

## Report of the Chief Officer Elections and Regulatory

### Report to the Licensing Sub Committee

**Date:** 22<sup>nd</sup> January 2024.

**Subject:** Review of the Premises Licence for Krakus, 54 Harehills Road, Harehills, Leeds, LS8 5LE,

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 Members that West Yorkshire Police, has served on the licensing authority an application under Section of the Licensing Act 2003 for a review of a premises licence in respect of, 54 Harehills Road, Harehills, Leeds, LS8 5LE.

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 large amounts of non-duty paid alcohol.

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 respect of of , 54 Harehills Road, Harehills, Leeds, LS8 5LE. The application is made on the grounds of the prevention of crime and disorder and Public safety.

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 On the 18<sup>th</sup> April 2017 Miss Anna Strychaz applied for a Premises Licence, for the following licensing activities sale by retail of alcohol everyday 07:00 – 23:00. The application did not attract any representations during the 28 day consultation period and was duly granted as applied for.
- 2.2 On the 2<sup>nd</sup> March 2018 a Dps Change was submitted naming Ismail Mostafa as incoming Dps. The application did not attract a representation from West Yorkshire Police and was duly granted as request with immediate effect.
- 2.3 On the 12<sup>th</sup> September 2018 a Dps change was submitted naming Miss Anna Strychaz as incoming Dps. The application did not attract a representation from West Yorkshire Police and was duly granted as request with immediate effect.
- 2.4 On the 17<sup>th</sup> September 2018 a full variation application was submitted to vary the Premises Licence to operate 24 hours everyday. This application attracted representations from Members of the Public and Relevant Authorities. Subsequently the application was scheduled to be heard before the Licensing sub committee on the 20<sup>th</sup> November 2018 but, was adjourned at the applicants request.
- The application was adjourned until the 15<sup>th</sup> January 2019, where following careful members deliberation the application was refused outright. No appeal was lodged by the applicant following this decision.
- 2.5 On the 16<sup>th</sup> May 2023 a Premises Licence transfer application and Dps change was submitted, naming Krakus Leeds Limited as the incoming Licence holder and Muzafar Piroti as the incoming Dps. Neither application attracted a representation from West Yorkshire Police and they were both duly granted as request with immediate effect.
- 2.6 On the 24<sup>th</sup> November 2023 West Yorkshire Police submitted this Premises Licence review application.

## 3.0 Premises Licence

- 3.1 The premises licence holder is Krakus Leeds Limited.
- 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**                      Everyday 07:00 - 23:00

**Opening Hours**                                      Everyday 07:00 - 23:00

## 4.0 Designated Premises Supervisor

- 4.1 The Designated Premises Supervisor for the premises is Muzafar Piroti.

## **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 the 30th August 2023 a joint operation was executed in Harehills aimed at off licences selling illicit tobacco and non-duty paid alcohol. The operation was in collaboration with HMRC, Trading Standards, West Yorkshire Police and Leeds City Council Licensing.

Krakus was found to have large amounts of non-duty paid alcohol in the store for sale to members of the public, indicating this is organised.

The sale of smuggled goods is a criminal offence which must be taken especially serious given that Krakus currently holds a premises licence. Krakus are not promoting the licensing objectives, being involved in serious criminality

## **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, Trading Standards, the Local Ward Councillors.

Redacted copies of each representation can be found at **Appendix D**.

7.3 Original copies will be circulated to Licensing Sub Committee Members in advance of the hearing.

## **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 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.

## **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);
- 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
Appendix C	Map of premises
Appendix D	Representations
Appendix E	Extract from the s182 Guidance