

Licensing Sub-Committee

Tuesday, 18th April, 2023

PRESENT: Councillor J Gibson in the Chair

Councillors R Downes and S Hamilton

1 Election of the Chair

RESOLVED – That Councillor J Gibson be elected as Chair for the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals.

3 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information.

4 Late Items

There were no late items. Supplementary information was submitted for Agenda Item, 7 – Application to vary a Premises Licence held by RS Mini Market, 121A Markham Avenue, Harehills, Leeds, LS8 4JD.

5 Declaration of Interests

There were no declarations.

6 Certification of Films – EUNIC In Short Film Festival – To Teach a Bird to Fly.

The report of the Chief Officer, Elections and Regulatory presented an application for the certification from Leeds Film for a film to be shown at Everyman Cinema, Leeds.

A synopsis of the film, To Teach a Bird to Fly, was included in the report along with comments from the Licensing Officer. Members of the Sub-Committee had viewed the film prior to the meeting. A 12A certification was requested.

RESOLVED – That the film, Teach a Bird to Fly, be given a 12A classification.

7 Application to vary a premises licence held by R S Mini Market, 121A Markham Avenue, Harehills, Leeds, LS8 4JD

The report of the Chief Officer, Elections and Regulatory presented an application to vary a premises licence held by R S Mini Market, 121A Markham Avenue, Harehills, Leeds, LS8 4JD.

The application proposed to increase the hours authorised for the sale of alcohol and the hours that the premises are open to the public from 11:00 – 23:00 to 08:00 to 23:00.

The application had received representations from responsible authorities and local Ward Councillors.

The premises are located in a designated area under the Harehills Cumulative Impact Area.

The following were in attendance for this item:

- Gary Mann, Environmental Health
- Hughin Chari, Environmental Health
- Councillor S Arif, Ward Councillor
- PC Clifford, West Yorkshire Police
- PC Heywood , West Yorkshire Police
- Sue Duckworth, Entertainment Licensing
- Millie Slezak, Public Health
- Chetna Patel, Public Health

The applicant had indicated that they would not be attending the meeting and had submitted some additional information in support of their case.

The Sub-Committee heard from the responsible authorities and Ward Councillor in attendance. Issues highlighted included the following:

- Environmental Health – An objection had been submitted based on the potential for alcohol related anti-social behaviour and disturbance to local residents. These presented difficulty for enforcement work when responding to complaints. There were also concerns about potential waste issues and that the premises fell within a Cumulative Impact Area. There were similar premises selling alcohol nearby and it was not felt that extra conditions offered by the applicant would resolve any concerns.
- Councillor Arif – There were already various other premises selling alcohol in what was a predominantly residential area and close to schools. This would have an impact during the school run time and would not be child friendly. The area was saturated with licensed premises and the granting of this application would cause more issues.
- West Yorkshire Police – It was felt that the applicant had shown a lack of understanding with regards to the Cumulative Impact Area and Licensing Objectives. There was nothing offered in the application which would mitigate the problems in the area and it was requested that the application be rejected.
- Entertainment Licensing – There were no reasons or measures offered to support the application which indicated a lack of understanding regarding the problems in the area.
- Public Health – There would be a risk to children and research had shown that there was a link to exposure of alcohol to children and health inequalities. The premises were already licensed during school lunch and finishing times and earlier opening would increase existing problems.

The Chair concluded the open session of the hearing before the Sub-Committee went into private session to make their decision. All parties were informed that the decision would be sent within 5 working days.

The Licensing Sub-Committee carefully considered the report of the Chief Officer (Elections and Regulatory), the Statement of Licensing Policy and the representations submitted and made at the hearing.

RESOLVED – That the application be refused.

8 Application for the Grant of a Premises Licence for Eri Red Sea, 97 Roundhay Road, Leeds, LS8 5AQ

The report of the Chief Officer. Elections and Regulatory presented an application for the grant of a Premises Licence for Eri Red Sea, 97 Roundhay Road, Leeds, LS8 5AQ.

The following were in attendance:

- James Rankin, Representing the applicant
- Samson Ukubamichael, Applicant
- Councillor S Arif, Ward Councillor
- PC Clifford, West Yorkshire Police
- PC Heywood , West Yorkshire Police
- Sue Duckworth, Entertainment Licensing
- Millie Slezak, Public Health
- Chetna Patel, Public Health

The Legal Officer outlined the procedure to be followed and the Licensing Officer presented the application.

The application was for the grant of a premises licence for sale by retail of alcohol for consumption off the premises. The proposed hours for sale of alcohol were as follows:

Sunday to Thursday	09:00 to 20:30
Friday & Saturday	09:00 to 22:00

The application had attracted representations from other persons and responsible authorities.

The premises are located within an area which is covered by the Harehills Cumulative Impact Assessment.

The applicant's representative addressed the Sub-Committee. Issues highlighted included the following:

- The applicant had run the premises a convenience store for the past three years and lived above the premises.
- The applicant had not initially proposed to sell alcohol and the store sold general grocery goods such as milk, eggs, butter, fresh meat and vegetables.
- 95% of customers were local residents and the applicant was wanting to be responsive to their requirements. There had been requests for the applicant to sell liquor.

- The sale of alcohol would be important but not a large part of the business. The applicant was facing increasing costs due to rising business rates and utility bills and needed an additional stream of income.
- There was a saturation of off licences in the Harehills Road area but not in this location. The premises were located in a typical parade of shops and the sale of alcohol would not be out of character for the area. There were no other off licences in the immediate vicinity.
- It was acknowledged that there were problems with street drinkers in the Harehills Road area but not at this location.
- The Cumulative Impact Policy was not intended to bring down an Iron Curtain down on the area and prevent any other premises from operating and applications could be granted as a departure from the policy. It was accepted that there needed to be satisfaction that there would be no further impact on the Cumulative Impact Area. This was a small premises and was only proposing sales till 20:30 on Monday to Thursday and till 22:00 on Friday and Saturday which was less than others. The applicant would be willing to reduce those hours if felt appropriate. The applicant had sought a compromise with West Yorkshire Police by offering a terminal hour of 20:30. The premises would not be alcohol led.
- Attention was brought to the conditions offered by the applicant which included no super-strength beers, ciders or lagers to be sold, no single cans or bottles to be sold and no more than 25% of the sales area to be used for alcohol. The applicant would be willing to reduce the size of the area used for the sale of alcohol.
- The applicant had attempted to engage with the responsible authorities without success and respected their decision to support the policy and leave the decision to the Sub-Committee.
- There had not been any representation from Environmental Health and reference was made to documentation that the applicant had received from them. As this had not been submitted to all parties, the Sub-Committee would take into account that there had not been a representation made by Environmental Health but not with regard to the content of the document.
- Attention was brought to crime figures that were detailed in the report and that there had been a decrease in crime and anti-social behaviour in recent years.
- Since the Cumulative Area had been introduced, three licensed premises in the area had closed. It was felt that this left room for new licences.
- There was a decrease in crime and this premises would be isolated from others selling alcohol. If the problems were elsewhere, refusing this application would not solve those problems but possibly from reviewing other licensed premises that sold high strength alcohol and to street drinkers.

In response to questions to the applicant's representative, discussion included the following:

- The premises were a medium sized shop and 20% of space would make use of two or three shelves.
- The applicant wanted to sell alcohol on a morning as that is when other customers came for other products. The hours applied for were felt to be standard hours.

- The applicant hoped that as the premises were not in the immediate area that there was a problem with street drinkers, that there would be no need to further reduce the hours applied for.
- The applicant proposed to sell wine. The problem drinkers used super strength beers and ciders.

The Sub-Committee heard from Councillor Arif. Issues highlighted included the following:

- Ward Councillors did not believe this was a terrible area and were proud to represent Gipton and Harehills but there was concern at the volume of off licences and particularly within Harehills.
- The premises were adjacent to homes, schools and places of worship within a densely populated area.
- Statistical information that highlighted high levels of deprivation in the area, overcrowded homes and high unemployment. There were also high levels of alcohol related violence and abuse.
- Examples of recent incidents of crime and anti-social behaviour in the area.
- The premises were located next to GIPSIL which provided support to vulnerable users.
- Levels of domestic violence were high in Harehills.
- Environmental concerns with fly tipping and litter. It was surprising that an objection had not been made by environmental Health.
- The premises were on a main walking route to and from St James's Hospital.
- Local residents felt unsafe and intimidated by street drinkers. People came from outside the area for cheap alcohol.
- There were several other premises in the area that were licensed to sell alcohol. If these premises were isolated there would not have been objections. Residents have complained that there are too many off licences.
- Crime was not decreasing in Harehills and there had been a number of serious incidents and increased police activity.

PC Clifford addressed the Sub-Committee. Issues highlighted included the following:

- There were already 29 licensed premises in the Cumulative Impact Area and alcohol related crime and anti-social behaviour was a daily occurrence.
- Street drinkers congregated in the area and this was intimidating to local residents. Street drinkers were often in the area before lunchtime.
- Even if only 20% of the store was to be used for alcohol sales, this was still a significant space.
- Although it appeared that there had been a reduction in crime figures, this was affected due to the pandemic. There was still crime in the area and there was not an acceptable level of crime.
- Wines and spirits would be purchased by street drinkers.
- People travelled to the area due to the low cost of alcohol.
- It was requested that the application be refused outright.
- In response to questions, the following was discussed:
 - Crime figures did fall during the pandemic.

- Problems in the area included anti-social behaviour, fighting, general nuisance, littering and disruption to local businesses.
- Crime levels were still high and not all crimes were reported.

Sue Duckworth, Entertainment Licensing addressed the Sub-Committee. Issues highlighted included the following:

- Although the applicant had stated there would be no super strength beers and ciders on sale, it was recognised that dependant drinkers would drink any kind of alcohol.
- High density housing was a characteristic of the area and it was close to areas of deprivation.
- Although there had been 3 licenses surrendered in the area since the introduction of the Cumulative Impact Area there was still 29 licensed premises.
- The property next door was home to GIPSIL which supported vulnerable people and there were a large number of vulnerable children who lived in the area.

Chetna Patel and Millie Slezak addressed the Sub-Committee on behalf of Public Health. Issues highlighted included the following:

- The premises were not isolated and within 5 minutes walk of other licensed premises.
- There were schools nearby that were attended by vulnerable children and there was also a high level of young people not in education, employment or training within the area.
- The area had high levels of domestic violence and abuse and alcohol was a factor that led to aggressive behaviour.
- The area suffered due to street drinkers and this was a major concern for local residents.
- The work of GIPSIL and other agencies which supported vulnerable people in the area.
- The area had a high number of ambulance calls and hospital admissions.

In response to a question, Mr Ukubamicael informed the Sub-Committee that he had not initially wanted to sell alcohol. He had been in business for three years and felt that the sale of alcohol was his last option to be able to keep the business open.

Mr Rankin summarised on behalf of the applicant. Issues highlighted included the following:

- This was a modest application and was only seeking to sell alcohol until 8.30 p.m. The applicant would be willing to start the sale of alcohol later in the day.
- The granting of a licence would not have a negative impact.
- The premises were geographically isolated from others that sold alcohol.
- Street drinkers and people with alcohol problems could easily purchase alcohol elsewhere. Refusing this application would not change that.

- There had been a reduction of licences since the introduction of the Cumulative Impact Area and granting this would not have a negative impact.
- There had been a fall in crime across the area.
- The premises would not be alcohol led or offering alcohol late into the night.

The Chair concluded the open session of the hearing before the Sub-Committee went into private session to make their decision. All parties were informed that the decision would be sent within 5 working days.

The Licensing Sub-Committee carefully considered the report of the Chief Officer (Elections and Regulatory), the Statement of Licensing Policy and the representations submitted and made at the hearing.

RESOLVED – That the application be granted with revised hours and additional/revised conditions as follows:

- Sale of Alcohol:
Monday to Friday: 17:30 to 20:30
Saturday and Sunday: 09:00 to 20:30
- That no more than 15% of the sales area to be used for alcohol.
- That there be no external advertising of alcohol products.