



Report of the Director of Legal and Democratic Services

Licensing Committee

Date: 31 October 2006

Subject: Convenience Store 87 Whinmoor Crescent Leeds 14
- Review of Premises Licence.

Electoral wards affected:

Crossgates & Whinmoor

Specific implications for:

- Ethnic minorities
- Women
- Disabled people
- Narrowing the gap
-

Executive Summary

This report informs Members of an application for a review of the Premises Licence made in respect of the Convenience Store 87 Whinmoor Crescent Leeds LS14 1EQ under Section 51 of the Licensing Act 2003. The Licensing Authority is now under a duty to review the premises licence held in respect of the Last Orders.

1.0 Purpose of this report

This report provides Members with the background and history to the making of the review. The report sets out the relevant law when reviewing licences under the Licensing Act 2003 ("the Act"). Finally, this report informs Members of the options available to them when reviewing a premises licence.

2.0 Background Information

2.1 On the 11 August 2005 the premises known as the Convenience Store 87 Whinmoor Crescent Leeds LS14 1EQ was granted a premises licence. A copy of this licence is attached at **Appendix 1**.

2.2 In summary, the premises have the following Licensing Activities:

Sale by retail of Alcohol between the following hours:

Monday to Saturday 08:00hrs and 23:00hrs
Sunday 10:00hrs and 22:30hrs

Prior to operating under the terms of a premises licence the premises had the benefit of a Justice's Off Licence.

- 2.3 A map detailing the location of the premises is attached at **Appendix 2**.
- 2.4 This review is being sought by West Yorkshire police on the grounds as listed at **Appendix 3**. Please note that pages 87 to 230 of the police bundle should be regarded as confidential material as it relates to a statement taken under caution, details from the Crime Information System and Crime Pattern Analysis. This information will not be included within the public agenda.
- 2.5 Section 51 of the Act places the Licensing Authority under a duty to review the premises licence in respect of the Convenience Store 87 Whinmoor Crescent Leeds LS14 1EQ. The Licensing Authority must then follow a procedure set out in the Act. A summary of this procedure is attached at this report by way of a flow chart at **Appendix 4**.
- 3.0 Main Issues**
- 3.1 Relevant Representations**
- Under the Act representations can be received from responsible authorities or interested parties. Representations must be relevant and, in the case of an interested party must not be frivolous, vexatious or repetitious.
- 3.2 Representation in the form of a letter has been received from the Neighborhoods and Housing, Environmental Health Services. This is attached at **Appendix 5**
- 3.3 Letters have been received from interested parties and these are attached at **Appendix 6**. Members will be aware that the Licensing Section operates a practice of consulting with interested parties to ascertain whether it is acceptable to release their personal details. Consequently, a number of the attached copies may be absent of such details either due to the authors request or absence of any indication.
- 3.4 Members are of course aware that any decision made in respect of this review must promote the licensing objectives which are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 3.5 In making their decision Members are obliged to have regard to guidance issued under Section 182 of the Act and the Council's licensing policy. Members must also have regard to the relevant representations made and the evidence they hear.
- 3.6 The Guidance deals with reviews at paragraphs 5.99 to 5.117.

4.0 Implications for Council Policy and Government

4.1 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 12.13 of the policy with particular seriousness.

5.0 Legal and Resource Implications

5.1 There are no resource implications in determining the review.

5.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrates Court.

6.0 Recommendations

6.1 Members are requested to determine this review. The Committee must take such 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 any alteration or omission of an existing condition)
- To exclude a licensable activity from the scope of the licence
- To remove the designated premises supervisor
- To suspend the licence for a period not exceeding 3 months
- To revoke the licence

6.2 Members may alternatively decide that no action is necessary and that the circumstance of the review does not require the Committee to take any steps to promote the licensing objectives.

6.3 Members should note the Guidance also 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.

6.4 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 actually be necessary in order to promote the licensing objectives.

BACKGROUND PAPERS

- Guidance issued under section 182 of the Licensing Act 2003.
- Leeds City Council Licensing Policy