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## Report of the Chief Officer Elections and Regulatory

### Report to the Licensing Sub Committee

**Date:** Tuesday 27th September 2022

**Subject:** Review of the Premises Licence for LOCAL, 4 Market Place, Pudsey, Leeds, LS28 7UA

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Pudsey	
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:		

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### Executive Summary

This report informs Members that West Yorkshire Police have served on the licensing authority an application under section 51 of the Licensing Act 2003 for a review of the premises licence in respect of LOCAL, 4 Market Place, Pudsey, Leeds, LS28 7UA. The application was served on the 2<sup>nd</sup> August 2022.

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 Members of the Licensing Sub Committee of an application to review a premises licence sought by West Yorkshire Police in respect of LOCAL, 4 Market Place, Pudsey, Leeds, LS28 7UA. The application is made on the grounds of the prevention of crime and disorder and the protection of children from harm. The application can be found at **Appendix A**.
- 1.2 In support of the application West Yorkshire Police have submitted additional information for Members' consideration, which can be found at **Appendix B**. This include a number of statements and a chronology of incidents connected to the premises.

## **2.0 Background Information**

- 2.1 The premises have had the benefit of a premises licence since the transitional period in 2005, where an application to convert the existing Justices' Off Licence into a premises licence was received by the Licensing Authority. The application was granted as requested, effective from the 24th November 2005.
- 2.2 Applications to both transfer the premises licence into the current licence holder's name and to vary the licence to specify the current designated premises supervisor, were received by the Licensing Authority in March 2018. Neither application attracted a representation from West Yorkshire Police and they were both duly granted as request with immediate effect.

## **3.0 Premises Licence**

- 3.1 The premises licence holder is Syed Jabbar Ahmed.
- 3.2 A copy of the premises licence details can be found at **Appendix C** of this report. In summary, the premises licence authorises the following:

Sale by retail of alcohol for consumption off the premises:

08:00 until 23:00 hrs Monday to Saturday

10:00 until 22:30 hrs Sunday

Times when the premises will be open to the public:

08:00 until 23:00 hrs Monday to Saturday

10:00 until 22:30 hrs Sunday

## **4.0 Designated Premises Supervisor**

- 4.1 The Designated Premises Supervisor for the premises is Syed Jabbar Ahmed.

## **5.0 Location**

- 5.1 A map which identifies the location of the premises are attached at **Appendix D**.

## **6.0 Main Issues**

6.1 West Yorkshire Police have had an interest in the premises for a number of years due to reports of the selling of alcohol and e-cigarettes to underage persons. Test purchases made at the premises by West Yorkshire Police and West Yorkshire Trading Standards have failed, as it is suspected the premises licence holder only sells restricted products to underage persons he knows and by using code words to avoid test purchase volunteers.

## **7.0 Relevant Representations**

7.1 Under the Act representations 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 The application has not attracted any individual representations from responsible authorities.

7.3 The Licensing Authority is in receipt of eight individual representations on behalf of other persons supporting the review application sought by West Yorkshire Police. Four of those parties have requested to remain anonymous throughout the process due to fear of reprisals.

7.4 Redacted copies of each representation can be found at **Appendix E** and original copies will be circulated to Licensing Sub Committee Members in advance of the hearing.

## **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 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 11.16 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	Supporting information
Appendix C	Premises Licence details
Appendix D	Map of premises
Appendix E	Representations in support of review
Appendix F	Extract from the s182 Guidance