

Licensing Sub-Committee

Tuesday, 3rd October, 2023

PRESENT: Councillor L Martin in the Chair

Councillors A Ali and E Carlisle

1 Election of the Chair

RESOLVED – To elect Councillor L Martin as 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, but supplementary information was circulated to Members prior to the meeting, in relation to Agenda Item 9 - Application for the Grant of a Premises Licence for Off Licence 152 Town Street, Armley, LS12 3RF.

5 Declaration of Interests

No declarations of interest were made.

6 Certification of a Film – Feminist Riposte by Leeds Film

The report of the Chief Officer Elections and Regulatory advised Members of an application for the certification of a film to be screened at Vue Cinema, 22 The Light, The Headrow, Leeds, LS1 8TL, scheduled to take place on Wednesday, 4th October 2023.

A copy of the current BBFC Classification Guidelines were provided for the Sub Committee.

A representative was available by phone to answer any questions Members of the Licensing Sub Committee had.

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

- Details of the film and a screener had been provided to Members by the promoter, with a synopsis of this information available in the report pack.
- Officers believed the proposed 15 rating was appropriate and raised no concerns.

Members discussions included:

- The proposed 15 rating could have been lower after viewing the contents of the film; however, it suited the demographic of the intended audience.

RESOLVED – To award the rating of the film in accordance with the rating suggested by the promoter.

7 Certification of a Film – Leeds International Film Festival 2023 Trailer Reel

The report of the Chief Officer Elections and Regulatory advised Members of an application for the certification of a number of trailers to be shown as part of the advance promotion for Leeds International Film Festival 2023, taking place at Vue Cinema, The Light, on 11th October 2023 and Hyde Park Picture House, on the 12th of October 2023.

A copy of the current BBFC Classification Guidelines were provided for the Sub Committee.

A representative was available by phone to answer any questions Members of the Licensing Sub Committee had.

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

- Advance screeners had not been provided but a synopsis of the contents of the trailers had and was available in the report pack.
- The full length films for the trailers were to be approved by a future Sub-Committee.

Members discussions included:

- The trailers were to be shown as part of an advanced promotion for the film festival. A launch event had been scheduled and the trailers will only be shown as part of the event and before films that were also rated 18.
- Approximately 130 films were to be brought to a Sub-Committee as part of the film festival.
- The promotor would be in breach of the license if the trailers were shown at a film rating below 18.

RESOLVED – To award the rating of all the film trailers in accordance with the rating suggested by the promoter.

8 Application to Vary a Premises Licence in respect of ParmNfrites, 29 Otley Road, Headingley, Leeds, LS6 3AA

The Chief Officer Elections and Regulatory submitted a report for Members consideration of an application to vary a premises licence made by Amir Khan for ParmNfrites, 29 Otley Road, Headingley, Leeds, LS6 3AA.

Attending the meeting were:

- Amir Khan - Applicant
- Mohammed Mahmood – Applicants Associate
- Vanessa Holroyd – Environmental Protection Team (EPT)
- Ian Barraclough – Public Objector

The Legal officer explained the procedure for the hearing.

The Licensing Officer presented the application informing the Members of the following points:

- The application was to vary an existing license to add the provision of late night refreshment for the hours of Sunday – Thursday 23:00 – 0:00 and Friday & Saturday 23:00- 02:00. There was no proposal to alter the licensed hours for service of alcohol.
- A copy of the application form was available at appendix B, with section M detailing how the applicant will promote the licensing objectives.
- West Yorkshire Police (WYP) and EPT had objected as responsible authorities, with an agreement reached, and objection withdrawn from WYP. Details of the agreement, which was available at appendix E, proposed conditions for CCTV, alcohol service and deliveries. EPT's objection remained outstanding, with suggested conditions available at appendix D proposing earlier licensed times until 0:00 every day.
- 11 letters of public objection, including submission by a local resident's association, remained outstanding. Details of the objection comments were available at appendix F and were opposed on the grounds of public nuisance, crime and disorder and public safety.
- The premises was within the Headingley Cumulative Impact Area (CIA) with details of CIA policy available at appendix G, with specifics for Headingley at page 133 of the report.
- A list of other licensed premises within the locality were available at appendix H.

The applicant provided the Sub-Committee with the following information:

- The premises had 30 covers and acted as a hot food eatery and takeaway, and currently did not stock or serve alcohol, despite holding a license to do so.
- The application had been submitted to suite the business model to sell food at later hours. Two Temporary Event Notices (TEN) had been submitted by the applicant to run the premises until the hours of 02:00 and 03:00, with no complaints or issues noted.
- Agreements had been reached with WYP, with improved CCTV proposed and footage to be held for 31 days to mitigate risk to public safety and discourage anti-social behaviour.
- With local bars closing at around 02:00, the proposed 02:00 closing hours for the premises will encourage people to leave venues earlier in order to purchase food, contributing to less alcohol consumption, sobering people up with food and a secure place people can order taxis from.
- The applicant was prepared to provide security staff on Fridays and Saturdays until 02:00.
- The yellow and black external facades were noted to be soft and calming.
- The applicant will assist responsible authorities when ever required to.
- Other takeaways were licensed until 03:00 within the locality and had less covers.
- No music will be played after 23:00 every day, the extraction fan will be reduced to 75-80% capacity and the rear door will be closed after 0:00 to mitigate noise and disturbance to nearby residents.

Responding to questions from Members the Sub-Committee were informed of the following by the applicant:

- I am Doner, a local takeaway was noted to be licensed for hot food until 03:00 on Fridays and Saturdays.
- The application was just for sale of food until 02:00 Friday and Saturday and 0:00 on weekdays.
- No sale or stock of alcohol was proposed, the business had taken over the premises 4 months prior to the hearing, with the previous business stocking alcohol.
- The toilet inside the premises would be available to customers until closing time.
- CCTV from the nights the TENs were permitted could be provided to Members as proof of a well managed business and limited noise.
- People will be able to wait for taxis after purchasing food at the premises.
- Outlining how approval will not impact the CIA, it was noted that, nearby bars were licensed until 02:00 and this application was for the same time, encouraging people to leave early to purchase food, trade at later hours will mainly comprise of seated consumption of food, with other takeaways not holding a large volume of covers and thus taking more people off the streets, toilet provision will assist with public urination issues and for the 26 days that the TENs had been held, there had been no complaints.
- It was estimated that 80% of customers had consumed their food at the premises after 23:00 during the TENs.
- The applicant was accepting of the proposed additional condition suggested by Members to only allow on site food consumption and deliveries after 23:00.
- It was confirmed that the applicant was content to provide security from 23:00 to 02:00 on Fridays and Saturdays.
- The most recent TEN had expired a week before the hearing, which had been incredibly busy given it was the first week back for students at Universities in Leeds.
- The applicant outlined they may be prepared to remove alcohol from their license and noted they will not stock or sell alcohol but would prefer to keep it on the license for the premises if it was resold in the future.
- If there was ever a change to the business model and the premises was to start trading alcohol the applicant will notify the Council.

The objectors addressed the Sub-Committee providing the Members with the following information:

EPT

- The Officer held 28 years of experience and was well versed in noise and nuisance complaints, noting, that nearby residents will suffer if this application was granted.
- The area was a bottle neck for people drinking on the Otley run, which begins at Woody's Ale House, with multiple premises people will drink at before arriving to the area where the premises was.
- The area experienced high levels of intoxicated people, particularly on Saturdays and Sundays, creating nuisance for local residents, such as urination in gardens and disturbance late at night.
- The extra hours for sale of hot food will keep people in the area late at night instead of them going home.

- Some mitigation measures had been offered by the applicant but there was a flat above the premises where there was potential for the residents to suffer with the extension of trading hours.
- As the premises had 30 covers, the door staff may assist with outdoor disturbance but noise of lots of intoxicated people indoor will create disturbance for the upstairs flat.
- The reduction of the level of the extraction fan will still be noisy and may be needed on full to eliminate smells, and the trade of food late at night will still create noise.
- EPT had suggested an earlier closing time of 0:00 every day to limit disturbance to nearby residents.

Public Objector

- They had been a resident in the area for over 40 years and the area had changed dramatically over that time. Headingley used to be comprised of significant businesses and was now an area which mainly seemed to cater for students and people drinking on the Otley run.
- The pandemic had caused a rise in the use of external seating area to encourage social distancing but had now become permanent features for most bars and pubs.
- The Otley run can be up to 2000 participants on a Saturday and around 1000 on a Sunday, with pubs marking drink prices up to their own benefit with the large numbers of people participating.
- Food and drink outlets had overtaken the area as the leading business model, affecting people's enjoyment of the high street.
- The CIA was in place to address crime and disorder and the applicant had not displayed enough mitigation to show their business won't contribute to further issues.
- The pavement along the A6120 road that passes through Headingley was outlined to be narrow, posing danger to the public with large crowds walking through, as well as there being no provision of toilet facilities.
- Pubs in the area had increased their outdoor covers with the Original Oak holding 1000 outdoor seats yet providing no extra toilets.
- The evacuation procedure in cases of danger was not clear for the masses of people.
- The late night takeaway deliveries will increase disturbance from delivery vehicles, with 30% of trade from local restaurants and takeaways being via delivery at later hours.

Responding to questions from Members the following information was provided by the objectors:

- The 30 covers and the intention not to sell alcohol may assist with limiting the amount of people intoxicated in the streets at late hours but the extended hours were still expected to contribute to disturbance to nearby residents, particularly for the upstairs flat.
- There was already a number of options for food outlets late at night in the locality.
- A suggestion was made for the applicant to revoke the sale of alcohol from the license entirely.

- In response to a question regarding not allowing takeaways at certain times, and only permitted deliveries and indoor food consumption, it was noted this may alleviate some disturbance but will still attract people late at night and lead to disturbance as people will have to leave the premises once closed.
- Pubs and bars in the area had staggered closing times to limit congregating so having the takeaway shut at the same time as popular bars will lead to public nuisance.
- No complaints had been received to EPT by the current occupant of the upstairs flat, but the later hours may impact them further and disturbance may also be experienced by future occupants.
- The CIA was proof that there was sufficient provision for drinking establishments and late night takeaways in the area. The Legal Officer advised it was the applicant's burden to justify that approval of the application will not impact the CIA.
- The Highways department had recently objected to a planning proposal from McDonalds at 4 Otley Road, which had subsequently been refused on the grounds of traffic and associated risks to the public. Highways will likely also have concerns for drivers coming and going for deliveries at this premises.
- Door staff may help mitigate issues outside the premises but footfall in the area was significant and may incur high costs to the applicant. Any condition for door staff will need to be worded correctly to ensure proper provision.

In summing up the applicant outlined the following:

- The TENs showed the business can operate successfully, with no contribution to public nuisance, given that there had been no issues or complaints.
- The dine in option will assist with reducing nuisance given the 30 covers that will take intoxicated people off the streets.
- Food will be provided in trays where people can eat inside and sober up before making their way home.

RESOLVED – To grant the application as applied for, subject to the agreed conditions with West Yorkshire Police and the following additional conditions agreed by Sub-Committee Members:

- a. Door staff will be provided for the hours of 23:00 to 02:00 on Fridays and Saturdays.
- b. After 23:00 every day, food will only be served for consumption on the premises and via home delivery.

9 Application for the Grant of a Premises Licence for Off Licence 152 Town Street, Armley, Leeds, LS12 3RF

The Chief Officer Elections and Regulatory submitted a report for Members consideration on an application for the grant of a premises licence made by Sabir Doski for an Off Licence, situated at 152 Town Street, Armley, Leeds, LS12 3RF.

Attending the meeting were:

- Chris Rees-Gay – Applicant's Legal Representative
- Sabir Doski – Applicant & Proposed Designated Premises Supervisor (DPS)
- Amjad Razak – Public Objector 1
- Lou Cunningham – Public Objector 2

- Daniel Bartham – Public Objector 3
- Adal Ross – Public Objector 4
- Phillip Clark – Public Observer
- Nigel Harris – Public Observer

The Legal officer explained the procedure for the hearing.

It was outlined that a petition received from the objectors had not met the requirements for submission and videos taken regarding allegations for the illegal sale of cigarettes at the premises had not been seen by all parties at the meeting so was not able to be used as evidence. Furthermore, the applicant's representative objected to any further documentation or evidence to be tabled during the meeting as there was insufficient time to address the contents. Members were advised that the videos had not been sent to Entertainment Licensing in an accessible format within the prescribed timescale, so it was Member's discretion as to how much weight they will give to the allegations without the provided evidence and also that the petition had no header providing the grounds for signing. Page 32 and 33 of the supplementary pack had detailed the applicant team's response to the allegations and video evidence and had requested to see its contents but had not been able to. The objectors noted the evidence was to be sent to WYP and Trading Standards.

The Licensing Officer presented the application informing the Members of the following points:

- The application was for the grant of a new license for the sale by retail of alcohol for consumption off the premises, every day 08:00 – 22:00. It was noted at 2.1 of the cover report that an application for the grant of a new premises licence for these premises was considered by the Licensing Sub Committee in November 2022 due to the receipt of public representations and was subsequently refused.
- The premises was a convenience store, proposing the sale of alcohol for consumption off the premises, to supplement stock.
- An operating schedule had been submitted, detailed from page 159 of the report pack and additional information had been submitted by the applicant which was available in the supplementary information pack.
- An agreement had been reached with WYP, conditioning no delivery service, details of this were available at appendix C. Six objections had been received by other persons on the grounds of crime and disorder, these were available at appendix D. A list of other licensed premises in the locality were detailed at appendix E.

The applicant's representatives provided the Sub-Committee with the following information:

- There had been no objections by responsible authorities, only a prior agreement reached with WYP. Approval alongside the WYP conditions was sought.
- The premises was an existing convenience store and the previous application had been submitted by a different person. Point 1.17 of the Licensing Act 2003 noted each application should be judged on its own merits.
- The shop sold food and the alcohol license was to supplement stock to allow customers to access a one stop shop. A petition of support was available from pages 28 to 31 in the supplementary pack.

- The applicant had resided in Leeds since 2003, had held a personal license since 2005 and had worked for Leeds City Council from 2004 to 2008. They had also studied customer relations management as part of their Masters' degree.
- The sale of alcohol was for off site consumption and there were no deliveries proposed and as per section 182 guidance, this model of sale was acceptable unless good reason for refusal were determined.
- Notable proposed conditions from the operation schedule were, CCTV from points 2 to 12 and also 27, staff training 28 to 30, restrictions to stock and stock placement at 14 and 15 and litter mitigation at 24 and 25. The comprehensive operating schedule displayed that the shop will be run in line with the licensing objectives.
- The applicant noted they would not continue to run the shop should the application be refused.
- Pre-application consultation had occurred, which was detailed from pages 3 to 15 of the supplementary pack, with no objections raised by responsible authorities. A copy of the sub lease had been provided to WYP as the leaseholder was the applicant for the previous application.
- The premises was outside the Armley CIA, and the petition detailed from page 28 to 31 of the supplementary pack noted public support.
- To address the concerns raised in the public objection comments, it was outlined that some were business focused submitted by people with competing businesses in the local area, there was no evidence for anti-social behaviour stemming from the premises, the store had only been in the applicants possession since July 2023, no litter or fly tipping was associated with the store, the concentration of nearby premises was a matter for planning and market determination, there was no evidence for sales to young people or for the illegal cigarette sale allegations and the Thwaites Case outlined that applications should be judged against their merit and with evidence.

Responding to questions from Members the Sub-Committee were informed of the following by the applicant team:

- The only relationship the DPS had with the previous applicant was through the sub lease and only one member of staff remained from the previous management.
- The support petition was from store users, believed to live in the locality. The Licensing Officer outlined that the names and addresses on the petition had been redacted in line with GDPR and anyone is able to object or support an application irregardless of location.
- The applicant or representative had not seen the video regarding the illegal sale of cigarettes at the premises and were prepared to take necessary action if it came to light.

The objectors addressed the Sub-Committee providing the Members with the following information:

Public Objector 1

- As a local business owner and having resided in Armley for 15 years, the area and issues regarding crime and anti-social behaviour were well known.
- Engagement with local youths was ongoing to address issues of anti-social behaviour and improve the community.

- Objection was against further provision for sale of alcohol in the area and its association with crime and disorder.
- The store should remain a newsagent and there was no benefit for the sale of alcohol for the community, with several similar shops selling alcohol within a 1.5 mile radius.
- Elderly people felt intimidated by anti-social behaviour that occurred outside shops and often had to have their groceries delivered.
- The allegations for the illegal sale of cigarettes had led to illness in the community.
- The previous application had been refused and the applicant was from outside the area and did not know the full extent of the issues faced by the community.
- Counterfeit cigarettes had been sold by the previous owner, who was the lease holder, and it was believed that the counterfeits were still being sold at the premises under the new owner, with concerns raised counterfeit alcohol may be sold at the premises, if the license were approved.

Public Objector 2

- A letter of objection was read out on behalf of a local resident who was unable attend the meeting, details of this were available at page 174 of the report pack.
- Although this premises was outside the Armley CIA, it was close by to the border and will contribute to street drinking issues. It was also noted the boundaries of the CIA were to be reviewed in the future, alongside joined up community work to improve Town Street.
- Although the responsible authorities had not objected, the residents were experts in regard to the needs of the area and represented the community voice.
- The concentration of stores possessing an alcohol license was significant and any more will only contribute to the issues of anti-social behaviour and crime.
- A Police raid had been conducted at the premises and a Trading Standards investigation of the sale of illegal products was ongoing.
- Other shops in the area had an agreement to close earlier than licensed to in order to limit late night drinking and associated public disorder. These shops were noted to hold respect for their community and actively trying to improve the area.
- There had been more objection within the community against the application, but some had held fears of reprisal.
- With experience of working as a Nurse at the local community centre, working particularly with people experiencing alcohol and drug addiction, and associated trauma, the issues and complexity of the area were well known and distressing.
- Litter in the area was significant, with the bin provision noted to have limited effect and litter in the area will only increase with additional alcohol sales.

Public Objector 3

- On three occasions they had gone into the premises and had purchased under the counter, illegal, counterfeit cigarettes and had videoed the same person selling them each time. It was disappointing the video was unable to be considered by the Sub-Committee.
- Anti-social behaviour and abuse by intimidating youths was threatening to families and the area had significant issues which had gotten worse over time.

- There were already 5 shops, 3 pubs and a 24 hour shop on Town Street, so there was plenty of provision for alcohol and having further options will contribute to social issues, crime and disorder.
- There was lots of violence and knife crime in the area which was fuelled by the sale of cheap alcohol and was ruining the community.

Public Objector 4

- The community was tired of working towards bettering the area for issues then to re-emerge in cycles.
- Raising families in the area was difficult and also whilst working with young people to engage with them to encourage better social outcomes.
- In their spare time they worked as a cricket and football coach, and it was noted youth services were unfunded in the area which led to a significant amount of anti-social behaviour. They also worked to assist the elderly within the community.
- The community was diverse, comprised of a wide range of ages, faiths and businesses and suffered from deprivation.
- It was disappointing the petition of objection could not be considered on a technicality and had taken time to produce, alongside peoples' work commitments.
- Additional access to alcohol will have negative consequences for the community and people lived in fear of ongoing anti-social behaviour and criminal damage that was only worsened by alcohol.
- The applicant was from outside the locality and did not understand the extent of crime and disorder. The community would have attempted to lobby with WYP to address the impacts of this application if they had more time.
- Work had been conducted with local businesses to have earlier closing times for shops to discourage late night street drinking and also to provide meals for the less fortunate.
- Instances of loitering and nuisance will increase if more alcohol was available, as had been experienced outside all shops selling alcohol within the locality. It was noted that these individuals can be difficult to approach, although efforts had been made to offer charity and improve community cohesion.
- There were already a multitude of shops stocking alcohol within a 1.5 mile radius of the premises and although not directly covered by the CIA it was only 0.2 miles away and will negatively impact the on the issues the CIA was attempting to solve. The impact on recovering alcoholics was also significant.
- Local activism was beginning to feel futile with no support from responsible authorities or the Council.
- There were reports in the community of the premises selling counterfeit cigarettes, including to underage people and had been making people unwell. There was fear counterfeit alcohol will also be sold.
- There was suspicion that the applicant worked closely with the previous applicant and there was a clear relationship if the shop was being sub leased to them and raised further concerns that the applicant had reported they will no longer operate the shop if the application was refused. This had provided evidence the applicant did not have honest intentions for the area.
- Although the WYP Officers that deal with Licensing had not objected, conversations with Neighbourhood Police Officers had expressed concern.

- It was believed that counterfeit cigarettes had been sold from the premises on in July 2023, and thus was within the applicant's responsibility to address this problem as the shop was in his ownership.
- Although the operating schedule noted staff training and a challenge 25 policy, it was alluded that the shop did sell cigarettes to underage people.

Responding to questions from Members the following information was provided by the objectors:

- The proposed CCTV and staff training operations provided little reassurance as Town Street was a 2 mile stretch, central to the community with lots of street drinking, yet most of the associated crime took place on side streets, away from any CCTV cameras.
- The videos associated to the illegal cigarette sales had been done within the individuals own capacity. It was believed that this was associated with the applicant and some staff members at the shop and showed disregard for the community.
- The applicant was perceived to have involvement with the previous applicant for the refused November 2022 application and appeared to be a front for the business with the previous applicant sub leasing the premises.
- Although the premises was outside the CIA, it was still associated with anti-social behaviour and licensed premises needed to be limited across the area, when considering the broader picture and the negative social impacts.
- The store had operated as a newsagent for over 30 years and an alcohol license was not necessary or appropriate for the area.
- With other licensed stores agreeing to close earlier and provision already substantial, it was clear there was no benefit to more alcohol provision and doubt was casted that this premises will consider community impact.
- Although extension of the CIA was being considered, the Licensing Officer provided information that it was not up for review in 2023, was predominantly targeted at street drinking around betting shops a distance away from the premises and any extension will be evidence based and require consultation.

In summing up the applicant's representative outlined the following:

- It was perceived that objector 1's comments were business based and objected to competition.
- A letter had been sent to WYP detailing that the previous applicant had no involvement with the business further to the sub leasing.
- The illegal sale of counterfeit cigarettes had not been under the current applicant and the objectors had 10 days' notice to provide an accessible video. If it was to come to light that it was a current employee, they will be dismissed.
- All applications should be judged against their own merit, and it was noted the premises was outside the CIA so weight to this policy was not applicable.
- The applicant was a professional, well educated individual.
- Pre-application liaison had taken place and the supporting petition showed community support from customers.
- The operating schedule was substantial and comprehensive.
- No objections had been received from responsible authorities.
- The needs of an area were a matter for planning and market influence.
- The Thwaites case outlined the need for refusal to be evidence based.

RESOLVED – To grant the application as applied for, subject to the measures suggested by West Yorkshire Police.