

Licensing Sub-Committee

Tuesday, 21st June, 2022

PRESENT: Councillor J Gibson in the Chair

Councillors S Hamilton

1 Election of the Chair

RESOLVED – To elect Councillor Gibson as 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

A formal late item was added to the agenda in relation to Certification of Films - 'Beeston Film Festival' Watsonia Café. Minute 6 refers.

Supplementary information in relation to Agenda Item 6 - Application for the grant of a premises licence for Mleczko 329 – 333, Harehills Lane, Leeds, LS9 6AX. This was in the form of YouTube links which was circulated to all parties prior to the meeting. Minute 8 refers.

5 Declaration of Interests

No declarations of interest were made at the meeting.

6 Certification of Films - 'Beeston Film Festival' Watsonia Cafe

The report of the Chief Officer Elections and Regulatory advised the Licensing Sub Committee of an application for the certification of a film to be screened at Watsonia Café, Cross Flatts Park, Leeds LS11.

The applicant was unable to attend the meeting.

The Licensing Officer provided the following information:

- This application is for the Beeston Film Festival requesting the certification of a film, scheduled for screening on 25th June 2022, at the Watsonia Café, Cross Flatts Park, LS11
- A copy of the BBFC guidelines were appended to the report at Appendix A for Members information.

- Appendix B of the submitted report set out the proposed arrangements for the festival, the films for classification including a synopsis and the applicant's suggested rating.
- To assist Members with their deliberation officers of the Licensing Authority had viewed each film and provided comments in accordance with the BBFC guidelines, the comments were attached at Appendix C.
- Details of the films requesting classification, including a link to view the screener, had been provided to the Members of the Sub Committee in advance of the hearing.

Members had viewed the screeners. It was their view that the film Shear should be rated as 12. They approved with the other proposed ratings.

RESOLVED - To grant as applied for with the exception of Shear which was classified as rating 12.

7 Application for the Renewal of a Sex Establishment Licence for Whiskey Down, First & Second Floors, 25 Crown Street, Leeds, LS2 7DA

The report of the Chief Officer Elections and Regulatory requested Member's consideration for the renewal of a sex establishment licence for the provision of sexual entertainment in the form of lap dancing. The application was made by Tokyo Industries Ultimate Limited for a premises to operate under the name of Whiskey Down, First and Second Floors, 25 Crown Street, Leeds, LS2 7DA.

Present at the meeting on behalf of Whiskey Down were:

- Marcus Bentley – Manager
- Aaron Mellor – Managing Director

The Legal Officer outlined the procedure for the meeting. It was noted that there were only two Members of the Licensing Sub Committee, as the third Member was unfortunately ill. All parties were happy to proceed with two Members.

The Licensing Officer provided the following information:

- A copy of the licence was appended to the submitted report at Appendix A
- The hours of operation are:
 - 22.00hrs until 04.00hrs Sunday to Thursday
 - 22.00hrs until 05.00hrs Friday and Saturday
- A copy of the redacted application was attached at Appendix B
- Additional documents supplied with the application were appended at Appendix C and included:
 - Dancers Welfare Policy
 - Dancers Code of Conduct
 - Customers Code of Conduct
 - Pricing Policy

- Members were also requested to consider the external appearance and all methods of advertising. Attached at Appendix D were images showing the external appearance of the premises.
- A map showing the location of the premises was attached at Appendix E.
- Standard Conditions as set out in the current policy were appended to the submitted report at Appendix G

Mr Mellor provided the Sub Committee Members with further pictures showing the inside of Whiskey Down and gave a brief background to the history of the venue.

Mr Mellor said that the building had previously been the Town House but had opened in 2017 as Whiskey Down. There had been no issues since opening.

The name is Whiskey Down with an 'E' as in the American spelling for bourbon. Whiskey Down is not the usual gentlemen's club/ strip club their aim was to create a new image for sexual entertainment venues. The club is fully inclusive and has both men and women as customers and is also LGBT friendly.

Many of the attendants are female. There are performances of 'burlesque dance' with the establishment looking to be a high-end gentleman's club serving quality cocktails and champagne.

Member's discussions included:

- No objections from the responsible authorities
- No issues reported
- Establishment seemed to be well managed

RESOLVED – To grant the renewal as applied for.

8 Application for the grant of a premises licence for Mleczko 329 - 333 Harehills Lane, Leeds, LS9 6AX

The report of the Chief Officer Elections and Regulatory requested Member's consideration for the application for the grant of a premises licence for Mleczko 329-333 Harehills Lane, Leeds LS9 6AX.

The Legal Officer outlined the procedure for the meeting. It was noted that there was only two Members of the Licensing Sub Committee, as the third Member was unfortunately ill. All parties were happy to proceed with two Members.

Present at the meeting were:

- Dana Morad – Karpaty Foods Ltd
- Patrycja Para – Karpaty Foods Ltd
- Nick Semper – JMC Licensing Consultants
- Kate Coleman – Environmental Protection Team
- Peter Mudge – Communities Team, Town Centre Management
- PC Clifford – Leeds District Licensing
- PC Croft – West Yorkshire Police

- Chetna Patel – Public Health
- Cllr Salma Arif
- Sue Duckworth – Entertainment Licensing

The Licensing Officer provided the Sub Committee with the following information:

- This is the first application for these premises made by Karpaty Foods Ltd for Mleczko, 329 – 333 Harehills Lane, Leeds LS9 6AX.
- The application is for sale by retail of alcohol for consumption off the premises
 - Sunday to Thursday 08:00 – 22:00
 - Friday and Saturday 08:00 – 23:00
- A redacted copy of the application was attached 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.
- A map identifying the location of the premises was attached at Appendix B
- Representations had been received from Leeds City Council Entertainment Licensing, Environmental Protection Team, Communities Team, Public Health, West Yorkshire Police Licensing Team and the Local Neighbourhood Policing Team Sergeant. Each representation on behalf of the Responsible Authorities objected to the application outright. A compilation of the representations was appended to the report at Appendix C.
- The application had attracted ten representations opposing the application from both members of the public and Ward Councillors. Copies of the representations were attached at Appendix D.
- The premises is located within the cumulative impact area for Harehills and a copy of the policy was attached at Appendix E.

Mr Semper, the applicant's representative, provided the Sub Committee with the following information:

- This would be a family friendly convenience store selling East European foods for the Eastern Europeans in the area.
- The applicants have licensed premises elsewhere in the city and also in Reading. These premises have had no issues as they have a raft of conditions, one of which is that no sale of alcohol would take place without at least £5 of non-alcohol/non-tobacco items also being purchased.
- Ms Para and Mr Morad own Karpaty Foods Ltd, Ms Para is the sole director and would be the Designated Premises Supervisor (DPS) of the Mleczko. She gained her personal licence from Wakefield Council.
- Ms Para and Mr Morad have managed a convenience store in Armley which is also in a cumulative impact area called Armley Food Centre. They also manage Polenz at Middleton Park Circus and a convenience store in Reading which is just outside a cumulative impact area. It was noted that Ms Para and Mr Morad had sold the Armley store to purchase the Reading store.
- Mr Semper said that these would not be dingy corner shops and referred to the YouTube clips that he had sent as supplementary information. Which showed the stores at Reading, Middleton Park Circus and the

Harehills store which was still undergoing refurbishment. He said these were well stocked, well managed, catering to Eastern European families.

- Ms Para and Mr Morad had invested £250,000 in the store in Harehills
- He was of the view that this application was very comprehensive with a condition unique to Leeds. He explained that no sale of alcohol would go ahead without the addition of £5 being spent on groceries. He said that this had been used with good effect in other areas such as the Midlands and Wakefield.
- Mr Semper was of the view that granting this premises licence would not add to the anti-social issues in this area. He said he was not challenging the fact that Harehills needed such a policy but he was of the view that a contingent £5 purchase would put street drinkers off from buying alcohol from Mleczko, it was only speculation that it would increase the issues of street drinkers.
- This store is for Eastern European families to purchase groceries. No single units of alcohol would be sold, and no high strength lagers or ciders, the highest strength would 6.5%.

West Yorkshire Police – Neighbourhood Policing Team and District Licensing informed the Sub Committee of the following points:

- The police were of the view there was no comparison between Wakefield and the issues faced in Leeds particularly in the Harehills area. They did not agree that the £5 contingent purchase would not put street drinkers or those with alcohol issues off purchasing alcohol, as they find the money to do this.
- Mr Semper said that the store would not be selling high strength alcohol. However, in the clips sent there were spirits shown and this is what the street drinks want. It was also noted that the Mleczko store already had alcohol on show, which in his view showed the focus of the premises.
- The Police said that many of the street drinkers in Harehills were not homeless people but lived in or around the area. They predominantly stand around bookmakers and off licences in large groups which is intimidating for residents.
- The Police have recently been using a Closure Order as these people can be intimidating, cause assaults on each other and other residents, verbally abuse people, become hostile and aggressive especially when they are refused alcohol making life difficult for store owners.
- This store is being promoted as a family store. However, these people will congregate around the store intimidating residents who wish to shop there.
- Harehills is a busy area, and the Police are doing as much as they can to address the issues in the area. However, residents are genuinely unhappy and do not feel the Police are doing enough.

The Licensing Authority Officer provided the following information:

- Points 7.24 to 7.26 of the Licensing Policy and points 7.32 to 7.39 of the Cumulative Impact Assessment for Harehills were highlighted. It was noted that these had been taken into account when assessing the grant of a new premises licence.
- The case of Brewdog was also highlighted which was noted as lessons learnt for the Licensing Authority.

- It was the view of the Licensing Officer that to grant the premises licence for this store would impact on the cumulative impact policy for this area. It is an area of deprivation, low attainment and vulnerable children.
- The area has high incidents of anti-social behaviour, there is a high density of off licences in this area and Enforcement Officers have issued notices for breach of conditions.
- Street drinking is a problem for the area, however there are also people who live in the area who drink in their homes, gardens, and the streets around Harehills Lane. It was acknowledged that this is part of the culture but does impact on the area for anti-social behaviour.

Cllr Arif – Gipton and Harehills Ward Councillor provided the following points for the Sub Committee Members:

- Cllr Arif said that she was born and lived in the area and now represented the area.
- Harehills has had to have a Cumulative Impact Policy, PSB Order, a Closure Order and selective licensing due to the issues in the area.
- 70% of the shops on the high street sell alcohol. Alcohol impacts on the lives of the people of Harehills especially the young people and children who have to walk past large groups of drinkers, see them fighting and hear shouting and swearing.
- It was her view that there was nothing family friendly about this proposed store as large groups will gather outside and intimidate people as they go in.
- Cllr Arif brought the map appended to the report at Appendix B to the attention of the Sub Committee highlighting the residential streets surrounding these premises indicating the route that children take to school and that they already have to pass 8 off licences 2-3 times each day. She said that people have to go into the road to pass the large groups who congregate outside these shops. She did not want to normalise this behaviour for young children.
- She told the Sub Committee that an elderly lady rings her on a regular basis to say that she feels intimidated by the issues in this area. She can see people drug dealing on the street corner where this store is proposed.
- Cllr Arif was of the view that the contingent £5 spend would not deter people from buying alcohol as they would pool resources to get the money required.
- Cllr Arif quoted statistics which indicated that Harehills has the highest domestic violence levels in the city and is the 14th most deprived area in the country.
- Cllr Arif read out one of the comments provided by a resident opposed to the application who feels intimidated by issues in Harehills and saying that her garden is often used as a toilet by the street drinkers.
- She said that her and her ward colleagues are trying to do what they can for the area.

The Officer from Public Health provided the following information:

- Public Health use a Data Matrix that shows alcohol is a high-risk factor in Harehills.
- The video of the premises shows alcohol on shelves as the first item as you walk in the door.

- Harehills has the second highest number of off licences in Leeds. There are a lot of children in this area. The area is deprived and is still struggling after the Covid-19 pandemic, some people are using alcohol as a coping mechanism.
- There is also a lot of looked after children in this area, who are vulnerable.
- Dr Anderson – Clinical Director of Primary Care Network was quoted as having said that statistics showed people in the area having poor health, dying young. It is a fact that alcohol is harmful to health causing cancer, liver damage and mental health issues.
- The Health Watch Report in 2021 indicated that residents were worried about the number of street drinkers and the impact of children seeing this type of behaviour on a daily basis.

The Officer from the Environmental Protection Team made the following points:

- The team deal with statutory nuisance at licenced premises. The premises are located close to residential properties and there is the concern that the late hours of opening could cause issues in relation to large groups of people congregating and being noisy through drink, shouting and yelling.
- It was not thought that people would be put off buying alcohol with the £5 contingency purchase but would pool resources to get alcohol. It was also known that given the late hours people will travel to get alcohol after the supermarkets close.

The Officer from the communities Team provided the following information:

- The officer explained that his role was to look after a number of areas outside the city centre to ensure that they were safe for residents to use. However, Harehills Lane is different to other town centres and like Armley requires the use of a cumulative impact policy. It also has a specialist officer for these areas due to the issues arising from street drinkers.
- It was his view that people would pool together their money to get the £5 of groceries required to purchase alcohol.
- He said that the premises in Harehills was close to a nursery, library and community hub which was used by young people of the area.

Responding to questions from Members the Sub Committee were provided with the following information:

- The Closure Order for Harehills had been granted in December 2021 but extended until May 2022. It was noted that the Order is usually only for 3 months with one renewal. It had been effective when in use.
- Mr Semper said that they had worked closely with the Police in other areas and were willing to continue to work with the Police in Harehills.
- It was acknowledged that the Environmental Protection Team only had powers relating to Statutory Nuisance. It was difficult to prove people shouting and yelling compared to the playing of loud music.
- There was evidence which was part of a survey undertaken that in this area people do drink at home and then rather than use their own toilet come outside to urinate in the street.
- There is a monthly meeting with various agencies and officers which meet with councillors of the Gipton and Harehills ward and Burmantofts and Richmond Hill ward to discuss issues of alcohol related incidents. It was noted

that an Outreach Worker had been funded to work with people in the area to address issues.

- Currently there are 20 plus licensed premises in the area and the Cumulative Impact Assessment addresses the licensing objectives such as the protection of children from harm and crime and anti-social behaviour. Not only are there a number of vulnerable children in the area but also a number of vulnerable adults. It was noted that Touchstone have been successfully used to try and address some of these issues.
- It was noted that Harehills is the 9th highest in the city for alcohol related stays in hospital. Harehills also has the highest number of domestic violence incidents and has a number of families on benefits and receiving universal credit.
- It was noted that there have been incidents of people both male and female passed out on the street through alcohol.
- The large groups can be aggressive shouting abuse which is sometimes racial.
- It was noted that people come from outside the Harehills area such as Morley and Beeston to drink.
- The applicants said that the store was for the Polish and Romanian communities who live in Harehills. It would be the only store of its type catering for Eastern Europeans.
- The alcohol that they proposed to sell would be expensive not cheap lager or ciders.
- They had not had any issues at the stores they already managed. They would have CCTV inside and outside the store.
- The applicants said that they would not be able to have an effective business without the sale of alcohol. People did not want to go to two or three shops for provisions but preferred to be able to buy all goods at one shop.

Members were of the view that the conditions proposed were not robust enough to ensure that the licensing objectives would be met.

RESOLVED – To refuse the application.