wife does not work.
- He was of the view that the way to make the shop more profitable was to sell lager for relaxing and this could be picked up by customers when they collect their groceries.

Responding to questions from the sub-committee, Mr Zirnikas provided the following information:

- He explained the difference in this application to the previous one was that he would not be selling cheap or strong lagers or ciders. He would only be selling cans in multiples of 4, no single cans. He would not be selling to street drinkers only those who were buying groceries.

- In relation to the updated copy of the location map he pointed out premises who have a licence but are no longer trading. He said at least 5 shops had stopped trading. He said that all the shops on Armley Town Street opened till late.

West Yorkshire Police presented their objections providing the following information:

- As far as the police were aware all the premises identified on the location map still had a licence even those which now appeared to be closed.
- Full details of the Armley Cumulative Impact Assessment are within the current 2019-2023 Statement of Licensing Policy of Leeds City Council, from paragraphs 7.24 to 7.26. Armley was identified as an area suffering from anti-social behaviour displayed by groups of men standing and drinking in the street. It was noted that Armley is unusual in the fact that most of the anti-social behaviour is during the day rather than night-time.
- It was noted that this application offers an array of conditions including CCTV which are the same as other licensed premises in the area, but these measures would not prevent the issues already seen in Armley.
- Attention was drawn to Paragraphs 7.24, 7.25, 7.26 of the Statement of Licensing Policy, specifically in relation to Armley. In relation to Paragraphs 7.33 and 7.34 of the policy it was noted that the applicant had not demonstrated how he would stop the issues arising in Armley.

Statements had been made and provided to the sub-committee from police officers who worked in Armley on a daily basis. There were present at the meeting and provided the following information for consideration:

- Their shift is usually 7:00am until midnight. However, due to street drinkers starting as early as 6:00am they had changed their shift patterns to address this starting at 6:00am.
- They spoke of males and females drinking from early in the morning and being passing out through drink as early as 8:00am. They spoke of drinkers fighting, swearing, shouting and urinating on Armley Town Street. This could be seen by children walking to and from school and people using the shops in the centre. It was noted that littering is an issue on Town Street most of which is empty high strength lager cans.
- The sub-committee heard that even if cans are not sold as singles, the street drinkers will steal to get what they want. Shops with a licence had been provided with photographs of street drinkers not to sell to, however, the street drinkers get others to buy the alcohol for them.
- The police work with other agencies in Armley such as GP's and outreach workers and have 'Shop Watch' in place on Town Street.
- There had been a slight reduction of street drinking during the pandemic, although this was now increasing again with many people coming to Armley from outside the area which is making the issue worse.
- People shopping in the area are afraid of being assaulted and theft, and those who work in the shops are afraid when opening or closing premises.

The sub-committee were advised that a 'Closure Order' had been granted for Armley. It was explained how a Closure Order worked however this had now stooped due to the three-month time limit.

Public Health had submitted a representation following visits to the area with other third sector colleagues to talk to residents about a number of issues including covid vaccinations and wellbeing. Whilst they had been talking to residents, they had received comments from residents that they felt unsafe on Branch Road and Armley Town Street occasionally during the day and after 7pm at night. They complained of aggressive begging and inebriated men standing on the street swearing and making them feel intimidated. Following on from this work more outreach work was undertaken in the Armley area. The comments from residents continue to show that street drinkers are still an issue. There is also a concern that the number of street drinkers and residents suffering from alcohol addiction normalises the situation for children and as they grow older sets a benchmark of what is normal in their area. Evidence such as an environment can have a strong influence on children and Armley is a deprived neighbourhood.

Responding to a question Mr Hindley said that pre covid and post covid, people have come to Armley to buy cheap alcohol. However, there are a number of residents in the area who are drink dependant, some do have families and outreach work is ongoing in this area.

The officer from the Licensing Authority informed the sub-committee of the following points:

- The five premises identified by Mr Zirnikas were mostly licensed for late night refreshment. Eastern European Foods had not surrendered their premises licence, even though they may not be using it.
- The only conditions offered by Mr Zirnikas had been the sale of lager in packs of 4 only no single can sales, no cheap alcohol and any high strength alcohol to be stored in an area only accessed by staff.
- This postcode is ranked as just below the city centre for cumulative impact area, with alcohol treatment ranked the highest in Leeds. It was also noted that Armley has the second highest rate of anti-social behaviour in the city.
- It was noted that in 2012 a number of shops in the area had volunteered to stop selling super strength lagers. However, given the issues raised today there has been a reluctance to change the way outlets operate.
- A number of operations have been conducted in Armley along with Trading Standards Officers in relation to illicit tobacco and alcohol.

Mr Zirnikas in summing up responded to issues raised saying he would not sell lager higher than 5.4% and cider not higher than 4.5%. He also said that on Town Street people would be able to buy cheaper alcohol than he would selling.

In relation to the licensing objectives, he had requested his licence to sell alcohol from 10:00am. He said that he was willing to only sell alcohol between 10:00am and 3pm, then from 4pm until 8:00pm, so avoiding the times when children would be walking to and from school. He said that staff would be trained not to sell alcohol to people who were already drunk. Mr Zirnikas said that he did not start work until 9:45am and therefore had not seen some of the problems raised but he had seen some problems with street drinkers in the early evening but many.

Member's discussions included:

- Additional conditions to limit the strength of lager sold
- Mr Zirnikas business model, they wondered why he had chosen Armley for his premises.
- Mr Zirnikas fit into the community of Armley. The community need to feel safe and work together to address issues.
- Looked at the application in relation to the licensing objectives and were of the view that the application failed on all four objectives

RESOLVED – To refuse the grant of the premises licence.

7 Application for the grant of a premises licence for Residential Property 222 Queenswood Drive, Headingley, Leeds, LS6 3ND

The report of the Chief Officer Elections and Regulatory presented an application for Member's consideration for the grant of a premises licence for a residential property at 222 Queenswood Drive, Headingley, Leeds, LS6 3ND.

In attendance at the meeting for this item were:

- Josh Miller – Applicant
- Contanze Bell – Applicant's representative
- Bob Patterson – West Yorkshire Police Licensing Officer
- Councillor John Illingworth

The Legal Officer outlined the proceedings for the hearing.

The Licensing Officer presented the application providing the following information:

- The application was for the grant of a premises licence at 222 Queenswood Drive, which is a residential property. The applicant is Mr Josh Miller, he is also the proposed designated premises supervisor.
- The application was for the sale of alcohol every day between the hours of 21:00 and 03:00am. No non-standard timings for bank holidays or special occasions had been proposed.
- The applicant proposed to store alcohol on the ground floor in one room and dispatch directly from the premises to the delivery address.
- The application was appended to the submitted report at Appendix A. The applicant proposed to promote the licensing objectives by taking steps identified in Section M of the application form.
- Representations had been received from West Yorkshire Police and the Environmental Protection Team in their capacity as a responsible authority. The objection from Environmental Protection Team was appended at Appendix C, with further information submitted as supplementary information as the officer was unable to attend the meeting. The objection from West Yorkshire Police was appended at Appendix D, with additional information also submitted by the police as supplementary information.
- The licensing authority had received seven individual letters of objection and an email objection from each of the Ward Councillors, all of which opposed the application on grounds of noise disturbance and public nuisance. Redacted copies of the representations were attached to the submitted report

at Appendix E. Supplementary information had been received from Cllr Illingworth one of the Ward Councillors who was present at the meeting.

- Attached at Appendix F was the list of other licensed premises in the area with their licensed activities.

Ms Contanze Bell, the applicant's representative informed the sub-committee of the following points:

- The proposal was for an alcohol delivery service from 222 Queenswood Drive. There had been email exchanges detailing how the service would operate and addressed issues of noise and disturbance.
- Originally Mr Miller had proposed to keep the alcohol in his vehicle. However, he now realises that this is not possible and appreciates the difficulties in doing this. Therefore, the proposal is now for the alcohol to be stored in a ground floor room in the premises. Mr Miller will take calls and email orders and then deliver from the premises to the delivery address.

Responding to questions from the sub-committee Ms Bell provided the following information:

- Noise concerns were not well founded as Mr Miller shares the property with his parents who would not tolerate being disturbed by Mr Miller loading his vehicle.
- The premises is on a busy road which has buses running on it until 01:00am. There is also a taxi business nearby which operates a 24-hour airport taxi service which has not had a representation submitted by Environmental Protection Team in relation to noise and disturbance.

Mr Bob Patterson the Licensing Officer for West Yorkshire Police was present at the meeting and informed the sub-committee of the following points:

- Since a private meeting with Ms Bell prior to the hearing he had formed a different view to that presented in emails and the supplementary information in relation to the operation of this service delivery model. He said that the main obstacles of the application had been in the delivery, dispatch, and storage of alcohol. However, these had now been addressed.
- It had been clarified that age verification would be addressed at point of delivery. Should a delivery not take place the alcohol would be returned to the premises.
- Since 2005 there has been over 130 delivery establishments set up in Leeds with about 110 still operating. The differences from this operation and those established operations are the way in which Mr Miller receives the orders, the payment for the orders and the times of business, with most establishments delivering a 24-hour service from lock ups rather than a residential property.
- It was noted that Mr Miller had applied for his personal licence.
- Mr Patterson said that his objection to the application had been the fact the operation had specified that the service would be from a vehicle and as per the Licensing Act this is not possible. Had he known in advance of the proposals for this to be from a premises he would have withdrawn his objection.

Responding to questions from Members the sub-committee were provided with the following information:

- Conditions are set as standard with individual cases requiring a few 'tweaks'.
- The supplementary information outlined the conditions for this type of operation, he highlighted that the alcohol must be dispatched from the premises, more employees and dispatch via a third party should business increase and the need to return to the premises before selling again. He also said that should the date and times of dispatch not be adhered to this could result in a heavy fine or custodial sentence.

Cllr Illingworth was present at the meeting and set out his concerns as follows:

- This area is populated by students who have late night parties The Kirkstall and Headingley ward councillors receive many complaints in relation to noise and disturbance.
- In relation to the road on which the premises is located he said that it is busy during the day but generally quiet through the night. This is an area where families with children live and for the wellbeing of the residents it should be a peaceful and relaxing place to live.
- He was of the view that he did not see how this type of business could not be operated without causing noise and disturbance. Bottles of alcohol rattling and slamming of vehicle doors whilst loading. The noise of motorised vehicles is multiplied during the quieter hours of night.
- He also had concerns in relation to outdoor parties and events and was of the view that delivery should only be to an address not to parks or other open spaces.

Responding to questions Cllr Illingworth provided the following information:

- 9pm until 3am captures the peak time for student parties, it was also the time when most anti-social behaviour occurs. He had not spoken to any residents in relation to an alteration of the operating hours.
- This is a quiet area, although it was acknowledged that there is a hub which has a post office and social club. It was noted that the social club does have a limited terminal hour.

Ms Bell in summing up addressed some of the concerns raised:

- Mr Miller has a clean DBS check.
- He had worked for Hermes Delivery Service so had experience of customer service, and age verification. Whilst working as a delivery driver he had not received any complaints from neighbours.
- It was noted that Mr Miller also visits the gym often late at night and had not received complaints from neighbours of noise or disturbance.
- Mr Miller would not have customers calling at the premises for sales, sales would only be for delivery.
- Mr Miller has an SUV which is quite new and has automated boot so has a soft close. He has offered to look into similar closing mechanism for driver and passenger doors. He would not use the car radio.
- Loading of alcohol would be via the side patio door which is a sliding door so quieter than a normal door.
- He has offered to look at how bottles could be loaded without rattling.

- He lives with his parents who would not tolerate any noise or disturbance and would be an inherent checking balance to be a sensible and considerate neighbour.
- The area has an existing established economy with taxi business across the road, late night buses and a rugby ground nearby.
- She said that Mr Patterson had been impressed with Mr Miller in his answering of questions in relation to age verification etc. There had been a genuine misunderstanding in relation to the use of his vehicle for the business.
- She said that she had been surprised that the Environment Officer had spoken to Mr Millers mother in relation to this application as she is not the applicant and not involved in the business.

In response to further questions from the Members, the following information was provided:

- Mr Miller would accept all conditions as set out.
- If the business increased Mr Miller would employ his brother to assist him with deliveries who would be equally minded to being a good neighbour. If the business increases to such an extent, he would look at new larger premises.
- Alcohol can only be delivered to an address. If sale does not take place the alcohol must be taken back to Queenswood Drive before being sold again.

RESOLVED – To grant premises licence as set out with the additional condition that no car radio to be used, side patio door to be used for dispatch from premises and vehicle to have a boot with automated soft close mechanism.

8 Application for the grant of a premises licence for Outside In Sports Bar, Unit 4, Pudsey Business Centre, Kent Road, Pudsey, LS28 9BB

The report of the Chief Officer Elections and Regulatory set out an application for the grant of a premises licence for Outside In Sports Bar, Unit 4, Pudsey Business Centre, Kent Road, Pudsey, LS28 9BB.

In attendance for this item were:

- Simon Doswell – Applicant
- Jack Mills – Applicant

The Legal Officer set out the procedure for the hearing.

The Licensing Officer presented the application as follows:

- This application was for an indoor sports bar and sports simulator and games room.
- The application was attached at Appendix A
- Representation had been received from West Yorkshire Police in their capacity as a responsible authority. However, prior to the hearing the operating schedule was amended to include a number of measures suggested by West Yorkshire Police. A copy of the representation and agreement was attached at Appendix C.

- The Licensing Authority was in receipt of two individual letters of objection, both of which opposed the application on grounds of public nuisance. Redacted copies of the representations were appended to the report at Appendix D.

Mr Doswell addressed the sub-committee and provided the following information:

- This is a sports simulator bar for sports such as table tennis, rugby, football etc. The application for a licence is to allow the business to host bigger functions.
- The front door is adjacent to flats, and it was the applicants believe that the objections had come from residents of the flats due to people using the front door area for smoking. He was of the view that if the rear door was used as a smoking area this would mitigate the issue.

Responding to questions from the sub-committee the following information was provided:

- After 9pm the car park is monitored by people employed by the applicant
- They did wish to keep the front door as the main access.
- The applicant did not wish to use the activity of performance and dance as set out in section G of the application form.
- There are residential properties about 100 metres away from the premises with trees in between. If the rear door was used for smoking it is a sunken area that could be screened with fencing, which would mitigate sound.
- The venue operates through a bookings system and is used for team events, birthday parties and christenings. It is for use of both children and adults.
- The garden area is part of the unit, and it would be nice to use in summer.

The applicant clarified that non-standard timings were only required for:

- Christmas Eve 09:00 – 01:00am
- New Year's Eve 09:00 – 02:00am

It was also clarified that sales of alcohol would be on premises only.

Member's discussions included:

- Residential area, with properties close to the business unit.
- The smoking area needs addressing.

RESOLVED – To grant the premises licence with the following conditions:

- for internal area only
- supply of alcohol on premises only
- non-standard timings:
 - Christmas Eve 09:00 -01:00am
 - New Year's Eve 09:00 – 02:00am

The meeting concluded at 14:00