

Notice of Decision



of the Licensing Sub Committee

Date of Meeting:	24 May 2024
Determination Date:	24 May 2024
Notice of Decision:	5 June 2024
Members:	Cllr L Farley (Chair) Cllr L Martin Cllr R Downes
Legal Officer:	Robert Brown, Principal Legal Officer
Licensing Officer:	Matthew Nelson, Principal Licensing Officer
Premises:	Gusto Market, 12 – 14 Strathmore Drive, Harehills, Leeds, LS6 6AB
Application:	Summary Review: Interim Steps

West Yorkshire Police having made an application for summary review of the premises licence of Gusto Market, 12 – 14 Strathmore Drive, Harehills, Leeds, LS6 6AB pursuant to s.53A of the Licensing Act 2003, members of the Council’s Licensing Sub-Committee (herein referred to as “the Committee”) met to consider whether it was necessary to take interim steps pending the determination of the substantive application. Two members of the Committee, together with the Legal Officer and the Licensing Officer were present at Civic Hall. The third member, P.C. Clifford and the clerk attended via remote means. Mr Nabaz Karim, Director of the licence holding company, made himself available via remote means.

Members of the Licensing Sub-Committee had been provided in advance with a copy of the Report of the Chief Officer Elections and Regulatory. Appended to that Report were copies of the following:

- A copy of the premises licence
- An application submitted by West Yorkshire Police (“WYP”) for a summary review of the premises licence
- A certificate under s.53A(1)(b) of the Licensing Act 2003 from a senior officer of WYP that in the opinion of that officer the premises are associated with serious crime
- A copy of the Home Office Summary Review Guidance

The Committee noted the reasons for the application for review set out by the West Yorkshire Police and that immediate suspension of the premises licence was being sought.

The Committee asked P.C. Clifford about the background to the application. He outlined the recent history of the premises licence and its transfer. He also told the Committee about the

test purchases, the discovery of illicit goods and evidence linking the premises with the accommodation where illicit goods were found.

P.C. Clifford also explained the basis for the Police having invoked the summary review procedure and the definition of “serious crime” including where the conduct “...results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.” He said that the amount of illicit goods was significant and a large amount of cash had been found. This was indicative of this being part of a large operation.

Decision

Having carefully considered the available information and having deliberated in private session, the Licensing Sub-Committee was of the unanimous view that it was necessary to suspend the licence of Gusto Market, 12- 14 Strathmore Drive, Harehills, Leeds, LS9 6AB with immediate effect, pending the substantive hearing of the review application.

Reasons

It appeared to the Committee that the latest illegal activity with which the premises was associated was likely to be a continuation of the illegal activity that had been occurring at the premises prior to the transfer of the licence to Gusto Market Mini Limited. The Police were asserting that the transfer was, in effect, a sham. The Committee noted that in September 2023 a test purchase operation had resulted in alcohol being sold to a child.

The premises appeared to be operating in flagrant disregard for the law. The previous standard review process had not altered this and the Committee therefore considered that modification of the conditions or removal of the designated premises supervisor would also likely have little or no effect. The Committee concluded that, in all the circumstances, suspension of the licence pending the hearing of the summary review application was necessary.

Right of Appeal

There is no right of appeal at this stage of the summary review process. However, the legislation permits a premises licence holder to make representations against the interim steps taken by the licensing authority.

On receipt of such representations the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt.

Further information on making a representation against the interim measures can be found in the Guidance issued under section 182 of the Licensing Act 2003.