

## Report of the Chief Officer Elections and Regulatory

### Report to the Licensing Sub Committee

**Date:** Thursday 8 February 2024

**Subject:** Review of the Premises Licence for Mama Rose Food And Wine, 23 Compton Road, Burmantofts, Leeds, LS9 7BJ.

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 Mama Rose Food and Wine, 23 Compton Road, Burmantofts, LS9 7BJ.

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 grounds for review relate to the seizure of illicit tobacco, non-duty paid alcohol, illegal vapes and a failed test purchase.

The application was originally scheduled for consideration on 16 January 2024 and deferred at the request of the applicant's representative. The application to adjourn was made following applications to transfer the premises licence and to vary the licence to specify a new individual as the Designated Premises Supervisor, received by the Licensing Authority on the 11 January 2024. West Yorkshire Police have not objected to the applications.

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 Mama Rose Food & Wine, 23 Compton Road, Burmantofts, Leeds, LS9 7BJ. 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 the form of officer statements and photographic evidence.

## **2.0 Background Information**

- 2.1 The premises currently has the benefit of a premises licence issued in November 2011.
- 2.4 An application was received by the Licensing Authority in January 2022 to transfer the premises licence to Mr Narmin Ahmed. The application which was granted as applied for. Mr Ahmed was the licence holder at the time the review application was served on the Licensing Authority.
- 2.5 In May 2022 a minor variation was submitted to make changes to the layout of the premises, including the relocation of the counter and the repositioning of CCTV. The application was granted as applied for.
- 2.6 The review application to be considered by the Licensing Sub Committee today was received by the Licensing Authority on the 16 November 2023.
- 2.7 On 13 December 2023 the Licensing Authority received an application to appoint Mr Karwen Saleh as the Designated Premises Supervisor. The application attracted an objection notice from West Yorkshire Police and the matter was due to be considered and determined by the Sub Committee on the 16 January 2024. The applicant, Mr Narmin Ahmed, withdrew the application on 12 January 2024 and the hearing was dispensed.
- 2.8 On 11 January 2024 applications were received to transfer the premises licence to Compton Store Leeds Ltd. and to vary the licence to specify Hekmat Redini as the Designated Premises Supervisor. On receiving notice of the applications West Yorkshire Police have 14 days to lodge an objection on the grounds of the prevention of crime & disorder. There was no objection served in respect of either application.

## **3.0 Premises Licence**

- 3.1 The premises licence holder is Compton Store Leeds Ltd.
- 3.2 A copy of the premises licence details 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).  
Mon-Sat 06:30 – 21:00 and Sun 08:00 – 21:00*

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

4.1 The Designated Premises Supervisor for the premises is Hekmat Redini.

#### **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 Several instances throughout 2023 have resulted in failed test purchases by the premises and the seizure of non-duty paid alcohol and tobacco from the premises.

6.2 On the 2 November 2023 a multiagency inspection resulted in the seizure of illicit tobacco from a concealed location on the premises. Officers also seized illegal disposable vapes.

6.3 The evidence obtained demonstrate those operating the premises are not promoting the licensing objectives and are supporting serious and organised crime by being involved in the smuggling of goods to the UK.

#### **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