

Licensing Sub-Committee

Tuesday, 18th July, 2023

PRESENT: Councillor A Hutchison in the Chair

Councillors S Hamilton and T Hinchcliffe

1 Election of the Chair

RESOLVED – To elect Councillor Hutchison to the 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 in relation to Agenda Item 7 - Application for the grant of a premises licence for Graudo Foods, 480 Harehills Lane, Leeds, LS9 6NG, which was circulated to all parties.

5 Declaration of Interests

No declarations of interests were made at the meeting.

6 Certification of Films - Leeds Festival 2023

The report of the Chief Officer Elections and Regulatory advised Members of an application for the certification of films to be shown within the Cinema Tent at Leeds Festival, Bramham Park, Thorner Lane, Leeds, LS23. The exhibition of these films is to take place between Thursday 24th and Monday 28th August 2023.

The applicant Marvin Belle on behalf of Film Oxford was available via a phone link for questions from Members of the Licensing Sub Committee.

Members had been provided with a link to a copy of the current BBFC Classification Guidelines.

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

- The application had been received from Film Oxford, on behalf of Festival Republic, to have a number of short films certified as they are not currently certified by the BBFC. The films are due to be shown in the Cinema Tent of the Leeds Festival site, within the grounds of Bramham Park, Leeds, LS23.
- A list detailing the films that request certification, including a synopsis and the applicant's recommended rating, was appended to the submitted report at Appendix A. The original copy of this list had been provided to Members of the Licensing Sub Committee in advance of the hearing with links to view advance screeners.
- To assist members with their deliberation officers of the Licensing Authority had viewed each available film and provided comments in accordance with

BBFC guidelines. The title of the film and a brief description where officers had cause for concern were as follows:

- Don't Forget to go Home – Scenes of drug use which are in keeping with the BBFC Classification Guidelines for a 15 certificate, as requested. However, officers wished to bring this to the attention of the Licensing Sub Committee due to previous unfortunate events at the festival and the campaigning against drug use by Festival Republic and relevant partner agencies.
- Hak Baker, Doolally – Scenes of a character inhaling what appears to be nitrous oxide. Non-legitimate use of nitrous oxide is currently controlled under the Psychoactive Substances Act 2016 and means the production, supply, and importation, but not possession of nitrous oxide for its psychoactive effects, is illegal.
- Ecstasy – Content of light drug use well within keeping of a 15 certificate, as requested. However, for the reason outlined above in relation to 'Don't Forget to go Home', officers thought it prudent to bring this to the attention of the Committee.
- It was noted that Leeds Festival, Bramham Park, do have the benefit of a premises licence authorising the exhibition of films during the following times this year:
 - Thurs 24th August 2023 19:00 until 03:00 the following day
 - Fri 25th to Sun 27th August 2023 12:00 until 06:00 the following day
- It was noted that at the festival, there would be the benefit of stewards and SIA door staff.

Members discussions included:

- The location of the films to be shown.
- They raised concerns in relation to the incidents and fatalities at previous Leeds Festivals and the subject of the films and the recommended rating of a 15 certification.
- The work which had taken place by relevant agencies and the Festival organiser to address drug abuse.
- That the presence of stewards was to be allocated to the cinema tent and that proof of age would be required before being permitted into the cinema tent.

RESOLVED – To award the rating of all films in accordance with the rating suggested by the promoter, with the exception of the following 3 films which were to be awarded a certification of 18 rating:

- Don't forget to go home.
- Hak Baker, Doolally.
- Ecstasy

7 Application for the grant of a premises licence for Graudo Foods, 480 Harehills Lane, Leeds, LS9 6NG

The report of the Chief Officer Elections and Regulatory requested Members consideration on an application for the grant of a premises licence for Graudo Foods Ltd, 480 Harehills Lane, Leeds, LS9 6NG.

In attendance at the meeting were:

- Fausto De Carvalho, Graudo Foods Ltd – Applicant
- Vanessa Holroyd, Environmental Protection Team – Objector
- PC Andy Clifford, West Yorkshire Police – Objector
- Susan Duckworth, Entertainment Licensing – Objector
- Chetna Patel, Public Health – Objector
- Cllr Khan, Ward Member for Burmantofts and Richmond Hill - Objector
- Cllr Manaka, Ward Member for Burmantofts and Richmond Hill - Objector

The Legal Officer outlined the procedure for the hearing.

The Licensing Officer provided the Members with the following information:

- This was the first application for a premises licence for these premises. The applicant's name was Graudo Foods Ltd. The proposed designated premises supervisor (DPS) was Fausto De Carvalho
- The application was for:
 - Sale by Retail of Alcohol (for consumption off the premises only)
 - Monday to Saturday 08:00 to 20.00
 - Sunday 11.00 to 19.00
- Members' attention was drawn to the supplementary information provided by Mr De Carvalho which included a proposal to reduce the offer of alcohol to:
 - Monday to Friday – 12:00pm to 16:00
 - Saturday 12:00pm to 16:00
 - That all sales of alcohol would only be via a delivery service.
- A redacted version of the application had been attached at Appendix A of the submitted report and the applicant proposed to promote the licensing objectives by taking the steps identified in section M of the application.
- A map identifying the location of the premises was attached at Appendix B.
- Representations had been received from West Yorkshire Police, Public Health, Entertainment Licensing and the Environmental Protection Team. The representations were attached to the submitted report as follows:
 - Representation lodged by West Yorkshire Police and a supporting statement provided by a Local NPT Officer was appended to the report at Appendix C.
 - Representation by Public Health was attached at Appendix D.
 - Representation lodged by Entertainment Licensing attached at Appendix E
 - Representation lodged by the Environmental Protection Team at Appendix F
- The application had also attracted representations from the 3 local ward councillors, a local business owner and a member of the public. The joint representation on behalf of the ward councillors was appended to the report at Appendix G.
- It was noted that representations on behalf of the local business owner and the local resident expressed concern that they may be at risk of retribution should their details be made public. As such their personal details had been redacted. Copies of their representations were attached to the report at Appendix H.

- It was noted that the premises falls within the Cumulative Impact Area (CIA) for Harehills. The specific CIA for Harehills was appended to the report at Appendix I.
- A list of licensed premises was attached to the report at Appendix J.

Mr De Carvalho informed the Licensing Sub Committee that he had held a premises licence at another premises, which he had surrendered when he had moved to the premises in Harehills. He had decided to move his business as his previous business had been next to a care home. When the care home had become operational, he had reduced his hours of business out of consideration to the residents of the care home.

Mr De Carvalho said that he had not been aware that his new premises was in a CIA area of Harehills. He only realised when the objections came into his application. He wished to co-operate and work with and protect the community. He had spoken to other businesses in the area to see what they could do to work together.

Ward Councillor - Objections

Cllr Khan said that he had been elected in 2011, he wished to object to these premises being given a licence due to the premises being located in an area of poverty and deprivation. He explained that there was not a day that goes by without a phone call in relation to anti-social behaviour caused by street drinkers. He said that giving a licence to these premises would not invest in the estates which were located close by or the parks in the area. Work had been ongoing in the area to improve the health of the residents and there were links to unemployment through alcohol in this area. It was acknowledged that a body had been found recently near this location.

Cllr Manaka referred to the finding of a body near this location. She said that she was not against this particular premises but was looking at the coincidences of more licensed premises in the CIA. She was of the view that the applicant was not aware of the issues of this area and the work that had been done to try and improve it. It was one of the most deprived areas of Leeds and work was being done to try and get people back into employment.

West Yorkshire Police - Objections

PC Clifford informed the Sub Committee that anti-social behaviour was an issue in the area, and there were already 27 off licences in a condensed area. It was his view that the applicant did not have a clear business model and wanted to sell alcohol by any means possible. He thought that the applicant had not looked at the area of the premises before buying, otherwise he would have seen that a premises licence in this area would not improve the issues.

Entertainment Licensing - Objections

The officer from Entertainment Licensing explained that her report had evidenced high levels of vulnerable children in the area along with high levels of crime. Within the Harehills CIA there are currently 27 'off licence' premises selling alcohol with 9 of those close to the applicant's premises. The estates of the Knowles and the Clifton close by are a priority area for the city. It was her view that the applicant did not appreciate the issues in this area.

The officer went on to explain that the Neighbourhood Policing Team had to take alcohol off people who were drinking in the street, street drinkers created an intimidating atmosphere to shop owners and residents. The area is saturated with food stores and the only way for them to make money, was to sell alcohol.

She went on to say that Entertainment Licensing expected operators to work with them and the community to ensure the area stayed a safe place to live and work. The applicant had a lack of clarity about what he wanted, and this may exacerbate the issues, even with the proposed reduced hours. It was the view that to grant the licence for delivery only would still cause an issue.

Public Health – Objections

The officer from Public Health highlighted parts of her report which drew attention to the number of children in the area under 16 years old, and the fact that the premises was close to 2 primary schools. It was noted that there was evidence to show that children who witness street drinking on a regular basis thought this was normal and that it caused issues in later life.

Work had taken place in the area due to high rates of domestic violence, street crime, issues of vaping among young people and alcohol issues. Examples of lived experiences from parents were read out at the meeting. There was also a statement from the employment centre read out.

It was acknowledged that Leeds was trying to become a Marmot City and that health and safety of young people was at the heart of this.

Environmental Protection Team – Objections

It was recognised that Environmental Protection had no powers to deal with the issues outlined, so they needed to deal with the prevention of public nuisance. It was acknowledged that once a licence is granted in respect of a premises of this nature, it is difficult to police the issues arising from alcohol away from the premises.

In response to questions from the Sub Committee Members the following information was provided:

- The applicant clarified that he was proposing a delivery service for the sale of alcohol as most of his customers did not live in the Harehills area. He has loyal customers who he knows, and their behaviour is good. As the proposed DPS he explained he would be the only person delivering alcohol to customers between 12:00pm and 4:00pm. All staff would be trained and there would be no sale or display of alcohol in the shop. It would be delivery only.
- The shop would not advertise the sale of alcohol at the premises and all stock of alcohol kept in the stockroom.
- Although he had not been aware of the issues in the area, once he knew he had engaged with the community to see what he could do to help improve the area. It was noted that one of the first things he intended to do was a litter pick, this would be with other business owners.
- He said that he had wanted to move to the Harehills area as it was a diverse area and he sold mostly Portuguese and Brazilian products.

- He would use Challenge 25 and explain to customers that proof of ID would be required when the goods were delivered.
- Staff would receive training every six months, even though no alcohol would be sold through the shop.
- There was CCTV in operation at the premises. Footage would be kept for as long as possible.
- Any noise or disturbance would be dealt with by employees not only in the premises but also outside using the CCTV and for them to be aware of their surroundings.
- The previous licence that Mr De Carvalho had held had been granted on 27th August 2020, for Graudo Wholesale and Distribution Ltd in Osmondthorpe. It was noted that there was no history of any enforcement action.
- Mr De Carvalho said he has a loyal customer base and would be using Facebook and WhatsApp for orders.
- Graudo Foods Ltd currently has 2 staff from the local area, one was employed through the local job centre.

In summing up Mr De Carvalho said that he thought this was a good location for his shop. He had made good links with the other business owners and the community. He wished to work with the Police and the community and was of the view that his business would be able to help the area.

Members discussions included:

- Legal Officer provided clarification of S182.
- They had concerns in relation to the selling of alcohol in this area.
- They were of the view that there should be no advertising of alcohol at the premises.
- There should be no alcohol on display at the premises.
- The deliveries should only be carried out by the DPS and there should be no third party delivery service.

RESOLVED – To grant the premises licence for off sales between the hours of

- Monday to Friday 12:00pm – 16:00
- Saturday 12:00pm – 16:00
- With regards to 'off sales' by way of an alcohol delivery service, with orders taken on-line or by any other means, the following conditions shall apply at all times the premises licence has effect-
 - (1) The licence holder/DPS shall adopt a 'Challenge 25' age verification policy that shall be applied at the point of order, sale and on delivery.
 - (2) All persons involved in the delivery of alcohol, shall at the point of delivery be satisfied that the person to whom the alcohol is being delivered is 18yrs or over. If at any point of the process acceptable photographic age verification documents cannot be produced, the delivery shall be refused, and alcohol returned to the licensed premises.
 - (3) Deliveries shall only be made to the address indicated on the order.
 - (4) Deliveries shall only to be made to bona fide business/commercial addresses or private residences and not to any public/open spaces (e.g. car parks, street corners, bus stops, public parks).

- (5) Deliveries shall be refused to any person who is, or who appears to be under the influence of alcohol or drugs.
- (6) The licence holder/DPS shall ensure that only the alcohol items specified on orders processed for despatch are loaded onto delivery vehicles, and no surplus stock shall be carried on vehicles.
- (7) No third-party couriers used to provide the delivery of alcohol.
- (8) Hackney Carriages or Private Hire vehicles shall not be used for deliveries under any circumstances.
- (9) The licence holder/DPS shall keep records of or have access to all alcohol orders.
Records shall include for each order:
 - (a) the full name and address of who made the order;
 - (b) age verification at the point of order (including details of any refusals made at the point of order);
 - (c) the items ordered;
 - (d) the date and time of the despatch;
 - (e) details of the delivery provider/driver;
 - (f) the date and time of delivery;
 - (g) the full postal delivery address;
 - (h) the name and date of birth of the person receiving the order;
 - (i) detail of identification/proof of age documents received;
 - (j) details of any refusals at the point of delivery including reasons.
- (10) Records shall be retained at the licensed premises for a period of 12 months and be produced on request for inspection by a police officer or an authorised person of the licensing authority.

Meeting concluded at 11:50