

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 11th January 2022

Subject: Application to vary a premises licence held by Mama Mia Convenience Store Ltd, 274 Harehills Lane, Harehills, Leeds, LS9 7BD, to specify an individual as designated premises supervisor

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| Are specific electoral Wards affected? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If relevant, name(s) of Ward(s): Gipton & Harehills | | |
| 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: Appendix number: | | |

Summary of main issues

This is an application to vary a premises licence held by Mama Mia Convenience Store Ltd, 274 Harehills Lane, Harehills, Leeds, LS9 7BD, to specify an individual as designated premises supervisor.

The application is to specify Ali Mohamad as the designated premises supervisor.

West Yorkshire Police have been served a copy of this application and have made a representation objecting to the grant of this application.

The application was to be considered concurrently with pending review application, scheduled for hearing on the 16th November 2021.

It became apparent at the hearing that the licence holder understood little or no English. At the request of the licence holder's representative the Licensing Sub Committee resolved to adjourn the hearing to allow an interpreter to be present at the hearing and for the licence holder to fully understand the proceedings. The Committee were of the view that without the full participation of the licence holder it was not appropriate to proceed and that it would be fundamentally unfair to the licence holder to do so.

1 Purpose of this report

- 1.1 To advise Members of an application made under section 37 of the Licensing Act 2003 ("the Act") to vary a premises licence in order to specify Ali Mohamad as the designated premises supervisor.
- 1.2 The Licensing Sub Committee is required to consider this application due to the receipt of a representation from West Yorkshire Police. This is submitted in accordance with Section 37 of the Licensing Act 2003.

2 The application

- 2.1 The applicant's name is Mama Mia Convenience Store Ltd, 274 Harehills Lane, Harehills, Leeds LS9 7BD.
- 2.2 The proposed designated premises supervisor is Ali Mohamad.
- 2.3 A copy of the application is attached at Appendix A of this report.

3 Representations

- 3.1 Under the Act, representations can be received from West Yorkshire Police and must be relevant to the prevention of crime and disorder. Please find attached a copy of the representation at Appendix B.
- 3.2 The application to vary the licence to specify a designated premises supervisor was received on 24th September 2021, the same day that West Yorkshire Trading Standards applied to review the premises licence. Under the legislation hearings must be held within a specific time limit. However, they permit licensing authorities to extend a time limit provided for by those Regulations for a specified period where it considers this to be necessary in the public interest.
- 3.3 In this case as the evidence provided in the representation made by West Yorkshire Police is similar to the circumstances surrounding the review of the licence requested by West Yorkshire Trading Standards, it is within the public interest for both matters to be heard by the same licensing sub-committee. It will be for the committee to decide the order in which they determine both matters.

4 Equality and diversity implications

- 4.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

5 Option available to Members

- 5.1 Members of the Licensing Sub Committee must make decisions with a view to promoting the relevant licensing objectives which, in the case of a change of designated premises supervisor, is the prevention of crime and disorder. Members may decide to:

- Grant the application as requested.

- Refuse to specify the said person as the designated premises supervisor.

6 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy