

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 19th March 2024

Subject: Application to transfer a Premises Licence and the Variation of the Premises Licence to specify an individual as Designated Premises Supervisor for Potraviny Danko, 39 Compton Road, Burmantofts, Leeds, LS9 7BJ.

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 Potraviny Danko, 39 Compton Road, Burmantofts, Leeds, LS9 7BJ; 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 premises licence is made to appoint Potraviny Leeds Limited as the licence holder.

The application to vary the premises licence is made to specify Kewmars Muhamad as the designated premises supervisor.

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

Purpose of this report

- 1.1 To advise Members of an application made under section 42 of the Licensing Act 2003 (“the Act”) for the transfer of a Premise Licence in order to specify Potraviny Leeds Limited as the licence holder.
- 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 Sections 42(6) and 42(7) of the Licensing Act 2003.

2 History of the Premises

- 2.1 April 2015: The initial application for a premises licence was served on the licensing authority by Mr Mohammad Rastegar who also acted as the designated premises supervisor. This was subsequently granted with agreed measures.
- 2.2 March 2016: A transfer application and variation of the designated premises supervisor was submitted by Saman Ali Faiak and was subsequently granted.
- 2.3 10th November 2023: West Yorkshire Police submitted a review application, the premises was found to be storing non-duty paid alcohol openly in the store for sale to members of the public along with illicit tobacco within a hidden wall cavity. The sale of smuggled goods is a criminal offence. The application was heard at the licensing subcommittee and they resolved to revoke the premises licence.
- 2.4 8th February 2024: During the interim period of the licence revocation, the licensing issuing authority was notified that an appeal was lodged with Kirklees magistrates court on behalf of the applicant Potraviny Leeds Limited. Which is due to be heard on 5th April 2024.

3 Application

- 3.1 The applicant is Potraviny Leeds Limited.
- 3.2 The proposed Designated Premises Supervisor is Kewmars Muhamad
- 3.3 A copy of the application to transfer the premises licence is attached at **Appendix A** 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 B**.

4 Representations

- 4.1 Under the Act, representations can be received from West Yorkshire Police and must be relevant to the prevention of crime and disorder. A copy of the police representation for the transfer application can be found at **Appendix C** and **Appendix D** in respect of the application to vary the designated premises supervisor.

5 Equality and Diversity Implications

- 5.1 At the time of writing this report there were no implications for equality and diversity.

6 Options 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