

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 30 January 2024

Subject: Review of the Premises Licence for N.A News Limited (BK Store),
78 Harehills Road, Harehills, Leeds, LS8 5NU

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 78 Harehills Road, Harehills, Leeds, LS8 5NU.

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 in respect of 78 Harehills Road, Harehills, Leeds, LS8 5NU. The application is made on the grounds of (the prevention of crime and disorder, public safety and the protection of children from harm).

2.0 Background Information

- 2.1 On 3 August 2005 the Licensing Authority received an application proposing the sale by retail of alcohol for consumption off the premises, Monday to Saturday 06:00 -23:00 and Sunday 07:00 - 23:00. The application did not attract any representations and the licence granted as applied for.
- 2.2 On 11 June 2015 an application to transfer the premises licence was received. The application did not attract objections from West Yorkshire Police and was granted as applied for.
- 2.3 On 21 June 2018 applications to transfer the premises licence to the current holder, Mr Aamir Masood, and to vary the licence to appoint the current Designated Premises Supervisor, Mr Aamir Masood, were served on the Licensing Authority. The applications did not attract objections from West Yorkshire Police and was granted as applied for.
- 2.3 On the 4 December 2023 West Yorkshire Police submitted this Premises Licence review application.
- 2.4 The application can be found at **Appendix A** and includes additional information provided at the time of submission, including police and HMRC officer statements and photographic evidence.
- 2.5 Further to the submission of the review application, West Yorkshire Police have served additional information in support of their application. The information is available at **Appendix B** and comprises of two police officer statements and photographic evidence documenting the seizure of mobile phones, alcohol believed to be smuggled and suspected stolen goods.

3.0 Premises Licence

- 3.1 The premises licence holder is Mr Aamir Masood.
- 3.2 A copy of the premises licence can be found at **Appendix C** of this report. In summary, the premises licence permits the following:

Sale by retail of alcohol

Monday to Saturday 06:00 -23:00, Sunday 07:00 -23:00

Opening Hours

Monday to Saturday 06:00 -23:00, Sunday 07:00 -23:00

Non-Standard Timings

Christmas Eve and New Years Eve 06:00 - 00:00 hours

4.0 Designated Premises Supervisor

4.1 The Designated Premises Supervisor for the premises is Mr Aamir Masood.

5.0 Location

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

6.0 Main Issues

6.1 On the 30 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, West Yorkshire Trading Standards, West Yorkshire Police and Leeds City Council Licensing.

BK News 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. Photographic evidence in the agenda also shows the seizure of illicit electronic vape devices.

On the 25 September, West Yorkshire Police carried out a test purchase at BK News. A 16 year old child was served alcohol.

West Yorkshire Police are of the opinion that BK News are not promoting the licensing objectives, being involved in serious criminality and failing to protect children from harm.

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 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, West Yorkshire Trading Standards and the Local Ward Councillors.

7.3 Redacted copies of the representations can be found at **Appendix E** and 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 F**. 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	WYP Additional Information
Appendix C	Premises Licence
Appendix D	Map of Premises
Appendix E	Representations
Appendix F	Extract from the s182 Guidance