

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 6th February 2024

Subject: Review of the Premises Licence for Gold Classic, 315 Harehills Lane, Harehills, Leeds, LS9 6AA,

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 the premises licence in respect of Gold Classic, 315 Harehills Lane, Harehills, Leeds, LS9 6AA.

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 application to review the licence follows a joint operation visit by HMRC, West Yorkshire Trading Standards, West Yorkshire Police and Leeds City Council's Entertainment Licensing Section. The visit resulted in the seizure of large amounts of non-compliant electronic cigarettes and non-duty paid cigarettes from the premises.

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 Gold Classic, 315 Harehills Lane, Harehills, Leeds, LS9 6AA. 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**.
- 1.2.1 West Yorkshire Police have submitted additional information in support of the application which can be found at **Appendix B**. This comprises of a police officer statement, West Yorkshire Trading Standards Officer Statement and photographic evidence.

2.0 Background Information

- 2.1 February 2014: The initial premises licence application was served on the licensing authority. The application was submitted prior to the introduction to Harehills Cumulative Impact Assessment Area (CIA). The application was subsequently granted as applied for.
- 2.2 28th July 2023: An application was received by the licensing authority to transfer the premises licence and vary the designated premises supervisor to the current licence holder Hemen Jalal which was issued and effective from 2nd August 2023.

3.0 Premises Licence

- 3.1 The premises licence holder is Hemen Jalal.
- 3.2 Details 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	08:00 - 23:00
Sunday	10:00 - 22:30

Opening hours of the premises

Monday to Saturday	08:00 - 23:00
Sunday	10:00 - 22:30

4.0 Designated Premises Supervisor

- 4.1 The Designated Premises Supervisor for the premises is Hemen Jalal.

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 visit by HMRC, West Yorkshire Trading Standards, West Yorkshire Police and Leeds City Council's Entertainment Licensing Section. The visit resulted in the seizure of large amounts of non-compliant electronic cigarettes and non-duty paid cigarettes from the premises.

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/Letters of Support

- 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 The Licensing Authority is in receipt of three representations in support of the review application and copies are available as follows:
- Senior Liaison & Enforcement Officer, Entertainment Licensing - **Appendix E**
 - Senior Liaison & Enforcement Officer, Entertainment Licensing Exhibit Documents – **Appendix F**
 - Leeds City Council, Public Health - **Appendix G**
 - Gipton & Harehills Ward Councillors - **Appendix H**

8.0 Matters Relevant to the Application

- 8.1 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.
- 8.2 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 I**. Members must also have regard to the Council's licensing policy, the relevant representations made and evidence they hear.

9.0 Implications for Council Policy and Government

- 9.1 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.

10.0 Legal and Resource Implications

- 10.1 There are no resource implications in determining the review.
- 10.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrate's Court.

11.0 Recommendations

- 11.1 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);
- exclude any licensable activities to which the application relates;
- to remove the Designated Premises Supervisor;
- to suspend the licence for a period not exceeding 3 months; and/or
- to revoke the licence.

- 11.2 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.
- 11.3 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.
- 11.4 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.
- 11.5 Members are directed to paragraphs 11.24 to 11.28 of the Statutory Guidance which related to reviews arising in connection with crime.
- 11.6 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	Review Supporting Documents
Appendix C	Premises Licence
Appendix D	Map of premises
Appendix E	Licensing Authority Representation
Appendix F	Licensing Authority Representation Exhibits
Appendix G	Public Health Representation
Appendix H	Ward Councillors Representation
Appendix I	Review Guidance