

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday 6 February 2024

Subject: Review of the Premises Licence for Booze 4 U, 220 Roundhay Road, Leeds, LS8 5AA

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 Booze 4 U, 220 Roundhay Road, Leeds, LS8 5AA.

The application was received by the Licensing Authority on 19 September 2023, and it is lodged on the grounds of the prevention of crime & disorder and public safety.

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

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, sought by West Yorkshire Police in respect of Booze 4 U, 220 Roundhay Road, Leeds, LS8 5AA. 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 form of a statement by a Trading Standards Officer and photographic evidence.

2.0 Background Information

- 2.1 The premises licence for these premises was granted in August 2009. At the time the licence authorised the sale by retail of alcohol for consumption off the premises, Monday to Sunday 11:00 to 00:00 hours.
- 2.2 In December 2014 an application to vary the licence was received proposing to extend the times of operation to 24 hours a day, 7 days a week. Following an agreement reached with the Environmental Protection Team for additional conditions to be added to the operating schedule, the application was granted as applied for.
- 2.3 In October 2021 applications were received to transfer the premises licence and change the Designated Premises Supervisor. The applications were made to appoint the currently specified individual, Mr Yasin Eliasy, to both positions. The applications did not attract objections from West Yorkshire Police and they were granted as applied for.

3.0 Premises Licence

- 3.1 The premises licence holder is Mr Yasin Eliasy.
- 3.2 A copy of the premises licence can be found at **Appendix B** of this report. In summary, the premises licence authorises the following:

Sale by retail of alcohol (for consumption off the premises)
Every day 06:00 – 05:59

4.0 Designated Premises Supervisor

- 4.1 The Designated Premises Supervisor for the premises is Mr Yasin Eliasy.

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 A joint operation in collaboration with West Yorkshire Police, HMRC, West Yorkshire Trading Standards and Leeds City Council Entertainment Licensing, resulted in the seizure of large amounts of non-compliant electronic cigarettes and non-duty paid cigarettes from the premises.

6.2 Earlier visits to the premises also resulted in the seizure of a large amount of counterfeit cigarettes and a failed test purchase for counterfeit cigarettes.

6.3 West Yorkshire Police are of the opinion that the evidence obtained demonstrate those operating the premises are not promoting the licensing objectives by being involved in serious criminality. There is also a risk to public safety by selling products that do not meet legal requirements.

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 have been received from a Senior Liaison and Enforcement Officer, on behalf of Entertainment Licensing, and the three local Ward Councillors. 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 the 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	s182 Guidance Review Guidance