

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 16th January 2024

Subject: Review of the Premises Licence for Mama Rose Food And Wine, 23 Compton Road, Burmantofts, Leeds, LS9 7BJ.

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:		

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 a premises licence in respect of Mama Rose Food and Wine, 23 Compton Road, Burmantofts, LS9 7BJ.

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 grounds for review relate to the seizure of illicit tobacco, non-duty paid alcohol, illegal vapes and a failed test purchase.

An application has been submitted to change the designated premises supervisor (DPS). Due to an objection lodged by West Yorkshire Police the application to change the DPS is awaiting to be determined by the Licensing Sub-Committee. The hearing is to be held on the 16 January 2024.

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 the Members of the Licensing Sub Committee of an application for a licence review made by West Yorkshire Police in respect of Mama Rose Food & Wine, 23 Compton Road, Burmantofts, Leeds, LS9 7BJ. The application is made on the grounds of the prevention of crime and disorder, the prevention of public nuisance, public safety, the protection of children from harm).
- 1.2 A copy of the application can be found at **Appendix A** and includes supporting information in the form of officer statements and photographic evidence.

2.0 Background Information

- 2.1 The premises currently has the benefit of a premises licence issued originally issued in November 2011.
- 2.2 Applications to change the licence holder and the designated premises supervisor were received by the Licensing Authority in August 2015 with both being granted as applied for.
- 2.3 An application to transfer the premises licence was submitted and subsequently granted in September 2017.
- 2.4 An application was received by the Licensing Authority transferring the licence to the current licence holder, Narmin Ahmed in January 2022. This was granted as applied for.
- 2.5 In May 2022 a minor variation was submitted to make changes to the layout of the premises including a counter being moved and the repositioning of CCTV to allow better coverage of the store. The minor variation was granted in May 2022.
- 2.6 A valid review application was served on the Licensing Authority and the statutory consultation period began on 20th November 2023.
- 2.7 On the 13 December 2023, the Licensing Authority received an application to change the designated premises supervisor. West Yorkshire Police made a representation to this application and is scheduled to be heard at a licensing sub-committee on the 16 January 2024.

3.0 Premises Licence

- 3.1 The premises licence holder is Narmin Ahmed.
- 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).

Mon-Sat 06:30 – 21:00 and Sun 08:00 – 21:00

4.0 Designated Premises Supervisor

4.1 The Designated Premises Supervisor (DPS) for the premises, Vipool Patel submitted a request to be removed as DPS on the 12 December 2023. An application to appoint another DPS was submitted to the Licensing Authority on the 13 December 2023 which is awaiting a decision from the licensing sub-committee due to a representation received from West Yorkshire Police. The proposed DPS is Karwan Salah.

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 Several instances throughout 2023 have resulted in failed test purchases by the premises and the seizure of non-duty paid alcohol and tobacco from the premises.

6.2 On the 2 November 2023 a multiagency inspection resulted in the seizure of illicit tobacco from a concealed location on the premises. Officers also seized illegal disposable vapes.

6.3 The evidence obtained demonstrate those operating the premises are not promoting the licensing objectives and are supporting serious and organised crime by being involved in the smuggling of goods to the UK.

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 Representations in support of the review application sought by West Yorkshire Police have been received from a Senior Liaison and Enforcement Officer, on behalf of Entertainment Licensing, Public Health and the Local Ward Councillors.

7.3 Member's attention is drawn to copies of the representations at **Appendix D**.

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.

9.0 Matters Relevant to the Application

9.1 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.

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

10.0 Implications for Council Policy and Government

10.1 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."

11.0 Legal and Resource Implications

11.1 There are no resource implications in determining the review.

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

12.0 Recommendations

12.1 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.

12.2 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.

12.3 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.

12.4 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.

12.5 Members are directed to paragraphs 11.24 to 11.28 of the Statutory Guidance which related to reviews arising in connection with crime.

12.6 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	Premises Licence Details
Appendix C	Map of Premises
Appendix D	Representations
Appendix E	Extract from the s182 Guidance