

## Licensing Sub-Committee

Tuesday, 27th September, 2022

**PRESENT:** Councillor A Forsaith in the Chair

Councillors J Gibson and S Hamilton

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

**RESOLVED** – To elect Councillor Ann Forsaith 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, there was supplementary information in relation to Agenda Item 6 – Review of the premises licence for LOCAL, 4 Market Place, Pudsey, Leeds, LS28 7UA. This was circulated to all parties prior to the meeting.

### **5 Declaration of Interests**

No declarations of interest were made at the meeting.

### **6 Certification of a Film – Lumumba, Death of a Prophet**

The report of the Chief Officer Elections and Regulatory advised the Licensing Sub Committee of an application for the certification of a film titled, ‘Lumumba, Death of a Prophet’. The screening was scheduled to take place on 28<sup>th</sup> September 2022, at Heart Headingley Enterprise and Arts Centre, Bennett Road, Leeds LS6 3HN.

Attending the meeting was Ghada Habib – Film Exhibitor

It was noted that the exhibitor had been unable to provide an advance screener to view the film and having sought legal advice, Members were recommended to certify the film as a category 18 rating. Further information on this element was detailed at 3.2 of the submitted report.

A copy of the current BBFC classification Guidelines was attached at Appendix A for Member’s consideration.

A document offering further details on the film and screening, including a synopsis, was appended to the submitted report at Appendix B.

The Licensing Sub Committee considered all the information provided to them and had no further questions for the applicant.

**RESOLVED** – To grant the certification of 18 rating to the film ‘Lumumba, Death of a Prophet’

## **7 Review of the Premises Licence for LOCAL, 4 Market Place, Pudsey, Leeds, LS28 7UA**

The report of the Chief Officer Elections and Regulatory informed Members that West Yorkshire Police had served on the Licensing Authority an application under section 51 of the Licensing Act 2003 for a review of the premises licence in respect of LOCAL, 4 Market Place, Pudsey, Leeds, LS28 7UA.

In attendance at the meeting were:

- Sarah Blenkhorn – West Yorkshire Police, review applicant
- Rachel Smith – West Yorkshire Police, review applicant witness
- David Mullins – West Yorkshire Trading Standards
- Phillip Gill – West Yorkshire Police, observing
- Bob Patterson – West Yorkshire Police, observing
- Sgt. Chris Secker – West Yorkshire Police, observing
- Cllr Simon Seary Pudsey Ward Councillor, representing residents
- Cllr Dawn Seary Pudsey Ward Councillor, observing
- Syed Jabbar Ahmed Junior – Premises Licence Holder
- Syed Ahmed Senior – Premises Licence Holder's father
- Mrs Abiba – Premises Licence Holder's mother
- Graham Hopkins – GT Licensing Consultants, licence holder's representative
- Linda Potter – GT Licensing Consultants, observing

Also in attendance were two residents called as witnesses by West Yorkshire Police who wished to remain anonymous. During the meeting they were called Resident 1 and Resident 2.

It was noted that supplementary information had been submitted by the applicant's representative the day before the meeting, this had been circulated to all parties. However, West Yorkshire Police had not had time to review the information and requested time to consider the information presented. Ten minutes was allowed by the Licensing Sub Committee for the consideration of the supplementary information.

The Legal Officer outlined the procedure for the meeting and the Licensing Officer presented the application.

The Licensing Sub Committee were informed of the following points:

- The application was made on the grounds of the prevention of crime and disorder and the protection of children from harm. The application was attached to the report at Appendix A.
- In support of the application West Yorkshire Police had submitted additional information which included a number of statements and a chronology of incidents connected to the premises. This was appended to the report at Appendix B.
- Members noted that the premises have had the benefit of a premises licence since the transitional period in 2005, where an application to convert the existing Justices' Off Licence into a premises licence was received by the Licensing Authority. The application had been granted as requested, effective from 24<sup>th</sup> November 2005.

- Members were advised that the applications to both transfer the premises into the current licence holder's name and to vary the licence to specify the current designated premises supervisor, were received by the Licensing Authority in March 2018. It was noted that neither application attracted a representation from the West Yorkshire Police, these were granted with immediate effect.
- A copy of the premises licence was attached to the submitted report at Appendix C.
- A copy of the map identifying the location of the premises was attached at Appendix D
- West Yorkshire Police have had an interest in the premises for a number of years due to reports of the selling of alcohol and tobacco products to underage persons. Test purchases made at the premises by West Yorkshire Police and West Yorkshire Trading Standards had failed. It was suspected the premises licence holder only sold restricted products to underage persons he knows and by using code words to avoid test purchase volunteers.
- The application had not attracted any individual representations from responsible authorities. However, the Licensing Authority was in receipt of eight individual representations on behalf of other persons supporting the review application sought by West Yorkshire Police. Four parties had requested to remain anonymous throughout the process due to reprisals. Redacted copies of the representations were appended to the report at Appendix E.
- Members were provided with guidance issued under Section 182 of the Act (Statutory Guidance). This was attached at Appendix F of the submitted report.

Sarah Blenkhorn presented the application from West Yorkshire Police providing the following points:

- Referring to the supplementary information provided by the licence holder she was of the view that the petition in support of the premises was not worth the paper it was written on. She said that close to the premises were other shops which the elderly could use. The refusal log did not contain the two failed test purchases carried out by West Yorkshire Police and West Yorkshire Trading Standards volunteers on 24<sup>th</sup> March 2022 and 21<sup>st</sup> April 2022. It was also noted that the refusal log jumped dates. The conditions offered by the licence holder were 'bog standard' and proof of age was the law. Members were informed that when footage of CCTV had been requested, the licence holder had not provided it.

Rachel Smith, West Yorkshire Police, informed the Licensing Sub Committee of the following points:

- There has been anti-social behaviour around the Pudsey Bus Station making residents feel intimidated. There is CCTV in the area provided by Metro and the Leeds Watch Team. It was the view of the Officer that the youths involved in the anti-social behaviour are involved with the off licence, with Mr Ahmed seeming friendly towards them. It was noted that during lockdown things had

quietened down. However, since the restrictions have been lifted anti-social behaviour has again escalated and some youths seem to have turned against Mr Ahmed. It was noted that some incidents had been serious with a youth using threatening behaviour towards the premises licence holder. The police had spoken to Mr Ahmed but had not been provided with CCTV footage. When gathering evidence, it was noted that Mr Ahmed had some of the children's phone numbers on his phone, this had raised concerns.

- The Sub Committee were informed that intelligence gathered during 2019 and 2021 showed that underage persons were buying single cigarettes, cigarettes, electronic cigarettes and alcohol. It was the view that Mr Ahmed was acting irresponsibly in selling these products and not adhering to the licensing objectives. It was the view that Mr Ahmed had no concern for the young people of Pudsey and that the Pudsey LOCAL was well known for selling to underage persons.

David Mullins attended on behalf of West Yorkshire Trading Standards and read out a representation from his colleague who was unable to attend.

- He advised the Sub Committee that Trading Standards had received 16 complaints over an 18-month period which listed the selling of alcohol, cigarettes and e-cigarettes to underage persons. It was noted that copies of the letters sent to Mr Ahmed of the complaints were in the agenda pack at pages 43-55. He said that Mr Ahmed had been visited and advice had been given to him in relation to the law and his responsibilities as a licence holder.
- It was the view of Trading Standards that the review of the premises licence was necessary as the licence holder was not adhering to the licensing objectives. Mr Mullins informed the Members that if found guilty by a court of selling alcohol, cigarettes or nicotine inhaling products to underage persons could mean a significant fine or sentence.

Resident 1 provided the following information:

- They had been residents of Pudsey for 7 years. They had reported the premises to the Police and Trading Standards due to the blatant disregard for the safety of children. Their daughter had been sick after buying alcohol from the LOCAL. It was well known by his daughter and her friends that the LOCAL was the place to buy alcohol if underage. It was noted that the licence holder had denied this, however, the resident had been able to see where the alcohol had been bought from his daughter's bank statement.

Resident 2 provided the following information:

- Her daughter had been served vape products. When asked how she had got them she had said the LOCAL and that Mr Ahmed was known as 'boss man', you only need to ask for him and you can get cigarettes and alcohol. The resident went on to say that she had observed a gang of teenagers under the age of 18 with a bottle of alcohol bought at the LOCAL. An old lady passing by had told her she was scared to walk round Pudsey with all the teenagers surrounding the shop.

A third resident had been due to attend but was unable to do so, as she was ill. Sarah Blenkhorn explained to the Licensing Sub Committee that this resident had received a phone call telling her that her daughter was drunk and had banged her head. Her daughter was in year 10 and told them she had bought vodka from the LOCAL calling the man at the shop 'boss man'. Her daughter had said it was easy to get served and joked that an 8 year old could get served there.

Councillor Simon Seary attended on behalf of two residents. He said that there was anti- social behaviour in this area. He said that parents had started to voice concerns in 2018, in relation to the premises, as it was becoming well known for selling vaping products and alcohol to underage persons.

A Member of the Sub Committee asked West Yorkshire Police what they would like to see happen to the premises. West Yorkshire Police said they wanted the licence revoked.

Mr Hopkins, the licence holder's representative addressed the Sub Committee providing the following information:

- Mr Ahmed senior had owned the premises since 2018 and had held a personal licence since 2005.
- Mr Ahmed junior had gained his personal licence in 2006 and had worked in the family business for 15 years.
- There had been no previous issues with the police or other responsible authorities.
- The LOCAL had received a straight conversion from a Justice's licence during the transitional period in 2005. Mr Ahmed had offered a number of conditions should the Sub Committee be minded to modify the licence, including:
  - CCTV
  - Challenge 25
  - Staff training to be reviewed every three months
  - Refusal Log
  - Incident's log
- He was of the view that the allegations were untrue and there were no breaches of the law, it was all hearsay.
- It had been noted that the test purchases undertaken had failed.
- Referring to the request for CCTV footage, Mr Ahmed had explained that it had not been working. It was noted that there was no condition on the licence, so therefore he had not breached the law. However, he was now offering CCTV as one of the conditions to be placed on the premises licence.
- He said that no money had been seen changing hands for alcohol between the staff and underage persons.
- He agreed with the residents that children needed protection. Mr Hopkins informed the Sub Committee that he had 18 years on the job, and in his experience, children did not reveal the true source of where they had purchased products from, to protect their source. He said in relation to the children hanging around the shop, children always hang around shops as they have nowhere else to go.

- Mr Hopkins said that the name 'boss man' was not a unique name and when he had asked about the code name, Mr Ahmed had no idea what he was talking about.
- In relation to the CCTV footage, Mr Ahmed had apologised for it not working. However, it had been noted that there was CCTV provided by the Council around the bus station, but this had not been checked.
- He said that this was the business for two families and that Mr Ahmed junior had two children of his own.

Mr Ahmed senior addressed the Sub Committee and provided the following information:

- He said that he had run a few businesses over a 30 year period. He was of the view that the allegations against him were false and racist.
- He had submitted a petition signed by local people who wanted to keep the shop.
- He said that he and his family worked seven days a week, he has held a licence for fifteen years and felt part of the community, although he was aware that some people are jealous of him and his family.
- Most of the staff he employs in the shop are ladies and he has employed 12 staff in the years that he has had the business. However, most of the time it is family who work in the shop.
- Mr Ahmed spoke of his shock at how the police were against him as he always asked for I.D. when selling alcohol and cigarettes. He said that the children gathered outside the shop after school whilst waiting for their buses. He said that the children are only allowed two at a time in the shop. He has requested assistance from the police to remove the children.

Mr Ahmed junior addressed the Sub Committee providing the following information:

- When the children come out of school and are waiting for buses they are smoking vapes and cigarettes and so people assume that it is his shop selling the products to them. He said that in this the 21<sup>st</sup> century kids can get whatever they wanted.
- He said that he did not serve children and the test purchases by the Police and Trading Standards had failed.
- He said that the reference to 'boss man' was a sign of respect and he was often called this by elderly residents as well as children.
- He informed the Members that he was running a £500,000 business, so would not be risking his licence to sell vapes, cigarettes or alcohol to children.
- He said that he worked hard in the shop and followed the law as best he could. He was of the view that parents had a duty to look after their children and the police had a duty to stop children gathering outside his shop.
- Mr Ahmed said that the children gathered around the bus station as there was nowhere else for them to go.
- He said that having a premises licence was important to him and his family and he valued his licence.

Mr Hopkins spoke to the Licensing Sub Committee saying that all the evidence presented was just hearsay. He hoped that the Sub Committee had heard the passion with which his clients had spoken about their business.

In direct response to questions from the Members the Licensing Sub Committee were provided with further information:

- When requested to show CCTV footage they had done so, unfortunately on some occasions the request could not be granted as the CCTV had not been working.
- Mr Ahmed said that he was only aware of receiving 1 or 2 letters from Trading Standards.
- He denied selling vaping products when approached by parents as it was his view that it could have been bought at any of the shops in the local area.
- He said that there had been a few incidents that they had not reported to the Police such as stealing of chocolates and sweets. However, they had reported a serious incident when his father had been threatened by a youth with a knife. Nothing had happened as the youth was under 15 years old.
- Mr Ahmed said that he does speak to the Community Police Officers and has on occasions asked them and other residents to ask the children to move away from the shop.
- Members were advised that Mr Ahmed had trained his staff, but as it was previously a Justice's Licence this had not been part of his conditions. He was now offering this as part of new conditions to the premises licence.
- When asked why Mr Ahmed had the numbers of children on his phone his response was that he had given the number to one person, and they had passed it on. He said he was also followed on social media.

Sarah Blenkhorn summed up by saying:

- On 24<sup>th</sup> March 2022, 2 volunteers had carried out test purchases one being told to come back 10 minutes later. The test purchases had not been entered into the refusal logbook.
- Not only were the statements from parents evidence of the issues at the LOCAL there was also the bank transactions of the young people.
- In relation to the children hanging around the outside of the premises no other shops surrounding the LOCAL, have issues with children hanging around outside.
- The police were of the view that if a premises sells enough vaping products the business would make a profit.
- The signage saying that only 2 teenagers allowed in shop is a new sign.
- A number of residents, including parents had come forward to support the review application of the Police.
- The Police requested Members to take into consideration:
  - the chronology table listing dates and incidents
  - the reports of the parents
  - the submitted report on the effects of alcohol and cigarettes on children
  - Safer, Stronger Community Plan 2025

- Plan On A Page 2020-25 – Police Plan
- Leeds City Council Licensing Policy
- The Police were of the view that the premises licence holder had no regard for the protection of children from harm and he had been reluctant to assist the Police.

The Licensing Sub Committee considered all the information provided to them and presented at the meeting.

**RESOLVED** - To revoke the premises licence.

## **8 Application to Vary a Premises Licence held by The Canary Bar, Leeds Dock, Hunslet, Leeds, LS10 1EG**

The report of the Chief Officer Elections and Regulatory requested Member's consideration of an application to vary a premises licence made by Allied London One Limited, for The Canary Bar, Leeds Dock, Hunslet, Leeds, LS10 1EG.

In attendance at the meeting were:

- Claire Morris – Kuit Steinhart Levy LLP- applicant's representative
- Tom McCartney – attending on behalf of the applicant, Allied London One Limited
- Stephen Bickers – attending on behalf of the applicant, Allied London One Limited

Members were advised that a resident who was attending as an objector had attended to make a representation. However, prior to the commencement of this hearing the resident seemed to have left the building, as he could not be located. It was noted that his representation formed part of the submitted report.

The Legal Officer set out the procedure for the meeting.

The Licensing Officer presented the application, highlighting the following points:

- The history of the premises was set out at Paragraph 2 of the submitted report. It was noted that in May 2020 the application for the premises was granted by the Licensing Sub Committee with a condition prohibiting loud speakers in external areas of the premises or in entrance lobbies which open directly onto external areas. This application had been heard by the Licensing Sub Committee due to representations from local residents.
- June 2022 – An application for a minor variation was sought by the applicant to expand the external area. This application had attracted comments from local residents which suggested that granting the licence could adversely impact the licensing objectives. It was noted that this application was rejected by the Licensing Authority on the grounds of the potential for noise disturbance from an increased number of patrons using a significantly expanded outside area for consumption of food - drinks and the potential for noise disturbance from outside area to continue into the evenings, adversely affecting the use and enjoyment of nearby residences.



- A copy of the premises licence was attached at Appendix A of the submitted report.
- The application was made by Allied London One Limited:
  - To licence the external area delineated on the plan accompanying the application
  - To amend condition 15 so that the restriction on open containers of alcohol being taken away from the premises is disapplied as part of wider public and private events taking place within the dockside area
  - To include 4 additional measures relating to monitoring the external area, the clearing of glasses/bottles from the external area and added signage.
- A copy of the application at the time of submission was appended to the submitted report at Appendix B. The current proposed operating schedule following amendments and including agreed conditions was attached at Appendix C. It was noted that those agreed conditions related to a suggested measure from the Licensing Authority and a measure suggested by a local ward councillor, resulting in the representations being withdrawn. Furthermore, representations lodged by the Environmental Protection Team and Planning Department had been withdrawn in light of the revised operating schedule.
- A map identifying the location of the premises was attached at Appendix D.
- A copy of the representation received from the Licensing Authority was appended to the report at Appendix E.
- Redacted representations from five individuals were appended at Appendix F.

Ms Morris the applicant's representative addressed the Sub Committee and provided the following information:

- The applicant acknowledged that the premises were in a location surrounded by residential properties and only requested the use of the modest space which was steps until 10:00pm.
- The proposed area was close to the premises which could comfortably seat 25-30 persons, it was acknowledged that the area would be more popular in summer than winter.
- The external area would not be furnished, not have a bar and no music would be played.
- Although, there are over 2,000 residents in the area only 5 individual representations had been received in objection to the proposals. Members were advised that the applicant had spoken to Cllr Wray who had made a representation on behalf of the residents and the applicant had agreed to incorporate a measure suggested by him. He had now withdrawn his representation.
- It was noted that all responsible authorities who had submitted representations had now withdrawn them.
- It was acknowledged that there had been reports of noise nuisance during August, however there had been no further reports made.

- The conditions set out would work in conjunction with the licence with enhanced CCTV in place which would allow staff to monitor the outside area from behind the bar. Staff would be trained to manage any conflict and would also be required to carry out walkabouts around the outside area every 30 minutes. Members were told that the outside area was already part of the cleaning routine.
- Members were advised that after 10pm no patrons would be able to take drinking vessels outside with them, even when using the area to smoke.
- It was noted that there had been some instances of pick pocketing and an incident with the pontoon. However, this had nothing to do with the Canary Bar.
- In relation to section 182 Guidance the premises would ensure a good working relationship with all responsible authorities and the residents.

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

- The outside area would be managed by staff with the assistance of the enhanced CCTV, regular walkabouts of the external area and staff training to manage any conflict.
- It was the view that some of the complaints were unfounded in relation to the external area and pre-dated any of the current proposals.
- Cllr Wray had acted on behalf of the residents. Members were advised that there was one residents' association in one of the apartment blocks and there were also some social groups.
- The Leeds Dock Management were approached to hold events in the area, and this would be when the external area would be most used. There were usually 3 to 5 main events each year.
- The Canary Bar was used to supporting the events and preferred not to use the Temporary Event Notice process to provide the bar facilities. This would form part of the event management plan.
- The steps and the walkways would be cleared of litter, plastic drinking vessels would be used in the external area, there would be no tables or chairs. It was noted that the area was three deep sets of steps which were not accessible from the walkway, set away from the public area.
- There would be no external speakers.
- There were adequate toilet facilities in the Canary Bar for patrons using the external area and the area would be monitored by CCTV.
- This area was not currently licensed and if it should be granted it would make it easier to manage under the proposed conditions.

In summing up Ms Morris said that the area would be managed by the Canary Bar, they had addressed all concerns raised and had worked with the responsible authorities to include suggested measures. The Canary Bar would continue to engage with the residents and encourage them to contact the Bar if there were any issues.

It was her view that the conditions were necessary and proportionate in promoting the licensing objectives, especially with the enhanced CCTV and patrols of the external area.

The Licensing Sub Committee considered all the information provided to them by the responsible authorities, residents, Cllr Wray and presented at the hearing.

**RESOLVED** – To grant the variation to the premises licence as requested.

*The meeting concluded at 13:55*