

Licensing Sub-Committee

Thursday, 4th January, 2024

PRESENT: Councillor N Buckley in the Chair

Councillors T Hinchcliffe and S Holroyd-Case

1 Election of the Chair

RESOLVED – To elect Councillor Neil Buckley 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. However, there was supplementary information provided by West Yorkshire Police, which had been circulated to all parties prior to the hearing.

5 Declaration of Interests

No declarations of interests were made at the meeting.

6 Application to Vary a Premises Licence held by Booze Plus, 33 Tong Road, Farnley, Leeds, LS12 1HQ

The report of the Chief Officer, Elections and Regulatory advised the Sub-Committee of an application to vary a premises licence made by Saqib Ahmed, for Booze Plus, 33 Tong Road, Farnley, Leeds, LS12 1HQ.

In attendance for the hearing were:

- Saqib Ahmed – Applicant
- Constanze Bell – Applicant's Representative
- Sarah Blenkhorn – West Yorkshire Police
- PCSO Brendan Council – West Yorkshire Police
- Vanessa Holroyd – Environmental Protection Team
- Jonathan Hindley – Public Health
- Cllr Andy Parnham – Local Ward Councillor for Armley
- Rob Brown – Legal Officer
- Matthew Nelson – Entertainment Licensing

The Legal Officer set out the procedure for the hearing.

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

- The existing licence authorised sale by retail of alcohol, Monday to Saturday 08:00 – 23:00 and Sunday 10:00 – 22:30. The applicant had applied for an extension for sale by retail of alcohol, everyday 06:00 – 03:00.
- The Licensing Authority had received a new premises licence in August 2005 which was granted as applied for. In March 2022, the premises licence had been transferred to the current licence holder and there had been a change to the Designated Premises Supervisor. This application had been granted as

applied for. In July 2022 the premises licence holder had applied to vary the licence to 24 hours a day, 7 days a week. However, the applicant withdrew this application. A copy of the existing licence was appended to the report at Appendix A.

- The applicant proposed to promote the licensing objectives by taking additional steps identified at section M of the application form which was attached to the report at Appendix B.
- Appendix C of the report identified the location of the premises.
- Representations in objection had been made by the following in their capacity as responsible authorities:
 - West Yorkshire Police had made an out-right objection. A copy of this was attached to the report at Appendix D.
 - Environmental Protection Team had suggested measures in relation to a reduction to the hours applied for and litter management. This was appended to the report at Appendix E.
 - Public Health Localities Team had also submitted a representation which was attached to the report at Appendix F.
- Representations had also been received from a local resident, Ward Councillors, and a Member of Parliament. There was also an individual objection from one of the local Ward Councillors. These objections were appended to the report at Appendix G.
- A list of premises in the local area, with the licensed hours and activities was attached at Appendix H.

Ms Bell provided the Licensing Sub-Committee with the following information:

- Members attention was directed to Appendix C of the report which showed the location of the premises.
- The premises is a traditional corner shop which serves the local community. She said that her client had received requests to purchase alcohol outside the permitted hours, showing there was a demand for extended hours.
- The premises was in a working-class location which had customers who worked shifts at local factories and warehouses who worked until 01:00am. It was the applicants view that the later opening times would also better suit the needs of the local residents.
- Mr Ahmed had owned and operated the premises Booze Plus for two years. During the two years he has had a good track record with no issues for concern.
- Mr Ahmed had previous experience of owning and operating a premises on Alexander Road in Hyde Park for 25 years, also with no incidents on record for these premises. It was noted that the premises had been located within a student area and Mr Ahmed had challenged where necessary for appropriate I.D.
- This corner shop is on a busy commuter road which links Leeds City Centre to Wortley. Therefore, the residents in the area live with the existing background noise generated by vehicles along this road.
- Ms Bell was of the view that this area was not a 'hot bed' of nuisance and disorder, there had been no issues with the premises and there was no evidence in relation to crime, or incidents and there had been no calls in relation to the premises. She confirmed there was no proposal for 24-hour sales.

- The premises has CCTV.
- The shop is known in the community as a no-nonsense premises. When first taking ownership of the premises Mr Ahmed had to do more challenges for age-appropriate sales and he had now established a reputation as a responsible premises owner.
- The premises is not within the Armley cumulative impact zone and Mr Ahmed has no issues with street drinkers or noise outside his shop. There is noise due to buses and large vehicles traveling on the road outside the premises.
- In response to the representations from the responsible authorities, local councillors, the MP and residents. Ms Bell said there were no concerns in relation to public health as the premises were outside the cumulative impact zone and it was noted that this zone was not due to be made wider. In relation to general objections, it was said that no evidence of crime and disorder could be linked to these premises and in her view the objections from the councillors and MP sent the wrong message to the community.
- Ms Bell drew attention to Appendix H within the agenda pack to highlight the fact that Carpatica 2, also on Tong Road, had recently been granted a licence to sell alcohol until midnight on Friday and Saturday. In her view this showed an inconsistency in operating hours in this area.

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

- Having a premises in a mainly student area had meant that Mr Ahmed had experience of challenging age-related products. He knew what he was doing when he took ownership of the premises and has a good track record at both premises.
- There were no noise issues from the premises.
- The Council had recently been reviewing its Cumulative Impact Policy and could have widened the Armley zone but had not done so. The issues in the Armley / Wortley area were well documented, but the letters from the councillors and residents had been very general with no specific issues made.

West Yorkshire Police provided the following information:

- In this area there is a history of anti-social behaviour and street drinking. The premises is situated very close to the cumulative impact zone for Armley. It was the view that to extend the hours of operation would attract street drinkers to these premises particularly in the earlier hours. It was the view that this would have an impact on the lives of residents, workers and children on their way to work and school. It was the view of the Police that the later hours would attract youths to the area, and this would increase anti-social behaviour. Supplementary information had been provided for the Sub-Committee in relation to anti-social behaviour in a location which is across the road from Booze Plus.
- The PCSO for the area explained that this area was one of the most deprived areas in Leeds with residents facing social and economic challenges. There is a high level of crime in this area. It was noted that the PCSO had with him statistical evidence of the types of crimes should the Sub-Committee wish to see this. The area has numerous tower blocks, houses of multiple occupation and family homes, it does not have a night-time economy and does not need one.

- Most of the licensed premises in the area only operate until midnight. There are no other premises trading until 03:00am. It was the view that if this licence was granted then crime in the area would increase.
- It was the view that noise pollution would increase, and this would conflict with the daily routines of residents through sleep deprivation.
- Tong Road is a busy road during 07:30am-09:30am and 16:00 -19:00, but there is little traffic after midnight.
- Statistical evidence was provided in relation to incidents in the area.
- It was acknowledged that Leeds City Council has a number of policies to address issues of crime and disorder, which include the West Yorkshire Mayor's Plan, Safer Leeds Plan and the Statement of Licensing Policy.
- The Sub-committee were advised that the New Wortley Community Centre was working with the community to address issues in the area.
- It was noted that Mr Ahmed had not contacted West Yorkshire Police with his proposals for the extension to the operating hours prior to the application, as would be expected from an operator aware of his responsibilities to the local area/community. The Police added that even if he had contacted them, they would still be objecting to such extensive hours for a premises in this area.

Responding to questions, West Yorkshire Police provided the following information:

- Street drinkers in Armley are both young and older people.
- Youths are involved in lower-level crime such as vehicle crime. They are also involved in drug related activities.
- Older People are generally involved in violent crime.
- It was noted that there had been no issues in relation to the licence or the licensee.
- There had been no issues with premises in the area which operated until midnight.
- There is no parking outside Booze Plus premises, parking is available to the front and rear outside residential properties.

Councillor Andy Parnham provided the following information to the Members of the Sub Committee:

- All the Armley Councillors strongly object to the extension of hours for these premises. In their view it would be a disaster for the local area. He was thankful to the Police for the information provided at the meeting.
- He said since being elected in May 2023, he had received numerous calls for help in relation to anti-social behaviour, domestic violence, and other violent incidents in this area.
- He said that the New Wortley area was generally quiet after rush hour, to extend the operating hours would be a disaster for the local residents with customers parking in front of residential properties into the early hours of the morning.
- It was noted that all the Armley councillors and the MP for Leeds West had objected to the extension of the hours for these premises.

An officer from Public Health provided the following information:

- He had experience of working in the Armley and Wortley area, where they had spoken to residents during health needs assessments for the area.

- It was noted that one of the main concerns was the impact of alcohol addiction on young children in the area. This is one of the most deprived areas of Leeds with 1,440 of children living within the absolute low-income household's threshold. There is evidence of the impact of deprivation, inequalities impacting on adult drinking behaviour both as role models for vulnerable and impressionable young children and the impact inebriated parents, carers and guardians have on the lives of children, resulting in significant issues for the young people in later life.
- Examples of issues faced by children and residents in this location were provided to the Sub-Committee. It was noted that people in the area see drunk people whilst on their way to work or school on a daily basis. Children had informed the team that they were able to get older people or older siblings to purchase alcohol for them.
- It was the view of the public health officer that to grant a 21-hour licence in this area would be a grave mistake.

The officer from Environmental Protection informed the Sub-Committee of the following:

- The officer had 28 years of experience dealing with complaints in relation to premises similar to this premises. However, on this occasion there had been no complaints in relation to the applicant's premises. Complaints are usually in relation to residents who lived above such premises, with people feeling unsafe, due to number of people attending such premises with late licences. It was noted that it was difficult to get evidence about noise complaints due to a complainant being too frightened.
- The noise levels in early morning are generally quieter, therefore any noise created is intensified.
- Environmental Protection had put in an objection to the premises nearby called Carpatica 2 when they had requested extended hours of operation. The premises licence holder and Environmental Protection had compromised to allow Carpatica 2 to operate on Friday and Saturday until midnight, which is consistent with other premises in the locality. It was noted that this had been suggested to the applicant, but the applicant had not taken up the suggestion.
- Issues of noise pollution would come from cars pulling up to the premises and car doors opening and shutting.
- It was the view of the officer that the hours requested were excessive for this area of Leeds.

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

- Members acknowledged that these premises were not in the cumulative impact zone, but that the premises were only a 15-minute walk away from the zone.
- Mr Ahmed lives above the premises.
- Mr Ahmed would agree to reducing the hours to 02:00am, his business plan was to allow shift workers to purchase items on their way home from work.
- Alcohol related crime incidents included street drinking, vehicle crime and domestic incidents. It was noted that between 1st June 2023 and 1st January 2024 there had been 110 incidents reported. It was difficult to breakdown the

figures to those incidents directly related to alcohol, as alcohol could have been a contributing factor to other crimes.

- The premises would be selling general grocery goods such as nappies, milk, eggs, and formula milk, not just alcohol.
- The applicant's previous premises in Hyde Park had opened 24 hours and sold alcohol and general groceries.
- The shift workers Mr Ahmed wishes to serve work at local warehouses located on Geldard Road, Copley Hill and Silver Royd Hill. The shifts finish at 01:00am.

Ms Bell in summing up said:

- Mr Ahmed has shown his experience as a responsible operator both at his previous premises in Hyde Park and at Booze Plus. There were no recorded incidents at either premises.
- Mr Ahmed had explained that he has specific reason for requesting the extension to his operating hours and would accept a reduction in the hours to 02:00am.
- The conditions offered by the applicant were good and included CCTV and incident logbooks.
- It was acknowledged that the area does have issues with street drinkers and congregation of youths. However, in her view street drinkers would not walk for 15 minutes to purchase alcohol from Mr Ahmed's premises when there are other premises closer and in the cumulative impact zone.
- Mr Ahmed wished to serve the community with a traditional corner shop.

Members considerations included:

- Information provided in the agenda pack and at the meeting.
- Parking issues.
- Extending the night-time economy.
- The hours granted to Carpatica 2.
- Working hours of shift workers
- 110 reported incidents in the area in the past 6 months.
- Public health issues
- Potential for anti-social behaviour and people congregating.

RESOLVED – To refuse the application to extend the hours of operation as they would be contrary to the licensing objectives in relation to crime and disorder and public nuisance.

The meeting concluded at 12:45