

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday 23 April 2024

**Subject: Application for the Grant of a Premises Licence for Neils Superstore,
9 - 11 Reginald Row, Potternewton, Leeds, LS7 3HP**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Chapel Allerton		
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:		
Appendix number:		

Summary of Main Issues

This is an application for the grant of a premises licence made by Mr Malkit Singh, for Neils Superstore, 9 - 11 Reginald Row, Potternewton, Leeds, LS7 3HP.

The application describes the premises will trade as an off licence.

The premises has previously had the benefit of a premises license which was revoked by the Licensing Sub Committee in August 2020 following a review sought by West Yorkshire Police. Further information regarding the grounds for review and the reasons behind the outcome is available at 2.1 of the report.

Responsible authorities and Ward Members have been notified of this application.

The application has attracted representations; an outright objection from West Yorkshire Police and 15 letters expressing support from local residents.

1 Purpose of this Report

- 1.1 To advise Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for a new premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

2 History of the Premises

- 2.1 This is an application for the grant of a new premises licence, however the premises have previously held a licence under the Licensing Act 2003. The premises at that time were similarly known as, 'Neil's Superstore', and Mr Malkit Singh was both the named Licensee and Designated Premises Supervisor.
- 2.2 In March 2020 the Licensing Authority received an application to review the premises licence, made on the grounds on 29 successful transactions at the premises during a one hour period using the stolen bank card and phone of two victims who had their possessions stolen at knife point.
- 2.3 West Yorkshire Police in the review application stated all transactions were made by two suspects (one identified as a 17 year old at the time of the crime), including the purchase of strong alcohol on a number of occasions. The suspects were served by the shop owner and a shop assistant.
- 2.4 The hearing to consider the matter was impacted by the global pandemic and Members of the Licensing Sub Committee considered the review application on the 19 August 2020.
- 2.5 In reaching their decision the Sub Committee considered that the number of contactless payments of almost £700 would have put even an inexperienced retailer on clear notice that something was very seriously wrong. Members were struck by the apparent lack of remorse and failure to take responsibility for what had occurred and the Sub Committee found the explanations offered by Mr Singh to be unconvincing and implausible. Had the group simply been purchasing alcohol on their way to a party or event, as Mr Singh alluded to, it seems very unlikely that they would have spent an hour at this shop making multiple separate contactless purchases.
- 2.6 Members acknowledge that it was laudable Mr Singh provided his services to the community, including putting together food orders for customers who were self-isolating. Nevertheless, that good service and friendliness to customers did not alter the fact that he had acted in a wholly irresponsible manner on the occasion in question and contrary to the licensing objectives.
- 2.7 The Licensing Sub Committee's concluded that the only appropriate and proportionate option available to them to promote the licensing objectives, in particular the protection of children from harm and the prevention of crime, was to revoke the licence.

3 The Application

3.1 The applicant is Mr Malkit Singh.

3.2 The proposed Designated Premises Supervisor is Malkit Singh.

3.3 In summary the application is for:

The sale by retail of alcohol (for consumption off the premises)
Monday to Saturday 08:00 - 23:00
Sunday 10:00 - 22:30

3.4 A redacted version of the application is attached at **Appendix A**.

3.5 The applicant proposes to promote the licensing objectives by taking the steps identified in the document available at **Appendix B**.

4 Location

4.1 A map which identifies the location of the premises is attached at **Appendix C**.

5 Representations

5.1 Under the Act representations can be received from anyone but they must be relevant and, in the case of a member of the public, must not be frivolous or vexatious.

Representations from Responsible Authorities

5.2 The application has attracted a representation from West Yorkshire Police in their capacity as a responsible authority. The representation objects to the grant of the application entirely and a copy can be found at **Appendix D**.

Other representations

5.3 The Licensing Authority is in receipt of fifteen individual letters from members of the public (described as 'other persons' in the legislation) expressing support for the application.

5.4 In order to protect personal data redacted copies of the representations are attached at **Appendix E** and the original versions will be provided to the Licensing Sub Committee Members in advance of the hearing.

6 Licensing Hours

6.1 Members are directed to paragraphs 6.8 to 6.15 of the Statement of Licensing Policy which states the criteria that will be applied to any decision for new applications or variations which include extending hours.

6.2 In brief the Policy states at 6.14 that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so.

6.3 The council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not adversely impact on the licensing objectives.

6.4 A list of premises in the local area and their licensed hours and activities is provided at **Appendix F**.

7 Equality and Diversity Implications

7.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the licensing subcommittee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

8 Options Available to Members

8.1 The Licensing Sub Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the application as requested.
- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Refuse to specify the said person as the designated premises supervisor.
- Reject the whole or part of the application.

8.2 Members of the Licensing Sub Committee are asked to note that they may not reject the whole or part of the application merely because they consider it desirable to do so. It must be appropriate in order to promote the licensing objectives.

9 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy