

Licensing Sub-Committee

Tuesday, 9th October, 2018

PRESENT: Councillor B Flynn in the Chair

Councillors M Harland and G Harper

1 Election of the Chair

RESOLVED – Cllr. Flynn was elected 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. However, applications to show photographs were made the sub-committee by Mr Serr the applicant's representative in relation to the refurbishment of the premises and Cllr. J McKenna in relation to objection of the grant of the premises licence.

The sub-committee agreed to allow the use of the photographic evidence.

5 Declarations of Disclosable Pecuniary Interests

No declarations of disclosable pecuniary interests were made.

However, Cllr. Harland informed the Licensing Sub Committee that she had heard an application for Kroll Mini Market which is referred to within the papers for Item 6 – Application for the grant of a premises licence for Grocery Store 13-15 Town Street, Armley, Leeds LS12 1UG. Minute 6 refers. Cllr. Harland said that she would consider this application with an open mind.

6 Application for the grant of a premises licence for Grocery Store 13 - 15 Town Street, Armley, Leeds, LS12 1UG

The report of the Chief Officer Elections and Regulatory set out an application for the grant of a premises licence, made by Nabi Lashkiri for Grocery Store 13-15 Town Street, Armley, Leeds, LS12 1UG.

In attendance at the meeting were:

- Mr Serr- Mr Lashkiri's lawyer
- Sarah Blenkhorn – West Yorkshire Police (WYP)
- Bob Patterson – WYP
- PC Clifford – WYP (observing)
- Sgt. Maynard –WPY (observing)
- Susan Holden – Entertainment Licensing
- Cllr. A Lowe
- Cllr. J McKenna
- Andrea McKenna – Member of public
- Martin Walker – Member of public

Members were informed that this was the first application for a premises licence for these premises. Mr Nabi Lashkiri was the applicant and he was also the proposed

designated premises supervisor. Mr Lashkiri was applying for sale by retail of alcohol for consumption off the premises everyday 07:00 – 22:00.

Representations had been received from West Yorkshire Police and the Local Licensing Authority in their capacity as a responsible authority which may be found at Appendix C of the submitted report.

Members were informed that the Licensing Authority had also received 19 individual letters of objection from members of the public, ward councillors and a member of parliament. The objections were on the grounds of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

Mr Serr the representative for Mr Lashkiri explained that Mr Lashkiri had been unable to attend due to personal matters.

Mr Serr explained that this was the first business for Mr Lashkiri who had been a Leeds resident since 2001. Mr Lashkiri had worked for Morrisons supermarkets for 8 years but now wanted to start his own business. Members were informed that Mr Lashkiri's cousin was an importer of Eastern European foods and this was to be the primary part of Mr Lashkiri's business with alcohol a secondary part to the retail.

The sub-committee heard that the premises had previously been a café. Mr Lashkiri had spent an extensive amount of money refurbishing to grocery store.

Mr Serr said that the applicant acknowledged that the premises were in a Cumulative Impact Policy (CIP) area, however, in this instance, it was Mr Serr's submission that the rebuttable presumption should not be applied to this application and the committee should consider this application on its own merits. Mr Lashkiri had offered safeguards which had been noted in a letter from Entertainment Licensing which was appended at page 35 of the submitted report. These included: staff training; CCTV; adequate lighting; refusals log; incident log; public notices; litter collection; deliveries 7am -7pm; challenge 25 scheme; and would not sell alcohol to people under the influence of alcohol.

Mr Serr went on to say that Mr Lashkiri was offering to reduce the sale period of alcohol from 7:00am -22:00 to 12:00midday -20:00 to assist in addressing the issues of the area such as anti-social behaviour and street drinkers.

Mr Serr informed the Members that Mr Lashkiri offered his assurance that no small measures of spirits or single cans of beer of lager would be sold. It was the view of Mr Lashkiri that selling alcohol in larger amounts would be more expensive and therefore in accessible to street drinkers.

Mr Serr explained that the grocery store would be selling Eastern European foods such as pickled vegetables, dried and cured meats to families living in the area. It was suggested that owing to the nature of the shop, alcohol would be an add on in modest quantities to a food shop, with the store mainly catering to the day time economy

Mr Serr said that Mr Lashkiri did not underestimate the strength of local feeling but that the sale of alcohol would be only a small part of his business. Mr Serr drew the attention of the Members to the floor plan of the premises and the location within the premises where alcohol would be kept. Mr Serr said that the dedicated area for the sale of alcohol could be reduced further, as could the hours of sale for alcohol.

In response to Members questions the sub-committee were informed of the following points:

- Mr Serr had no instruction in relation to any other premises on Armley Town Street.
- The reduced hours of 12:00 -20:00 had been put to the sub-committee as it was the view that this would address some of the issues raised in relation to early morning and late night drinking. However the hours could be revisited.
- Staff training would be delivered by Mr Lashkiri as he had experience of working within food and drink sectors of Morrisons supermarket.
- Training would include the use of CCTV, responsible drinking and contact with the Police.
- The applicant would be happy with restricted licensing hours to demonstrate that he could sell alcohol responsibly and show how the store would operate.

Sarah Blenkhorn – WYP, handed out a colour copy of the Armley CIP which was only available in black and white within the submitted report. PC Blenkhorn addressed the sub-committee informing the Members of the follow concerns:

- Armley had deteriorated in the past few years with an increase in crime and anti-social behaviour as a direct link to alcohol
- Increased reports of domestic violence from people who were in drink
- Increase in alcohol related nuisance calls
- Increase in street drinkers
- Armley had been called a 'no go zone' by residents who were scared to go shopping or walk along Armley Town Street
- Street drinkers were aggressive between themselves and with members of the public
- Offences included urinating in public and fighting
- Armley Town Street was a known hotspot for alcohol related crime with the hours between 2pm and 6pm the most prevalent for nuisance crime and anti-social behaviour.
- The strength of the alcohol sold by the independent stores was an issue, not the quantity of units

PC Blenkhorn explained that West Yorkshire Police were of the view that another premise of this sort can only be detrimental to the area and to the local residents of Armley. PC Blenkhorn said that to grant the premises licence would be detrimental to the Armley area and it would be like rubbing salt into the wounds of residents. In closing, PC Blenkhorn confirmed that West Yorkshire Police could not see how this premises would not add to the crime and disorder in the area if granted a premises licence and asked the committee to reject the application outright.

Susan Holden – Entertainment Licensing informed the Members of the following points:

- Many of the safeguarding criteria offered by Mr Lashkiri were mandatory and he had offered nothing new;
- Armley is ranked 6th of all the Lower Layer Super Output Area (LSOA) and is considered very high risk with the area ranked high for alcohol related admissions to hospital, density of off licences, alcohol related anti-social behaviour and person seeking treatment for alcohol dependency;
- 2pm to 6pm is the worse time for incidents related to street drinkers;
- High strength low cost alcohol is the issue in this area rather than the quantity in which alcohol is sold. It was noted that smaller measures were preferable. It was the view of the officer that given the suggestion to sell larger quantities of alcohol would make it less accessible showed that the applicant did not have a good understanding of the issues in the area;
- It was noted that other grocery stores who had not been granted a licence had managed to operate a sustainable business without the need to sell alcohol.

Cllr. Lowe spoke to the sub-committee saying that Armley people wanted the application refusing as they were too scared to use Armley Town Street for their daily shopping. She said that many people in Armley were angry that they could not use Town Street and there had been enormous engagement and support for the CIP. It was noted that there were 18 licenced premises in a 7 minute walk, with Hall Lane and Crab Lane being two of the worst for certain types of crime.

Cllr. Lowe went on to inform the Members that the location of the premises was close to 2 nurseries, sport centre, 3 primary schools, and a library. She explained that the area also had a number of high rise blocks in which there lived a number of elderly people who relied on Town Street for amenities such as the post office.

Cllr. Lowe raised concerns that the applicant had no previous sales experience in owning his own shop and also no experience of training staff especially in light of the issues in the area.

Cllr. McKenna, addressed the sub-committee informing them that many people in Armley were against the grant of a premises licence and that the issue had been a topic of conversation at the local Armley Forum. Cllr. McKenna told the sub-committee that due to the amount of licensed premises the shops competed to sell alcohol at low prices and shopkeepers were willing to sell to homeless people and street drinkers. He said that Armley was becoming known as an area where cheap drink could be bought and this was attracting the homeless and street drinkers.

Cllr. McKenna explained that the worst time for anti-social behaviour and violence was between 2pm and 6pm and this was the time when children were in the area travelling from school, attending the library and using the sport centre.

Mr Walker an Estate Agent who has a business on Armely Town Street told the Members of incidents that he had witnessed with people in drink harassing people on their way to appointments such as the dentist. He also explained that many of the drinkers gathered in groups and often fought amongst themselves. He said that the effect of this type of behaviour had not only an effect on the lives of the street drinkers but also on those who lived and worked in the area.

It was noted that crime was increasing year on year.

In responding to comments and concerns, Mr Serr acknowledged that the area had its issues but was of the opinion that the CIP was not working and that the issues were deep seated issues rather than the number of premises selling alcohol.

Mr Serr was of the view that the premises offered by his client would be used by people on their way home picking up something to eat for their evening meal, along with something to drink and that it would be a useful local amenity. He did not think that the premises would be attractive to street drinkers.

Mr Serr in responding to a comment by the local Councillor on alcohol being sold from the back door of the premises said that Mr Lashkiri would only sell alcohol lawfully over the counter.

Members carefully considered all the information presented to them in written submissions and at the hearing.

RESOLVED – To refuse the grant of a premises licence.

7 Application for the grant of a premises licence for South Stand Emerald Headingley Stadium, St Michaels Lane, Headingley, Leeds, LS6 3BR

The report of the Chief Officer Elections and Regulatory requested Members to consider an application for the grant of a premises licence, made by Headingley North-South Stand Limited, for South Stand Emerald Headingley Stadium, St Michaels Lane, Headingley, Leeds, LS6 3BR.

In attendance at the meeting were:

- Howard Willis – Applicants' Representative
- Sue Ward – Head of Operations at Leeds Rugby Union Football Club
- John Hill – Designated Premises Supervisor
- Councillor Neil Walshaw
- Lee Davidson – Member of the Public
- Joanna Mingham – Member of the Public
- Giselle Shaw – Member of the Public
- Paul Tapper – Member of the Public

Members were advised that this was the first application for these newly built premises but the former Headingley South Stand Refreshment Room, held a premises licence under the Licensing Act 2003, with the activities of Sale of alcohol, Monday to Saturday 11:00 to 23:00 and Sunday 12:00 to 22:30, Recorded music everyday 00:00 to 23:59. The former building was demolished and the new South Stand Emerald Stadium has now been built and requires a premises licence.

Licensing Officer informed the Members that this application sought the grant of a premises licence for, live music, recorded music, and performance of dance, Monday to Saturday 13:00 to 23:30, late night refreshment, Monday to Saturday 23:00 to 23:30 and sale of alcohol everyday 12:00 to 23:00.

Non-standard timings

On Boxing Day to serve alcohol in the South Stand from 10:30. Traditionally the Stadium has hosted the Boxing Day Festive Challenge with a kick-off time of 11:30, therefore in this instance the stadium would want to serve alcohol outside the requested start time of 12:00.

It was noted that off sales from the concession bar would only be for consumption within the Headingley Stadium, on the seating and standing terraces of the premises on match days.

Representations had been received with redacted copies attached at Appendix C of the submitted report.

It was noted that the incorrect stand was highlighted on the plan (page 93 in the agenda pack) showing the North Rugby stand instead of the South Rugby stand.

Howard Willis and Sue Ward on behalf of the applicant addressed the sub-committee:

- Suggested reduced hours to the Board:
Sale of Alcohol – Monday to Sunday 13:00 – 23:00
Recorded Music – Monday to Saturday 12:00 – 22:00
- The stadium will hold a capacity of 1950 spectators and the current operating level stands at 20508spectators.
- Tests have recently been undertaken as per Building Control regulations, to ensure the appropriate safety measures are in place in case of an evacuation; ensuring everybody in the stadium can hear the announcements. Sue Ward confirmed testing of the new PA system had taken place inside the stadium only.
- The PA system won't exceed noise levels but there is a possibility for crowd noise to exceed – the applicant also made the Board aware sound may travel through the gap of the North Stand whilst it is being constructed, the stand will be fully operational by 18th October
- The recent Varsity game operated with a temporary system from the university and was not a true measure of what the new sound system will replicate
- The licensing application before Members is to replicate what the previous stand had before and not to extend its operational hours? (with any of the proposed hours)

In response to Members questions Howard Willis and Sue Ward made the following points:

- Mr Willis and Ms Ward weren't aware of any noise complaints that had been received
- The sound system will be clearer and will not be louder than what it was previously. They confirmed that the stadium has to comply Building Regulations and must adhere to certain decibel levels. The stadiums sound engineers have to maintain to that standard
- The applicant confirmed that the club did hold meetings with residents and did invite them to the club for face to face meetings. They only recently had

queries in respect of noise which emanated from the recent sound testing. The club also arranged meetings with Cllr Garthwaite and constituents, but the offer was not taken up

Councillor Walshaw explained residents' have recently voiced levels in noise generated from the Stadium had increased.

Members of the Public put forward their reasons for objecting as follows:

- Disruptive behaviour in the ginnel after match days (i.e. leaving litter and bottles)
- Testing the sound system had only been done within the stadium and not outside of the grounds; residents' also had issues with testing being carried out during the afternoon and at times when events/matches were not taking place
- Concerns the operator had not put in place a waste management plan
- Speakers being turned and angled causing noise levels to project more towards residents' homes
- Audible vibrations being felt within residents homes

Councillor Walshaw and Members of the Public made reference to Condition 10 of the Planning Consent and requested the Enforcement Team review the position of the speakers.

Following a question raised from one of the Members, it was confirmed there was no intention to apply for a license to conduct weddings or events. Members were informed the south stand is a seating area and not a conference or banqueting area.

In response to Members final concerns, Howard Willis and Sue Ward provided the following points:

- Cannot confirm if Planning Condition 10 has been complied with, this will come back to the Board.
- The new tannoy system has been in place for 2 weeks and part of this was switched of during the Varsity game in addition to a temporary system, not a true representation of the new system.
- All noise from street departures cannot be measured as coming from the Stadium.
- Whilst sound engineers reporting on noise levels are on-going, it was agreed that this would also be carried out on the Turnways
- The new tannoy system is intended for recorded music as well as safety announcements which is currently in the Carnegie Stand.
- Residents' receive correspondence if the premises intend to make any changes, should residents' raise concerns, they would be put onto an e-mailing group.
- Sound measurement is sophisticated; in July 2019 once the redevelopment is complete, things will be different/

Sue Ward, Head of Operations at Leeds Rugby had agreed to conduct an independent survey to carry out further testing to measure noise levels.

Members carefully considered all the information presented to them in written submissions and at the hearing.

RESOLVED – To:

- A. Adjourn the application to a hearing which will be held on Tuesday 4th December 2018 at 1.30pm
- B. Direct the applicant by 13th November –
 - 1. To provide an independent report in respect of the noise levels in the streets/properties in consultation with local residents
 - 2. To confirm in writing that condition 10 of the Planning Permission has been complied with
 - 3. To provide any further evidence to confirm how the operator will promote the licensing objective in respect of public nuisance
- C. To note that no later than 27th November, the ward members and residents who have made representations may respond in writing to the Applicant's further evidence