



Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Monday 29th April 2013

Subject: Review of the Premises Licence for Shokar Mini Market, 277 Middleton Road, Belle Isle, Leeds, LS10 3JB

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Middleton Park	
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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: 10.4(7)		
Appendices C and D are considered exempt under the provision of Paragraph 14 of the Licensing Act 2003 (Hearings Regulations 2005)		

Executive Summary

This report informs Members of an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003, sought by West Yorkshire Police in respect of Shokar Mini Market, 277 Middleton Road, Belle Isle, Leeds, LS10 3JB. 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 provides Members with the background and history to the making of the review application by West Yorkshire Police. The report sets out the relevant law when reviewing licences under the Licensing Act 2003 ("the Act"), and informs Members of the options available to them when reviewing a premises licence.
- 1.2 It should be noted that certain information submitted within the application and additional information is potentially exempt information under access to information Rule 10.4 (7), as it includes information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. Such information is attached at Appendix C and Appendix D respectively.

2.0 Background Information

- 2.1 The licence from which these premises benefit was granted by way of an application to convert the existing Justices' Off Licence, effective from 24th November 2005.

Since the initial grant on the above date, there have been no subsequent applications to vary the Designated Premises Supervisor or transfer the premises licence. The licence has therefore always remained in the hands of the current licence holder.

It should also be noted that there has not been any enforcement action taken on behalf of the Entertainment Licensing's Local Liaison and Enforcement Team.

3.0 Premises Licence

- 3.1 The premises licence is jointly held by Mr Sukhjot Singh Shokar & Mrs Komal Shokar.

- 3.2 A copy of the premises licence can be found at **Appendix A** of this report. In summary, the premises licence permits the following:

Sale by Retail of Alcohol (for consumption off the premises)
08:00 until 23:00 hours Monday to Saturday
10:00 until 22:30 hours Sunday

Non Standard Timings:

As per the Embedded Restrictions attached to the premises licence in respect of Christmas Day.

4.0 Designated Premises Supervisor

- 4.1 The Designated Premises Supervisor is Mr Sukhjot Singh Shokar.

5.0 Location

- 5.1 A map which identifies the location of these premises is attached at **Appendix B**.

6.0 Main Issues

- 6.1 This application is sought by West Yorkshire Police on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance.

In summary, these premises and the premises licence holder have been the subject of an investigation by West Yorkshire Police over a sustained period of time.

Since January 2012, corroborated information has been received by the above authority in relation to issues surrounding controlled substances linked to the premises, the premises licence holders and other properties owned by those persons.

Member's attention is drawn towards a copy of the review application at **Appendix C** of this report. The application contains more in-depth information on the grounds for review.

7.0 Additional Information

West Yorkshire Police

7.1 In accompaniment of the application, West Yorkshire Police have submitted supplementary information. This includes witness statements of police officers and a chronology of incidents/offences, attributable to these premises from January 2012 onwards.

A copy of this documentation can be found at **Appendix D**.

8.0 Relevant Representations/Letters of Support

8.1 The Licensing Authority in this instance is not in receipt of any representations supporting the application, or correspondence on behalf of the licence holder.

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. A copy of the relevant section is attached at **Appendix E**. Members must also have regard to the Council's licensing policy, the relevant representations made and evidence they hear.

10.0 Implications for Council Policy and Government

10.1 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.

11.0 Legal and Resource Implications

11.1 There are no resource implications in determining the review.

11.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrate's Court.

12.0 Recommendations

12.1 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.

- 12.2 Members may 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.
- 12.3 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.
- 12.4 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.
- 12.5 Members are directed to paragraphs 11.25 to 11.31 of the Statutory Guidance which related to reviews arising in connection with crime.
- 12.6 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.

13.0 Background Papers

- 13.1 Guidance issued under s182 Licensing Act 2003
- 13.2 Leeds City Council Statement of Licensing Policy

Appendices

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| Appendix A | Premises Licence |
| Appendix B | Location of the Premises |
| Appendix C | Review Application |
| Appendix D | WYP Additional Info |
| Appendix E | Section 182 Guidance |