

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday 7 May 2024

Subject: Review of the Premises Licence for K & B Stores, 31C Harehills Road, Harehills, Leeds, LS8 5HR

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 K & B Stores, 31C Harehills Road, Harehills, Leeds, LS8 5HR.

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 review is lodged on the grounds of a failed test purchase by the premises in relation to illicit tobacco and a joint operation which resulted in the seizure of illicit tobacco and non-compliant electronic cigarettes from the premises.

Representations supporting the review have been received from Entertainment Licensing, Public Health and the Local Ward Councillors.

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 made by West Yorkshire Police in respect of K & B Stores, 31C Harehills Road, Harehills, Leeds, LS8 5HR. The application is made on the grounds of the prevention of crime and disorder, public safety, and the protection of children from harm. The application can be found at **Appendix A**.

2.0 Background Information

- 2.1 The premises currently has the benefit of a premises licence, issued in October 2013.
- 2.2 Applications to transfer the licence and change the designated premises supervisor to the current named individuals were received in 2015. Both applications were granted as applied for.
- 2.3 A valid review application was served on the Licensing Authority and the statutory consultation period began on 14th March 2024.

3.0 Premises Licence

- 3.1 The premises licence holder is Mr Ismail Khalid Mostafa.
- 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)
Every Day 10:00 – 23:00*

4.0 Designated Premises Supervisor

- 4.1 The Designated Premises Supervisor for the premises is Mr Ismail Khalid Mostafa.

5.0 Location

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

6.0 Main Issues

- 6.1 On 19 January 2024 Trading Standards Officer carried out a test purchase at the premises in which the premises failed by selling illicit tobacco.
- 6.2 On 24 January 2024 Trading Standards and West Yorkshire Police carried out an inspection of the premises resulting in the seizure of illicit tobacco from a concealed location and the seizure of illegal electronic 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 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);
- 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