

**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><b>NOT FOR PUBLICATION</b></p> <p><b>Exempt under Regulation 14 of the Licensing Act 2003</b></p> <p><b>Hearings Regulations 2005</b></p> <p><b>(SI 2005 No. 44)</b></p> <p><b>Appendix A &amp; D</b></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**

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