

Licensing Sub-Committee

Tuesday, 28th March, 2023

PRESENT: Councillor N Buckley in the Chair

Councillors A Forsaith and A Garthwaite

1 Election of the Chair

RESOLVED - Councillor N Buckley was elected 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 was no exempt information.

4 Late Items

There were no formal late items, but supplementary information was circulated to Members in relation to Item 8 & Item 9.

5 Declaration of Interests

There were no declarations of interests.

6 Certification of Films – EUNIC In Short Film Festival

The report of the Chief Officer Elections and Regulatory advised the Licensing Sub Committee of an application for the certification of a number of short films to be shown at Everyman Cinema, 412 Trinity Leeds, Albion Street, Leeds, LS1 5AY. The films will be shown as part of two-day short film festival called In Short, screened on the 21st and 22nd April 2023.

In attendance were:

- Alex King – Applicant – Leeds Film
- Eleanor Hales – Leeds Film

The applicant had provided advance screeners and recommended classifications for each film. To assist Members with their deliberation, officers of the Licensing Authority had viewed the available films. The BBFC (British Board of Film Classification) film classification guidance was made available to Members.

The Applicant provided Sub-Committee Members with the following information:

- The film festival will be comprised of 4 programmes of short films, in collaboration with the European Union Delegation and LEEDS 2023, taking place in Leeds from 21st – 22nd April 2023.
- The recommended classifications had been devised against BBFC guidance.
- The expected audience will mainly be of adult age, however, one of the programmes was targeted towards young adults and teenagers and due to cross promotion, there will be potential for younger people to attend the whole event.

RESOLVED: That the films to be screened as part of In Short Festival be awarded the following certifications, as requested:

- Hedgehog's Home – 12A
- For Tomorrow Paradise Arrives – 12A
- PIMEÄN VIERAAT / STRANGERS IN THE DARK – 12A
- Hannah's Dream – 12A
- Airborne – 12A
- Bolo raz jedno more... / Once There Was a Sea... – 12A
- Rev (Dream) - 15
- Electrician's Day - 15
- ELENA - 15
- Intercom 15 - 15
- Powernapper's Paradise - 15
- Dreaming - 15
- Garconne - 15
- Resistance / Widerstand - 15
- The Penguin's Flight - 15
- End of Puberty - 15
- Perpetua felicidad/Eternal Happiness - 15
- A L'ANCIENNE - 15
- Deep Water - 15
- DASH - 15
- Candy – 15
- Sisters - 15
- Fabiu – 15
- Amours libres – 15

7 Certification of Films – London International Animation Festival

The report of the Chief Officer Elections and Regulatory advised the Licensing Sub Committee of an application for the certification of a number of short films to be shown at Headingley Enterprise And Arts Centre, Bennett Road, Headingley, Leeds, LS6 3HN. The films will be screened on the 8th April 2023 and all films request a U certificate.

There was no applicant or representative present at the hearing.

The applicant had provided advance screeners and recommended classifications for each film. To assist Members with their deliberation, officers of the Licensing Authority had viewed the available films. The BBFC film classification guidance was made available to Members.

RESOLVED: That the films to be screened as part of London International Animation Festival be awarded the following certifications, as requested:

- My Name is Fear - U
- Little Goat Man - U
- Swing - U
- Bellysaurus - U

- Fox for Edgar - U
- Meta - U
- The Adventures of Goar - U
- Sign Up! - U
- Heartwood - U
- How Shammies Travelled – U
- Lost Brain - U
- The Smortlybacks Come Back! – U

8 Application for the Grant of a Premises Licence for Fulneck Golf Club, Fulneck, Pudsey, LS28 8NT

The Sub-Committee received the report of the Chief Officer Elections and Regulatory regarding the application to Grant a Premises Licence for Fulneck Golf Club, Fulneck, Pudsey, LS28 8NT

In attendance were:

- Robert Wagner – Applicant - Fulneck Golf Club Director
- Sean Wood – Proposed DPS (designated premises supervisor) – Fulneck Golf Club General Manager

The Legal Officer outlined the procedure to be followed.

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

- The application had been made by Fulneck Golf Club Ltd, for Fulneck Golf Club, Fulneck, Pudsey, LS28 8NT.
- The premises operate as a private golf club and hold a club premises certificate authorising the following licensable activities; supply of alcohol, performance of live music, performance of recorded music, performance of dance and entertainment.
- The current Premises Certificate issued under the Licensing Act 2005 was for: *Supply of alcohol (for consumption on the premises) Monday - Saturday 11:00 - 23:00 and Sunday 12:00 - 22:30, Performance of live music Monday - Saturday 11:00 - 23:00 and Sunday 12:00 - 22:30, Performance of recorded music Monday - Saturday 11:00 - 23:00 and Sunday 12:00 - 22:30, Performance dance, Monday - Saturday 11:00 - 23:00 and Sunday 12:00 - 22:30 and Entertainment of a similar description Monday - Saturday 11:00 - 23:00 and Sunday 12:00 - 22:30.*
- The application was for: *Sale by retail of alcohol (for consumption on the premises) every day 08:00 - 23:00, Performance of live music every day 08:00 - 23:00, Performance of recorded music every day 08:00 - 23:00*
- The applicant's intention was to apply for a premises licence to allow greater flexibility in relation to non-club member events/functions.
- Responsible authorities and Ward Members had been notified of the application. Agreements, including the operations schedule, had been reached with responsible authorities and a representation from one other person remained outstanding.
- A redacted copy of the application form was available at appendix A of the report, the West Yorkshire Police representation at appendix C,

Environmental Health's representation at appendix D and one outstanding letter of objection at appendix E, on the grounds of public nuisance.

The applicant had provided the following additional details which were noted by the committee:

- The golf club was the oldest in Leeds, open since 1892.
- The increase in hours for sale of alcohol were proposed largely for hosting events and functions, the venue could be booked by the public.
- The doors to the premises usually open at 12:00 noon daily which was outlined to be expected to continue as a regularity, with the cut off time for serving alcohol expected to be 23:00 if the application was granted.
- Agreements had been made with the Environmental Protection Team with outdoor music only allowed until 22:00, however it was noted the venue will likely only play external music until 21:30.

In response to question posed to the applicant team, Members were provided with the following information:

- Attempts to mitigate against noise concerns for nearby residents were outlined as, keeping the doors closed from 21:00 onwards, in line with the Environmental Protect Team agreement for no one to be outside, except when smoking, past this time.
- Sound proofing was proposed, with a director of the club working in construction who had provided the specifications and plans; works were estimated for completion within 3 months if the application was granted.
- To limit noise when leaving the premises, there will be signage requesting patrons to be respectful and considerate of neighbours and to leave quietly. This type of noise can be harder to manage but the applicant outlined they will act responsibly and do all possible and feasible to limit disturbance.
- The sale of alcohol hours from 8:00 was proposed to host special events and will not be a regular opening time. Advice from Entertainment Licensing was to apply for the longest expected hours so Temporary Event Notices will not be needed for specific functions. The early licensed hours will not be advertised.
- Patrons were mostly comprised of private members and some local walkers who tend to arrive towards lunch time and was not a venue for regular, heavy drinking.
- The nearest residential property was considered to be fairly close by the applicant and DPS. A landline and personal mobile number for the general managers will be shared should residents feel disturbed and want to discuss or complain.
- CCTV was confirmed to be in place or proposed for all external areas to the venue and from behind the bar the cameras will be able to capture all internal space of the premises. A member of the club was a security expert who had outlined all the necessary CCTV coverage which was proposed to be installed after grant of a license due to high costs.
- West Yorkshire Police had suggested a door man may be appropriate for the venue, however it was established that the premises will not be advertised for passing trade as a pub or nightclub and members of the public were only

expected during planned family party bookings. A door man was not needed previously which was also the expected case under any new license.

- Last orders for drinks were to be at 23:00 with all patrons off the premises by midnight; later hours of drinking were mainly expected to be utilised for pre-booked parties and functions.
- Outdoor music events were proposed up to once or twice a year, which will require a Temporary Event Notice and will be expected to finish before 23:00.
- Clarity regarding the difference in opening hours, detailed in the letter to residents from the club President, at page 9 of the Supplementary Information Pack, was sought by Members. It was outlined that the golf course and premises were busier during the summer and opening all day everyday through winter will be unaffordable. The main months of business will be between April and October, with a few winter functions expected to be booked, such as wakes.
- Assurance was offered to nearby residents that the expected hours schedule will be followed, with flexibility on some occasions.

The Licensing Sub Committee considered all the information provided to them by the responsible authorities, residents and applicant, and regarded the 2003 Licensing Act.

RESOLVED: That the application to grant of a Premises Licence for Fulneck Golf Club, Fulneck, Pudsey, LS28 8NT be granted, as applied for.

9 Application for the Grant of a Premises Licence for Off Licence, 6 - 8 Town Street, Armley, Leeds, LS12 3AB

The Sub-Committee received the report of the Chief Officer Elections and Regulatory regarding the application to grant a Premises Licence for Off Licence, 6 - 8 Town Street, Armley, Leeds, LS12 3AB

In attendance were:

- Kaewan Hamarashed – Applicant
- Cristian Misonescu – Applicant's interpreter
- PSCO Brendan Counsell – West Yorkshire Police
- Dave Parker – West Yorkshire Police
- Jonathan Hindley – Public Health
- Vanessa Holroyd – Environmental Health
- Councillor Louisa Cunningham – Elected Ward Member
- Andy Parnham – Local resident
- Sue Duckworth – Licensing Authority

The Legal Officer outlined the procedure.

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

- The application was for the grant of a premises licence made by Mr Kaewan Salam Hamarashed, for 6 - 8 Town Street, Armley, Leeds, LS12 3AB to trade as an off licence, with *sale by retail of alcohol (for consumption off the premises), Monday - Saturday 07:00 - 23:00 and Sun 10:00 - 23:00.*

- During the consultation period the applicant amended the application to the following *Sale by retail of alcohol (for consumption off the premises), Mon-Sat 10:00 - 22:00 and Sun 10:00 - 21:00.*
- Responsible authorities and Ward Members had been notified of the application which had attracted representations from other persons and responsible authorities, which remained a matter outstanding for Member's consideration.
- The premises was located within an area covered by cumulative impact policy (CIP) relating to the potential impact on the promotion of the licensing objectives with a significant number of licensed premises concentrated in one area.
- A redacted copy of the application form was available at appendix A of the report, the West Yorkshire Police representation at appendix C, Environmental Health's representation at appendix D, the Licensing Authority's representation at Appendix E, Public Health's representation at appendix F, Safer Strong Communities Team representation at appendix G, Elected Ward Members representation at appendix H, with an additional 25 letters of objection relating to public nuisance, crime and disorder and littering.
- With the CIP in place, there was potential negative impact for the promotion of the licensing objectives, with a risk assessment schedule document available at appendix I, detailing the evidence for the CIP.

The applicant had provided the following additional details which were noted by the committee:

- An appointed solicitor had filled out the original application form and the applicant was content for the opening hours to be amended further to 20:00.
- The shop was Romanian specific with stock primarily consisting of traditional Romanian goods for Romanian people. An estimated 95% of the products were outlined to be Romanian and non-Romanian people will likely not know or desire to purchase them.
- The shop had been operating since October 2022 and as unique Romanian goods were on offer it had attracted customers from outside of the locality of Armley, as far as Bradford and Harrogate, displaying that people will travel for the bespoke goods.
- Eastern European shops are often mixed, selling Polish or Bulgarian products together, for example. The alcohol proposed for sale will be of 100% Romanian origin which was perceived to have limited impact, given the CIP as this type of alcohol is not well recognised amongst the general population, whereas the more recognisable brands of alcohol were available for purchase within the locality.
- The shop had invested in a CCTV system, with several cameras in place, available over a 30-day timeframe for the Council or Police, if required.
- The shop will not be serving alcohol to anyone under the age of 18 years old.
- The application had been made due to customer enquiry, asking for Romanian alcohol to purchase alongside barbeque products which make up a significant amount of the shops sales. The sale of alcohol will also assist with keeping the shop in business.
- A similar bespoke Romanian shop in Harehills was noted to have a license for the sale of alcohol which the shop in Armley was losing business against as

customers are able to purchase all the Romanian products they need in one place.

In response to question posed to the Applicant, Members were provided with the following information:

- The percentage of products that would be alcohol under the proposed application will be an estimated 5% of stock and will consist of beer, wine and spirits.
- Although the alcohol products were to be specifically Romanian, Members established that sale cannot be isolated to one community and would be available for purchase to anyone over 18.
- In response to a question regarding what impact approval of the license may entail for the CIP, given the scale of objection, it was outlined that customers are predominately from outside the locality and perceived to have minimal impact on public nuisance in Armley.
- The alcoholic products would be more expensive than the average cost at other shops in the area, would remain behind the counter and be sold in small quantities. If feasible, the applicant outlined they were content with reducing the licensed hours for sale of alcohol or condition that products were solely Romanian.
- The applicant had invested a lot of money in the shop and if it was located elsewhere the same customers would be expected.
- The shop has been operating for 6 months with no issues noted to date and approval of the license was perceived to have low impact to the public in regard to the issues raised by objectors.

The following objectors addressed the Sub-Committee:

West Yorkshire Police

Grant of the application would be inconsistent with the CIP and work against the licensing objectives. The hours applied for exceed the hours of similar shops in the locality and approval will contribute to daytime street drinking as alcoholics will not be concerned as to what type of alcohol they consume. With no measures demonstrated in the application to limit the impact to the CIP and only standard proposals for enforcing no sale to under 18s and CCTV there was unsatisfactory consideration of the licensing objectives and CIP and the application was requested to be refused.

As a PSCO with 10 years of experience patrolling the area and the scale of public and responsible authority objection, the overall picture of public nuisance caused by daytime drinking on Armley Town Street was negative for the community. Data showed the trend in crime for the area was decreasing, due to effort from authorities and the public and there is need for this trend to continue. Large groups of drunk males still occur in the area, impacting on the amenity and safety of local residents which had been displayed by the community objection to any more premises approved to sell alcohol. The 25 public representations in objection was noted to be a significant number but from communication with residents, a greater amount of objection was outlined, outside of the formal consultation process. Some of the problem drinkers travel from outside of the area, mostly from the city centre, to access cheaper alcohol, often pooling money together. Due to the community effort

noted to reduce issues, a step back in the wrong direction was not a desirable outcome.

Public Health

With previous experience working within the community in Armley and also the development of child protection policies, awareness for the issues experienced in the area were outlined, particularly those posed to young people by the environment and community they reside in. The public objection has noted the concerns that alcohol has on the area, posing distress for families and children which contributes to normalising heavy alcohol consumption during the day. The area had a dense population of young families and as children have developing brains and can have a lack of understanding of the negative side to alcohol, being exposed to addiction impacts their cognitive development. Children living in areas of deprivation are 5 times more likely to be exposed to alcoholism. Grant of a new alcohol license in the area will create another supply route for availability and if an alcoholic is denied service at one shop, another may allow the sale. All initiatives and ambitions to reduce harm to young people should be sought; a sense of community is essential for wellbeing which street drinking, litter, broken glass, public urination, and intimidation negatively impacts. Police, charities and the community had been working well to improve the area and the increased accessibility for alcohol works in opposition to the concerns in Armley.

Local Resident

Although sympathetic to the applicant and success of their business, the main priority is to allow residents to feel safe in their area, which requires stricter access to alcohol. The situation had improved through Police and community efforts; however, open street drinking was still occurring regularly, and constant policing was not a practical method due to available resources. As a resident of Armley for over 20 years a well-versed account of the needs of the area was outlined and the intimidating nature of street drinkers had limited the ability to socialise with friends outside of the home.

Elected Ward Member - Councillor Louisa Cunningham

The CIP was noted to have had a positive impact and was deemed an appropriate measure to target street drinking issues. The public objection expressed safety issues and fear of crime in the area so allowing more shops to sell alcohol goes against the Police and community work. Multi agency projects, including Public Health and Forward Leeds, offering help to addicts were ongoing to reduce the issues noted in the area. Encouragement for businesses not offering alcohol, increasing the variety of shops on Armley Town Street will alleviate the easy access to alcohol and benefit the community. The 'Keep Armley Tidy Group' run regular litter picks and note cans and bottles to be the most common littered item.

Licensing Authority

The importance of following the CIP for proper management of an area, in line with the licensing objectives, was stressed and if the application was outside of the CIP it would likely be welcomed business. Since the CIP was established in 2018, street drinking problems had continued, however it had mitigated some issues. During the Covid-19 pandemic, causing most shops to close or reduce hours, issues on Armley Town Street had reduced, showing the positive effect of limiting alcohol accessibility.

Crime rates were noted to be increasing to pre-pandemic levels since restrictions were lifted with the Alcohol Licensing Data Matrix, detailed from page 128 of the report pack, showing the CIP area to pose the 2nd highest risk for licensed premises and associated anti-social behaviour, after the city centre. The Armley CIP was small and specific for Town Street and Branch Road, with the premises central to this area. Grant of a license will be in opposition to the ongoing agency work as the area still poses a high level of concern for public safety and wellbeing.

Environmental Health

The objection had been made due to the CIP, if the premises was outside this area then it would not pose such concern. Noise complaints regarding disruptive drunk people were regularly received, the department aims to prevent public nuisance which is not restricted to a single shop or establishment. As a statutory consultee there is no power for Environmental Health to deal with the issues afterwards if the application were granted.

The Applicant provided a summary of their case, outlining they did not perceive that one more shop will impact the area greatly as alcohol is available elsewhere with three shops with an alcohol license in the immediate locality. The applicant noted 90% of their customers were Romanian, largely from outside Armley and refusal of the application would not solve the overarching issues. As neighbouring properties hold a license, this will impact on the profitability of their business. Education, particularly for young people, was noted to be the way to reduce the alcohol associated issues for the area. The importance of developing people's respect for the area is key, not forbidding or restricting business.

The Licensing Sub Committee considered all the information provided to them by the responsible authorities, residents and applicant, and regarded the 2003 Licensing Act. The Cumulative Impact Policy and the promotion of the licencing objectives were also considered.

RESOLVED: That the application to grant a Premises Licence for Off Licence, 6 - 8 Town Street, Armley, Leeds, LS12 3AB be refused.