

# Public Document Pack

## **LICENSING SUB COMMITTEE**

**10.00AM, 27<sup>TH</sup> MAY 2014**

### **SUPPLEMENTARY INFORMATION:**

**AGENDA ITEM 7: 'APPLICATION TO TRANSFER A PREMISES LICENCE FOR TAILS AND SPIRITS, 4 SOVEREIGN PLACE, LEEDS, LS1 4SP'**

- APPENDICES C – E ENCLOSED (PAGES 3 – 24 REFER)

**AGENDA ITEM 8: 'APPLICATION TO TRANSFER A PREMISES LICENCE FOR TAILS AND SPIRITS, 4 SOVEREIGN PLACE, LEEDS, LS1 4SP – TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR'**

- APPENDICES C – E ENCLOSED (PAGES 25 – 46 REFER)

(PLEASE NOTE THAT APPENDIX E TO BOTH AGENDA ITEMS 7 AND 8 ARE DESIGNATED AS EXEMPT FROM PUBLICATION UNDER THE PROVISIONS OF PARAGRAPH 14 OF THE LICENSING ACT 2003 (EARING REGULATIONS 2005))

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## WITNESS STATEMENT

( CJ ACT 1967, s.9;MC Act 1980, ss.5A(3)(a) and 5b;MC Rules 1981, r.70 )

**Statement of Samantha Jane Longfellow**

**Age/Date of Birth – Over 21 Occupation – Senior Liaison & Enforcement Officer**

This statement (consisting of 1 page(s) each signed by me) is true to the best of my Knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable for prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Date: 15<sup>th</sup> May 2014

Signature :

I am the above named person. I am employed full - time as a Senior Liaison and Enforcement Officer with Leeds City Council's Entertainment Licensing Section. My duties include investigating unlicensed premises contrary to the Licensing Act 2003. I have delegated authority under the said Act.

On Monday 12<sup>th</sup> May 2014, I attended at the Licensing Sub-Committee for the hearing of Tails & Spirits, Sovereign Place, Leeds, LS1 4SP. Due to the Sub-Committee requiring further information the Chair, Cllr Selby adjourned the meeting until the 27<sup>th</sup> May 2014. Cllr Selby requested that I provide a statement to clarify Entertainment Licensing's stance regarding enforcement of permitted hours when the clocks go forward for British summer time.

I can confirm that Entertainment Licensing operate as per the Summer Time Act 1972 as amended by The Summer Time Order 2002. *The period of summer time for the purposes of this Act is the period beginning at one o'clock, Greenwich mean time, in the morning of the last Sunday in March and ending at one o'clock, Greenwich mean time, in the morning of the last Sunday in October.*


As a result of the above Act a Premises Licence whose terminal hour is 2am will lose one hour of trade on this day each year unless they have non-standard timings and/or seasonal variations as a measure attached to the Premises Licence.

I have checked Tails & Spirits Premises Licence and can confirm that they do not have any non-standard timings and/or seasonal variations for British summer time attached to their Premises Licence. As a result all licensable activities taking place on Sunday 30<sup>th</sup> March 2014 should have ceased at 1am Greenwich mean time (2am British summer time) and all members of the public should have been off of the premises by no later than 1.30am Greenwich mean time (2.30am British summer time).

Signature :

**WITNESS STATEMENT**

(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B;  
Criminal Procedure Rules, r.27.2)

NICHE Ref. No:	<input type="text"/>	URN:	<input type="text"/>
<b>Statement of:</b>	David Shaw		
Date of birth:	Over 18	Occupation:	Police Sergeant 285
This statement (consisting of: 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.			
Signature:		Date:	13 <sup>th</sup> May 2014
Time and date statement taken:			

Check box if witness evidence is visually recorded  (supply witness details on rear)

I am a sergeant in West Yorkshire Police, currently working in Leeds District Licensing, where my responsibilities include monitoring the operation of alcohol licensed premises throughout Leeds, ensuring that premises promote the licensing objectives, advising managers and supervisors of premises and, where necessary, enforcing legislation.

I have been asked by the Licensing Sub-Committee, following an adjournment of a recent hearing, to clarify West Yorkshire Police's stance in relation to the enforcement of permitted licensing hours when Greenwich Mean Time becomes British Summer Time in the last week of March. I can state that West Yorkshire Police applies The Summer Time Order 2002, which came into effect in February 2002. As such, at 1am on the last Sunday of March each year, the clocks move forward one hour, so 1am becomes 2am. A premises with a licence to supply and sell alcohol until 2am therefore loses one hour of trade on this date each year, unless the licence relating to those premises specifically incorporates a non-standard timing clause, allowing it to operate for an additional hour. This approach has always applied, with no 'relaxation' of the Summer Time Order being permitted.

The above mentioned hearing relates to a premises called Tails & Spirits, formally Groucho's. On the most up-to-date version of this licence the non-standard timing clause is not present, which means that on Sunday 30<sup>th</sup> March this year the supply and sale of alcohol should have ceased at 1am.



Sign  
MG11



Signature witnessed by:  
**RESTRICTED** (when complete)

(Revised 1.9.12)

## Parties Notice of Intention

## Licensing Act 2003



Application No: PREM/02162/007

Name of Applicant/premises: Miss Joanna Tomlins / Tails And Spirits

Date of Hearing: 12 May 2014

I am:

The applicant/licence holder A responsible authority An interested party 

Name:

Address:

I will be attending the hearing I will not be attending the hearing 

I will be represented at the hearing by:

SELF

NB if you complete this section all further correspondence will be sent to your representative

**Note to interested parties**

If you say that you will not be attending the hearing the committee will make it's decision based upon your written representation.

If you wish to withdraw your representation please tick here 

or

If you consider that a hearing can be dispensed with please tick here Please give details as to why you think a hearing can be dispensed with.  
(e.g. because you have reached agreement with the other party on conditions)

## WITNESSES

Please set out below the name of any person you wish to appear at the Hearing (other than your representative) and give brief details of what you want the witness to tell the Committee. You will only be allowed to call the witness if the Committee gives permission.

Name	Evidence to be given
PEPE ANDROSINI	STEPS TAKEN TO PREVENT PUBLIC NUISANCES
SEAN WHITAKER	STEPS TAKEN TO ENSURE PUBLIC SAFETY
JOHN RANBY	STEPS TAKEN TO PREVENT CRIME & DISORDER
SEAN WHITAKER	STEPS TAKEN TO PROTECT CHILDREN FROM HARM
Michael Sisto	USEFUL ACCOUNTS IN RELATION TO LA BOUTENNE

## DOCUMENTS

Please list below and attach any documents (other than your application or written objections) that you wish the Committee to consider and indicate whether copies have already been sent to the other parties.

Document	Copy sent
REPRESENTATIONS FROM OUR SIBS TO	✓
CCN FOOTAGE 29/03/14 01:40 - 02:40	✓
CCN FOOTAGE 29/03/14 25:30 - 01:00	✓
CCN FOOTAGE 28/08/14 23:30 - 00:30	✓
EMAIL FROM SIBS CWO TO MISS RENDLE	✓
RECEIPT FROM NETWORK RAIL TO MISS RENDLE	✓
EMAIL CORRESPONDENCE TO FLEWERS	✓

Please return this form to:

**Entertainment Licensing Section**  
**Leeds City Council**  
**Civic Hall**  
**Leeds**  
**LS1 1UR**

Fax: 0113 224 3885

Email: [entertainment.licensing@leeds.gov.uk](mailto:entertainment.licensing@leeds.gov.uk)

Millan Shalo  
57 Bouverie Court  
Leeds  
LS9 8LB

Dear Sirs/Madam

My name is Millan Shalo, dob 06/06/1976, current co-tenant of 4 Sovereign Place, subject of these proceedings and I previously managed La Boheme, on Cross York Street, I make these representations in an interest of offering perspective on events which transpired at La Boheme, as due to a miscommunication I was never afforded an opportunity to do so, yet in an objection to the Transfer of Premises Licence for Tails and Spirits to Miss Tomlins and that to vary the Premises Licence to specify Mr. Ryan Tate as Designated Premises Supervisor, several references are made to my person and management of La Boheme.

With regards to Tails and Spirits enclosed CCTV footages and other submitted evidence will demonstrate facts contrary to those put forward in the objection.

#### Events so far

La Boheme officially traded between January 2013 and May 2013 as an events venue and from May 2013 until February 2014 as a Bar and Nightclub but became the subject of review proceedings brought by West Yorkshire Police on the 9<sup>th</sup> January 2014.

In between the submission of the application and the subcommittee hearing date of 27<sup>th</sup> February 2014, La Boheme ceased trading and the Premises Licence was transferred with immediate effect to Urban Edge Group, the landlord of the premises.

In its conclusion, the subcommittee of the 27<sup>th</sup> February determined that the primary objective of the review application, which was to close the premises, had been removed as La Boheme was no longer trading and as such the licensing objectives were being upheld. In these circumstances an adjournment application made by Urban Edge Group the new Premises Licence Holder and their representative was granted and the proceeding was

adjourned to the 18<sup>th</sup> March 2014. Please refer to attached Notice of Decision, dated 7<sup>th</sup> March 2014.

In light of the above I enquired whether I was to attend the adjourned hearing and it was put to me by the committee that my attendance was not required as La Boheme was no longer trading. As such I did not attend the hearing of the 18<sup>th</sup> March. Please note Section 52 paragraphs (2) and (3) of the Licensing Act 2003, in particular that the actuality that a determination was reached absent of any representations from myself after being informed I was not to attend.

My intentions had always been to attend any scheduled hearing, not to defend the problems at La Boheme but to offer an explanation of the steps myself as the manager of La Boheme had taken to ensure that the Licensing Objectives were upheld and in so doing afford the subcommittee a fair and balanced decision making process. I have since learned that at the hearing of the 18<sup>th</sup> March, several references and representations were made directly addressing me and my management of La Boheme, by other interested parties occasioning a determination minus any representations from me and thereby removing all fairness probabilities, evidenced by attached Notice of Decision, dated 26<sup>th</sup> March 2014.

#### Tails and Spirits

Lease negotiation proceedings for 4 Sovereign Place began in late December 2013 and were completed in March 2014. Prior to completion I enquired with Leeds City Council Licensing official Mr. Matthew Nelson, as to the Council's position to transferring the Premises Licence into my person. Mr. Nelson explained that to his knowledge the Council had no issues with me running licensed premises as they had not brought about the initial review proceedings for La Boheme, but that it would be advisable to have a conversation with West Yorkshire Police. I initiated conversations with PC Catherine Arkle and later met with her and British Transport Police. PC Arkle advised that West Yorkshire Police would object to the transfer of premises licence, sighting the "problems" that had occurred at La Boheme. I sought to offer conditions to be placed on the licence allowing me to operate with close monitoring from the relevant authorities. However it was made apparent that my involvement would be objected. After consulting legal advice and the landlords Miss Tomlins, the other leaseholder of 4, Sovereign Place decided it best at this point to be the Licence holder and as such Mr Ryan Tate, previous DPS of the Leeds Club, was interviewed and subsequently employed as general manager. Mr Tate has since resigned from his last position and is now fully employed as the GM of Tails and Spirits.

I have no management role in Tails and Spirits what so ever and I am prepared to provide an undertaking limiting my involvement solely as a co-tenant. I am currently seeking suitable employment but presently "a stay at home dad" to my two young children.



## Transfer of Premises Licence

In their objection, WYP states the following as satisfactory reasons.

1. *The applicant Joanna Tomlins is closely associated with Millan Shalo, the previous operator of a venue known as La Boheme. Mr Shalo was initially the director of Wildcard Leisure Ltd, the company who was the named Premises Licence Holder for La Boheme, but Miss Tomlins took over as director of the company in February 2013. Miss Tomlins is also said to be Mr. Shalo's girlfriend.*

Miss Tomlins is indeed my girlfriend and was the director of Wildcard Leisure Ltd. She however had no day to day involvement with La Boheme as she was in fulltime employment and also a mother with a young child. She now works 4 days a week with her current employer with the remaining 3 days allocated to overseeing the operations of Tails and Spirits. Besides being a co-tenant she has also made a considerable financial investment in Tails and Spirits and it is unfair to expect that she doesn't protect said investment simply because she is associated to me.

She has elected as co-tenant of 4 Sovereign Place and someone with vested financial interest to act as the Premise Licence Holder and in so doing employed a GM with suitable credentials to manage the daily activities of Tails and Spirits. Attached is a contract of employment for Mr. Tate setting out his responsibilities as the GM, evidence of Miss Tomlins financial investment as well as her contract of employment confirming that she works 4 days a week.

2. *La Boheme has recently been subject to a Premises Licence review (18<sup>th</sup> March 2014) due to the serious incidents of crime and disorder associated with the venue whilst Mr. Shalo was running it and Wildcard Leisure the Premises Licence holders. There were also incidents of underage events where alcohol was consumed, breaches of licence conditions, absent DPS, and generally very poor management along with the running of high risk events.*

The problematic events at La Boheme were externally promoted. In essence La Boheme as a venue was hired by external promoters to host their events. This meant other than by reputation and due diligence I as the manager had no other means of knowing with absolute certainty who would turn up on the night. That said in the interest of upholding the licensing objectives and cooperating fully with West Yorkshire Police and any relevant authorities, I concede that as the manager the responsibility rests on my shoulders. In my defence however, I have always acted in good faith and in so doing been let down by external promoters. That being the case on all the incidents occasioning the review of the Licence, I have always cooperated with the relevant authorities, completed relevant risk assessments, close problematic

events down and most importantly involved them in booking at La Boheme by submitting monthly booked events with regular updates.

It has been mentioned that there were few underage events at La Boheme. I must at this point clarify that I only hosted one 16-21 event and this was on the 29<sup>th</sup> October 2013, and this was admittedly a genuine misinterpretation of the conditions of my licence for which I sincerely regret. However in this event I categorically and proactively made sure no alcohol was served or sold to anyone underage as well as did everything in my power to ensure the event was controlled. In an endeavour to limit the number of drinks bought by any one person to 1, I allocated 3 of my most experienced staffs to work the shift and they were fully briefed prior to opening to check IDs on all purchase and make sure no one was served more than once in any one visit to the bar. We also set a 10 minutes waiting time on the bar. They were also instructed to be vigilant and not serve double as well as watch out for frequency of purchase. Between myself and David Knight the Bar supervisor at the time, we spent most of the night fluctuating between the front door and the bar ensuring that no alcohol was sold or brought into the premises. The promoter was also fully briefed about our ID checks and that we will under no circumstances sell alcohol to any one minor.

After said event in a meeting with West Yorkshire Police and Officials from Leeds City Council, it was pointed out to me that I was wrong in allowing La Boheme to host the event. This was a genuine mistake on my part that has never been or will ever be repeated under any circumstances. This in all honesty is the one incident that retrospectively I should never had agreed to and I cannot apologise enough for it.

Again this was and will always be the last time I make such a mistake. After this event the door team were briefed to always be vigilant and check ID and so too the bar staff. As such I can hand on heart say we have not had one incident of anyone being sold alcohol at La Boheme....

Miss Tomlins had nothing to do with this event.

- 3. The Premises Licence previously held by Wildcard Leisure Ltd has been suspended and the venue no longer operates because of how it was run.*

Please see 4 below..

4. *Mr. Shalo has signed a 3 year lease for the premises at 4 Sovereign Place – This occurred within days of the review of La Boheme’s licence.*

This is untrue. Lease negotiations for 4 Sovereign Place started late December 2013, some few days prior to myself first becoming aware of the review application in January of 2014. The primary reason for this was that, between October and November of 2014, due to the overheads of operating previous premises, it had increasingly become apparent that its survival was reliant on large scale externally promoted club nights, something which was never intended for the business. Essentially the business module had become non feasible, as these events were not only difficult to manage in a residential area but reliant on external promoters to bring in their own crowd. In November of 2013 I started looking for suitable smaller premises. I attach correspondence between myself and Andrew Spencer of Fleurets as evidence of this for consideration.

After several correspondences we were unable to come to terms and later on found the current premises at 4 Sovereign Place.

The lease for no 4 Sovereign Place was finally completed on the 19<sup>th</sup> March 2014 in the names of myself and Miss Tomlins, again also attached for your consideration and as confirmation that Miss Tomlins is also financially vested in Tails and Spirits.

5. *Mr. Shalo contacted West Yorkshire Police and British Transport Police after signing the lease to ask for a meeting about transferring the licence into his name and extended hours for licensable activities. This took place on the 26<sup>th</sup> March 2014. When it was made clear to him that West Yorkshire Police would object due to the issues at his previous club, Mr. Shalo obviously decided to have somebody else named as the licence holder, but it is Mr. Shalo who is running these premises just as he ran La Boheme. When British Transport Police visited the venue at 01.57 hours on Saturday 29<sup>th</sup> March 2014, the attending officer reported that Mr. Shalo appeared to be the manager with the DPS, Ryan Tate, deferring to him on a regular basis.*

I did contact WYP and BTP in the interest of transparency and to clarify the position on me as the premises licence holder as advised by Leeds City Council Licensing Officer, Matthew Nelson. In the meeting I sought to offer assurances and address my intentions with Tails and Spirits. Which were that Tails and Spirits was a completely new business module targeting the local offices and early evening crowd. I proposed that in order to maintain the licensing objectives, Tails and Spirits was to operate as a bar Sunday to Wednesday, 3am on a Thursday and 4 am on a Friday and Saturday in order to fairly compete with other local establishments. It is also true that I was told of their proposed objection to the transfer of premises licence into my name. Obviously after relaying this information to Miss Tomlins she opted to put

herself forward as she was not only also tied to the lease but financially invested. Myself and Miss Tomlins have never hidden the fact that we were in a relationship together, nor does this mean we are both incapable of functioning in singular capacity. Her decision to become the premises licence holder was solely based on her interest in the business rather than a ploy to be deceitful.

The attending officer's comments of Mr. Tate regularly deferring to me is simply incorrect as evidenced in the attached CCTV footage (between the hours of 01:40 and 02:40 hours) from the night. Myself, Miss Tomlins and a couple of friends were present on the night, particularly as it was the launch. In the enclosed CCTV footage, Mr. Tate is never seen deferring to me for anything what so ever. Officers can be clearly seen interacting with Mr Tate between the Hours of 02:04 and 02:40 without him ever so much as speak to or interact with myself.

6. *Mr. Shalo cannot hold a personal licence. He therefore has to employ a personal licence holder as DPS. At the previous venue the DPS was never seen by the Police or Leeds City Council Licensing enforcement Officers. During a visit to the premises on Saturday 5<sup>th</sup> April 2014 the previous DPS for La Boheme, David Knight was said to be working on the premises acting as a Bar Supervisor.*

This statement is again incorrect as I have never applied for a personal licence. It is also true that I hold an assault conviction, for an incident which occurred in 2003 when I was involved in a fight after being attacked by a group of six men whilst working part time as a licensed door supervisor. I also hold two professional qualifications and a BSc (Hons) in Biochemistry. Prior to this incident I had no convictions and have since, held several volunteering and other gainful employment, at onetime even managing a bar in Leeds Headrow. I have also since re-trained as an Immigration Lawyer, a role which I held for over 5 years until I was made redundant in late 2010. Since then until I completed the lease for La Boheme I volunteered for Refugee Action in Leeds offering free immigration and asylum assistance to individuals and families as well as facilitating voluntary returns. I have also volunteered to worked with vulnerable people and children as career prior to starting La Boheme.

At La Boheme Mr. Joel Ricki Baker was initially the DPS and was also employed as a door supervisor. As such he was on site most Fridays and Saturdays as these were our primary trading days, except for when we had events. Mr Baker was replaced by David Knight following the incident of the 29<sup>th</sup> October 2014. I made several attempts to contact Mr. Baker by phone, email and finally on Facebook to no avail. Therefore I was not able to address any issues with him. Finally he was replaced by Mr. David Knight who prior to this was a Bar supervisor. Mr. Knight as

he would confirm worked approximately 20 to 25hrs a week at La Boheme. Obviously the fact that he was seen working at Tails and Spirits as a Bar supervisor on the 5<sup>th</sup> indicates he wasn't just a latent DPS as suggested.

7. *At 23:30 hrs on the 29<sup>th</sup> March 2014, British Transport Police Officers visited 4 Sovereign Place and were met by Mr. Shalo who introduced them to the DPS, Ryan Tate. Later that evening there was a report of an assault at the venue. The promoter for the night stated he had been hit by a member of bar staff and there was a counter allegation by the bar man. The complaint was later withdrawn but it transpired that the promoter had not been paid for work he had done. At his previous venue Mr. Shalo fell behind on paying his rent and the security company refused to supply door staff due to lack of payment.*

On Saturday 29<sup>th</sup> of March there were no visits from the any BTP officers as evidenced by the enclosed CCTV footage, until 02:04 hrs. The incident mentioned here transpired on the 28<sup>th</sup> March 2014, at the launch of Tails and Spirits, footage enclosed. I was sat outside on the far wall smoking and noticed two officers walked up to the door supervisors and specifically request for me by name. They never asked for the manager, assistant manager, DPS or anyone else. The door staff obviously motioned them to where I was sat. The officer's approached me and asked if I was the manager. I responded saying that I was the leaseholder but the manager/DPS was inside. It transpired that Mr. Tate was on break and had left the building briefly for some food, so I introduced the officers to the assistant manager Mr. Craig Norcup and left them with him. I went straight back to my friends. It was later brought to my attention that Mr. Tate returned from break shortly after the officer's arrival and met them in the office as they were completing some checks. Mr. Norcup explains that he left the officers with Mr. Tate and returned to bar.

With all due respect to the attending Officers, it is clearly obvious, as evidenced by CCTV footage that they are mistaken in their version of accounts.

The incident between the promoter (known to me as Mr. Dabs Udo) and bar staff, Mr. Jhon Hamilton Gutierrez Machado. This was an internal dispute between staff members, a disagreement that myself, Miss Tomlins or any of the managers tolerate or condone. Having not directly witnessed what transpired I can only offer third party information up to the point when I became involved. Myself, Miss Tomlins and our friends sat a couple meters from the Bar when I was approached by Mr. Machado, bleeding from his lips. He alleged that Mr. Udo had slapped him for refusing to serve him as he was under the influence. I look across to where Mr. Udo was and immediately noticed that he was drunk and a small crowd was beginning to gather around him. I went over in an attempt to calm Mr. Udo. He was very irate and clearly

inebriated. I invited him for a calm conversation somewhere quiet where I advised him that he was clearly intoxicated and it would be best to go home with his girlfriend. Mr. Udo immediately became even more angry stating that Mr Machado had disrespected him. Other two members of staff (David Ichella and Andile Sotiya) witness this. Mr. Udo's anger turned on me and at this point I left him with Mr. Ichella and Mr. Sotiya and went to fetch his girlfriend in an attempt to calm him down. Several minutes later two Officers attended stated they had been called out by Mr. Udo. Mr. Udo has since been dismissed due to this incident and he has openly apologised to myself and Miss Tomlins for his actions stating that he was completely drunk and can't remember what had transpired. With regards to allegations of him not getting paid, customarily we pay the staff on the Monday following the last weekend they worked. Mr. Udo has since been paid. Full footage of this incident has been issued to BTP. I am at a loss as to why my financial situation relates to Miss Tomlins neglecting to uphold crime prevention element of the licensing objectives. Other references to falling behind on my rent and not paying my security bill I believe have no place in these proceedings.

8. *At the meeting on the 26<sup>th</sup> March 2014 Millan Shalo stated that he would not be using external promoters as he had at La Boheme. He said it was the external promotions which had caused all the problems at La Boheme. BTP Officers noted that there were two freelance promoters present in the venue on the 29<sup>th</sup> March 2014.*

I maintain and still believe this to be true. That the problems at La Boheme were borne from the necessity to hire the venue out to external promoters, who often told us one thing and did something else, and I certainly had no intentions of repeating the same mistakes. This is clearly evidenced by the fact that of all the events at La Boheme, well over a hundred, we had in total 5 problematic events all of which were externally promoted. Hence in my meeting with the Police on the 26<sup>th</sup> March 2014 I did advice them of this in an attempt to demonstrate that (a) I clearly did not personally orchestrate these incidents but as the manager I do bear some responsibilities. The 16=21 event even though externally promoted with zero door funds going to the club, was my 100% my responsibility and this was a genuine mistake which has since never repeated itself or ever will be if I was ever afforded the opportunity to be in a similar position.

On the eve of the 28<sup>th</sup> March 2014 breaking into the 29<sup>th</sup>, Tails and Spirits Launched. At this launch there were a number of freelance promoters who had been invited to the launch as guests, besides the five other in-house promoters hired by Tails and Spirits.

These in-house promoters were Mr. Dabs Udo, Mr. Jason Spence, Mr. John Ranby, Mr. David Ichella and Miss Louise Sharp.

Miss Tomlins in her capacity as proposed premises licence holder, shares my view on this and plans to ensure all promotional activities are done in-house so Tails and Spirits maintain full control over who is invited to attend the venue.

9. *West Yorkshire Police, Leeds City Council and BTP have already received complaints from members of the public who are incredulous that the same management team behind La Boheme can open another licensed venue in the city so soon after everything which occurred at their previous club.*

I am by no means oblivious to the problems faced at La Boheme. It certainly was a learning curve. The miscalculation I made was that I felt could turn around a unit which had a very bad reputation to start with, never mind the size of it. If West Yorkshire Police and BTP were minded to afford me the opportunity to manage the new premises I am unequivocally certain I will operate said premises successfully with zero complications based on the experience I have from La Boheme. However that opportunity has not been afforded me and I have unwillingly remove myself from all day to day involvement with Tails and Spirits and Miss Tomlins an individual who not only had no direct dealings with La Boheme but is also a tenant to 4, Sovereign Place with considerable financial investment is the proposed premises holder.

Surely it's also not deemed farfetched that there are vexatious and frivolous allegations, as evidence in the fact that there a number of emails used at the La Boheme review application from an ex-girlfriend along with someone I had a personal fall out with few years back. *Original evidence CB10*. These are two separate individuals with a personal axe to grind both of whom live nowhere near La Boheme and somehow they are making representations about La Boheme. Miss Tomlin's has also been in receipt of some of these emails as well as most recently her brother.

10. *A very recent visit to the building at 23:20 hrs on Saturday 5<sup>th</sup> April revealed that the premises has already been operating past its permitted hours with CCTV footage showing that the sale of alcohol was still taking place at 03.42 hours on Sunday 30<sup>th</sup> March 2014. An offer of free sheesha with every £10 spend was queried with the duty manager, Craig Norcup. He told Leeds City Council Enforcement Officers that the sheesha was taken to the customer's table and they were allowed to smoke it there.*

At 12 midnight of the morning of the 30<sup>th</sup> March 2014, the clocks went forward an hr as commonly known. I am admittedly unsure as to the guidelines over this in relation to licensed premises but after 12 years of being a resident in Leeds I can hand on heart say I have never known a licensed venue to shut a whole hour early due to this occurrence.

I have consulted with Mr. Tate and viewed CCTV footages (also included) of the date in question and it is unfortunate that sales did go slightly over 2am (3am actual time) by 20 minutes and not the 42 minutes as indicated. Mr. Tate explains that the venue was at capacity and by the time he realised it was 20 minutes late. He is immediately seen on CCTV asking the staffs to cease trading at 02:20 hours (03:20 actual time).

Mr. Norcup explains that he did say sheesha was taken to customer's table, however he failed to say outside in the smoking area. However Mr Machado, corrected the statement and explained the procedures which is that, upon purchase the sheesha is prepared in the back and then taken outside to the customer's table where it is lit. This is evidence by the signed report from the visiting Enforcement officer also included.

In conclusion it is apparent that some mistakes were made by me at La Boheme by admitting to host some events which I should not have hosted. This being the case I never directly orchestrated these incidents and the attending patrons were far from my personal target audience. In just over a year of operating La Boheme, I host over a 100 events some with external promoters and other internally.

Thank you for taking the time to read and consider the my perspective.

Sincerely

Millan Shalo





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## Offer for Unit 3, Assembly Street

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**Millan Shalo** <millan@labohemeleeds.co.uk>  
To: Andrew Spencer <Andrew.Spencer@fleurets.com>

29 October 2013 12:07

Hi Andrew

Apologies for the delay in getting back to you. Had a bit of a manic weekend at the La Boheme and only just recovering.

So after careful considerations please advise your client of the attached offer. I await your urgent response.

Kind Regards  
Millan Shalo

Director

---

E: [millan@labohemeleeds.ac.uk](mailto:millan@labohemeleeds.ac.uk)  
W: [www.labohemeleeds.co.uk](http://www.labohemeleeds.co.uk)  
M: 07812768984  
T: 0113 2441174


La Boheme, Cross York Street, Leeds, LS2 7EE

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T: 0113 244 1174 // 0113 244 9901  
Cross York Street, Leeds, LS2 7EE

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 **Offer for Unit 3.docx**  
16K

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**Andrew Spencer** <Andrew.Spencer@fleurets.com>  
To: Millan Shalo <millan@labohemeleeds.co.uk>

30 October 2013 16:09

Milan,

Thanks for the offer. Having looked through it there are a couple of points that I know from previous discussions that they will not agree to. Firstly, they have been quite clear that they will not agree to a break clause. We had an offer previously and the direction from Marston's board was that they would not agree to a break clause under

any circumstances. Secondly, the rent free periods, they are likely to offer one in the initial part of the lease but will not agree to one on a yearly basis. Rent would need to be paid monthly once the initial rent free period had expired. Thirdly, they are realistic and know that they need to let the unit at lower than passing rent but they are looking to achieve a figure a bit higher than you have offered. A rent concession maybe possible in the first year but after that they will be looking for a figure in the region of £50,000 per year.

Please feel free to call me to discuss further but I will be out of the office tomorrow morning and it may not be possible for me to pick up all my calls.

Regards

**Andrew Spencer**

Enterprise House, 12 St. Pauls Street, Leeds, LS1 2LE

**T** 0113 234 0304

**M** 07884 495 484

**E** [andrew.spencer@fleurets.com](mailto:andrew.spencer@fleurets.com)

**Fleurets.com**

**From:** Millan Shalo [mailto:[millan@labohemeleeds.co.uk](mailto:millan@labohemeleeds.co.uk)]

**Sent:** 29 October 2013 12:07

**To:** Andrew Spencer

**Subject:** Offer for Unit 3, Assembly Street

[Quoted text hidden]



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**FW:**

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**Andrew Spencer** <Andrew.Spencer@fleurets.com>

23 October 2013 11:25

To: "millan@labohemeleeds.co.uk" <millan@labohemeleeds.co.uk>

**Andrew Spencer**

Enterprise House, 12 St. Pauls Street, Leeds, LS1 2LE

**T** 0113 234 0304

**M** 07884 495 484

**E** [andrew.spencer@fleurets.com](mailto:andrew.spencer@fleurets.com)

**Fleurets.com**

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**From:** Andrew Spencer

**Sent:** 23 October 2013 09:38

**To:** 'Teri Grant'

**Subject:** RE:

Milan/Teri,

Please find attached all the information that I currently have in relation to Paipa in Leeds. Any questions please come back to me.

Regards

**Andrew Spencer**

Enterprise House, 12 St. Pauls Street, Leeds, LS1 2LE

**T** 0113 234 0304

**M** 07884 495 484





**E** [andrew.spencer@fleurets.com](mailto:andrew.spencer@fleurets.com)

**Fleurets.com**

**From:** Teri Grant [<mailto:terilouisegrant@gmail.com>]  
**Sent:** 23 October 2013 08:04  
**To:** Andrew Spencer  
**Subject:**

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4 attachments

-  **Paipa VIP Room, Leeds N-318389.pdf**  
811K
-  **EPC 25 11 10.pdf**  
303K
-  **18315\_Superna, LEEDS\_91223 (New Licence).pdf\_1227430\_1.pdf**  
2778K
-  **Plan - PP LEEDS.pdf**  
150K

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**Millan Shalo** <[millan@labohemeleeds.co.uk](mailto:millan@labohemeleeds.co.uk)>  
To: Andrew Spencer <[Andrew.Spencer@fleurets.com](mailto:Andrew.Spencer@fleurets.com)>

25 October 2013 03:38

Hi Andrew

Many thanks for the information on Paipa.

I am putting together an offer and will revert to you by close of play Monday.

Kind Regards  
Millan Shalo

Director

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E: [millan@labohemeleeds.ac.uk](mailto:millan@labohemeleeds.ac.uk)  
W: [www.labohemeleeds.co.uk](http://www.labohemeleeds.co.uk)  
M: 07812768984  
T: 0113 2441174

La Boheme, Cross York Street, Leeds, LS2 7EE



T: 0113 244 1174 // 0113 244 9901  
Cross York Street, Leeds, LS2 7EE

[Quoted text hidden]

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**Andrew Spencer** <Andrew.Spencer@fleurets.com>  
To: Millan Shalo <millan@labohemeleeds.co.uk>

25 October 2013 08:48

Milan,

Thanks for letting me know. I look forward to hearing from you.

Regards

**Andrew Spencer**

Enterprise House, 12 St. Pauls Street, Leeds, LS1 2LE

**T** 0113 234 0304

**M** 07884 495 484

**E** [andrew.spencer@fleurets.com](mailto:andrew.spencer@fleurets.com)

**Fleurets.com**

**From:** Millan Shalo [mailto:[millan@labohemeleeds.co.uk](mailto:millan@labohemeleeds.co.uk)]  
**Sent:** 25 October 2013 03:38  
**To:** Andrew Spencer  
**Subject:** Re: FW:

[Quoted text hidden]



03/04/2014 20:26

Dabs Udo

Hey Jo, hope this finds you well.

I just wanted to directly apologise to you for letting alcohol get the better of me last friday. I acted in a very embarrassing manner and I understand that my actions have caused stress for you and Milan - this I terribly apologise for.

I did not mean any harm, I was caught making a racket in the street by the police, despite being asked to calm down by several people - I was just so bad that night from what I can remember and in my drunken stupor proceeded to embarrass myself and the venue.

I hope you find it in your heart to forgive me for this. I wish I could change what I did that night. I really am sorry.

Dabs

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## WITNESS STATEMENT

( CJ ACT 1967, s.9;MC Act 1980, ss.5A(3)(a) and 5b;MC Rules 1981, r.70 )

**Statement of Samantha Jane Longfellow**

**Age/Date of Birth – Over 21 Occupation – Senior Liaison & Enforcement Officer**

This statement (consisting of 1 page(s) each signed by me) is true to the best of my Knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable for prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Date: 15<sup>th</sup> May 2014

Signature :

I am the above named person. I am employed full - time as a Senior Liaison and Enforcement Officer with Leeds City Council's Entertainment Licensing Section. My duties include investigating unlicensed premises contrary to the Licensing Act 2003. I have delegated authority under the said Act.

On Monday 12<sup>th</sup> May 2014, I attended at the Licensing Sub-Committee for the hearing of Tails & Spirits, Sovereign Place, Leeds, LS1 4SP. Due to the Sub-Committee requiring further information the Chair, Cllr Selby adjourned the meeting until the 27<sup>th</sup> May 2014. Cllr Selby requested that I provide a statement to clarify Entertainment Licensing's stance regarding enforcement of permitted hours when the clocks go forward for British summer time.

I can confirm that Entertainment Licensing operate as per the Summer Time Act 1972 as amended by The Summer Time Order 2002. *The period of summer time for the purposes of this Act is the period beginning at one o'clock, Greenwich mean time, in the morning of the last Sunday in March and ending at one o'clock, Greenwich mean time, in the morning of the last Sunday in October.*


As a result of the above Act a Premises Licence whose terminal hour is 2am will lose one hour of trade on this day each year unless they have non-standard timings and/or seasonal variations as a measure attached to the Premises Licence.

I have checked Tails & Spirits Premises Licence and can confirm that they do not have any non-standard timings and/or seasonal variations for British summer time attached to their Premises Licence. As a result all licensable activities taking place on Sunday 30<sup>th</sup> March 2014 should have ceased at 1am Greenwich mean time (2am British summer time) and all members of the public should have been off of the premises by no later than 1.30am Greenwich mean time (2.30am British summer time).

Signature :

**WITNESS STATEMENT**

(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B;  
Criminal Procedure Rules, r.27.2)

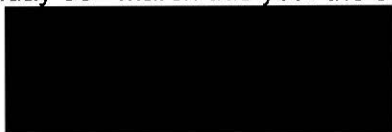
NICHE Ref. No:	<input type="text"/>	URN:	<input type="text"/>
<b>Statement of:</b>	David Shaw		
Date of birth:	Over 18	Occupation:	Police Sergeant 285
This statement (consisting of: 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.			
Signature:		Date:	13 <sup>th</sup> May 2014
Time and date statement taken:			

Check box if witness evidence is visually recorded  (supply witness details on rear)

I am a sergeant in West Yorkshire Police, currently working in Leeds District Licensing, where my responsibilities include monitoring the operation of alcohol licensed premises throughout Leeds, ensuring that premises promote the licensing objectives, advising managers and supervisors of premises and, where necessary, enforcing legislation.

I have been asked by the Licensing Sub-Committee, following an adjournment of a recent hearing, to clarify West Yorkshire Police's stance in relation to the enforcement of permitted licensing hours when Greenwich Mean Time becomes British Summer Time in the last week of March. I can state that West Yorkshire Police applies The Summer Time Order 2002, which came into effect in February 2002. As such, at 1am on the last Sunday of March each year, the clocks move forward one hour, so 1am becomes 2am. A premises with a licence to supply and sell alcohol until 2am therefore loses one hour of trade on this date each year, unless the licence relating to those premises specifically incorporates a non-standard timing clause, allowing it to operate for an additional hour. This approach has always applied, with no 'relaxation' of the Summer Time Order being permitted.

The above mentioned hearing relates to a premises called Tails & Spirits, formally Groucho's. On the most up-to-date version of this licence the non-standard timing clause is not present, which means that on Sunday 30<sup>th</sup> March this year the supply and sale of alcohol should have ceased at 1am.



Sign  
MG11



Signature witnessed by:  
**RESTRICTED** (when complete)

(Revised 1.9.12)

## Parties Notice of Intention

## Licensing Act 2003



Application No: PREM/02162/007

Name of Applicant/premises: Miss Joanna Tomlins / Tails And Spirits

Date of Hearing: 12 May 2014

I am:

The applicant/licence holder A responsible authority An interested party 

Name:

Address:

I will be attending the hearing I will not be attending the hearing 

I will be represented at the hearing by:

SELF

NB if you complete this section all further correspondence will be sent to your representative

**Note to interested parties**

If you say that you will not be attending the hearing the committee will make it's decision based upon your written representation.

If you wish to withdraw your representation please tick here 

or

If you consider that a hearing can be dispensed with please tick here Please give details as to why you think a hearing can be dispensed with.  
(e.g. because you have reached agreement with the other party on conditions)

## WITNESSES

Please set out below the name of any person you wish to appear at the Hearing (other than your representative) and give brief details of what you want the witness to tell the Committee. You will only be allowed to call the witness if the Committee gives permission.

Name	Evidence to be given
PEPE ANDROSINI	STEPS TAKEN TO PREVENT PUBLIC NUISANCES
SEAN WHITAKER	STEPS TAKEN TO ENSURE PUBLIC SAFETY
JOHN RANBY	STEPS TAKEN TO PREVENT CRIME & DISORDER
SEAN WHITAKER	STEPS TAKEN TO PROTECT CHILDREN FROM HARM
Michael Sisto	USCBAL ACCOUNTS IN RELATION TO LA BOUTENNE

## DOCUMENTS

Please list below and attach any documents (other than your application or written objections) that you wish the Committee to consider and indicate whether copies have already been sent to the other parties.

Document	Copy sent
REPRESENTATIONS FROM OUR SIBBLO	✓
CCN FOOTAGE 29/03/14 01:40 - 02:40	✓
CCN FOOTAGE 29/03/14 25:30 - 01:00	✓
CCN FOOTAGE 28/08/14 23:30 - 00:30	✓
EMAIL FROM DABS CUDO TO MISS RENDLE	✓
RECEIPT FROM NETWORK RAIL TO MISS RENDLE	✓
EMAIL CORRESPONDENCE TO FLEWERS	✓

Please return this form to:

**Entertainment Licensing Section**  
**Leeds City Council**  
**Civic Hall**  
**Leeds**  
**LS1 1UR**

Fax: 0113 224 3885

Email: [entertainment.licensing@leeds.gov.uk](mailto:entertainment.licensing@leeds.gov.uk)

Millan Shalo  
57 Bouverie Court  
Leeds  
LS9 8LB

Dear Sirs/Madam

My name is Millan Shalo, dob 06/06/1976, current co-tenant of 4 Sovereign Place, subject of these proceedings and I previously managed La Boheme, on Cross York Street, I make these representations in an interest of offering perspective on events which transpired at La Boheme, as due to a miscommunication I was never afforded an opportunity to do so, yet in an objection to the Transfer of Premises Licence for Tails and Spirits to Miss Tomlins and that to vary the Premises Licence to specify Mr. Ryan Tate as Designated Premises Supervisor, several references are made to my person and management of La Boheme.

With regards to Tails and Spirits enclosed CCTV footages and other submitted evidence will demonstrate facts contrary to those put forward in the objection.

#### Events so far

La Boheme officially traded between January 2013 and May 2013 as an events venue and from May 2013 until February 2014 as a Bar and Nightclub but became the subject of review proceedings brought by West Yorkshire Police on the 9<sup>th</sup> January 2014.

In between the submission of the application and the subcommittee hearing date of 27<sup>th</sup> February 2014, La Boheme ceased trading and the Premises Licence was transferred with immediate effect to Urban Edge Group, the landlord of the premises.

In its conclusion, the subcommittee of the 27<sup>th</sup> February determined that the primary objective of the review application, which was to close the premises, had been removed as La Boheme was no longer trading and as such the licensing objectives were being upheld. In these circumstances an adjournment application made by Urban Edge Group the new Premises Licence Holder and their representative was granted and the proceeding was

adjourned to the 18<sup>th</sup> March 2014. Please refer to attached Notice of Decision, dated 7<sup>th</sup> March 2014.

In light of the above I enquired whether I was to attend the adjourned hearing and it was put to me by the committee that my attendance was not required as La Boheme was no longer trading. As such I did not attend the hearing of the 18<sup>th</sup> March. Please note Section 52 paragraphs (2) and (3) of the Licensing Act 2003, in particular that the actuality that a determination was reached absent of any representations from myself after being informed I was not to attend.

My intentions had always been to attend any scheduled hearing, not to defend the problems at La Boheme but to offer an explanation of the steps myself as the manager of La Boheme had taken to ensure that the Licensing Objectives were upheld and in so doing afford the subcommittee a fair and balanced decision making process. I have since learned that at the hearing of the 18<sup>th</sup> March, several references and representations were made directly addressing me and my management of La Boheme, by other interested parties occasioning a determination minus any representations from me and thereby removing all fairness probabilities, evidenced by attached Notice of Decision, dated 26<sup>th</sup> March 2014.

#### Tails and Spirits

Lease negotiation proceedings for 4 Sovereign Place began in late December 2013 and were completed in March 2014. Prior to completion I enquired with Leeds City Council Licensing official Mr. Matthew Nelson, as to the Council's position to transferring the Premises Licence into my person. Mr. Nelson explained that to his knowledge the Council had no issues with me running licensed premises as they had not brought about the initial review proceedings for La Boheme, but that it would be advisable to have a conversation with West Yorkshire Police. I initiated conversations with PC Catherine Arkle and later met with her and British Transport Police. PC Arkle advised that West Yorkshire Police would object to the transfer of premises licence, sighting the "problems" that had occurred at La Boheme. I sought to offer conditions to be placed on the licence allowing me to operate with close monitoring from the relevant authorities. However it was made apparent that my involvement would be objected. After consulting legal advice and the landlords Miss Tomlins, the other leaseholder of 4, Sovereign Place decided it best at this point to be the Licence holder and as such Mr Ryan Tate, previous DPS of the Leeds Club, was interviewed and subsequently employed as general manager. Mr Tate has since resigned from his last position and is now fully employed as the GM of Tails and Spirits.

I have no management role in Tails and Spirits what so ever and I am prepared to provide an undertaking limiting my involvement solely as a co-tenant. I am currently seeking suitable employment but presently "a stay at home dad" to my two young children.

## Transfer of Premises Licence

In their objection, WYP states the following as satisfactory reasons.

1. *The applicant Joanna Tomlins is closely associated with Millan Shalo, the previous operator of a venue known as La Boheme. Mr Shalo was initially the director of Wildcard Leisure Ltd, the company who was the named Premises Licence Holder for La Boheme, but Miss Tomlins took over as director of the company in February 2013. Miss Tomlins is also said to be Mr. Shalo's girlfriend.*

Miss Tomlins is indeed my girlfriend and was the director of Wildcard Leisure Ltd. She however had no day to day involvement with La Boheme as she was in fulltime employment and also a mother with a young child. She now works 4 days a week with her current employer with the remaining 3 days allocated to overseeing the operations of Tails and Spirits. Besides being a co-tenant she has also made a considerable financial investment in Tails and Spirits and it is unfair to expect that she doesn't protect said investment simply because she is associated to me.

She has elected as co-tenant of 4 Sovereign Place and someone with vested financial interest to act as the Premise Licence Holder and in so doing employed a GM with suitable credentials to manage the daily activities of Tails and Spirits. Attached is a contract of employment for Mr. Tate setting out his responsibilities as the GM, evidence of Miss Tomlins financial investment as well as her contract of employment confirming that she works 4 days a week.

2. *La Boheme has recently been subject to a Premises Licence review (18<sup>th</sup> March 2014) due to the serious incidents of crime and disorder associated with the venue whilst Mr. Shalo was running it and Wildcard Leisure the Premises Licence holders. There were also incidents of underage events where alcohol was consumed, breaches of licence conditions, absent DPS, and generally very poor management along with the running of high risk events.*

The problematic events at La Boheme were externally promoted. In essence La Boheme as a venue was hired by external promoters to host their events. This meant other than by reputation and due diligence I as the manager had no other means of knowing with absolute certainty who would turn up on the night. That said in the interest of upholding the licensing objectives and cooperating fully with West Yorkshire Police and any relevant authorities, I concede that as the manager the responsibility rests on my shoulders. In my defence however, I have always acted in good faith and in so doing been let down by external promoters. That being the case on all the incidents occasioning the review of the Licence, I have always cooperated with the relevant authorities, completed relevant risk assessments, close problematic

events down and most importantly involved them in booking at La Boheme by submitting monthly booked events with regular updates.

It has been mentioned that there were few underage events at La Boheme. I must at this point clarify that I only hosted one 16-21 event and this was on the 29<sup>th</sup> October 2013, and this was admittedly a genuine misinterpretation of the conditions of my licence for which I sincerely regret. However in this event I categorically and proactively made sure no alcohol was served or sold to anyone underage as well as did everything in my power to ensure the event was controlled. In an endeavour to limit the number of drinks bought by any one person to 1, I allocated 3 of my most experienced staffs to work the shift and they were fully briefed prior to opening to check IDs on all purchase and make sure no one was served more than once in any one visit to the bar. We also set a 10 minutes waiting time on the bar. They were also instructed to be vigilant and not serve double as well as watch out for frequency of purchase. Between myself and David Knight the Bar supervisor at the time, we spent most of the night fluctuating between the front door and the bar ensuring that no alcohol was sold or brought into the premises. The promoter was also fully briefed about our ID checks and that we will under no circumstances sell alcohol to any one minor.

After said event in a meeting with West Yorkshire Police and Officials from Leeds City Council, it was pointed out to me that I was wrong in allowing La Boheme to host the event. This was a genuine mistake on my part that has never been or will ever be repeated under any circumstances. This in all honesty is the one incident that retrospectively I should never had agreed to and I cannot apologise enough for it.

Again this was and will always be the last time I make such a mistake. After this event the door team were briefed to always be vigilant and check ID and so too the bar staff. As such I can hand on heart say we have not had one incident of anyone being sold alcohol at La Boheme....

Miss Tomlins had nothing to do with this event.

- 3. The Premises Licence previously held by Wildcard Leisure Ltd has been suspended and the venue no longer operates because of how it was run.*

Please see 4 below..



4. *Mr. Shalo has signed a 3 year lease for the premises at 4 Sovereign Place – This occurred within days of the review of La Boheme’s licence.*

This is untrue. Lease negotiations for 4 Sovereign Place started late December 2013, some few days prior to myself first becoming aware of the review application in January of 2014. The primary reason for this was that, between October and November of 2014, due to the overheads of operating previous premises, it had increasingly become apparent that its survival was reliant on large scale externally promoted club nights, something which was never intended for the business. Essentially the business module had become non feasible, as these events were not only difficult to manage in a residential area but reliant on external promoters to bring in their own crowd. In November of 2013 I started looking for suitable smaller premises. I attach correspondence between myself and Andrew Spencer of Fleurets as evidence of this for consideration.

After several correspondences we were unable to come to terms and later on found the current premises at 4 Sovereign Place.

The lease for no 4 Sovereign Place was finally completed on the 19<sup>th</sup> March 2014 in the names of myself and Miss Tomlins, again also attached for your consideration and as confirmation that Miss Tomlins is also financially vested in Tails and Spirits.

5. *Mr. Shalo contacted West Yorkshire Police and British Transport Police after signing the lease to ask for a meeting about transferring the licence into his name and extended hours for licensable activities. This took place on the 26<sup>th</sup> March 2014. When it was made clear to him that West Yorkshire Police would object due to the issues at his previous club, Mr. Shalo obviously decided to have somebody else named as the licence holder, but it is Mr. Shalo who is running these premises just as he ran La Boheme. When British Transport Police visited the venue at 01.57 hours on Saturday 29<sup>th</sup> March 2014, the attending officer reported that Mr. Shalo appeared to be the manager with the DPS, Ryan Tate, deferring to him on a regular basis.*

I did contact WYP and BTP in the interest of transparency and to clarify the position on me as the premises licence holder as advised by Leeds City Council Licensing Officer, Matthew Nelson. In the meeting I sought to offer assurances and address my intentions with Tails and Spirits. Which were that Tails and Spirits was a completely new business module targeting the local offices and early evening crowd. I proposed that in order to maintain the licensing objectives, Tails and Spirits was to operate as a bar Sunday to Wednesday, 3am on a Thursday and 4 am on a Friday and Saturday in order to fairly compete with other local establishments. It is also true that I was told of their proposed objection to the transfer of premises licence into my name. Obviously after relaying this information to Miss Tomlins she opted to put

herself forward as she was not only also tied to the lease but financially invested. Myself and Miss Tomlins have never hidden the fact that we were in a relationship together, nor does this mean we are both incapable of functioning in singular capacity. Her decision to become the premises licence holder was solely based on her interest in the business rather than a ploy to be deceitful.

The attending officer's comments of Mr. Tate regularly deferring to me is simply incorrect as evidenced in the attached CCTV footage (between the hours of 01:40 and 02:40 hours) from the night. Myself, Miss Tomlins and a couple of friends were present on the night, particularly as it was the launch. In the enclosed CCTV footage, Mr. Tate is never seen deferring to me for anything what so ever. Officers can be clearly seen interacting with Mr Tate between the Hours of 02:04 and 02:40 without him ever so much as speak to or interact with myself.

6. *Mr. Shalo cannot hold a personal licence. He therefore has to employ a personal licence holder as DPS. At the previous venue the DPS was never seen by the Police or Leeds City Council Licensing enforcement Officers. During a visit to the premises on Saturday 5<sup>th</sup> April 2014 the previous DPS for La Boheme, David Knight was said to be working on the premises acting as a Bar Supervisor.*

This statement is again incorrect as I have never applied for a personal licence. It is also true that I hold an assault conviction, for an incident which occurred in 2003 when I was involved in a fight after being attacked by a group of six men whilst working part time as a licensed door supervisor. I also hold two professional qualifications and a BSc (Hons) in Biochemistry. Prior to this incident I had no convictions and have since, held several volunteering and other gainful employment, at onetime even managing a bar in Leeds Headrow. I have also since re-trained as an Immigration Lawyer, a role which I held for over 5 years until I was made redundant in late 2010. Since then until I completed the lease for La Boheme I volunteered for Refugee Action in Leeds offering free immigration and asylum assistance to individuals and families as well as facilitating voluntary returns. I have also volunteered to worked with vulnerable people and children as career prior to starting La Boheme.

At La Boheme Mr. Joel Ricki Baker was initially the DPS and was also employed as a door supervisor. As such he was on site most Fridays and Saturdays as these were our primary trading days, except for when we had events. Mr Baker was replaced by David Knight following the incident of the 29<sup>th</sup> October 2014. I made several attempts to contact Mr. Baker by phone, email and finally on Facebook to no avail. Therefore I was not able to address any issues with him. Finally he was replaced by Mr. David Knight who prior to this was a Bar supervisor. Mr. Knight as

he would confirm worked approximately 20 to 25hrs a week at La Boheme. Obviously the fact that he was seen working at Tails and Spirits as a Bar supervisor on the 5<sup>th</sup> indicates he wasn't just a latent DPS as suggested.

7. *At 23:30 hrs on the 29<sup>th</sup> March 2014, British Transport Police Officers visited 4 Sovereign Place and were met by Mr. Shalo who introduced them to the DPS, Ryan Tate. Later that evening there was a report of an assault at the venue. The promoter for the night stated he had been hit by a member of bar staff and there was a counter allegation by the bar man. The complaint was later withdrawn but it transpired that the promoter had not been paid for work he had done. At his previous venue Mr. Shalo fell behind on paying his rent and the security company refused to supply door staff due to lack of payment.*

On Saturday 29<sup>th</sup> of March there were no visits from the any BTP officers as evidenced by the enclosed CCTV footage, until 02:04 hrs. The incident mentioned here transpired on the 28<sup>th</sup> March 2014, at the launch of Tails and Spirits, footage enclosed. I was sat outside on the far wall smoking and noticed two officers walked up to the door supervisors and specifically request for me by name. They never asked for the manager, assistant manager, DPS or anyone else. The door staff obviously motioned them to where I was sat. The officer's approached me and asked if I was the manager. I responded saying that I was the leaseholder but the manager/DPS was inside. It transpired that Mr. Tate was on break and had left the building briefly for some food, so I introduced the officers to the assistant manager Mr. Craig Norcup and left them with him. I went straight back to my friends. It was later brought to my attention that Mr. Tate returned from break shortly after the officer's arrival and met them in the office as they were completing some checks. Mr. Norcup explains that he left the officers with Mr. Tate and returned to bar.

With all due respect to the attending Officers, it is clearly obvious, as evidenced by CCTV footage that they are mistaken in their version of accounts.

The incident between the promoter (known to me as Mr. Dabs Udo) and bar staff, Mr. Jhon Hamilton Gutierrez Machado. This was an internal dispute between staff members, a disagreement that myself, Miss Tomlins or any of the managers tolerate or condone. Having not directly witnessed what transpired I can only offer third party information up to the point when I became involved. Myself, Miss Tomlins and our friends sat a couple meters from the Bar when I was approached by Mr. Machado, bleeding from his lips. He alleged that Mr. Udo had slapped him for refusing to serve him as he was under the influence. I look across to where Mr. Udo was and immediately noticed that he was drunk and a small crowd was beginning to gather around him. I went over in an attempt to calm Mr. Udo. He was very irate and clearly

inebriated. I invited him for a calm conversation somewhere quiet where I advised him that he was clearly intoxicated and it would be best to go home with his girlfriend. Mr. Udo immediately became even more angry stating that Mr Machado had disrespected him. Other two members of staff (David Ichella and Andile Sotiya) witness this. Mr. Udo's anger turned on me and at this point I left him with Mr. Ichella and Mr. Sotiya and went to fetch his girlfriend in an attempt to calm him down. Several minutes later two Officers attended stated they had been called out by Mr. Udo. Mr. Udo has since been dismissed due to this incident and he has openly apologised to myself and Miss Tomlins for his actions stating that he was completely drunk and can't remember what had transpired. With regards to allegations of him not getting paid, customarily we pay the staff on the Monday following the last weekend they worked. Mr. Udo has since been paid. Full footage of this incident has been issued to BTP. I am at a loss as to why my financial situation relates to Miss Tomlins neglecting to uphold crime prevention element of the licensing objectives. Other references to falling behind on my rent and not paying my security bill I believe have no place in these proceedings.

8. *At the meeting on the 26<sup>th</sup> March 2014 Millan Shalo stated that he would not be using external promoters as he had at La Boheme. He said it was the external promotions which had caused all the problems at La Boheme. BTP Officers noted that there were two freelance promoters present in the venue on the 29<sup>th</sup> March 2014.*

I maintain and still believe this to be true. That the problems at La Boheme were borne from the necessity to hire the venue out to external promoters, who often told us one thing and did something else, and I certainly had no intentions of repeating the same mistakes. This is clearly evidenced by the fact that of all the events at La Boheme, well over a hundred, we had in total 5 problematic events all of which were externally promoted. Hence in my meeting with the Police on the 26<sup>th</sup> March 2014 I did advice them of this in an attempt to demonstrate that (a) I clearly did not personally orchestrate these incidents but as the manager I do bear some responsibilities. The 16=21 event even though externally promoted with zero door funds going to the club, was my 100% my responsibility and this was a genuine mistake which has since never repeated itself or ever will be if I was ever afforded the opportunity to be in a similar position.

On the eve of the 28<sup>th</sup> March 2014 breaking into the 29<sup>th</sup>, Tails and Spirits Launched. At this launch there were a number of freelance promoters who had been invited to the launch as guests, besides the five other in-house promoters hired by Tails and Spirits.

These in-house promoters were Mr. Dabs Udo, Mr. Jason Spence, Mr. John Ranby, Mr. David Ichella and Miss Louise Sharp.

Miss Tomlins in her capacity as proposed premises licence holder, shares my view on this and plans to ensure all promotional activities are done in-house so Tails and Spirits maintain full control over who is invited to attend the venue.

9. *West Yorkshire Police, Leeds City Council and BTP have already received complaints from members of the public who are incredulous that the same management team behind La Boheme can open another licensed venue in the city so soon after everything which occurred at their previous club.*

I am by no means oblivious to the problems faced at La Boheme. It certainly was a learning curve. The miscalculation I made was that I felt could turn around a unit which had a very bad reputation to start with, never mind the size of it. If West Yorkshire Police and BTP were minded to afford me the opportunity to manage the new premises I am unequivocally certain I will operate said premises successfully with zero complications based on the experience I have from La Boheme. However that opportunity has not been afforded me and I have unwillingly remove myself from all day to day involvement with Tails and Spirits and Miss Tomlins an individual who not only had no direct dealings with La Boheme but is also a tenant to 4, Sovereign Place with considerable financial investment is the proposed premises holder.

Surely it's also not deemed farfetched that there are vexatious and frivolous allegations, as evidence in the fact that there a number of emails used at the La Boheme review application from an ex-girlfriend along with someone I had a personal fall out with few years back. *Original evidence CB10*. These are two separate individuals with a personal axe to grind both of whom live nowhere near La Boheme and somehow they are making representations about La Boheme. Miss Tomlin's has also been in receipt of some of these emails as well as most recently her brother.

10. *A very recent visit to the building at 23:20 hrs on Saturday 5<sup>th</sup> April revealed that the premises has already been operating past its permitted hours with CCTV footage showing that the sale of alcohol was still taking place at 03.42 hours on Sunday 30<sup>th</sup> March 2014. An offer of free sheesha with every £10 spend was queried with the duty manager, Craig Norcup. He told Leeds City Council Enforcement Officers that the sheesha was taken to the customer's table and they were allowed to smoke it there.*

At 12 midnight of the morning of the 30<sup>th</sup> March 2014, the clocks went forward an hr as commonly known. I am admittedly unsure as to the guidelines over this in relation to licensed premises but after 12 years of being a resident in Leeds I can hand on heart say I have never known a licensed venue to shut a whole hour early due to this occurrence.

I have consulted with Mr. Tate and viewed CCTV footages (also included) of the date in question and it is unfortunate that sales did go slightly over 2am (3am actual time) by 20 minutes and not the 42 minutes as indicated. Mr. Tate explains that the venue was at capacity and by the time he realised it was 20 minutes late. He is immediately seen on CCTV asking the staffs to cease trading at 02:20 hours (03:20 actual time).

Mr. Norcup explains that he did say sheesha was taken to customer's table, however he failed to say outside in the smoking area. However Mr Machado, corrected the statement and explained the procedures which is that, upon purchase the sheesha is prepared in the back and then taken outside to the customer's table where it is lit. This is evidence by the signed report from the visiting Enforcement officer also included.

In conclusion it is apparent that some mistakes were made by me at La Boheme by admitting to host some events which I should not have hosted. This being the case I never directly orchestrated these incidents and the attending patrons were far from my personal target audience. In just over a year of operating La Boheme, I host over a 100 events some with external promoters and other internally.

Thank you for taking the time to read and consider the my perspective.

Sincerely

Millan Shalo



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## Offer for Unit 3, Assembly Street

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**Millan Shalo** <millan@labohemeleeds.co.uk>  
To: Andrew Spencer <Andrew.Spencer@fleurets.com>

29 October 2013 12:07

Hi Andrew

Apologies for the delay in getting back to you. Had a bit of a manic weekend at the La Boheme and only just recovering.

So after careful considerations please advice your client of the attached offer. I await your urgent response.

Kind Regards  
Millan Shalo

Director

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E: [millan@labohemeleeds.ac.uk](mailto:millan@labohemeleeds.ac.uk)  
W: [www.labohemeleeds.co.uk](http://www.labohemeleeds.co.uk)  
M: 07812768984  
T: 0113 2441174


La Boheme, Cross York Street, Leeds, LS2 7EE

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T: 0113 244 1174 // 0113 244 9901  
Cross York Street, Leeds, LS2 7EE

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 **Offer for Unit 3.docx**  
16K

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**Andrew Spencer** <Andrew.Spencer@fleurets.com>  
To: Millan Shalo <millan@labohemeleeds.co.uk>

30 October 2013 16:09

Milan,

Thanks for the offer. Having looked through it there are a couple of points that I know from previous discussions that they will not agree to. Firstly, they have been quite clear that they will not agree to a break clause. We had an offer previously and the direction from Marston's board was that they would not agree to a break clause under

any circumstances. Secondly, the rent free periods, they are likely to offer one in the initial part of the lease but will not agree to one on a yearly basis. Rent would need to be paid monthly once the initial rent free period had expired. Thirdly, they are realistic and know that they need to let the unit at lower than passing rent but they are looking to achieve a figure a bit higher than you have offered. A rent concession maybe possible in the first year but after that they will be looking for a figure in the region of £50,000 per year.

Please feel free to call me to discuss further but I will be out of the office tomorrow morning and it may not be possible for me to pick up all my calls.

Regards

**Andrew Spencer**

Enterprise House, 12 St. Pauls Street, Leeds, LS1 2LE

**T** 0113 234 0304

**M** 07884 495 484

**E** [andrew.spencer@fleurets.com](mailto:andrew.spencer@fleurets.com)

**Fleurets.com**

**From:** Millan Shalo [mailto:[millan@labohemeleeds.co.uk](mailto:millan@labohemeleeds.co.uk)]

**Sent:** 29 October 2013 12:07

**To:** Andrew Spencer

**Subject:** Offer for Unit 3, Assembly Street

[Quoted text hidden]





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**FW:**

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**Andrew Spencer** <Andrew.Spencer@fleurets.com>

23 October 2013 11:25

To: "millan@labohemeleeds.co.uk" <millan@labohemeleeds.co.uk>

**Andrew Spencer**

Enterprise House, 12 St. Pauls Street, Leeds, LS1 2LE

**T** 0113 234 0304

**M** 07884 495 484

**E** [andrew.spencer@fleurets.com](mailto:andrew.spencer@fleurets.com)

**Fleurets.com**

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**From:** Andrew Spencer

**Sent:** 23 October 2013 09:38

**To:** 'Teri Grant'

**Subject:** RE:

Milan/Teri,

Please find attached all the information that I currently have in relation to Paipa in Leeds. Any questions please come back to me.

Regards

**Andrew Spencer**

Enterprise House, 12 St. Pauls Street, Leeds, LS1 2LE

**T** 0113 234 0304

**M** 07884 495 484





**E** [andrew.spencer@fleurets.com](mailto:andrew.spencer@fleurets.com)

**Fleurets.com**

**From:** Teri Grant [<mailto:terilouisegrant@gmail.com>]  
**Sent:** 23 October 2013 08:04  
**To:** Andrew Spencer  
**Subject:**

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**4 attachments**

-  **Paipa VIP Room, Leeds N-318389.pdf**  
811K
-  **EPC 25 11 10.pdf**  
303K
-  **18315\_Superna, LEEDS\_91223 (New Licence).pdf\_1227430\_1.pdf**  
2778K
-  **Plan - PP LEEDS.pdf**  
150K

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**Millan Shalo** <[millan@labohemeleeds.co.uk](mailto:millan@labohemeleeds.co.uk)>  
To: Andrew Spencer <[Andrew.Spencer@fleurets.com](mailto:Andrew.Spencer@fleurets.com)>

25 October 2013 03:38

Hi Andrew

Many thanks for the information on Paipa.

I am putting together an offer and will revert to you by close of play Monday.

Kind Regards  
Millan Shalo

Director

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E: [millan@labohemeleeds.ac.uk](mailto:millan@labohemeleeds.ac.uk)  
W: [www.labohemeleeds.co.uk](http://www.labohemeleeds.co.uk)  
M: 07812768984  
T: 0113 2441174

La Boheme, Cross York Street, Leeds, LS2 7EE



T: 0113 244 1174 // 0113 244 9901  
Cross York Street, Leeds, LS2 7EE

[Quoted text hidden]

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**Andrew Spencer** <Andrew.Spencer@fleurets.com>  
To: Millan Shalo <millan@labohemeleeds.co.uk>

25 October 2013 08:48

Milan,

Thanks for letting me know. I look forward to hearing from you.

Regards

**Andrew Spencer**

Enterprise House, 12 St. Pauls Street, Leeds, LS1 2LE

**T** 0113 234 0304

**M** 07884 495 484

**E** [andrew.spencer@fleurets.com](mailto:andrew.spencer@fleurets.com)

**Fleurets.com**

**From:** Millan Shalo [mailto:[millan@labohemeleeds.co.uk](mailto:millan@labohemeleeds.co.uk)]  
**Sent:** 25 October 2013 03:38  
**To:** Andrew Spencer  
**Subject:** Re: FW:

[Quoted text hidden]



03/04/2014 20:26

Dabs Udo

Hey Jo, hope this finds you well.

I just wanted to directly apologise to you for letting alcohol get the better of me last friday. I acted in a very embarrassing manner and I understand that my actions have caused stress for you and Milan - this I terribly apologise for.

I did not mean any harm, I was caught making a racket in the street by the police, despite being asked to calm down by several people - I was just so bad that night from what I can remember and in my drunken stupor proceeded to embarrass myself and the venue.

I hope you find it in your heart to forgive me for this. I wish I could change what I did that night. I really am sorry.

Dabs

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