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## Report of the Chief Officer Elections and Regulatory

### Report to the Licensing Sub Committee

**Date:** Tuesday, 7 November 2023

**Subject:** Review of the Premises Licence for HGS-UK Ltd (Harehills Maxi Foods),  
268 - 270 Harehills Lane, Harehills, Leeds, LS9 7BD

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:		

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### Executive Summary

This report informs Licensing Sub Committee Members that West Yorkshire Police have served on the Licensing Authority an application under Section 51 of the Licensing Act 2003 for a review of the premises licence in respect of HGS-UK Ltd, 268 - 270 Harehills Lane, Harehills, Leeds, LS9 7BD.

The review application was served on the Licensing Authority on 19 September 2023.

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 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 premises licence review, sought by West Yorkshire Police in respect of HGS-UK Ltd, 268 - 270 Harehills Lane, Harehills, Leeds, LS9 7BD. The application is made on the grounds of the prevention of crime and disorder and public safety. A copy of the application is available at **Appendix A**.
- 1.2 Documentation submitted by West Yorkshire Police in support of their application can be found at **Appendix B**. At the time the review application was made supporting information consisted of a statement provided by a West Yorkshire Trading Standards' Officer and photographic evidence. After service of the application a further statement has been provided by a police officer, giving details of a failed test purchase by the premises on the 13 September 2023 in which alcohol was sold to persons under the age of 18 years.

## **2.0 Background Information**

- 2.1 The premises licence for these premises was granted as applied for in August 2013, subject to measures agreed with the Environmental Protection Team. At the time the licence authorised the sale by retail of alcohol for consumption off the premises, Monday to Saturday 08:00 until 23:00, and Sunday 10:00 until 22:30.
- 2.2 Further to the grant of the premises licence a number of applications have been made to transfer the licence and to vary the licence to specify a new individual as the Designated Premises Supervisor.
- 2.3 HGS-UK Ltd., the current premises licence holder, lodged an application to transfer the licence in March 2017. The application did not attract any objection and was duly granted as applied for.
- 2.4 An application to vary the premises licence was received in January 2018, proposing to extend the sale by retail of alcohol to 24 hours a day, 7 days a week. The application attracted representations from the Environmental Protection Team (measures agreed prior to the hearing) and other persons, i.e. two local residents and a local ward councillor. The Licensing Sub Committee resolved to grant the application as applied for, subject to imposing two additional conditions relating to the installation of a service hatch and the service hatch to be included in the CCTV coverage at all times the hatch is in use.
- 2.6 An application to specify the current DPS, Hedi Hazem Ali, was lodged in March 2022 and granted as applied for.

## **3.0 Premises Licence**

- 3.1 The premises licence holder is HGS-UK Ltd.
- 3.2 Details of the premises licence can be found at **Appendix C** of this report. In summary, the premises licence authorises the following:

*Sale by Retail of Alcohol (for consumption off the premises)  
Monday to Sunday, 08:00 until 07:59*

*Times when the premises are open to the public:  
Monday to Sunday, 08:00 until 07:59*

#### **4.0 Designated Premises Supervisor**

4.1 The Designated Premises Supervisor for the premises is Hedi Hazem Ali.

#### **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 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 counterfeit and smuggled tobacco from the licensed premises.

6.2 The review applicant, West Yorkshire Police, consider Harehills Maxi Foods are not promoting the licensing objectives, and in fact are supporting serious and organised crime by being involved in the smuggling of goods to the UK.

6.3 A later visit to the premises found the licence holder to be in breach of the licence condition relating to the minimum retention period of CCTV recordings.

6.4 On 13 September 2023 an operation targeting the sale of alcohol to persons under the age of 18 years of age was undertaken by West Yorkshire Police in which the premises failed the test purchase by selling alcohol to two test purchase children of 14 and 15 years of age.

6.5 The applicant's representative has made the Licensing Authority aware that the premises passed the follow up test purchase on 25 September 2023.

#### **7.0 Relevant Representations**

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 A letter in support of the review application has been received from a Senior Liaison and Enforcement Officer on behalf of Entertainment Licensing. Members' attention is drawn to a copy of the representation **Appendix E**.

#### **8.0 Cumulative Impact**

8.1 The Cumulative Impact Policy for Harehills was approved by the Licensing Committee in Oct 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 11.16 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	Supporting Documentation
Appendix C	Premises Licence
Appendix D	Map of premises
Appendix E	Entertainment Licensing Representation
Appendix F	Extract from the s182 Guidance