



LICENSING SUB-COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON

FRIDAY, 19TH AUGUST, 2016 AT 10.00 AM

MEMBERSHIP

Councillors

M Coulson - Pudsey;
C Townsley - Horsforth;
G Wilkinson - Wetherby;

Agenda compiled by:
Governance Services
Civic Hall
LEEDS LS1 1UR
Tel No: 2243836

A G E N D A

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|---------|------|---------------|--|---------|
| 1 | | | <p><u>PRELIMINARY PROCEDURES</u></p> <p>ELECTION OF THE CHAIR</p> | |
| 2 | | | <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p> | |

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| 3 | | | <p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1) To highlight reports or appendices which:</p> <p>a) officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>b) To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>c) If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p> <p>2) To note that under the Licensing Procedure rules, the press and the public will be excluded from that part of the hearing where Members will deliberate on each application as it is in the public interest to allow the Members to have a full and frank debate on the matter before them.</p> | |
| 4 | | | <p>LATE ITEMS</p> <p>To identify any applications as late items of business which have been admitted to the agenda for consideration</p> <p>(the special circumstances shall be identified in the minutes)</p> | |

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| 5 | | | <p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p> <p><u>HEARINGS</u></p> | |
| 6 | Armley | Appendices A and D 10.4 (1, 2, 7) | <p>REVIEW OF THE PREMISES LICENCE FOR WELLINGTON STORES, WELLINGTON STORES, 27 HOLDFORTH PLACE, NEW WORTLEY, LEEDS, LS12 1YG.</p> <p>To consider the report of the Head of Elections, Licensing and registration on application received for the Review of the Premises Licence following the issuing of a Closure Notice in respect of Wellington Stores, 27 Holdforth Place, New Wortley, Leeds, LS12 1YG. The application for the closure notice review of the Premises Licence has been made by West Yorkshire Police and Leeds ASB Team under Section 167 of the Licensing Act 2003.</p> <p>Please note that Appendices A and D of the report are marked as exempt from publication under the provisions of Access to Information Procedure Rule 10.4 (1, 2 & 7)</p> | 1 - 104 |

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| | | | <p><u>Third Party Recording</u></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties – code of practice</p> <ul style="list-style-type: none"> a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete. | |
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Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 19th August 2016

Subject: Review of the Premises Licence for Wellington Stores, Wellington Stores, 27 Holdforth Place, New Wortley, Leeds, LS12 1YG.

| | | |
|--|---|--|
| Are specific electoral Wards affected? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If relevant, name(s) of Ward(s): Armley | | |
| 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 checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If relevant, Access to Information Procedure Rule number: | | |
| <p>NOT FOR PUBLICATION</p> <p>Exempt under Regulation 14 of the Licensing Act 2003</p> <p>Hearings Regulations 2005</p> <p>(SI 2005 No. 44)</p> <p>Appendix A & D</p> | | |

Executive Summary

This report informs Members of an application for the closure notice review of a Premises Licence under Section 167 of the Licensing Act 2003, sought by West Yorkshire Police/Leeds ASB Team in respect of Wellington Stores, 27 Holdforth Place, New Wortley, Leeds, LS12 1YG. The licensing authority is now under a duty to review the licence held by these premises.

1.0 Purpose of this Report

1.1 This report provides Members with the background and history to the making of the review application triggered by a closure notice issued by Leeds Magistrates Court. (**Appendix A**). The report sets out the relevant law when reviewing licences under the Licensing Act 2003 ("the Act"), and informs members of the options available to them when reviewing a premises licence.

2.0 Background Information

2.1 On the 4th August 2005 an application to renew an existing justice's off licence was received. The application was granted as applied for.

An application to transfer the premises licence holder and change the designated premises supervisor was received on the 6th November 2015. Both these applications were granted.

3.0 Premises Licence

3.1 The premises licence holders are Malkit Singh Bahi & Kuldip Kaur Bahi.

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 Mon - Sat 08:00 - 23:00

Sale by retail of alcohol Sun 10:00 - 22:30

The opening hours of the premises are Mon - Sat 08:00 - 23:00 and Sun 10:00 - 22:30.

There are no standard timings on this licence.

4.0 Designated Premises Supervisor

4.1 The Designated Premises Supervisor for the premises is Kuldip Kaur Bahi.

5.0 Location

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

6.0 Main Issues

6.1 The application to review the licence relates to the following licensing objectives - **The prevention of crime and disorder**.

In summary the grounds for the review are as follows: A closure order was issued by Leeds Magistrates Court on 21st July 2016 following an application made by West Yorkshire Police /Leeds Anti-Social behaviour team on the grounds that the premises have been associated with anti-social behaviour and disorder for some time.

The leaseholder of the store has been approached by both council and police officers with a view to dealing with the problems but to no avail.

The closure order was necessary to prevent repetition of the disorder and nuisance associated with these premises.

The closure order has triggered a review of the premises.

In addition to the application, West Yorkshire Police have provided supplementary evidence to support the closure notice review application. This is attached at **Appendix D**.

It should be noted that certain information within the closure notice review application is potentially exempt information under the Access to Information rule (10.4 1,2 & 7). This information is also replicated in **Appendix A & D**.

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.

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 circumstance of the review does not require the Committee to take any steps to promote the licensing objectives.

11.3 Members should note the guidance also 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 11.25 to 11.31 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.

12.0 Background Papers

- 12.2 Leeds City Council Statement of Licensing Policy

Appendices

- | | |
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| Appendix A | Review application |
| Appendix B | Premises Licence |
| Appendix C | Map of premises |
| Appendix D | Supplementary Evidence |

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Premises Licence

Appendix B

Part A Schedule 12 Licensing Act 2003

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

Wellington Stores, 27 Holdforth Place, Armley, Leeds, LS12 1YG

Licensable activities authorised by this licence

Sale by retail of alcohol

Times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol

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

Opening hours of the premises

The hours of licensable activities for the premises are as above.

There are no regulated opening hours for non-licensable activities.

Alcohol is sold for consumption off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Malkit Singh Bahi

Kuldip Bahi

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Kuldip Kaur Bahi

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal licence number: LEEDS/PERL/00919/05

Licensing authority: Leeds City Council

Licence issued under the authority of Leeds City Council

Licensing Officer
Entertainment Licensing
Elections, Licensing and Registration

Annex 1 – Mandatory Conditions

1. No supply of alcohol may be made under this licence
 - a. At a time when there is no designated premises supervisor in respect of the premises licence, or
 - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- a. a holographic mark, or
 - b. an ultraviolet feature.
4. Where the number of children attending the entertainment exceeds 100 the licensee shall ensure that the provisions of Section 12 of the Children and Young Persons Act 1933 are complied with.
5. Alcohol shall not be sold or supplied except during the hours stated on this licence and:
 - a. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
 - b. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
6. The above restrictions do not prohibit:
 - a. the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first thirty minutes after above hours;
 - b. the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals.
 - c. consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;
 - d. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
 - e. the sale of alcohol to a trader or club for the purposes of the trade or club;

- f. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's Naval, Military or Air Forces;
- g. the taking of alcohol from the premises by a person residing there; or
- h. the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- i. the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1 of this condition -

- a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b. "permitted price" is the price found by applying the formula $P = D + (D \times V)$ where -
 - i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e. "value added tax" mean value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

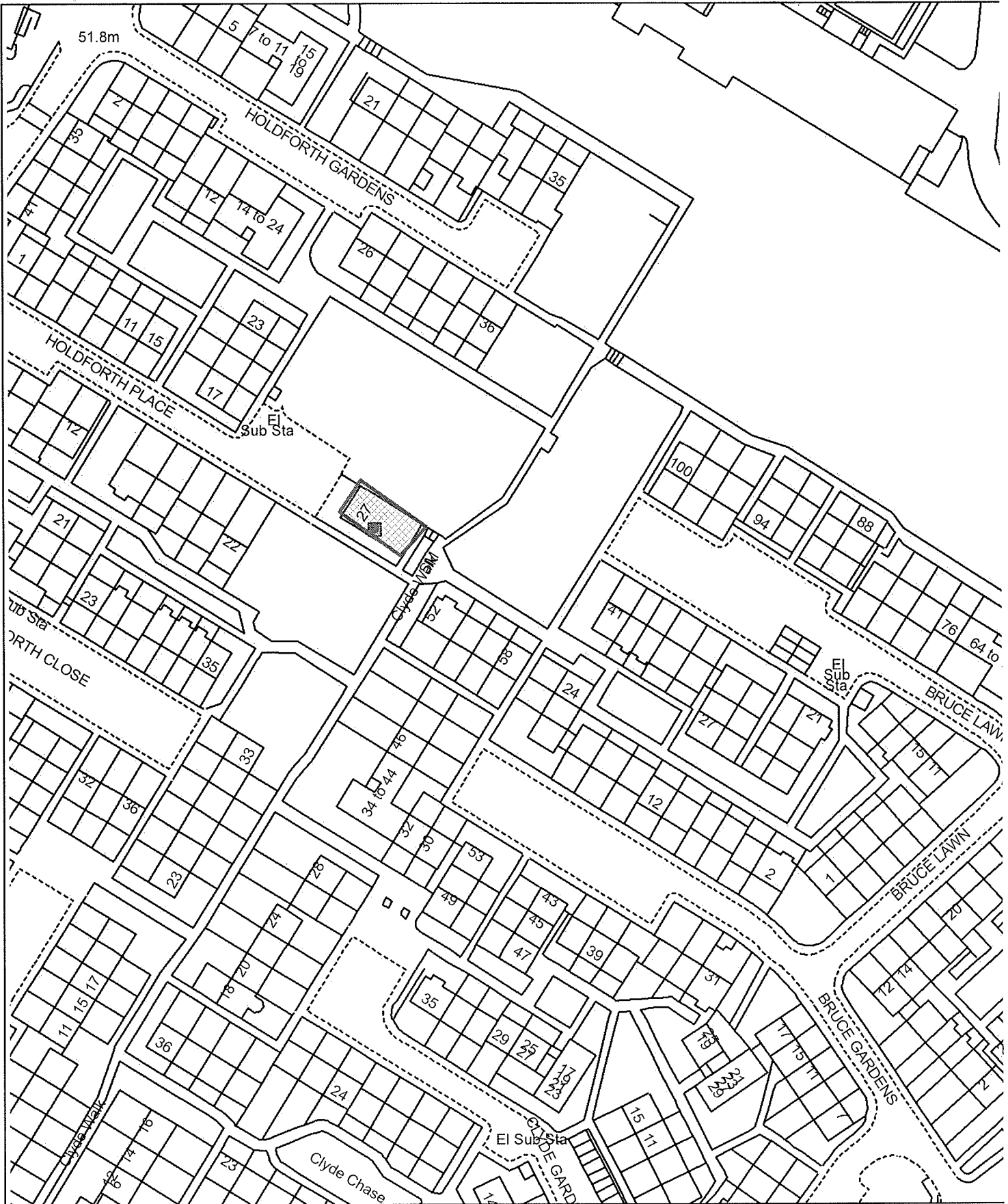
None

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

The plans for these premises are as those submitted with the application. A copy of which is held by Leeds City Council licensing authority.







This map is based upon the Ordnance Survey's digital data with the permission of the Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office

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