

WITNESS STATEMENT

(CJ Act 1967, s. 9, MC Act 1980, s.s.5A (3a) and 5B MC Rules 1981, r70)

Statement of: [REDACTED]

Age if under 18: Over 18
(over 18 insert "over 18")

Occupation: Licensing and Security
Compliance Consultant

This statement (consisting of 7 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 6th of March 2023

Signature: [REDACTED]

This report is made in relation to an application for a new Premises Licence at 22 Harehills Road Leeds LS8 5PB

Qualifications and Experience

1. I am an independent licensing consultant and a former Police Inspector, having completed 30 years' service with the Greater Manchester Police in a variety of uniform and non-uniformed roles.
2. The longest period of attachment to a department was between 1998 and 2006 when I performed the role of Force Licensing Inspector. This role involved the supervision of 12 divisional licensing officers, tasking and management of a covert licensing unit comprising a sergeant and six constables, developing force policy and enforcement in relation to all licensed units and employment and briefing of a licensing solicitor to act on behalf of the force in more complex licensing hearings.
3. During the period as the Force Licensing Inspector, I was responsible for the good conduct of outlets involved in selling alcohol but also those that provided gambling, betting and bingo facilities. I have represented Greater Manchester Police at Magistrates' Court hearings, Crown Court Appeals, The High Court and Council Licensing Committee hearings to oppose unsuitable applications and to take enforcement action against those premises whose standards had fallen below an acceptable level. I was responsible for the Force's response to support the

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Government led Alcohol Misuse Enforcement Campaigns (AMEC) which was highly acclaimed for reducing alcohol related crime and disorder.

4. Throughout my period in the central licensing role Assistant Chief Constable Robert Taylor, also from the Greater Manchester Police, was the Association of Chief Police Officers (ACPO) lead spokesman on Alcohol and Licensing matters. As a result of this connection, I became secretariat to the ACPO National Licensing officers' group and National Licensing Forum (NLF). The latter group was made up of trade organisations including the British Beer and Pub Association, Retail Trade Consortium, Business in Sport and Leisure, Magistrates Association, Justices Clerks Society, Local Government Association, Home Office, and Department for Culture, Media and Sport. During the period above, these groups scrutinised and made recommendations for amendments to the proposed Green and White papers, which were subsequently presented to the House of Commons as the Licensing Act 2003.
5. In 2006 on leaving the Central Licensing Unit I received a Chief Officer's Commendation, recognising the contribution I had made to licensing enforcement across Greater Manchester, particularly in relation to my leadership and commitment shown in developing force policy and training in response to the Licensing Act 2003.
6. Between 2006 and my retirement from the Greater Manchester Police in December 2010 I took up the role of Neighbourhood Inspector for the town of Heywood on the Rochdale division. I continued to work with the licensed trade in that area to improve safety in and around licensed premises and reduce crime and disorder. I was chairperson of the Heywood Pub Watch and closed a number of premises in the town that failed in their licensing objectives using my powers under the Licensing Act 2003 and subsequent amendments.
7. In recent years I have continued my professional development in regard to licensing knowledge by taking and passing the National Licensees Certificate and National Door Supervisors courses. This enabled me both to successfully apply for a Personal Licence and to become approved by the Security Industry Authority (SIA) as a front line operative. In September 2011 I successfully applied to become a nominated tutor with the British Institute of Inn keeping enabling me to carry out training in the award for responsible alcohol retailing and the award for personal licence holders which are National Vocational Qualifications. Annually and lately in February 2023 I attended a Licensing Seminar to update solicitors and practitioners on licensing changes.
8. Since January 2011 I have worked in a consultancy role with licensed premises in Basingstoke, Bedford, Birmingham, Blackpool, Brighton, Bromsgrove, Canterbury, Cardiff, Chester, Derby, Guildford, Harrogate, Huddersfield, Lancaster, Leeds, Lincoln, London, Manchester, Mildenhall, Newcastle, Nottingham, Preston, Sheffield, Skipton, Stratford, Trafford, Watford, Worcester and York, producing strategies aimed at reducing crime and disorder in and around venues. In addition to conducting investigations on behalf of operators I have also been engaged by Camden LBC and residents in Cardiff, Chester, Newcastle and York to conduct observations and

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reports on licensed venues. I would estimate that since January 2011 I have visited in excess of 1,000 premises licensed under the Licensing Act 2003. In all of these cases I believe that I have been able to make a positive impact on the licensing objectives. Only one venue has subsequently suffered a second review application following my guidance. This venue continues to operate following further interventions being made.

9. I am experienced in the production of independent written reports and giving evidence before Licensing Sub-Committees and Magistrates' Courts. It is important to stress that in carrying out this work, I act independently, record what I see and express my own opinions. Due to concerns expressed by a number of Licensing Committees and Magistrates' Courts that premises modify their behaviour in anticipation of a compliance visit I always endeavour to conduct my observations without the local operators being made aware of my impending visit. I have been informed by those instructing me that this was the case in relation to this investigation.

Scope of investigation

10. I have been requested by Christopher Rees Gay of Woods Whur solicitors to attend the Harehills area of Leeds and conduct an investigation into the operation of Maxi Foods at that location in relation to the new application; to conduct an investigation and report into how the current licensed premises impact on the licensing objectives and the area generally in the Harehills area. In preparation for my visit, and in order to address my investigation to the matters of concern, I have seen and read the application and representations. In order to risk assess my visit I have also conducted enquiries on the police.uk website.
11. I have previously visited and conducted observations in the Harehills area of Leeds. My previous visit to the area was in September 2020 in relation to an application for a new gambling premises in Harehills Lane made by Merkur Slots. Similar representations to those received in the Maxi Foods application were also made to the application by Merkur Slots. That the area suffered high levels of crime and disorder, there were too many gambling premises in the area, young children passing to and from school would be adversely impacted, alcohol drinkers would be drawn to and frequent the venue, and the granting of the licence would exacerbate the current problems in the area.
12. Having conducted a number of investigations on behalf of Merkur over the years, I was aware that many of these stereotypical fears of a negative impact could be minimised by the introduction of a professional company and robust licensing conditions which were reflected in my covering report and recommendations to the gambling committee. The licence was subsequently granted and during my visits to the Harehills area during this current investigation I did not observe any of the fears expressed in the initial application being realised.

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Observations

Thursday 2nd March 2023

13. My observations in respect of this investigation took place on Thursday 2nd March 2023. I arrived in the Harehills Area at 1130 hours and my observations ceased at 2000 hours that day. My observations were recorded into an audio voice recorder and notes document which I later transferred into this report. The time period was chosen following comments in the West Yorkshire police representations that current issues in the area occurred late morning to early evening. I have produced a map of the location for reference to the locations that are referred to in my report (exhibit reference letter DJB1 refers).
14. At 1130 Maxi Food at 22 Harehills Road was already open. I ascertained that the area was mixed use in terms of planning regulations with shop and businesses on Harehills Road and residential dwellings above and behind these businesses. I noted that the notice of application for a premises licence was prominently displayed at the front entrance. I then looked around the area for residential accommodation that would likely be affected by the granting of the licence. The nearest residents were above the applicant's premises, at Lascelles Terrace and Lascelles Road East on each side of the applicant's premises.
15. I then looked around the area for signs of local authority-controlled CCTV systems which are often located in areas of high crime or disorder. I could find no cameras that had a line of sight to the applicant's premises. Other off licences in the area included Baba Jaga, Krakus, Bucharest, all located near to Stanley Road and KB off licence, Vilnius and Fast Lane near to the junction of Harehills Road and the A58. The nearest alcohol outlet to Maxi foods appeared to be Venus off licence at 18 Harehills Road.
16. At 1307 a male is drinking from a single bottle of Budweiser (4.5%) in Nice Place Harehills. At 1322 a male in a grey puffy jacket is seen apparently dealing drugs to cars pulling up in Ashton Grove near to Harehills Road. At 1326 the male is seen dealing to a second vehicle after which he is seen recovering a polystyrene take away container from under a 12 plate VW Toureg parked in the street and putting something in his pocket.
17. Between 1330 and 1500 hours I conducted observations outside the applicants two other premises on Harehills Lane, Merkur Slots and Compton Road, where historically street drinking had occurred. At 1415 hours a male and female exit Mama Rose off licence on Compton Road carrying three cans of stella (5.2%). The male and female walk to a nearby alley where they join 3 other males and start consuming the cans. Nearby are empty cans and small bottles that had contained spirits. One of the other males is consuming a can of Kronenbourg (5%). At 1430 3 Eastern European sounding males are seen outside an empty shop on Harehills Lane. 1 is drinking a miniature spirit (40%) and one is consuming a can of stella (5.2%).
18. At 1500 hours I returned to Harehills Road as many of the representations referenced a concern of the impact that the application may have on school children. Between 1500 and 1520 87 people passed 22 Harehills Road. 11 of these appeared to be of school age. Between 1520 and 1540 90 people passed the store. 29 of them children. Between 1540 and 1600 50 people passed. 27 of them children. Between 1600 and 1620 51 people passed. 12 of them children.

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19. At 1634 a male is seen drinking a can of Frosty Jack (7.5%) in Ashton Place. I continued to monitor the Harehills area and noted when and where street drinking occurred. At 1728 a male is drinking Pela Lager (7.6%) on Harehills Lane. 1735 two males drink cans of Zywiec (5.6%) on Compton Road. An empty ¼ bottle of Czech vodka is discarded nearby. 1845 Male drinks bottle of Stella 5.2% outside Baba Jaga on Harehills Road. 1855 male drinks a can of Omega white cider (7.5%) outside Krakow off licence on Harehills Road. 1924 male drinks a can of Zywiec (5.6%) outside Krakow off licence on Harehills Road.
20. 1930 Police have stopped two males in a white BMW car on Stanley Road. The police were in the process of searching the males and their vehicle. At 1940 7 people are in the alley way on Crompton Road drinking from unidentifiable cans.
21. Nothing further of note occurred and at 2000 hours I ceased my observations and left the area.

Saturday 4th March 2023

22. I returned to the Harehills area of Leeds at 1130 am on Saturday 4th March 2023 to observe the area and residents during a weekend trading period. Maxi Foods and the other off-licences on Compton Road, Harehills Lane and Harehills Road were all open. At this time there were no street drinkers near to the shops on Compton Road or any of the other locations. The suspected drug dealer was not seen on Ashton Grove and there were no issues observed around the site of Merkur Slots.
23. At 1412 a male is seen drinking from a 70cl bottle of Lambrusco type of sparkling wine outside Mama Mia off licence on Compton Road. At 1425 I saw the suspected drug dealer near Ashton Place but did not see them interact with any passing motor vehicles. At 1458 2 males are on Harehills Lane drinking cans of Omega (7.5%) lager. At 1454 2 males share a miniature bottle of what appeared to be Cockburn's Reserve (20%). At 1500 4 males (1 sitting on a mobility scooter) and a female are on Crompton Road. 2 of the males and the female are drinking cans of Omega (7.5%). At 1525 a male is outside Baba Jaga off licence drinking a bottle of Stella (5.2%). At 1528 a male is seen waiting for a bus on Harehills Road whilst drinking a can of Warka polish lager (6.5%).
24. At 1638 I noted a discarded can of Omega lager (7.5%) at the pedestrian entrance to Morrison's on Harehills Lane. At 1700 2 males are on Compton Road drinking cans of Omega lager (7.5%). At 1753 a male is on Harehills Lane drinking a can of Omega Lager (7.5%). At 1800 hours the group of 4 males and two females are outside the shops on Crompton Road. Some of the group can be seen drinking from cans but due to the poor lighting I was unable to identify the brand of drink or whether it was alcoholic. At 1840 there were 3 males and 3 females drinking from unidentifiable cans on Crompton Road. No issues or street drinkers were noted around the Merkur slots site on Harehills Lane.

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25. No further noteworthy incidents occurred and I ceased my observations in the area at 1900 hours. The group of males and females remained at the side of the shops on Crompton Road but I was unable to see what they were doing due to the poor street lighting.

Summary

26. Having previously visited the Harehills area in September 2020 there was very little change in the environment or issues in the area. On that occasion the representations were made in regards to an application for a gaming licence, and that the new venue would add to the current issues in the area. It would appear from my latest observations that these fears have not been realised. The most common occurrence remains the issue of street drinking, but this was not observed to be connected to any disorderly conduct and was more specific to the Crompton Road/Harehills Lane areas mentioned.
27. At no time during these two visits, or my previous visits to the Harehills Area were children under 18 observed taking part in street drinking. Nor were children observed congregating in the vicinity of the current off licences.
28. I also make the following observations. The most serious crime observed during this latest period of observations was the overt drug dealing taking place in Ashton place during the afternoon of Thursday 2nd March 2023. In relation to Police presence, I noted routine patrolling of the area by West Yorkshire police in mobile patrols, no foot patrolling of any of the areas was seen.
29. The main place that the street drinking occurred was on Crompton Road which was the situation in 2020 on my previous visits. More sporadic street drinking was noted in other areas near to the current off licences. No street drinking was observed near to 22 Harehills Road, or near to Venus off licence at 18 Harehills Road on either visit.
30. I have therefore considered the causal factors in the current situation and what conditions may be proposed to prevent street drinkers migrating to the new premises. In my experience street drinkers purchase high strength lagers, ciders or spirits in small quantities as they do not have the financial means to buy in bulk. I would therefore propose the following conditions should be attached to the licence should it be granted.
- No sales of single cans.
 - No beer, lager or cider by volume sales (ABV) above 5 %
 - No spirit sales less than 70cl
 - All alcohol to be sold with a store identifiable price label.
31. If these recommended conditions for 22 Harehills Road had been applied to all off licences in the area only the incident involving Lambrusco wine on Crompton Road would have been able to take place.

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Conclusion

32. The applicant is a known operator in this challenging inner-city area, having two current premises in nearby Harehills Lane. He is aware of the historic problems in the area and believes that he can operate a successful licensed business at this location without adding to those issues. It was also notable during these observations that no street drinking or anti-social behaviour was observed outside Venus off licence at 18 Harehills Road, which was granted a licence in 2016.
33. The majority of street drinking I observed was being conducted by males and females aged 30+. None of the street drinking was witnessed being conducted by any person who appeared near to the 18 year of age legal limit for purchasing alcohol. Although the area has a high percentage of under 16's in its population, no one of that age was seen street drinking or engaging in antisocial behaviour.
34. The applicant already runs an unlicensed mini store at this location and seeks to give his current customers a one stop shopping experience including the sale of beers, wines, and spirits. Many of these current customers have expressed a reluctance to visit the other alcohol outlets on Harehills Lane due to the presence of street drinkers outside. By accepting the suggested conditions as outlined above I believe that the applicant will be able to give his customers what they require whilst still supporting the Licensing Objectives.
35. These recommendations are based on my previous experiences as a police licensing Inspector, and my observations in many areas where street drinking has historically been an issue.


Licensing and Security Consultant

Appendix

Exhibit reference letter DJB 1 map of area and street drinking locations

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