



Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: 18th September 2012

Subject: Review of the Premises Licence for Kasa, Belle Isle Road, Hunslet, Leeds, LS10 3QJ

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Middleton Park		
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:		

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 Trading Standards Service in respect of Kasa, Belle Isle Road, Hunslet, Leeds, LS10 3QJ. 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 application made by West Yorkshire Trading Standards Service (**Appendix A**). 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 and variation of the former licence into a premises licence was submitted in September 2005 under the Licensing Act 2003. The premises licence was held in the name of Punch Taverns Plc.

No objection to the conversion application was received and a Premise Licence was duly granted for the existing hours and activities.

Objections were made in relation to the variation application and a hearing was held before the Licensing Sub Committee on the 7th October September 2005 in order to determine this matter.

At the hearing the Sub Committee concluded, having regard to the variation application, that there were conditions it could impose that were necessary, proportionate and reasonable and that these conditions would form part of the premises licence.

In April 2006 an application was made to vary the designated premises supervisor from Christopher Scully to Helen Tate.

A further application to vary the designated premises supervisor was submitted by the applicant on 25th March 2009 specifying Eric Duce as the designated premises supervisor.

On 22nd July 2009, Michael Waters senior liaison and enforcement officer of Leeds City Council served a section 19 closure notice on the premises as at the time of the visit the person in charge was unable to operate the CCTV system or download any footage. Further to this no Part A of the licence was obtainable and no incident register was on site as per a licence condition.

August 19th 2009 an application to vary the designated premises supervisor was submitted specifying Christopher Robin Scully as the designated premises supervisor.

On the 20th July 2010 an application was submitted to transfer the premises licence from Punch Taverns Plc to Mr Aqueel Bashir. At the same time an application was made to vary the designated premises supervisor and Mr Shakil Bashir was nominated as the designated premises supervisor.

A minor variation was lodged on the 12 August 2010, the application was to make internal structural alterations to the premises, the nature of the works were to remove the bar from the premises and to refit the premises to create a retail unit. The application was granted as applied for.

In December 2010 on the 23rd a further minor variation was submitted to remove the provision of regulated entertainment, the sales of alcohol on the premises and to amend the opening hours of the premises from 07:00am to 23:00pm. The applicant also requested that certain conditions be removed from the premises licence as they were no longer relevant to the licence in force.

3.0 Premises Licence

3.1 The premises licence holder is Mr Aqueel Bashir.

3.2 A copy of the premises licence can be found at **Appendix B** of this report. In summary, the premises licence permits the following:

- Sale by retail of Alcohol for consumption off the premises;

Every Day 07:00 – 23:00

4.0 Designated Premises Supervisor

4.1 The Designated Premises Supervisor for the premises is Mr Shakil Bashir.

5.0 Location

5.1 A map which identifies the location of the premises are attached at **Appendix C**.

6.0 Main Issues

6.1 On 18 April 2012, Mr Adeel Bashir pleaded guilty to five trading standards offences regarding the sale of illegal misdescribed wine and also failing to maintain an adequate traceability system for food, namely alcoholic drinks. Based on these offences West Yorkshire Trading Standards Service sought to review the premises licence on the basis that trading standards offences had been committed and therefore the licensing objective of preventing crime and disorder is no longer being upheld.

7.0 Relevant Representations/Letters of Support

7.1 Under the Act representations/support can be received from responsible authorities and or other persons. Representations must be relevant and, in the case of other people, must not be frivolous or vexatious.

7.2 A letter in support of the review application has been received from West Yorkshire Police. Member's attention is drawn to **Appendix D** of this report.

7.3 Representations have been received from the three councillors of the Middleton Park ward in support of this review application. Member's attention is drawn to **Appendix E** of this report.

8.0 Matters Relevant to the Application

8.1 Members of the Licensing Sub Committee must make decisions which are appropriate to the promotion of the licensing objectives which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

8.2 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 F**. Members must also have regard to the Council's licensing policy, the relevant representations made and evidence they hear.

9.0 Implications for Council Policy and Government

9.1 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 13.15 of the policy with particular seriousness.

10.0 Legal and Resource Implications

- 10.1 There are no resource implications in determining the review.
- 10.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrate's Court.

11.0 Recommendations

- 11.1 Members are requested to determine this review. The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- to modify the conditions of the licence (which includes adding new conditions or any alteration or omission of an existing condition);
 - exclude any licensable activities to which the application relates;
 - to remove the Designated Premises Supervisor;
 - to suspend the licence for a period not exceeding 3 months; and/or
 - to revoke the licence.
- 11.2 Members may 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.
- 11.3 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.
- 11.4 Where the Committee decide that a modification of conditions or exclusion of licensable activities may be imposed, this can either be permanently or for a temporary period of up to three months.
- 11.5 Members are directed to paragraphs 11.25 to 11.31 of the Statutory Guidance which related to reviews arising in connection with crime.
- 11.6 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 be appropriate for the promotion of the licensing objectives.

12.0 Background Papers

- 12.1 Guidance issued under s182 Licensing Act 2003
- 12.2 Leeds City Council Statement of Licensing Policy

Appendices

Appendix A	Review application
Appendix B	Premises Licence
Appendix C	Map of premises
Appendix D	West Yorkshire Police supporting information
Appendix E	Representation from ward councillors
Appendix F	Extract from the S182 Guidance