
Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday 13 February 2024

Subject: Review of the Premises Licence for Biedronka, 225 Roundhay Road, Leeds, LS8 4HS

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:		

Executive Summary

This report informs the Licensing Sub Committee that West Yorkshire Police has 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 Biedronka, 225 Roundhay Road, Leeds, LS8 4HS.

The narrative of this report sets out the background of the premises licence, the relevant law and highlights the 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 grounds for review relate to a number of failed counterfeit and illicit tobacco test purchases by the premises between November 2017 and December 2023. During the same period large quantities of counterfeit and illicit tobacco have been seized from the premises and on one occasion, counterfeit contraception and perfumes were seized.

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 Biedronka, 225 Roundhay Road, Leeds, LS8 4HS. The application is made on the grounds of the prevention of crime and disorder & public safety.
- 1.2 The application can be found at **Appendix A**.
- 1.3 In support of the application and at the time of submission, West Yorkshire Police provided statements of West Yorkshire Trading Standards Officers. Members' attention is drawn to **Appendix B**.

2.0 Background Information

- 2.1 This premises currently hold a Premises Licence issued on 16 October 2014 under the Licensing Act 2003. A copy of the existing licence is attached at Appendix A.
- 2.2 In August 2015 applications were received to transfer the premises licence to Alan Amiri and to change the Designated Premises Supervisor to Shores Mohammed. The applications did not attract objections and they were granted as applied for.
- 2.3 In February 2016 a review for this premises was sought by Leeds City Council's Entertainment Licensing Section for persistent breaches of the premises licence conditions. The Licensing Sub Committee resolved not to revoke the licence.
- 2.4 In February 2016 an application was received to change the Designated Premises Supervisor to Alan Amiri. The application did not attract an objection and it was granted as applied for.
- 2.5 In January 2017 an application for a full variation was received to amend the premises opening hours to 24 hours a day. The application attracted an objection from Environmental Protection and Sub Committee resolved to refuse the application.
- 2.6 In June 2019 an (invalid) application was made to the Licensing Authority to transfer the premises licence to Aziz Ahmed. On receipt, the applicant was notified the application had not been completed correctly and the form providing consent of the existing licence holder had not been included. The Licensing Authority received no further correspondence to this application.
- 2.7 On 30 November 2023 a new application was served on the Licensing Authority to transfer the premises licence to Mr Aziz Mohamed Ahmed. The application was given with interim effect and during "the application period", Mr Ahmed, was the named premises licence holder. Attracting an objection from West Yorkshire Police on the grounds of the incoming licence holder's previous association to the premises, as per the transfer application received 2019, and the concerns instigating the pending review application, the Licensing Sub Committee considered the matter on the 16 January 2024 and resolved to refuse the application.
- 2.8 In accordance with the Licensing Act 2003 "the application period" ends when the applicant is notified of the rejection. The applicant, Mr Ahmed, was notified in writing 25 January 2024 and on receipt of that notice, the premises licence reverted to the previous holder, Mr Amiri. Aware that the determination of the transfer is currently in the appeal period, the review papers and all other associated

documentation has been delivered by hand to the addresses held on record by the Licensing Authority for both above named individuals.

3.0 Premises Licence

3.1 The premises licence holder is Mr Alan Amiri.

3.2 Details of the premises licence 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)
Every Day 07:00 – 00:00

Opening hours of the premises
Every Day 07:00 – 00:00

4.0 Designated Premises Supervisor

4.1 The Designated Premises Supervisor for the premises is Mr Alan Amiri.

5.0 Location

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

6.0 Main Issues

6.1 Between November 2017 and December 2023 the premises have failed a number of test purchases by selling counterfeit and illicit tobacco. The operations have been carried out by West Yorkshire Police and West Yorkshire Trading Standards.

6.2 During the same period large quantities of counterfeit and illicit tobacco have been seized from the premises and on one occasion counterfeit contraception and perfumes have been seized.

6.3 The evidence obtained demonstrate those operating the premises are not promoting the licensing objectives by being involved in serious criminality.

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 Representations in support of the review application sought by West Yorkshire Police have been received from a Senior Liaison & Enforcement Officer on behalf of Entertainment Licensing, Public Health and the Gipton & Harehills Ward Councillors.

7.3 Members' attention is drawn to copies of the representations at **Appendix E**.

8.0 Cumulative Impact

8.1 The Cumulative Impact Policy for Harehills was approved by the Licensing Committee in October 2018. These premises do reside within the Harehills Cumulative Impact Area.

9.0 Matters Relevant to the Application

9.1 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.

9.2 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 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	Supporting Statements
Appendix C	Premises Licence
Appendix D	Map of the Premises
Appendix E	Representations in Support of the Review
Appendix F	Review Guidance