



Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Monday 18th November 2013

Subject: Review of the Premises Licence for Hyde Park Newsagents, 7 Hyde Park Road, Woodhouse, Leeds, LS6 1PY

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Hyde Park & Woodhouse	
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 Members of an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003, sought by West Yorkshire Police in respect of Hyde Park Newsagent, 7 Hyde Park Road, Woodhouse, Leeds, LS6 1PY. 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 provides Members with the background and history to the making of the review application made by West Yorkshire Police. 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 An application for a premises licence was made in April 2008 for the sale by retail of alcohol. No representations were received and a licence was granted as applied for.

No further applications have been made since the original application.

3.0 Premises Licence

3.1 The premises licence holders are Mr Mohebullah Noori and Mr Mohammed Akbar Noori.

3.2 A copy of the premises licence can be found at **Appendix A** of this report. In summary, the premises licence permits the following:

- **Sale by Retail of Alcohol**
Every Day 06:30 – 22:00
- **Opening Hours to the public**
Every Day 06:30 – 22:00

4.0 Designated Premises Supervisor

4.1 The Designated Premises Supervisor for the premises is Mr Mohebullah Noori.

5.0 Location

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

6.0 Main Issues

6.1 In summary the grounds for the review are that these off-licence premises and the Premises Licence Holder are and have been the subject of an investigation by HM Revenues and Customs.

Over the last 3 consecutive years seizures have been made for counterfeit products and goods which have not had UK duty paid.

Evidence shows that there is persistent and clear intention by the Premises Licence Holder to trade fraudulently at these premises, therefore undermining the licensing objectives as described above.

Member's attention is drawn towards a copy of the review application at **Appendix C** of this report. The application contains more in-depth information on the grounds for review.

7.0 Relevant Representations/Letters of Support

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 No further representations or letters of support have been received with respect of this application.

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. A copy of the relevant section is attached at **Appendix D**. 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 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

12.1 Guidance issued under s182 Licensing Act 2003

12.2 Leeds City Council Statement of Licensing Policy

Appendices

Appendix A	Premises Licence
Appendix B	Map of premises
Appendix C	Review application
Appendix D	Extract from the S182 Guidance