

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday, 5 December 2023

Subject: Applications for the Transfer of Premises Licence and the Variation of Premises Licence to specify an individual as Designated Premises Supervisor for Baba Jaga 2, 12 - 14 Strathmore Drive, Harehills, Leeds, LS9 6AB

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 in relation to two applications received by the Licensing Authority in respect of Baba Jaga 2, 12-14 Strathmore Drive, Harehills, Leeds, LS9 6AB; an application to transfer the premises licence and an application to vary the licence to specify an individual as the designated premises supervisor(DPS).

The application to transfer the licence is made to appoint Gusto Market Mini Ltd. as the licence holder.

The application to vary the licence is made to specify Nabaz Ibrahim Karim as the designated premises supervisor.

The applications have been served on West Yorkshire Police and objections have been made to both applications.

The licence is currently subject to review proceedings, and it is expected the review application will be referred to during the hearing. Further information is available under the 'Licence History' of the report.

1 Purpose of this Report

- 1.1 To advise Members of an application made under section 42 of the Licensing Act 2003 ("the Act") to transfer a premise licence and an application under section 37 of the Act to vary a premises licence to specify an individual as DPS.
- 1.2 The Licensing Sub Committee is required to consider each application due to the receipt of objection notices from West Yorkshire Police.

2 Licence History

- 2.1 This premises currently has the benefit of a premises licence issued during the transitional period in November 2005.
- 2.2 In January 2022 an application was received to transfer the premises licence to the existing licence holder, Baba Jaga 2 Ltd. The application did not attract an objection and it was granted as applied for.
- 2.3 In February 2022 an application was received to appoint Omar Rashka as the existing premises supervisor. The application did not attract an objection and it was granted as applied for.
- 2.4 On 18 October 2023 West Yorkshire Police applied to review the premises licence following a multi-agency operation targeting off licence premises in Harehills. Following receipt it became apparent that the application had not been signed and West Yorkshire Police were instructed to resubmit.
- 2.5 The applications which form the subject of this report, the transfer of premises licence and the variation to the DPS, were received by the Licensing Authority on 24 October 2023. The relevant section of both applications were marked to have immediate effect.
- 2.6 A new and valid review application was served on the Licensing Authority on 6 November 2023 and it is currently pending. The grounds for review are the seizure of illicit tobacco, non-duty paid alcohol, illegal vapes and a failed test purchase where the premises sold alcohol to Police Cadets under the age of 18 years old.
- 2.7 On 10 November 2023 an application for minor variation of the premises licence was submitted by the licence holder, Gusto Market Mini Ltd. The application proposed a number of additional conditions to the licence which in effect has created a more robust operating schedule. One of those conditions is that Omar Rashka will be excluded from holding the licence, acting as DPS and being involved in the day-to-day running of the business.
- 2.8 With no relevant representations received, the minor variation application was granted as requested on the 25 November 2023.
- 2.9 A copy of the current premises licence details is available at Appendix A.

3 The Application

- 3.1 The proposed licence holder is Gusto Market Mini Ltd.
- 3.2 The proposed Designated Premises Supervisor is Nabaz Ibrahim Karim.
- 3.3 A copy of the application to transfer the premises licence is attached at Appendix B of this report.
- 3.4 A copy of the application to vary the licence to specify an individual as the premises supervisor is attached at Appendix C.

4 Representations

- 4.1 Under the Act representations can be received from West Yorkshire Police.
- 4.2 If West Yorkshire Police are satisfied that the exceptional circumstances of the case are such that granting either application would undermine the crime prevention objective, they can give notice stating the reasons why.
- 4.3 A copy of the police objection notice can be found at Appendix D in respect of the transfer application and Appendix E in respect of the application to change the premises supervisor.

5 Equality and Diversity implications

- 5.1 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.

6 Option Available to Members

- 6.1 Members of the Licensing Sub Committee must make decisions with a view to promoting the prevention of crime and disorder licensing objective.
- 6.2 The options available to Members for each application are as follows:

Application to transfer a premise licence under s42 of the Licensing Act 2003

- To grant the application as requested; or
- To reject the application.

Application to vary a premises licence to specify an individual as DPS under s37 of the Licensing Act 2003

- To grant the application as requested; or
- To refuse to specify the said person as the designated premises supervisor.

7 Background Papers

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