

## **Licensing Sub-Committee**

**Tuesday, 31st May, 2022**

**PRESENT:** Councillor N Buckley in the Chair

Councillors G Almass and A Forsaith

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

**RESOLVED** – To elect Cllr Neil Buckley 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 which had been circulated to all parties prior to the meeting (Minute 6 refers)

### **5 Declaration of Interests**

No declarations of interests were made at the meeting.

### **6 Application for the grant of a premises licence for Martinez Wines, 8 Thorntons Arcade, Leeds, LS1 6LQ**

The Chief Officer Elections and Regulatory submitted a report for Member's consideration on an application for the grant of a premises licence, made by Swanpride Limited, for Martinez Wines, 8 Thornton Arcade, Leeds, LS1 6LQ.

Attending the meeting were:

- Jonathan Cocker - Applicant
- William Cartwright - Applicant's Representative
- Sean (McKicks Ltd) - Objector
- Tariq (Mc Kicks Ltd) - Objector
- Nancy Amoudi (McKicks Ltd) - Observer
- David Spereall – Journalist

The Legal officer explained the procedure for the hearing.

It was noted that McKicks Ltd had sent in CCTV footage of anti-social behaviour to the rear of their premises in Swan Street for the Sub-Committee to view. However, the Legal Officer explained that this footage could not be viewed as it was against General Data Protection Regulations as the faces of the people shown could be clearly seen and could not be pixilated out.

The Licensing Officer presented the application informing the Members of the following points:

- The premises intended to operate as a drinking establishment with the provision for sale by retail of alcohol for consumption both on and off the premises.
- The premises are located within the Leeds City Centre Cumulative Impact Area, but not in either of the two designated red zones.
- The application was for sale by retail of alcohol Sunday to Thursday 11:00-23:00 and Friday and Saturday 11:00-00:00. The application was appended to the submitted report at Appendix A.
- The applicant proposed to promote the licensing objectives by taking the steps identified in Section M of the application form and supplemented by the profoma risk assessment attached to the report at Appendix B.
- A map identifying the location of the premises was attached at Appendix C.
- There had been no representations from responsible authorities. However, the licensing authority was in receipt of two individual letters of objection, both of which were opposed to the application on grounds of crime and disorder and public nuisance. Redacted copies of the letters were appended to the report at Appendix D.
- A copy of the Cumulative Impact Assessment was attached to the report at Appendix E. It had already been noted that the premises were not in the designated red zones.
- A list of licensed premises in the local area was attached to the report at Appendix F.
- Since the publication of the agenda further letters had been received in support of the application and had been provided to all interested parties as supplementary information.

Mr Cartwright the applicant's representative provided the following information:

- The applicant has two other establishments in Ilkley and Bingley similar to that proposed for Leeds
- It is proposed that Martinez Wines would provide wine both for retail and consumption on the premises. Customers would also be able to purchase cheese platters.
- The premises' focus would be on high quality wine, no shots or alcopops would be sold. It was noted that there would also be a lager for sale on the premises. The applicant was more about selling quality over quantity and was of the view that customers would be in the 30 plus age range, similar to his other premises in Ilkley and Bingley.
- Emails had been received from Bradford City Council and Ilkley and Bingley District Councils who said that there had been no issues at the venues.
- The applicant was aware of the letters received from Prestigious Jewellers and McKicks Ltd.
- The applicant had addressed general issues and it was the proposal that the premises would be closing earlier than most other premises in the local area and was of the view that dispersal would be gradual through the evening.
- They would use Challenge 25 and any litter would be cleared. They were aware that the bins to the rear of the property could be used negatively to hide behind and had contacted City Centre Management to request that the bins were relocated and offered to pay for this. Martinez Wines would work with the authorities to address any issues.

- The premises had previously been Bagel Nash but had been vacant for some time.

Responding to questions from Members the sub-committee were informed of the following:

- Both entrances/exits from Thornton's Arcade and Swan Street would be used. There was no proposal for a beer garden, however, should this become the case in the future the premises would require a street café licence.
- The premises would not be exclusive to certain age ranges, but generally this type of premises did not appeal to younger people.
- The premises would be using both entrances and exits from Thornton's Arcade and Swan Street, and it was the view that this would discourage issues of public urination, drug taking etc. It was noted that Thornton's Arcade was not gated and remained open to the public 24/7.
- There would only be low level background music played in the premises and this did not require a licence.
- The premises would be over 3 floors with the toilets located on the top floor. Due to the space within the ground floor of the premises there was no space to include a ground floor disabled toilet. This they did regret as they do have disabled toilets in the other establishments in Ilkley and Bingley.

Sean and Tariq of McKicks Ltd addressed the Sub-Committee providing the Members with the following information:

- McKicks Ltd is a luxury 'sneaker' shop providing exclusive trainers. They have invested in two shops, one in Thornton's Arcade and one on Briggate. They also offer a cleaning service for these luxury sneakers.
- This type of business requires them to load and unload stock, which due to the city centre location is between the hours of 7:30pm and 10:30am. The rear of the premises is on Swan Street. In and around the premises they have CCTV cameras which has captured anti-social behaviour on Swan Street. They said that the anti-social behaviour included public urination, drug taking, drug dealing, fighting and sexual activity. They said that on a daily basis they have to deal with excrement, urine on the door and drugs equipment which was hazardous to health.
- They had requested City Centre Management to relocate bins from the rear of the premises on Swan Street as they were used to hide behind and caused issues of anti-social behaviour. It was noted that they were in on-going discussions with City Centre Management in relation to the issues raised. It was noted that they had offered to leave a branded van to the rear of the premises to discourage anti-social behaviour.
- They were of the view that Leeds City Centre was different to Ilkley and Bingley and the premises were likely to attract younger people who liked to drink wine and champagne.
- The area around this location is occupied by student lets and this type of establishment would encourage more anti-social behaviour as people became intoxicated with drink. It was noted that although this location is not in the red zones people do use the arcade and Swan Street to move from Greek Street to Call Lane.

- Other issues were raised in relation to rough sleepers, begging, people taking a drug known as “spice”. It was also noted that one of the businesses in the Thornton’s Arcade had been robbed with expensive whiskey’s being stolen, these premises now receive customers only by appointment.
- It was the view that the type of premises would be better suited on Wellington Street.
- There was concern that the applicant could not control the impact of customers once they had left the premises.

The Chair appreciated that McKicks Ltd were trying to alleviate the issues in this area and suggested that they should contact the local Councillors for the area with their concerns.

Responding to questions from the Members the following information was provided by both parties:

- Current hours for loading and unloading is 7:30pm until 10:30am.
- McKicks Ltd have 18 cameras some of which cover Swan Street. The Cameras are on 24 hours a day with anti-social activity starting in the early evening and as the night goes on the worse it gets.
- The main focus of the business for Martinez Wines in Leeds would be for home delivery. The space in the premises is small so there would not be a large retail space. It was the intention that bottles of wine would be sold.

In summing up Mr Cartwright said:

- He sympathised with the objectors and the issues that they had faced. However, his view was that the increased activity in this area would make issues described better rather than worse.
- The applicant was in discussion with City Centre Management about locating the bins.
- It was his view that Leeds City Centre was not so different to Bingley after midnight, saying that it was a bit like the ‘Wild West’.
- Many people commute from Ilkley and Bingley to Leeds and would already be familiar with Martinez Wines and they wished to focus on wine and enjoying wine.
- He would be very surprised if customers from Martinez Wines were captured on CCTV urinating, if they did so they would be banned from the premises.
- Martinez Wines wished to give a long-term commitment to Leeds and were keen to make a positive mark on the town and get along with their neighbours.
- There would be a 1 hour drinking up time to allow customers to enjoy a bottle of wine, therefore dispersal would be gradual.

Member’s discussions included:

- Sympathy with the owners of McKicks Ltd.
- Natural surveillance with increased activity in the area.
- Proposed clientele, product and pricing would not encourage more anti-social behaviour in this area.

**RESOLVED** – To grant the premises licence as applied for.

*The meeting concluded at 12:05pm*