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**Report of the Chief Officer Elections and Regulatory**

**Report to the Licensing Sub Committee**

**Date: Tuesday 19 December 2023**

**Subject: Review of the Premises Licence for M&S 24/7 Off License Shop, 128 Roundhay Road, Leeds, LS8 5NA**

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

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**Executive Summary**

This report informs the Licensing Sub Committee that West Yorkshire Police has served on the Licensing Authority an application under Section 51 of the Licensing Act 2003 for a review of the premises licence in respect of M&S 24/7 Off License Shop, 128 Roundhay Road, Leeds, LS8 5NA.

The narrative of this report sets out the background of the premises licence, the relevant law and highlights appropriate guidance to assist Members in reaching their decision. A recommendation is also made to Members that the premises licence is reviewed using their statutory powers.

The application to review the licence follows a visit by West Yorkshire Police and Leeds City Council's Entertainment Licensing Section. The visit resulted in the seizure of a large amount of nitrous oxide from the premises and found that the business was not operating in accordance with its Premises Licence.

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 informs Members of the Licensing Sub Committee of an application for a licence review made by West Yorkshire Police in respect of M&S 24/7 Off License Shop, 128 Roundhay Road, Leeds, LS8 5NA. The application is made on the grounds of the prevention of crime and disorder, public safety & the protection of children from harm.
- 1.2 A copy of the application can be found at **Appendix A**.
- 1.3 West Yorkshire Police have submitted additional information in support of the application which can be found at **Appendix B**. This comprises of a police officer statement, photographic evidence and a prepared statement of the premises licence holder.

## **2.0 Background Information**

- 2.1 February 2009: An application for the grant of a premises licence was made, t/a Roundhay Convenience Store, which received representations from West Yorkshire Police and a local resident. Agreements were reached with West Yorkshire Police to incorporate suggested measures in the proposed operating schedule and the representation was withdrawn. The representation from a local resident remained outstanding and the Licensing Sub Committee resolved to grant the licence, as applied for, subject to additional terms restricting the selection, packaging and dispatch of alcohol products from the premises between 07:00 and 23:00 hours.
- 2.2 May 2009: An application to vary the licence was submitted proposing to extend the sale by retail of alcohol to 00:00 - 23:59 hours, everyday. The applicant agreed to accept a number of measures suggested by West Yorkshire Police, the representation was withdrawn and the licence was granted.
- 2.3 December 2019: Applications were received to transfer the premises licence to Merhawi Yowhanshe and to specify Merhawi Yowhanshe as the Designated Premises Supervisor. The applications did not attract objections from West Yorkshire Police and both were granted as applied for.

## **3.0 Premises Licence**

- 3.1 The premises licence holder is Merhawi Yowhanshe.
- 3.2 Details of the premises licence can be found at **Appendix C** of this report. In summary, the premises licence authorises the following:

*Sale by retail of alcohol (for consumption off the premises)  
Every Day 00:00 - 23:59*

## **4.0 Designated Premises Supervisor**

- 4.1 The Designated Premises Supervisor for the premises is Mr Merhawi Yowhanshe.

## **5.0 Location**

- 5.1 A map which identifies the location of the premises is attached at **Appendix D**.

## **6.0 Main Issues**

- 6.1 An investigation by the West Yorkshire Police and Leeds City Council's Licensing Authority was conducted on 23 August 2023 at the premises acting on information that the premises were selling alcohol and providing nitrous oxide (laughing gas) to children.
- 6.2 A visit to the premises resulted in the seizure of a large amount of nitrous oxide and a further investigation of the premises licence holder for the possession with intent to supply psychoactive substances and money laundering.
- 6.3 During the visit officers also found that the business was not operating in accordance with a number of premises licence conditions.

## **7.0 Relevant Representations**

- 7.1 Under the Act representations 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 The Licensing Authority is in receipt of three representations in support of the review application and copies are available as follows:
- Senior Enforcement & Liaison Officer, Entertainment Licensing - **Appendix E**
  - Leeds City Council, Public Health - **Appendix F**
  - Gipton & Harehills Ward Councillors - **Appendix G**

## **8.0 Cumulative Impact**

- 8.1 The Cumulative Impact Policy for Harehills was approved by the Licensing Committee in October 2018. These premises do reside within the Harehills Cumulative Impact Area.

## **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 (Statutory Guidance). A copy of the relevant section is attached at **Appendix H**. 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 stated in the 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 11.16 of the policy with particular seriousness, including;

“use of the premises for criminal activities such as the supply of drugs, money laundering or the keeping and supply of illicit goods.”

## **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);
  - 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 circumstances of the review do not require the Committee to take any steps to promote the licensing objectives.
- 11.3 Members should note the Statutory Guidance 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 11.24 to 11.28 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.

## **Appendices**

Appendix A	Review Application
Appendix B	Review Supporting Documents
Appendix C	Premises Licence
Appendix D	Map of premises
Appendix E	Entertainment Licensing Representation
Appendix F	Public Health Representation
Appendix G	Local Ward Councillors Representation
Appendix H	Extract from the s182 Guidance