
Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 1st September 2021

Subject: Review of the Premises Licence for Baltic Supermarket, 4 Branch Road, Armley, Leeds, LS12 3AQ.

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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		

Executive Summary

This report informs Members 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 Baltic Supermarket, 4 Branch Road, Armley, Leeds, LS12 3AQ.

The application was served on the Licensing Authority on the 9th July 2021.

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 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 the Members of the Licensing Sub Committee of an application for a licence review made by West Yorkshire Police in respect of Baltic Supermarket, 4 Branch Road, Armley, Leeds, LS12 3AQ. The application is made on the grounds of the prevention of crime and disorder, the prevention of public nuisance and public safety. The application can be found at **Appendix A**.

2.0 Background Information

- 2.1 An application for a new premises licence was received by the Licensing Authority on the 22nd July 2014, trading as Neli's Bar. The application attracted representations however agreements were reached prior to the hearing. Subsequently the application was withdrawn from hearing and the licence granted.
- 2.2 On the 23rd January 2015 West Yorkshire Police submitted a review application to the premises on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance. The application stated the review was made due to several incidents at the premises which involved people fighting inside and outside. There were also several complaints regarding noise disturbance. The hearing took place on the 16th March 2015 and members of the licensing sub-committee made the decision to revoke the premises licence.
- 2.3 Mr Ranj Rashid Raza was not the licence holder at this time.
- 2.4 On the 3rd August 2015 an application for a new premises licence trading as an off licence was submitted by Mr Ranj Rashid Raza. The application attracted representations and a hearing was scheduled. Members decided to grant the licence with additional conditions attached.
- 2.5 An application to transfer the premises licence holder was received on the 9th August 2018. This was granted as applied for and the licence was issued.
- 2.6 In 2018 the Licensing Authority received applications to transfer the licence holder and change the designated premises supervisor back to Mr Ranj Rashid Raza. These were successfully granted.

3.0 Premises Licence

- 3.1 The premises licence holder is Mr Ranj Rashid Raza.
- 3.2 A copy of the premises licence can be found at **Appendix B** of this report.
- 3.3 In summary, the premises licence permits the following:

Sale by retail of alcohol, Every day 09:00 – 20:00.

4.0 Designated Premises Supervisor

- 4.1 The Designated Premises Supervisor for the premises is Mr Ranj Rashid Raza.

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 A series of incidents leading to searches of the licence holder, the licence holder's residential address and the licensed premises, has resulted in the seizure of a large quantity of class B controlled substances. Searches of the licensed premises has also led to the seizure of a large quantity of alcohol and tobacco products with suspicions that UK excise duty has not been paid.
- 6.2 A full chronology of events leading up to the submission of the review application are detailed in the attached copy of the review application at Appendix A of this report.

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 letter in support of the review application has been submitted by West Yorkshire Trading Standards in their capacity as a responsible authority. A copy of this document can be found at **Appendix D** of the 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 (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.

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);
 - 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 circumstances of the review do not require the Committee to take any steps to promote the licensing objectives.
- 11.3 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.
- 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 11.24 to 11.28 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.

Appendices

Appendix A	Review application
Appendix B	Premises Licence
Appendix C	Premises Location
Appendix D	Representation in support of review
Appendix E	Extract from the s182 Guidance