



Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Monday 10th March 2014

Subject: Review of the Premises Licence for Church Lane Off Licence, 78 Church Lane, Manston, Leeds, LS15 8JE

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Crossgates & Whinmoor	
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: 10.4(7)		
Appendix D is considered exempt under the provision of Paragraph 14 of the Licensing Act 2003 (Hearings Regulations 2005)		

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, Church Lane Off Licence, 78 Church Lane, Manston, Leeds, LS15 8JE. 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 (**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 An application to convert the existing Justices' Off Licence in to a premises licence was made by the current licence holder, Mr Parvinder Singh Kang, on the 6th August 2005.

2.2 The application did not attract representation from any parties and the licence was duly granted as requested with effect from 24th November 2005.

3.0 Premises Licence

3.1 The premises licence holder is Mr Parvinder Singh Kang.

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:

Supply of Alcohol (for consumption off the premises only)

08:00 until 23:00 hours Monday to Saturday

10:00 until 22:30 hours Sunday

Non Standard Timings

No non standard timings for Bank Holidays or special occasions are stipulated on the licence.

4.0 Designated Premises Supervisor

4.1 The Designated Premises Supervisor for the premises is Mr Parvinder Singh Kang.

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 The grounds for this review centre principally on the suspicion that these premises are supplying alcohol to children, or to adults for the consumption of children waiting outside the store.

6.2 Consequently the actions of the store have had a damaging impact on the local community.

6.3 The premises have failed to engage in any action plan process, along with failing to respond to three letters from West Yorkshire Police inviting them to meetings and notifying them of the impending review.

6.4 In addition to the review application, West Yorkshire Police have provided supplementary evidence which is attached at **Appendix D** for Members consideration. This includes a chronology of events leading up to the review, witness statements of police officers/local residents, and letters which have been sent to the licence holder regarding the above issues.

6.5 It should be noted that the contents of this appendix are potentially exempt information under Access to Information Procedure Rule 10.4(7) as these include information relating to any particular person and it may contain information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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 A representation opposing the manner in which the business is run has been received on behalf of a local resident. The author expresses concerns over the negative impact the premises is having in the local area, along with accounts of several incidents which have happened in the vicinity. Member's attention is drawn to **Appendix E** of this report.

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 F**. 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 Review Application
- Appendix B Premises Licence
- Appendix C Location of Premises
- Appendix D Supplementary Information
- Appendix E Public Representation
- Appendix F Extract from the S182 Guidance