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## Report of the Head of Licensing and Registration

### Report to the Licensing Sub Committee

**Date:** Monday 13th February 2012

**Subject:** Review of a Premises Licence for Deli Polska (Polish Delicatessen), 171 Dewsbury Road, Hunslet, Leeds, LS11 5EG

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	City & Hunslet	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

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## Executive Summary

This report informs Members of an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003, sought by West Yorkshire Police in respect of Deli Polska, 171 Dewsbury Road, Hunslet, Leeds, LS11 5EG. The Licensing Authority is now under a duty to review the Premises Licence held by these premises.

### 1.0 Purpose of this Report

1.1 This report provides Members with the background and history to the making of the review. The report sets out the relevant law when reviewing licences under the Licensing Act 2003 ("the Act"), and informs members of the options available to them when reviewing a premises licence.

### 2.0 Background Information

2.1 An application for the grant of a Premises Licence was received by the Licensing Authority on 26<sup>th</sup> January 2009. The application was made to licence a Polish Delicatessen with the authority to sell alcohol for consumption off the premises.

During the consultation period representation was received from West Yorkshire Police offering suggested measures to promote the prevention of crime and disorder. These measures were agreed by the applicant prior to the hearing.

However a total of 22 representations remained outstanding from local residents whose primary concerns were in relation to crime & disorder and the prevention of public nuisance. In particular, their concerns focused on exasperating the problem of underage drinking and youths congregating within the local area. Other mutual concerns highlighted excessive litter and parking issues.

The application proceeded to hearing on 20<sup>th</sup> April 2009 where Members considered the written and verbal submissions made on behalf of the applicant. The committee also considered the representations received from local residents.

Members appreciated the problems in the area and the strength of local feeling. However, they felt there was no evidence to show that this application would add to those problems. As there was no evidence that this application would add to the problems in the area, the licensing sub committee resolved to grant the application as applied for, subject to the agreement reached with West Yorkshire Police and measures offered within the Pro-Forma Risk assessment.

## **2.0 Premises Licence**

2.1 The Premises Licence Holder is Miss Makgorzata Czerwiec.

2.2 A copy of the Premises Licence can be found at Appendix A of this report.

2.2 In summary, the Premises Licence permits the following:

Sale by retail of alcohol (for consumption off the premises)  
08:00 until 22:00 hrs Monday to Saturday  
09:00 until 22:00 hrs Sunday

The times when the premises are open to the public:  
08:00 until 22:00 hrs Monday to Saturday  
09:00 until 22:00 hrs Sunday

## **3.0 Designated Premises Supervisor**

3.1 The Designated Premises Supervisor for the premises is Mr Karl Brown.

## **4.0 Location**

4.1 Maps which identify the location of the premises are attached at Appendix B.

## **5.0 Main Issues**

5.1 The review is being sought by West Yorkshire Police on the grounds of the prevention of crime & disorder. A copy of the review application is located at Appendix C of this report.

5.2 Documentary Evidence to support the review on the grounds described above can be found at Appendix D.

- 5.3 As part of the review procedure, details of the review and an outline of the grounds on which the review is requested must be displayed at the premises for a period of 28 days, commencing the day after the application is received.
- 5.4 Such notices were duly placed on prominent display at the premises on 22<sup>nd</sup> December 2011 and checked on a regular basis. The notices were removed at the end of the consultation period on 18<sup>th</sup> January 2012.
- 5.5 Section 51 of the Licensing Act 2003 places the Licensing Authority under a duty to review the premises Licence in respect of Deli Polska. A summary of the procedure followed in accordance with the Act is attached to this report by way of a flow chart at Appendix E.

## **6.0 Relevant Representations**

- 6.1 Under the Act representations can be received from responsible authorities or interested parties. Representations must be relevant and, in the case of an interested party, must not be frivolous or vexatious.
- 6.2 Representation from Responsible Authorities
- 6.2.1 A representation has been received from Environmental Health in their capacity as a Responsible Authority. Member's attention is drawn to Appendix F of this report.
- 6.3 Representation from Interested Parties
- 6.3.1 The application has not attracted any representation from interested parties.

## **7.0 Matters Relevant to the Application**

- 7.1 Members of the Licensing Sub Committee must make decisions with a view to promoting the licensing objectives which are:
- 7.1.1 the prevention of crime and disorder;
  - 7.1.2 public safety;
  - 7.1.3 the prevention of public nuisance; and
  - 7.1.4 the protection of children from harm.
- 7.2 In making their decision Members are obliged to have regard to guidance issued under Section 182 of the Act, a copy of the relevant section is attached at Appendix G. Members must also have regard to the Council's licensing policy (paragraphs 5.99 to 5.117), the relevant representations made and evidence they hear.

## **8.0 Implications for Council Policy and Government**

- 8.1 It is the stated licensing policy of the Council that when considering a review the authority will take into account all relevant circumstances, but will view the matters listed in paragraph 12.13 of the policy with particular seriousness.

## **9.0 Legal and Resource Implications**

- 9.1 There are no resource implications in determining the review.

9.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrate's Court.

## **10.0 Recommendations**

10.1 Members are requested to determine this review. The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

10.1.1 to modify the conditions of the licence (which includes adding new conditions or any alteration or omission of an existing condition);

10.1.2 exclude any licensable activities to which the application relates;

10.1.3 to remove the Designated Premises Supervisor;

10.1.4 to suspend the licence for a period not exceeding 3 months; and/or

10.1.5 to revoke the licence.

10.2 Members may alternatively decide that no action is necessary and that the circumstance of the review does not require the Committee to take any steps to promote the licensing objectives.

10.3 Members should note the Guidance also suggests it is open to Members to issue an informal warning to the licence holder or to recommend improvement within a particular time. However the Guidance further provides that where responsible authorities have already issued such warnings, the issuing of another warning should not be repeated.

10.4 Members of the Licensing Committee are asked to note that they may not take any of the steps outlined above merely because they consider it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

## **11.0 Background Papers**

11.1 Guidance issued under s182 Licensing Act 2003

11.2 Leeds City Council Statement of Licensing Policy