



Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Monday 18th June 2012

Subject: Review of a Premises Licence for BestOne/Seacroft Village Green
1063 York Road Leeds LS14 6JB

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Killingbeck & Seacroft	
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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: 10.4 (2)		
Appendix number: D		
This Appendix is regarded as exempt under the provisions of Paragraph 14 of the Licensing Act 2003 (Hearings Regulations 2005).		

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 1063 York Road Leeds 14 6JB. 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 conversion of a Justices Licence was received by the Licensing Authority on 12 July 2005. The licensing authority did not receive any

representations therefore the licence was duly granted. We received a transfer in 2006 for which we did not receive any representation. In 2008 we received a further transfer application to the present premises licence holder.

2.0 Premises Licence

2.1 The Premises Licence Holder is Mr Kamaljit Singh Sandhu.

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 23:00 hrs Monday to Saturday

10.00 until 22:30 hrs Sunday

3.0 Designated Premises Supervisor

3.1 The Designated Premises Supervisor for the premises is Mr Kamaljit Singh Sandu .

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, prevention of public nuisance and protection of children from harm . A partial copy of the review application is located at Appendix **C** of this report. It should be noted that certain information submitted within the application is potentially exempt information under Access to Information Rule 10.4 (2) as it includes information which relates to individuals and is likely to reveal the identity of an individual. This information is contained within appendix **D**.

5.2 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.

5.3 Such notices were duly placed on prominent display at the premises on 20th April 2012 and checked on a regular basis. The notices were removed at the end of the consultation period on 17th May 2012.

5.4 Section 51 of the Licensing Act 2003 places the Licensing Authority under a duty to review the premises Licence in respect of Bestone/Seacroft Village Store. 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/Support

6.1 Under the Act representations/support can be received from responsible authorities and or interested parties. Representations must be relevant and, in the case of an interested party, must not be frivolous or vexatious.

6.1.2 **Letters of support for the premises licence holder**

6.1.3 The application has attracted letters of support from interested parties for the premises licence holder Members are drawn to attached background papers.

6.1.4 **Additional Information provided by the premises licence holder**

6.1.5 The premises licence holder has provided additional information attached at Appendix F

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, 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
- 11.3 Letters of support from residents for the premises licence holder