

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Monday 17 June 2024

Subject: Summary Review of the Premises Licence for Gusto Market, 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:		

Executive Summary

West Yorkshire Police have made an application under section 53A of the Licensing Act 2003, for the summary review of the premises licence in respect of Gusto Market, 12 – 14 Strathmore Drive, Harehills, Leeds, LS9 6AB.

West Yorkshire Police are of the opinion that these premises are associated with serious crime or serious disorder or both. The Licensing Authority is now under a duty to hold a review hearing in accordance with Section 53C of the Licensing Act 2003.

This engagement follows interim steps which Members carefully considered on the 24 May 2024. Members unanimously resolved to suspend the licence with immediate effect pending the substantive hearing of the review application.

The narrative of this report sets out the background of the premises licence, the relevant law and highlights appropriate guidance for members. A recommendation is also made to Members that the premises licence is reviewed using their statutory powers.

Members must also have regard to reviewing the interim steps pending the appeal period to ensure there are appropriate and proportionate safeguards in place at all times.

1.0 Purpose of this Report

- 1.1 This report informs the Members of the Licensing Sub Committee of an application for a licence summary review made by the West Yorkshire Police in respect of Gusto Market, 12 – 14 Strathmore Drive, Harehills, Leeds, LS9 6AB. The application is made on the grounds of serious crime.
- 1.2 The Licensing Sub Committee now has the responsibility to review the premises licence held by Gusto Market Mini Limited.

2.0 History of the Premises

- 2.1 The premises currently has the benefit of a premises licence, issued during the transitional period in November 2005.
- 2.2 On 18 October 2023 West Yorkshire Police applied to review the licence following a multi-agency operation targeting off licence premises in Harehills. It became apparent, after serving copies of the paperwork on the licence holder and responsible authorities, that the application had not been signed and West Yorkshire Police were advised to resubmit.
- 2.3 Applications to transfer the licence to Gusto Market Mini Ltd. and to vary the licence to specify Nabaz Ibrahim Karim as the Designated Premises Supervisor (DPS) were received by the Licensing Authority on 24 October 2023. The existing licence holder was Baba Jaga 2 Ltd. and the existing premises supervisor was Omar Rashka.
- 2.4 The applications to transfer the licence and to change the DPS attracted objections from West Yorkshire Police and the items were listed for hearing on the 5 December 2023.
- 2.5 On 6 November 2023 a valid review application was served on the Licensing Authority.
- 2.6 On 10 November 2023 a minor variation application was submitted on behalf of the licence holder proposing to attach a number of additional conditions to the licence. One of those conditions was that Omar Rashka be excluded from holding the licence, acting as DPS and being involved in the day-to-day running of the business. Notwithstanding a police objection the licence was granted as applied for given the measures offered, in effect, resulted in a more robust licence.
- 2.7 The transfer and DPS change applications mentioned above were considered by the Licensing Sub Committee on the 5 December 2023. West Yorkshire Police assertions were that the outgoing licence holder was connected with serious organised crime and that the incoming licence holder was somehow tainted by that fact and/or that the previous licensee was retaining ultimate control. The Licensing Sub Committee on deliberating the matter concluded those assertions were unsupported by any substantive evidence and resolved to grant the applications.
- 2.8 On the 19 December 2023 the Licensing Sub Committee met to consider the review application. For similar reasons to those set out above, Members resolved not to revoke the premises licence and, in agreement with the licence holder, imposed two additional conditions on the licence restricting references to, and the advertising of, alcohol.

2.9 A copy of the premises licence details can be found at **Appendix A** of this report.

3.0 Main Issues

Application

3.1 An application for a summary review of the premises licence has been sought by West Yorkshire Police. A redacted version of the application is attached at **Appendix B**.

3.2 Members will note that in accompaniment of the application a certificate made under section 53(1B) of the Act, which confirms that a Senior Member of West Yorkshire Police is satisfied that these premises are associated with serious crime or serious disorder or both. A redacted version of the certificate can be found at **Appendix C**.

3.3 Officers confirm that the application and certificate were served by email on the Responsible Authorities on the 22 May 2024. The application and certificate were served on the licence holder by email on the 23 May 2024 and a hard copy was delivered by hand directly to a member of staff at the premises on the same day.

3.4 The Licensing Authority can confirm that the statutory requirements to advertise the review application have been followed.

The Interim Steps

3.5 At the interim steps hearing, the measures available to Members and considered were:

- The modifications of the conditions of the premises licence.
- The exclusion of the sale of alcohol by retail from the scope of the premises licence.
- The removal of the designated premises supervisor from the licence.
- The suspension of the licence.

3.6 It was decided that suspension of the licence with immediate effect pending the substantive hearing of the review was the most appropriate course of action for the Sub Committee to take.

3.7 Further information on the resolution taken can be found in a copy of the Interim Steps Decision Notice attached at **Appendix D**.

Representation

3.8 A premises licence holder may submit a representation to the interim steps initially taken and any representation would be in accordance with Section 53B of the Licensing Act 2003. In this instance no representation has been received against the interim steps decision.

4.0 Premises Licence

4.1 The premises licence holder is Gusto Market Mini Limited.

5.0 Designated Premises Supervisor

5.1 The Designated Premises Supervisor is Nabaz Ibrahim Karim.

6.0 Location

6.1 A map which identifies the location of the premises is attached at **Appendix E**.

7.0 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 persons, must not be frivolous or vexatious.

Representations from Responsible Authorities

7.2 The application has attracted two representations in support of the application sought by West Yorkshire Police.

7.3 A representation has been received from a Senior Liaison and Enforcement Officer on behalf of Entertainment Licensing. A copy of the representation may be found at **Appendix F**.

7.4 A representation has been received from Leeds City Council's Public Health Team. Members' attention is drawn to a copy available at **Appendix G**.

Other Representations

7.5 There has been no representations on behalf of other persons.

8.0 Matters Relevant to the Application

8.1 In making their decision, Members may take into account the guidance issued under Section 182 of the Act. The section of this guidance specific to Summary Reviews is available at **Appendix H** of this report.

9.0 Options Available to Members

Determination of Summary Review

9.1 In the determination of this review the Licensing Sub Committee are required to take any of the following steps as it considers necessary for the promotion of the licensing objectives:

- To modify the conditions of the licence which includes adding new conditions or the alteration or omission of an existing conditions;
- To remove the designated premises supervisor;
- To suspend the licence for a period not exceeding three months;
- To exclude any licensable activity from the scope of the licence; and
- To revoke the licence.

Review of the Interim steps

- 9.2 The Licensing Authority's determination does not have effect until the end of the 21 day period given for appealing the decision, or until the disposal of any appeal that is lodged. Should the premises licence holder or applicant appeal the decision, the interim steps decision will remain in place until the appeal is decided or dispensed with.
- 9.3 To ensure that there are appropriate and proportionate safeguards in place at all times the Licensing Authority is required to review any interim steps that it has taken that are in place and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place or if they should be modified or withdrawn. The review of the interim steps should take place immediately after the determination under 53C has been reached. In making its decision the licensing authority must consider any relevant representations made. Members are directed to paragraphs 12.29 and 12.30 of the Section 182 Guidance.
- 9.4 In conducting the review under this section, the Members must:
- Consider whether the interim steps are appropriate for the promotion of the licensing objectives;
 - Consider any relevant representations; and
 - Determine whether to withdraw or modify the interim steps taken.
- 9.5 Members may alternatively decide that no action is necessary and that the circumstances of review do not require the licensing subcommittee to take any steps to promote the licensing objectives.
- 9.6 Members of the Licensing Sub Committee are asked to note that they may not take any steps outlined above merely because they consider it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

10.0 Background Papers

- Guidance issued under S182 of the Licensing Act 2003
- Leeds City Council Licensing Policy

Appendices

- Appendix A - Premises Licence Details
- Appendix B - Signed Application
- Appendix C - Signed Certificate
- Appendix D - Interim Steps Decision Notice
- Appendix E - Map
- Appendix F - Entertainment Licensing Representation
- Appendix G - Public Health Representation
- Appendix H - S182 Guidance