

## LICENSING SUB-COMMITTEE

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MEETING TO BE HELD IN CIVIC HALL, LEEDS ON

TUESDAY, 19TH APRIL, 2016 AT 10.00 AM

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### MEMBERSHIP

B Gettings - Morley North  
M Harland - Kippax and Methley  
C Townsley - Horsforth

# A G E N D A

Item No	Ward	Item Not Open		Page No
			<b><u>PRELIMINARY PROCEDURES</u></b>	
1			<b>ELECTION OF THE CHAIR</b>	
2			<b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b>  To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)  (*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)	

Item No	Ward	Item Not Open		Page No
3			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1) To highlight reports or appendices which:</p> <p>a) officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>b) To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>c) If so, to formally pass the following resolution:-</p> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p> <p>2) To note that under the Licensing Procedure rules, the press and the public will be excluded from that part of the hearing where Members will deliberate on each application as it is in the public interest to allow the Members to have a full and frank debate on the matter before them.</p>	
4			<p><b>LATE ITEMS</b></p> <p>To identify any applications as late items of business which have been admitted to the agenda for consideration</p> <p>(the special circumstances shall be identified in the minutes)</p>	

Item No	Ward	Item Not Open		Page No
5			<p><b>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</b></p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13 -16 of the Members' Code of Conduct.</p> <p><b><u>HEARINGS</u></b></p>	
6	Gipton and Harehills		<p><b>REVIEW OF THE PREMISES LICENCE FOR EAST EUROPEAN FOODS, 11 HAREHILLS ROAD, HAREHILLS, LEEDS, LS8 5HR,</b></p> <p>To receive and consider a report by the Head of Elections, Licensing and Registration which sets out details of a review of the Premises License at Eastern European Foods, 11 Harehills Road, Harehills, Leeds.</p> <p>(This application is being re-convened following the decision to adjourn made by the Sub Committee on 5<sup>th</sup> April 2016)</p> <p>(Report attached)</p> <p><b><u>Third Party Recording</u></b></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties – code of practice</p> <ul style="list-style-type: none"> <li>a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.</li> <li>b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.</li> </ul>	1 - 104

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### **Third Party Recording**

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

### **Use of Recordings by Third Parties– code of practice**

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

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## Report of the Head of Elections, Licensing and Registration

### Report to the Licensing Sub Committee

**Date:** 19th April 2016

**Subject:** Review of the Premises Licence for East European Foods, 11 Harehills Road, Harehills, Leeds, LS8 5HR,

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Gipton & Harehills	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		

### Executive Summary

This report informs Members of an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003, sought by The Licensing Authority in respect of 11 Harehills Road, Harehills, Leeds, LS8 5HR. The licensing authority is now under a duty to review the premises licence held by these premises.

The application was previously scheduled before the Licensing Sub Committee on the 5<sup>th</sup> April 2016. The committee determined to adjourn the hearing to a later date as it was considered it to be important that the new Licence Holder Mr Mirabadi attend the hearing. Although the committee were aware that steps have been taken to rectify the CCTV recording which was the substantive reason why the review was sought by the Licensing Authority, the options available to the committee can include revocation of the licence. The fact Mr Mirabadi had not attended this hearing showed a lack of appreciation of the severity of this situation and the committee therefore decided to adjourn the matter until the 19<sup>th</sup> April 2016.

### 1.0 Purpose of this Report

1.1 This report provides Members with the background and history to the making of the review application made by The Licensing Authority (**Appendix A**). 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.

## 2.0 Background Information

- 2.1 On the 5<sup>th</sup> February 2013 Mr Ziring Mahmood submitted an application for a premises licence. The application received an objection from EPT team. These conditions were agreed and imposed onto the operating schedule. The premises licence was duly granted.

On the 25<sup>th</sup> February 2014 a transfer application was received. This was to transfer the premises licence to Mr Shores Mohammed.

On the 9<sup>th</sup> October 2015 a transfer application was received. This was to transfer the premises licence to Mr Dahan Mohammed. A Designated Premises Supervisor (Dps) change was also submitted which was to nominate Mr Mohammed as the Dps.

On the 4<sup>th</sup> November a transfer application was received to transfer the premises licence back to Mr Shores Mohammed.

On the 24<sup>th</sup> March 2015 a transfer application was received to transfer the premises licence to Miss Ewelima Gierbuszewska.

On the 26<sup>th</sup> March 2015 an application to extend the licensable hours was received. This application was sent back to the applicant on the 7<sup>th</sup> May 2015 as invalid due to the application not being advertised in the press within the timescale according to legislation.

On the 18<sup>th</sup> May 2015 an application to transfer the premises licence was received to transfer the premises licence to Mr Alan Amiri.

On the 19<sup>th</sup> August 2015 an application to transfer was received to transfer the licence back to Mr Shores Mohammed. A Dps change was also submitted nominating Mr Mohammed as Dps.

On the 24<sup>th</sup> February 2016 a transfer application was received. This was to transfer the premises licence to Mr Hassan Mirabadi.

On the 9<sup>th</sup> March 2016 a change to the premises licence name to DJ Off Licence.

On the 5<sup>th</sup> April 2016 the review hearing was heard before the subcommittee. This application has been adjourned until the 19<sup>th</sup> April 2016.

## 3.0 Premises Licence

- 3.1 The premises licence holder is Mr Hassan Mirabadi. Members please note at the time the review was submitted Mr Shores Mohammed was the licence holder. However he remains the Dps.
- 3.2 A copy of the premises licence can be found at **Appendix B** of this report. In summary, the premises licence permits the following:

Sale by retail of alcohol

Monday to Saturday 09:00 – 23:00

Sunday 10:00 – 22:00

There are no non-standard timings.



#### **4.0 Designated Premises Supervisor**

The Designated Premises Supervisor for the premises is Mr Shores Mohammed.

#### **5.0 Location**

A map which identifies the location of the premises are attached at **Appendix C**.

#### **6.0 Main Issues**

- 6.1 During investigations Leeds City Council Entertainment Licensing Section have found persistent breaches of the Premises Licence conditions.

Despite a total of five visits to the premises, four strongly worded warning letters to the operator and advice given at the time of each visit, the CCTV remains non-compliant and not suitable for purpose.

In view of these issues referred to Leeds Licensing Authority request the suspension of the Premises Licence for a period up to 3 months to enable the Premises Licence Holder to ensure the CCTV system is operating in accordance with all relevant conditions.

Witness statements provided by Senior Liaison and Enforcement Officers for Leeds City Council Entertainment licence section can be found at **Appendix D**.

Witness statements provided by the North East Leeds Division Licensing Officer for West Yorkshire Police (WYP) and the WYP ward manager for the Harehills area can be found at **Appendix E** of this report.

#### **7.0 Matters Relevant to the Application**

- 7.1 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.

- 7.2 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 F**. Members must also have regard to the Council's licensing policy, the relevant representations made and evidence they hear

#### **8.0 Implications for Council Policy and Government**

- 8.1 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.

## **9.0 Legal and Resource Implications**

- 9.1 There are no resource implications in determining the review.
- 9.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrate's Court.

## **10.0 Recommendations**

- 10.1 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.
- 10.2 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.
- 10.3 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.
- 10.4 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.
- 10.5 Members are directed to paragraphs 11.25 to 11.31 of the Statutory Guidance which related to reviews arising in connection with crime.
- 10.6 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.

## **11.0 Background Papers**

- 11.1 Guidance issued under s182 Licensing Act 2003
- 11.2 Leeds City Council Statement of Licensing Policy

## **Appendices**

Appendix A Review application  
Appendix B Premises Licence  
Appendix C Map of premise  
Appendix D Witness Statements  
Appendix E Witness Statements  
Appendix F Extract from the s182 Guidance



REV1

Entertainment Licensing, Leeds City Council, Civic Hall, Leeds, LS1 1UR

**Application for a review of a premises licence or club premises certificate  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

We the Licensing Authority apply for the review of a premises licence under section 51/apply for the review of a premises licence under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

**Part 1 – Premises or club premises details**

Postal address of premises or club premises, or if none, ordnance survey map reference or description

East European Foods  
11 Harehills Road

Post town  
Leeds

Post code  
LS8 5HR

Name of premises licence holder or club holding club premises certificate (if known)

Mr Shores Hatah Mohammed

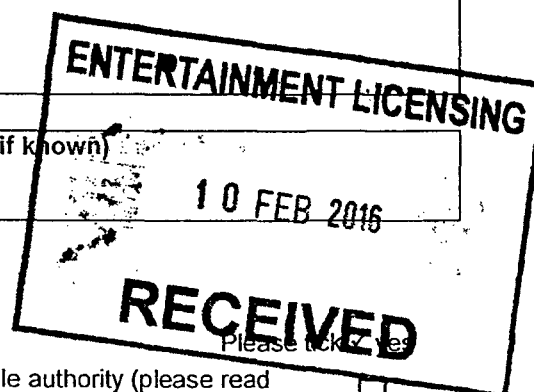
Number of premises licence or club premises certificate (if known)

PREM/03296/010

**Part 2 – Applicant details**

I am

- 1 An individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below) ☐
- 2 A responsible authority (please complete (C) below) ☒
- 3 A member of the club to which this application relates (please complete (A) below) ☐



(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other title <input type="checkbox"/> (for example, Rev)
Surname		First names		
<input type="text"/>		<input type="text"/>		

Please tick ✓ Yes

I am 18 years old or over

☐

Current postal address  
if different from  
premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

(B) DETAILS OF OTHER APPLICANT

Name	
Address	
Telephone number (if any)	
E-mail (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name	Leeds City Council ( Licensing Authority)
Address	Entertainment Licensing Civic Hall Leeds LS1 1UR
Telephone number (if any)	0113 2474095
E-mail (optional)	entertainment.licensing@leeds.gov.uk

This application to review relates to the following licensing objectives(s)

Please tick one or more boxes ✓

- |    |                                      |                                     |
|----|--------------------------------------|-------------------------------------|
| 1. | the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2. | public safety                        | <input checked="" type="checkbox"/> |
| 3. | the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4. | the protection of children from harm | <input type="checkbox"/>            |

Please state the ground(s) for review (please read guidance note 2)

The premises were brought to the attention of Leeds City Council's Entertainment Licensing Section by a member of the public alleging the premises were operating beyond their permitted hours. During the investigation officers found persistent breaches of the Premises Licence conditions.

On 6<sup>th</sup> March 2013 a Premises Licence for the sale of alcohol for consumption off the premises was granted for East European Foods.

On 3<sup>rd</sup> September 2015 the current Licence was issued with Mr Shores Hatah Mohammed specified as both the Premises Licence Holder and Designated Premises Supervisor

On 10<sup>th</sup> September 2015 a complaint alleging the premises were open and selling alcohol after their permitted hours was received.

On 10<sup>th</sup> September 2015 letters addressed to Mr Mohammed were posted to the shop premises and his flat above the shop. The letters advise the nature of the complaint, a reminder of the hours specified on the licence and the relevant offences under Section 136 of the Licensing Act.

On 20<sup>th</sup> September 2015 Leeds City Council Enforcement officers attended at the premises and spoke to the male member of staff there advising him of the reason for the visit. Although he was able to state the opening and closing times of the shop( without the Part B of the licence being displayed) he was unable to operate the CCTV system to prove this was the case. A business card was left for Mr Mohammed with a message to ring the officer.

On 7<sup>th</sup> October 2015 a Leeds City Council Enforcement officer together with the WYP District Licensing officer and a probationer attended at the premises. The Premises Licence Holder and Designated Premises Supervisor Mr Mohammed was on site. When he was advised of the complaint he disputed this stating that if the shop was quiet, they closed even earlier, however he could not prove this as he admitted the CCTV was not recording. He was shown the 12 CCTV conditions on the

Part A of the Premises Licence and he was advised that officers would return in a number of weeks to check the CCTV had been fixed. Mr Mohammed was also advised that Part B of the Premises Licence should be displayed and I suggested behind the counter.

On 9<sup>th</sup> October 2015 a letter was posted to Mr Mohammed at the premises. The letter confirms that 2 visits had been made to his premises and the CCTV system is not compliant with the conditions on the licence. The letter concludes with the offence under Section 136 of the Licensing Act and the penalties of being found guilty of such an offence and confirms a revisit will take place in the near future.

On 4<sup>th</sup> November 2015 a Leeds City Council Enforcement officer together with the WYP District Licensing Officer and a probationer attended at the premises. The Part B was not displayed. Mr Mohammed was on site and explained he had paid the CCTV engineer £300. However the date and time stamp on the system were incorrect and he was unable to show us any recorded footage. It was explained to Mr Mohammed that whilst he was not compliant with the CCTV conditions, he was committing offences under Section 136 of the Licensing Act 2003.

On 10<sup>th</sup> November 2015 a 3<sup>rd</sup> letter was sent to Mr Mohammed. This letter confirms what he had been told at his premises and advises a further visit will be made to check the CCTV during the week commencing 16<sup>th</sup> November and that if the issues have not been rectified, formal action will be taken.

On 17<sup>th</sup> November 2015 the WYP District Licensing Officer together with an officer from the Imaging Department attended at the premises to check the CCTV. The officers found that there were only 3 days footage recorded and potentially the system would only store another 1 day and 21 hours. Condition 12 on the Premises Licence states, *'The CCTV system will have sufficient storage retention capacity for a minimum of 31 days continuous footage which will be of good quality'*.

On 14<sup>th</sup> December 2015 a further letter was sent to Mr Mohammed at the premises. The letter advises that despite 4 visits to his shop and 3 letters to him, the CCTV system fails to comply. Mr Mohammed is advised that a revisit will take place on the morning of Friday 8 January 2016 and that if the issues in relation to the CCTV have not been rectified then formal action by way of a Review will be sought and the options available to the Licensing Sub Committee on hearing the application.

On 8 January 2016 a Leeds City Council Enforcement Officer together with the Neighbourhood Policing Officer attended at the premises. Mr Mohammed as well as a male member of staff is on site. Despite repeated attempts by the member of staff and Mr Mohammed's partner to search for recorded footage, officers were only able to view footage from 3 days previous which was in contravention of Condition 12 (see above).

The Licensing Authority is applying for this review under 3 of the licensing objectives:- namely

**The prevention of crime and disorder**

As well as committing offences under the Licensing Act 2003 not to operate in accordance with the conditions of a Premises Licence; I understand there has been a report of a burglary at these premises and the police investigation has been hampered as the CCTV was not operational at the time of the alleged offence. The use and advertisement of CCTV can act as a deterrent for crime and disorder.

**Public safety**

I have explained to the operator that not only does CCTV protect public safety but also his employees. For example should a member of staff refuse to serve a customer alcohol for either not being able to produce proof of age or for being in drink and create a fuss, the incident would be caught on CCTV.

**The prevention of public nuisance**

The original complaint alleging that these premises were open and selling alcohol after the permitted hours of its licence was obviously causing such a nuisance that the local resident felt it necessary to complain.

If the CCTV had been working on the first occasion that Leeds City Council Officers attended; the operator would have been able to prove at once that the complaint was unfounded. However this was not the case and despite a total of 5 visits to the premises, 4 strongly worded warning letters to the operator and advice given at the time of each visit; the CCTV remains non-compliant and not suitable for purpose.

In view of the issues referred to, we would respectfully request that the Licensing Committee in its determination consider a suspension of the Premises Licence for a period up to 3 months to enable the Premises Licence Holder to ensure the CCTV system is operating in accordance with all the relevant conditions on the Premises Licence PREM/03296/010 to the satisfaction of both Leeds City Council's Entertainment Licensing Section and West Yorkshire Police. We are of the opinion that of all the options available to the Committee, this is a fair and proportionate measure in the promotion of the Licensing Objectives.

Please provide as much information as possible to support the application (please read guidance note 3)

Chronological Order of Events

Home Office and Association of Police Officers (ACPO) Joint Guidelines for CCTV systems

**Attached are statements and supporting evidence from**

Carmel Brennand, Senior Liaison & Enforcement Officer, Leeds City Council Entertainment Licensing Section

Paul Rix, Senior Liaison & Enforcement Officer, Leeds City Council Entertainment Licensing Section

PC Lynn Dobson, Leeds District Licensing Department, West Yorkshire Police

PC David Crossley, Inner East Neighbourhood Policing Team, West Yorkshire Police




Have you made an application for review relating to this premises before? Please tick ☒ yes ☐

If yes please state the date of that application

Day	Month	Year
<div style="width: 20px; height: 20px;"></div>	<div style="width: 20px; height: 20px;"></div>	<div style="width: 20px; height: 20px;"></div>

**If you have made representations before relating to this premises please state what they were and when you made them**

N/A



Please tick ✓ Yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒


**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent.** (See guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature  .....

Date  .....

Capacity  .....

**Contact Name (where not previously given) and address for correspondence associated with this application** (please read guidance note 6)

**Post town**

**Post code**

**Telephone number (if any)**

**If you would prefer us to correspond with you by e-mail your e-mail address (optional)**

**Notes for guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

# Chronology of events.

Key			
PLH	Premises Licence Holder	CB	Carmel Brennand
DPS	Designated Premises Supervisor	PR	Paul Rix
WYP	West Yorkshire Police	LD	Lynn Dobson
PL	Premises Licence	DC	David Crossley
CCTV	Close Circuit Television		
LCC	Leeds City Council		
Date	Reason	Result	
<b>2013</b>			
5.2.2013	Application for the grant of a Premises Licence		
6.3.2013	Premises Licence issued	PLH Ziring M Mahmood DPS Kardo U Abdullah	
<b>2014</b>			
25.2.2014	Application to vary PLH		
26.3.2014	Premises Licence issued	PLH Shores H Mohammed DPS Kardo U Abdullah	
9.10.2014	Application to vary PLH & DPS		
24.10.2014	Premises Licence issued	PLH Dahan Mohammed DPS Dahan Mohammed	
4.11.2014	Application to vary PLH		
19.11.2014	Premises Licence issued	PLH Shores H Mohammed DPS Dahan Mohammed	
<b>2015</b>			
24.3.2015	Application to vary PLH		
8.4.2015	Premises Licence issued	PLH Gierbuszewska Ewelima DPS Dahan Mohammed	
18.5.2015	Application to vary PLH		
1.6.2015	Premises Licence issued	PLH Alan Amiri DPS Dahan Mohammed	
19.8.2015	Application to vary PLH & DPS		
3.9.2015	Premises Licence issued	PLH Shores H Mohammed DPS Shores H Mohammed	
10.9.2015	Complaint alleging operating outside permitted hours	Warning letters posted to PLH/DPS at premises and home address	
20.9.2015	CB & PR visited premises. PLH /DPS not on site. Spoke to 1 x male staff	Part B of Premises Licence not displayed Staff unable to operate CCTV system. Business card left for PLH/DPS to contact CB	
7.10.2015	CB & LD visited premises with probationer officer. PLH/DPS on site & 1 member male staff	Part B of Premises Licence not displayed PLH/DPS admitted CCTV not recording. Advised premises would be revisited	
9.10.2015	Warning letter to PLH/DPS posted to the premises	No contact from the PLH/DPS	
4.11.2015	CB & LD visited premises with probationer officer. PLH/DPS on site & 1 male staff	Date & Time on CCTV monitor incorrect. Neither PLH/DPS nor staff could show any recorded footage. Part B of the Premises Licence not displayed	

## Chronology of events.

10.11.2015	Warning letter re breaches and revisit w/c 16.11.15 posted to PLH/DPS at the premises	No contact from the PLH/DPS
17.11.2015	LD & Imaging Officer attended at premises. PLH/DPS on site.	CCTV system had only 3 days footage recorded
14.12.2015	Warning letter re breaches and revisit on 8.1.16 posted to PLH/DPS at the premises	No contact from the PLH/DPS
<b>2016</b>		
8.1.2016	CB & DC visited premises. PLH/DPS & 1 staff on site	Still only 3 days footage retained. PLH/DPS advised formal action will be taken.

# UK POLICE REQUIREMENTS FOR DIGITAL CCTV SYSTEMS

This document offers guidance to potential users of digital CCTV systems, where the pictures are intended to be used by the police or are likely to be used in an investigation. For CCTV recordings to be effective in detecting and investigating crime they must be fit for purpose and easily accessible by police investigators. For digital CCTV there are four main areas that must be considered:

**QUALITY** - are the pictures good enough?

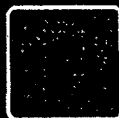
**STORAGE** - are the pictures stored appropriately?

**EXPORT** - can the pictures be easily exported from the system?

**PLAYBACK** - can the pictures be easily viewed by authorised third parties?

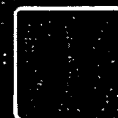
By ensuring that your digital CCTV system is capable of meeting a few simple requirements, the potential evidential value of the pictures can be greatly increased and the time taken by the police to access and process them greatly reduced. Supporting notes are provided on the reverse of this sheet to clarify the requirements.

## QUALITY WHAT RESOLUTION? WHAT COMPRESSION? HOW MANY PICTURES PER SECOND?



1. The system should be able to store pictures at a resolution of at least 704x576 pixels.
2. The system should be able to store pictures at a frame rate of at least 25 frames per second.
3. The system should be able to store pictures at a resolution of at least 704x576 pixels.
4. The system should be able to store pictures at a frame rate of at least 25 frames per second.
5. The system should be able to store pictures at a resolution of at least 704x576 pixels.
6. The system should be able to store pictures at a frame rate of at least 25 frames per second.

## STORAGE WHAT SHOULD I KEEP? HOW SHOULD I KEEP IT?



1. The system should be able to store pictures at a resolution of at least 704x576 pixels.
2. The system should be able to store pictures at a frame rate of at least 25 frames per second.
3. The system should be able to store pictures at a resolution of at least 704x576 pixels.
4. The system should be able to store pictures at a frame rate of at least 25 frames per second.
5. The system should be able to store pictures at a resolution of at least 704x576 pixels.
6. The system should be able to store pictures at a frame rate of at least 25 frames per second.

## EXPORT HOW MUCH VIDEO SHOULD THE SYSTEM EXPORT AND IN WHAT FORMAT?



10. A system operator should be available who is able to replay and export recordings.
11. A simple system operator's manual should be available locally to assist with replay and export.
12. The operator should have the authority to export the system and export the recordings to a removable storage medium.
13. The system should be able to export video and stills to a removable storage medium with time and date information.
14. Export should include any software needed to view or replay the pictures.
15. The system should have an export method proportionate to the storage capacity.
16. Pictures should be exported in the native file format at the same quality that they were stored on the system.

## PLAYBACK CAN THE PICTURES BE EASILY VIEWED?



17. The playback software should have variable speed controls including frame advance, frame reverse and frame freeze.
18. The system should be able to display single and multiple cameras and maintain aspect ratio the same relative height and width.
19. The system should be able to display a single camera at full resolution.
20. The system should be able to search the recording from each camera by time and date.
21. The system should be able to allow pausing and/or saving of individual pictures with time and date.
22. The time and date associated with each picture should be legible.
23. Once exported to removable media it should be possible to replay the files immediately.

## Supporting Notes:

### QUALITY - are the pictures good enough?

1. Before installing a CCTV system you should have a clear idea of what you want the system to do and how it should perform. This should include exactly what you want to see and where, e.g. recognise the face of someone walking through a doorway, read a vehicle registration number or record a particular type of activity, such as walking across a room, exchange of money or an assault. More detailed guidance on how to do this can be found in PSDB publication 17/94 CCTV Operational Requirements Manual. This is available free from the Home Office website. [http://www.homeoffice.gov.uk/docs/or\\_manual.pdf](http://www.homeoffice.gov.uk/docs/or_manual.pdf)

There are no definitive performance criteria for video to be legally admissible. It is for the court to decide whether the pictures are accepted, and this is done on the grounds of relevance to the case, reliability of the evidence, etc. The appropriate resolution, level of compression and number of pictures per second will be determined by what you wish to see in the recording. If you can't see it then it's not fit for purpose. It should not be expected that enhancement features, such as zoom controls, will provide extra detail.

A good way to ensure that the system is capable of achieving the requirement is to do a subjective test. Set-up a camera and get a volunteer to walk through the door or park a car in the place of interest and record the pictures. This should be done under the conditions that the system is intended to be used - performance of the system may be different when there are a number of cameras being recorded.

2. The quality of the recorded or printed pictures may differ from the live display.
3. Time and date information is often critical to an investigation. If it is incorrect this can drain police time and resources.
4. The quality of the pictures should not be compromised to allow more to be squeezed onto the system. There is some scope however for using a sliding scale of image quality based on time since recording. For example, high quality high frame rate video for the first 24 hours with gradually increasing compression or decreasing frame rate after this, but retaining useful images up to 31 days. This would be dependent on the nature of the installation and the type of recordings being made. Guidance should be sought from your local police force.
5. To ensure continued quality of recording it is essential that regular maintenance of all aspects of the system be conducted - especially camera focus, cleaning of lenses, housings, etc.

### STORAGE - are the pictures stored appropriately?

6. Access to the system and recorded images should be controlled to prevent tampering or unauthorised viewing. A record should be kept of who has accessed the system and when. Further information on this can be found in the BSI document 'Code of Practice for Legal Admissibility of Information Stored Electronically' (BIP0008) or from your local Crime

7. Electronic protection methods that require proprietary software or hardware will hinder an investigation if they prevent the pictures from being provided to authorised third parties, e.g. police and CPS. Physical methods of access control, e.g. system in a locked room, are just as effective if documented appropriately.
8. It is important that recordings cover a sufficiently long period to assist in investigations. Retention beyond 31 days may be useful in some circumstances, but should not affect the quality of the more recent recordings.
9. It should be possible to protect specific pictures or sequences, identified as relevant to an investigation, to prevent overwriting before an investigator can view or extract them.

### EXPORT - can the pictures be easily exported from the system?

10. and 11. It is unlikely that the investigator will be familiar with the operation of your system. To facilitate replay and export a trained operator and simple user guide should be available locally.
12. and 13. Export of medium and large volumes of data can take a substantial period of time. The operator should know the retention period of the system and approximate times to export short (e.g. 15 minutes), medium (e.g. 24 hours), and large (up to all of the system) amounts of data.
14. If the software needed to replay the pictures is not included at export, viewing by authorised third-parties can be hindered. Export of a system event log or audit trail, and any system settings with the pictures will assist with establishing the integrity of the pictures and system.
15. The amount of video that an investigator will need to export will be dependent on the nature of the investigation. For example a shop robbery may only require a few stills or a short sequence, however a more serious incident such as a murder or terrorist related enquiry may require anything up to all the video contained on the system to be exported. It is essential that the system is capable of doing this quickly and to an appropriate medium. An ideal solution for medium-to-large downloads, would be for the system to have the facility to export to a 'plug-and-play' hard drive. Export and recording should be possible at the same time without affecting the performance of the system.
16. The system should not apply any compression to the picture when it is exported from the system as this can reduce the usefulness of the content. Also, the picture should not undergo any format conversion that affects the content or picture quality.

### PLAYBACK - can the pictures be easily viewed by authorised third parties?

17. and 18. The replay software must allow the investigator to search the pictures effectively and see all the information contained in the picture and associated with it.
19. It should be possible to replay exported files immediately e.g. no

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## **Premises Licence**

### **Part A Schedule 12 Licensing Act 2003**

#### **Part 1 – Premises Details**

##### **Postal address of premises, or if none, ordnance survey map reference or description**

East European Foods, 11 Harehills Road, Harehills, Leeds, LS8 5HR

##### **Licensable activities authorised by this licence**

Sale by retail of alcohol,

##### **Times the licence authorises the carrying out of licensable activities**

*Sale by retail of alcohol*

Monday to Saturday	09:00 - 23:00
Sunday	10:00 - 22:00

##### **Opening hours of the premises**

Monday to Saturday	09:00 - 23:00
Sunday	10:00 - 22:00

Alcohol is sold for consumption off the premises

#### **Part 2**

##### **Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Hassan Mirabadi  
4 Martin Terrace  
Burley  
Leeds  
LS4 2JY

Current Email Address:

Mobile Telephone Number:

##### **Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Shoresh Hatah Mohammed

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Personal licence number: L

Licensing authority: Leeds City Council

Licence issued under the authority of Leeds City Council

Entertainment Licensing  
Elections, Licensing and Registration



## Annex 1 – Mandatory Conditions

1. No supply of alcohol may be made under this licence
  - a. At a time when there is no designated premises supervisor in respect of the premises licence, or
  - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- a. a holographic mark, or
  - b. an ultraviolet feature.
4. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1 of this condition -

- a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b. "permitted price" is the price found by applying the formula  $P = D + (D \times V)$  where -
  - i. P is the permitted price,
  - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
  - i. the holder of the premises licence,
  - ii. the designated premises supervisor (if any) in respect of such a licence, or
  - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e. "value added tax" mean value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 – Conditions consistent with the operating schedule**

### **The prevention of crime and disorder**

5. A suitable Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises .
6. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors and stairways (excluding WCs and changing rooms).
7. The CCTV system will cover the main entrance/s and exit/s and designated emergency egress routes from the premises.
8. The CCTV system will cover all external areas of the premises occupied by the public, i.e. queuing areas, beer gardens, smoking areas and car parks.
9. The location of CCTV cameras are identified on the site plan of the premises. No amendments to the locations of the cameras will be made without prior consultation with West Yorkshire Police/British Transport Police and the Licensing Authority
10. The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.
11. The CCTV system will contain the correct time and date stamp information.
12. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days continuous footage which will be of good quality.
13. The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has accessed the system, the reason why and when.
14. A designated member / members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority.
15. The CCTV system will be adequately maintained and be capable of transporting recorded material onto a removable media.
16. The CCTV system replay software must allow an authorised officer of the Licensing Authority or Responsible Authority to search the picture footage effectively and see all the information contained in the picture footage.

17. A Supervisor's Register will be maintained at the licensed premises, showing the names, addresses and up-to-date contact details for the DPS and all personal licence holders.

#### **The prevention of public nuisance**

18. Licensable activities shall be conducted and the facilities for licensed activities shall be designed and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties.
19. Noise for licensable activity at the premises will not be audible at the nearest noise sensitive premises which are Flat -11 Harehills Road ,Leeds, LS8 5HR.
20. Noise from plant and machinery shall not be audible at the nearest noise sensitive premises during the operation of the plant machinery. Plant and machinery shall be regularly serviced and maintained to meet this level.
21. The PLH/DPS shall ensure that litter arising from people using the premises is cleared away regularly and that promotional materials such as flyers do not create litter.

#### **Annex 3 – Conditions attached after a hearing by the licensing authority**

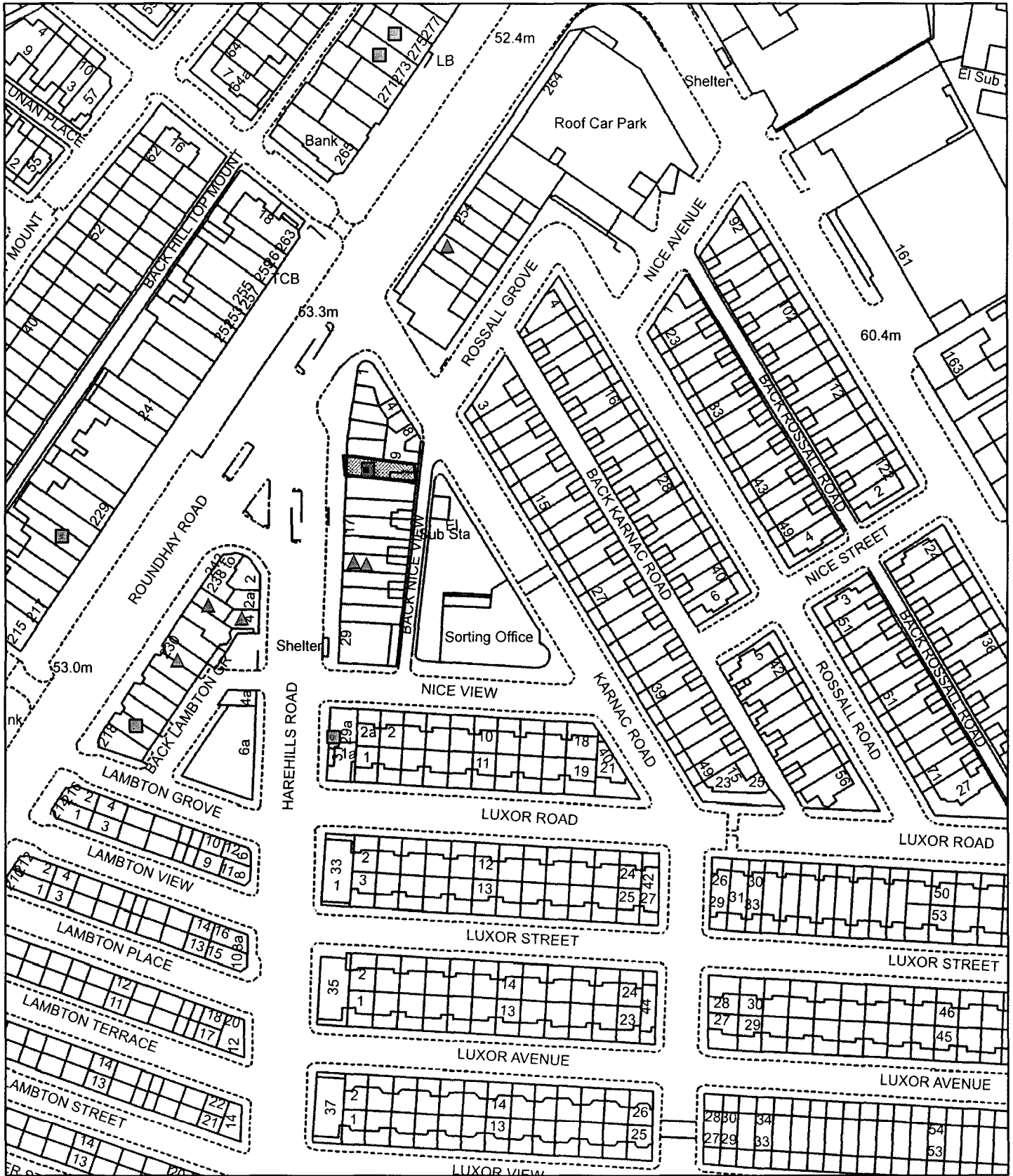
None

#### **Annex 4 – Plans**

The plans for these premises are as those submitted with the application. A copy of which is held by Leeds City Council licensing authority.

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# Appendix C



This map is based upon the Ordnance Survey's digital data with the permission of the Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office

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Page 23

## Key



On licence



Late night refreshment



Off licence



Other

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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 Carmel Brennand**

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

This statement (consisting of 6 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.

Dated 28 January 2016

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 visiting licensed premises with other agencies to ensure compliance under the Licensing Act 2003, in promoting the four licensing objectives; the prevention of crime and disorder; public safety; the prevention of public nuisance and the protection of children from harm.

Since the 24<sup>th</sup> November 2005, the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment are licensable activities under the Licensing Act 2003. This means that a premises carrying on any of these activities require a Premises Licence authorising the activity.

On 5 February 2013 an application for the grant of a Premises Licence in respect of 11 Harehills Road, Leeds, LS8 5HR was received at the Entertainment Licensing Section. The application submitted by Zirig M Mahmood as the Premises Licence Holder and Kardo Umit Abdullah specified as the Designated Premises Supervisor was for the sale of alcohol off the premises from 9:00 am to 11:00 pm Monday to Saturday and from 10:00 am to 10:00 pm on Sundays. The application form signed and dated the 29 January 2013 was accompanied with a Proforma Risk Assessment. Page 2 of the Proforma Risk Assessment relates to CCTV and it can be seen that the applicant has ticked all the CCTV conditions, thereby agreeing to them being included in the Premises Licence. ( I produce a copy of the application and the Proforma Risk Assessment as my exhibit CB 1). As the applicant agreed with the conditions offered by the Environmental Protection Team, PREM/03296 was granted and issued on the 6 March 2013.

European Foods. I have noted that at some time or other there has been a crossover of personnel between East European Foods at 11 Harehills Road, Leeds, LS8 5HR and Biedronka at 225 Roundhay Road, Leeds, LS8 4HS; in particular Mr Shores Hatah Mohammed and Mr Alan Amiri.

Mr Alan Amiri, the current Premises Licence Holder for Biedronka was the Premises Licence Holder at East European Foods between 18 May and 19 August 2015.

Mr Shores Hatah Mohammed has been the Premises Licence Holder for East European Foods between 25 February and 9 October 2014 and again between 4 November 2014 and 8 April 2015.

On 19 August 2015 an application was received replacing both the Premises Licence Holder and the Designated Premises Supervisor to Mr Shores Hatah Mohammed. Premises Licence PREM/03296/010 granted with effect from 19 August 2015 was issued and sent out to Mr Mohammed on 3 September 2015. (I produce a copy of the covering letter and the current Premises Licence as my exhibit CB 2).

On Thursday 10 September 2015 I contacted the complaint for Biedronka, 225 Roundhay Road, LS8 to give them an update as to my enquiries in relation to allegations the premises were selling alcohol after the permitted hours of the licence. Whilst the complainant stated these particular premises had improved in their operation he stated that the Designated Premises Supervisor had moved across the road to East European Foods, 11 Harehills Road, LS8 and these were now operating past their permitted hours. As a result of this conversation I generated Complaint/Enquiry GE/002457 on our system with myself as the investigating officer. That same day I wrote to the Premises Licence Holder and Designated Premises Supervisor Mr Shores Hatah Mohammed at both the premises and his flat above the shop. The letters advise that a complaint has been received alleging the premises is open and selling alcohol after the permitted hours and the offence under Section 136 of the Licensing Act which if found guilty of carries an unlimited fine and/or 6 months imprisonment. (I produce a copy of my letter dated 10 September 2015 addressed to Mr Mohammed at East European Foods as my exhibit CB 3 and a copy of the same letter addressed to Mr Mohammed at his home address as my exhibit CB 4).

On Sunday 20 September 2015 I was working in company with my colleague Mr Paul Rix, Senior Liaison & Enforcement Officer. At 7:20 pm we attended at East European Foods, 11 Harehills Road, LS8. I introduced myself and Mr Rix to the male sitting behind the counter and asked him if he was Mr Shores Mohammed. He introduced himself as Mr Dana



Premises Licence was as I could not see it displayed. He said that it had not yet arrived. I noticed a monitor facing the counter with 7 camera shots shown on the screen. I asked Mr Abdullah if he could operate the system and show me that it retained 31 days footage. He replied no to both questions. I advised him the reason for the visit was that we had received a complaint that the shop was open and selling alcohol after the hours permitted on the licence. Mr Abdullah was able to tell me the hours as stated on the licence. He added that it could be staff cleaning after the shop has closed which might have lead to the complaint. I gave Mr Abdullah a DPS authorisation Form, Check 21 posters and my business card and asked that Mr Shores Mohammed ring me. At 7:28 pm we resumed from the shop.

On Wednesday 7 October 2015 I was working in company with PC Lynn Dobson, the Leeds Licensing District Licensing Officer responsible for Leeds 8 and probationer PC Stephanie Van Loo. We were conducting visits to several premises, both on and off licences where we had received complaints or concerns about the operation of those premises. At 3.30 pm we attended at East European Foods, 11 Harehills Road, LS8. There was a young female behind the counter to whom I introduced us all to. Again I could not see the Premises Licence displayed. A male came from the back of the shop and identified himself as Shores Mohammed. I explained that I had visited before as I had received a complaint and I had been waiting for him to ring me. I explained that the complaint alleges the shop is open and selling alcohol after the permitted hours on his licence. I looked at the CCTV monitor and noted there were 6 camera feeds showing. Mr Mohammed confirmed there were 3 cameras covering inside the shop and 3 for outside. When I asked Mr Mohammed where the Premises Licence was he was able to find it. I advised him where to display Part B and showed him the 12 CCTV conditions on the Part A. I then asked if he could operate the CCTV system. He said it was upstairs and started to move towards the back of the shop but then admitted that it was not recording. I again explained that I was investigating a complaint that sales of alcohol were taking place after the hours permitted on his Premises Licence and if the CCTV was not recording he could not prove to me that this wasn't happening. Mr Mohammed stated that if it is quiet they shut earlier than the permitted hours. I advised Mr Mohamed that I would give him 3 weeks to get the CCTV fixed and I would be back to recheck. At 3:45 pm we resumed from the shop.

On Friday 9 October 2015 I wrote to Mr Shores Mohammed the Premises Licence Holder and Designated Premises Supervisor confirming in writing that on the two visits to his shop East European Foods, the CCTV was not compliant with the conditions on the Premises Licence; I remind him of the specific conditions on the Licence and advise the offence under Section 136 of the Licensing Act 2003 when any conditions are breached. I advise the repercussions of being found guilty of such an offence and that the premises will be revisited

in the near future and checked for compliance. (I produce a copy of my letter addressed to Mr Mohammed at the premises as my exhibit CB 5).

On Wednesday 4 November 2015 I was working in company with PC Dobson and probationer Alan Andrews, both of the West Yorkshire Police, visiting both on and off licenced premises. At 2:15 pm we attended at East European Foods. I noted again that the Part B was not displayed. Mr Shores Mohammed was in the shop on our arrival and told us that the CCTV engineer had been. We all went out the back of the shop, up the rear stairs to the flat above. We went into the bedroom on the first floor. Mr Mohammed said that the engineer told him 500 megabites for 2 months. I noted the date and time on the screen showed 05112015 and 00:05:22. Mr Mohammed tried to operate the CCTV system to search a month before but he was not able. The young male staff joined us and tried to show us footage from 15 October, 22 October, 29 October and 3 November 2015. The only image that appeared on the screen each time was ' NOTHING ON FILE'. We resumed back downstairs to the shop where I told Mr Shores Mohammed , 'This is serious. Every time you sell a can or bottle of alcohol you are committing offences under Section 136 of the Licensing act 2003 as you are not compliant with all the CCTV conditions on your Premises Licence'. Mr Mohammed repeated that he CCTV engineer had been out twice and he had paid £300. I said to him, 'If you took your car to the garage and paid £300 and then when you drove it out it started banging again, you would take it straight back. You should have checked the CCTV was working after you paid the money'. I further explained that if found guilty of an offence under Section 136, it used to a fine up to £20,000 and/or six months imprisonment but now the fine is unlimited; that's how serious it is'. As we were leaving I informed Mr Mohammed that I would be returning next week and if the CCTV is still not working I would have to sepak to my boss about formal action. We resumed from the shop at 2:35 pm.

On Tuesday 10 November 2015 I wrote again to Mr Shores Mohammed at East European Foods highlighting the issues found at 3 previous visits to his shop, namely the CCTV system not recording or staff being unable to operate and that the Part B of the Premises Licence was not displayed. The letter reminds Mr Mohammed of the offences under Section 136 and the potential of an unlimited fine and/or 6 months imprisonment if found guilty of such an offence. I concluded the letter stating that the shop would be revisited in the week commencing 16 November 2015 and checked for compliance and if matters were not rectified, formal action would be taken. ( I produce a copy of my letter dated 10 November 2015 addressed to Mr Mohammed at the shop as my exhibit CB 6).

results of her visit to this shop on Tuesday 17 November 2015 with an officer from the West Yorkshire Police Imaging Department. PC Dobson stated that on checking the CCTV system only 3 days footage was available.

On Monday 14 December 2015 I wrote again to the Premises Licence Holder and Designated Premises Supervisor Mr Shores Mohammed at the premises known as East European Foods. I advised that after 4 visits to his shop, the CCTV was still not compliant with the conditions on his Premises Licence. I advised that the shop would be revisited on Friday 8 January 2016 where the CCTV would be checked and if it is still not compliant, I will be taking formal action by way of an application to review the Premises Licence. I also advise the actions available to the Licensing Sub Committee on hearing such an application. (I produce a copy of my letter addressed to Mr Mohammed at the premises as my exhibit CB 7).

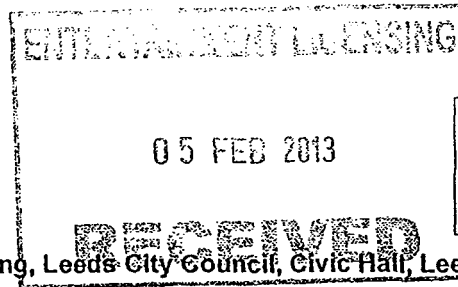
On Friday 8 January 2016 I was working in company with PC 3626 David Crossley, the Neighbourhood Policing Officer for the Harehills area. We were revisiting licensed and non licensed premises within his allocated area. At 10:16 am we attended at East European Foods, 11 Harehills Road, LS8. There was a young male whom I now know to be Mumteamu Gheorghe was behind the counter. I showed my badge and introduced myself and PC Crossley. The young male explained that he did not speak much English so telephoned his boss. PC Crossley asked where his boss was coming from ? The young male replied, 'Romania'. PC Crossley looked surprised and the young male pointed to the ceiling. Within a matter of minutes Mr Shores Mohammed came from the back of the shop. When I asked if he had received my letter telling him I was coming today, he nodded. I said, 'We have come to look at the CCTV'. Mr Mohammed signalled for us to follow him through the back of the shop, out the back door into a small yard where we went up the metal stairs to the first floor. I heard a dog barking so let PC Crossley go in front of me. We walked through the kitchen, across the small hallway and into the bedroom facing Harehills Road. Mr Mohammed stated he had paid £80 for 2000 gigabyte hard drive. The young male Mr Gheorghe had the mouse and I asked him to search on 8 December 2015. After he had entered 2015/12/08 on the search screen, the only that came up was 'NO DATA'. I told Mr Mohammed that I was not happy. 'I have been visiting these premises since September and written letters and still the CCTV is not right'. Mr Mohammed repeated that he had paid the CCTV engineer. I repeated what I had said on a previous visit, 'If I had paid for my car faxing and when I drove it out of the garage something was still wrong with it, I would be taking it straight back and tell them to fix what I had already paid for. You should have checked the CCTV every day that it was recording and retaining the footage'. The young male kept trying to find some footage. I asked for 10 December 2015. Again 'NO DATA'. I then asked for 15

20, 22, 24 and 25 December. There was 'NO DATA' shown for any of these dates. I asked Mr Mohammed if the shop was open on Christmas Day ? He said that it was. I then asked Mr Mohammed if he had a receipt from the CCTV engineer ? What date did he come ? Was it after my letter in December ? Mr Mohammed said that it was after the other lady came. I asked if he meant PC Dobson and the police imaging officer ? He said , 'Yes'.

The young female who had been in bed since we arrived said, 'It was the 21<sup>st</sup>'. She then got out of bed and came over to the CCTV unit and monitor, took the mouse and tried to rewind the footage to see how far it went back. She went on to a different search screen and just kept clicking on the rewind symbol, which went back by the hour. She was able to go back to 09:00 on 5 January 2016. I told Mr Mohammed that means that only 3 days footage which is exactly what it was in November when PC Dobson visited. Mr Mohammed repeated that he had paid for 2000 gigabyte and showed me a 'label' of the system on his phone and told the female to try again. She entered 27 December 2015 on the search screen, ' NO DATA' appeared. The same happened when she searched on 1 January 2016. As a matter of interest I asked Mr Mohammed the name of the CCTV engineer he had used. He said, ' He has a shop over there a few streets away' (which is what Mr Amiri from Biedronka had said). PC Crossley asked Mr Mohammed if he had his name or contact telephone number? Mr Mohammed replied in the negative saying he just knew he has a CCTV/Satellite shop nearby..I explained that 'I will be speaking to my boss about what's going to happen from here. It may be a prosecution at court or a review at the Civic Hall where 3 councillors will decide what action to take. I would be allowed to explain my case and so will you. I will be writing to you'. As we went downstairs into the shop Mr Mohammed asked what he should do. I told him maybe get another CCTV engineer, someone recommended by family or friends. At 10:53 am we resumed from the shop.

REF 1032961001

SC/ C61



**PREM1**

Entertainment Licensing, Leeds City Council, Civic Hall, Leeds, LS1 1UR

## Application for a premises licence to be granted under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We ZIRING M. MAHMOOD (insert name(s) of applicant)  
apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <u>11 HARE HILLS ROAD</u> <u>LEEDS</u>	
Post town <u>Leeds</u>	Post code <u>LS8 5HR</u>

Telephone number of premises (if any)

--

Non domestic rateable value of premises

£ 4,200

x

### Part 2 – Applicant Details

Please state whether you are applying for a premises licence as:

Please tick as appropriate

- |   |   |
|---|---|
| a) an individual or individuals*                | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual*           |   |
| i. as a limited company                         | <input type="checkbox"/> please complete section (B)            |
| ii. as a partnership                            | <input type="checkbox"/> please complete section (B)            |
| iii. as an unincorporated association or        | <input type="checkbox"/> please complete section (B)            |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B)            |
| c) a recognised club                            | <input type="checkbox"/> please complete section (B)            |
| d) a charity                                    | <input type="checkbox"/> please complete section (B)            |

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☐
- I am making the application pursuant to a
  - o statutory function or ☐
  - o a function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr ☒ Mrs ☐ Miss ☐ Ms ☐ Other title (for example, Rev) ☐

Surname **MAHMOOD** First names **ZIRING**

Please tick yes

I am 18 years old or over



Current postal address if different from premises address

**ET**

Post Town

**BURY**

Postcode

Daytime contact telephone number

**3**

Email address (optional)

**inc 1**

SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title (for example, Rev) ☐

Surname  First names

Please tick yes

I am 18 years old or over ☐

Current postal address  
if different from  
premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

### Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year	

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year	

Please give a general description of the premises (please read guidance note 1)

The premises will be an off licence shop. will have CCTV operationed 24hrs there's fire exit on the premises as well as fire extinguishers. there's a main entrance and age restriction for alcohol sell ~ ~

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

--

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Please tick ☒ yes

#### Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performance of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I)

☐

Sale by retail of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M



## A

<b>Plays</b> Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for performing play (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

## B

<b>Films</b> Standard days and timings (please read guidance note 6)			Will the exhibition of a films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

# C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 5)
Fri			
Sat			
Sun			

# D

<b>Boxing or wrestling entertainment</b> Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 5)		
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sun					

## G

<b>Performance of dance</b> Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)			
Thur						
Fri						
Sat			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 5)			
Sun						

## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing			
			Will the entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)			
Thur						
Fri						
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list. (please read guidance note 5)			
Sun						

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sun					

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption on or off the premises or both – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	09.00	23.00			
Tue	09.00	23.00			
Wed	09.00	23.00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Thur	09.00	23.00			
Fri	09.00	23.00			
Sat	09.00	23.00			
Sun	10.00	22.00			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Kardo Umit Abdullah

Address

Postcode

Personal licence number (if known) ~~Bury Metropoli~~

Expires 01-06-2019

Issuing licensing authority (if known) Bury Metropolitan borough council  
Licensing section town hall, Knowsley street, Bury

**K**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	09.00	23.00	Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)
	<del>08.00</del>	<del>23.00</del>	
Tue	09.00	23.00	
Wed	09.00	23.00	
Thur	09.00	23.00	
Fri	09.00	23.00	
Sat	09.00	23.00	
Sun	10.00	22.00	

## **M**

Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d, e) (please read guidance note 9)**

**b) The prevention of crime and disorder**

**c) Public safety**

**d) The prevention of public nuisance**

**e) The protection of children from harm**



**Checklist**

Please tick to indicate agreement

- I have made or enclosed payment of the fee ☒
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable ☐
- I understand that I must now advertise my application ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 4 – Signatures (please read guidance note 10)**

**Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11).** If the applicant please state in what capacity.

Signature	
Date 29.01.13	
Capacity	

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

**Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 19)**

Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	

## Notes for guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place is and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick "on the premises". If you wish people to be able purchase alcohol to consume away from the premises, please tick "off the premises". If you wish people to be able to do both, please tick "both".
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Entertainment Licensing, Leeds City Council, Civic Hall, Leeds, LS1 1UR.

**Consent of individual to being specified as premises supervisor**

I [.....K.A.R.D.O.....U.M.I.T.....A.B.D.U.L.L.A.H.....] of  
full name of prospective premises supervisor

[.....] home address of prospective premises supervisor ?B..]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

NEW [PREMISES LICENCE.] by [.....ZIRING MOHAMMED MAHMOOD.....]  
type of application name of applicant

relating to a premises licence [.....] for  
number of existing licence, if any

[.....E.A.S.T. EUROPEAN FOODS, 11 HAREHILLS ROAD, LS8 5HR.....] and any  
name and address of premises to which the application relates  
premises licence to be granted or varied in respect of this application made by

[.....ZIRING MOHAMMED MAHMOOD.....] concerning the supply of alcohol at  
name of applicant

[.....E.A.S.T. EUROPEAN FOODS, 11 HAREHILLS ROAD, LS8 5HR.....] I also  
name and address of premises to which application relates  
confirm that I am applying for, intend to apply for or currently hold a personal licence,  
details of which I set out below

Personal licence number [.....METROPOLITAN BOROUGH.....] council  
Knowsley Street BL9 0SW insert personal licence number, if any  
Personal licence issuing authority

[.....K.A.R.D.O.....U.M.I.T.....A.B.D.U.L.L.A.H.....] Leeds.....] LS9 7PB  
insert name and address and telephone number of person issuing authority, if any

signed

hname (please print)

30.01.13.....dated

# Licensing Act 2003

## Proforma Risk Assessment V6



SCANNED  
**Leeds**  
CITY COUNCIL

Please complete the details below:

Applicant name:	ZIRING M. MAHMOOD
Business name:	EAST EUROPEAN FOODS
Business address:	11 HARE HILLS ROAD LEEDS
	Postcode: LS8 5HR

### Guidance about this document

1. The Licensing Authority recommends that you complete this specially designed pro forma risk assessment to help you decide what should be entered in your operating schedule to show how you will promote the four licensing objectives.
2. Whilst the Licensing Authority cannot insist that you use this document it takes the view ~~that it assists responsible authorities in assessing the operating schedule, promotes~~ discussions and partnership working and will reduce the number of representations and hearings.
3. If you do not use this risk assessment pro forma then you will need to demonstrate how you will meet the licensing objectives by providing other supporting evidence via your operating schedule.
4. The Licensing Authority strongly recommends that you consult with the responsible authorities early in the application process to ensure that the measures you are suggesting are appropriate and sufficient for your application. Contact details for the responsible authorities are in the guidance note in the application pack. Please contact Entertainment Licensing if you cannot find this information.

### How to use this document

1. This document has four sections which correspond with the four licensing objectives. In each section you will find information on potential control measures (each with an individual code) which we suggest may help you meet the four licensing objectives.
2. Run through the questions at the beginning of each section and consider the potential control measures listed in the columns beneath.
3. If you are happy to volunteer the control measures as part of your application place a tick in the relevant box in the right hand column. You can then enter the corresponding codes in page 14 of your application form in the boxes which match up with the licensing objectives or simply write "see pro forma risk assessment". These measures will then appear on your licence.

## Crime and Disorder

### CCTV

Does the premises have CCTV?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
If YES:	
Was the siting and standard agreed with West Yorkshire Police (WYP)?	YES <input type="checkbox"/> NO <input type="checkbox"/>
Have you agreed a policy on the retention and security of the footage with WYP?	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
If NO:	
Have you consulted WYP about whether CCTV should be installed?	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
(NB unless WYP have agreed CCTV is not required, a representation is likely)	

Suggested measures	Code	✓
A suitable Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises .	6PF001 ✓	✓
The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors and stairways (excluding WCs and changing rooms).	6PF002 ✓	✓
The CCTV system will cover the main entrance/s and exit/s and designated emergency egress routes from the premises.	6PF003 ✓	✓
The CCTV system will cover all external areas of the premises occupied by the public, i.e. queuing areas, beer gardens, smoking areas and car parks.	6PF004 ✓	✓
The location of CCTV cameras are identified on the site plan of the premises. No amendments to the locations of the cameras will be made without prior consultation with West Yorkshire Police/British Transport Police and the Licensing Authority	6PF005 ✓	✓
The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.	6PF006 ✓	✓
The CCTV system will contain the correct time and date stamp information. ✓	6PF007	✓
The CCTV system will have sufficient storage retention capacity for a minimum of 31 days' continuous footage which will be of good quality. ✓	6PF008	✓
The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has accessed the system, the reason why and when. ✓	6PF009	✓
A designated member / members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, will be downloaded immediately or secured to prevent overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority. ✓	6PF010	✓

The CCTV system will be capable of securing relevant pictures for review or export at a later date.	6PF011	
The CCTV system will be adequately maintained and be capable of transporting recorded material onto a removable media.	6PF012 ✓	✓
The CCTV system replay software must allow an authorised officer of the Licensing Authority or Responsible Authority to search the picture footage effectively and see all the information contained in the picture footage.	6PF013 ✓	✓
It must be possible to replay exported files immediately e.g. no re-indexing of files or verification checks.	6PF014	

### Designated Premises Supervisor (DPS)

Will the DPS generally be on site?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
Is the DPS contactable in emergency?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
If the DPS is not to be generally on site, have you made arrangements to nominate the supervisor in his/her absence?	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
Is the Supervisor's Register bound with consecutively numbered pages?	YES <input type="checkbox"/> NO <input type="checkbox"/>

Suggested measures	Code	✓
A Supervisor's Register will be maintained at the licensed premises, showing the names, addresses and up-to-date contact details for the DPS and all personal licence holders.	6PF015 ✓	✓
The Supervisors Register will state the name of the person who is in overall charge of the premises at each time that licensed activities are carried out, and this information will be retained for a period of twelve months and produced for inspection on request to an authorised officer.	6PF016	

### Door Supervisors and Other Security Staff

Do you use registered door supervisors or security staff?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
Are they Security Industry Authority (SIA) registered?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
Do you specify a minimum number of door supervisors?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
If YES, state the number of staff <u>1, one</u>	
Days (and times) employed _____	
Has this been agreed with WYP?	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
Do you have a policy with the door supervisor or security company which covers:	
• Vetting customers entering the premises?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
• Is there a prominently displayed written search policy on the premises?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
• Controlling customers entering, within or leaving the premises?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>

• Safeguarding the public within and immediately outside the premises?	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
• Notifying WYP at the earliest opportunity of any problems or incidents?	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
• Exclusion of persons who have had too much to drink or appear inclined to disorder?	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
Do you have a Daily Record Register within which door supervisors/security staff sign on and off duty?	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
Is the Daily Record Register bound with consecutively numbered pages?	YES <input type="checkbox"/> NO <input type="checkbox"/>
Can you identify who was on duty at any particular time?	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
Do you have an Incident Report Register?	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
Is the Incident Report Register bound with consecutively numbered pages?	YES <input type="checkbox"/> NO <input type="checkbox"/>

Suggested measures	Code	✓
The minimum number of door supervisors for the premises is _____. Please specify days and hours door supervisors operate on the premises.	6PF017	
The Premises Licence Holder (PLH)/Designated Premises Supervisor (DPS) will ensure that a 'Daily Record Register' is maintained on the premises by the door staff.	6PF018	
The Daily Record Register will contain consecutively numbered pages, the full name and registration number of each person on duty, the employer of that person and the date and time he/she commenced duty and finished duty (verified by the individual's signature).	6PF019	
The Daily Record Register will be retained on the premises for a period of twelve months from the date of the last entry.	6PF020	
Security staff/designated supervisors will be familiar with the premises policy concerning the admission, exclusion and safeguarding of customers whilst in the premises.	6PF021	
The PLH/DPS will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti social behaviour, admissions refusals and ejections from the premises.	6PF022	
The Incident Report Register will contain consecutively numbered pages, the date time and location of the incident, details of the nature of the incident, the names and registration numbers of any door staff involved or to whom the incident was reported, the names and personal licence numbers (if any) of any other staff involved or to whom the incident was reported, the names and numbers of any police officers attending, the police incident and / or crime number, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident.	6PF023	
The Incident Report Register will be produced for inspection immediately on the request of an authorised officer.	6PF024	

## Drugs and Offensive Weapons

Do you have a policy and procedure to prevent use of illegal drugs or weapons (e.g. a search policy)? YES ☐ NO ☐ N/A ☐

Has this been agreed with WYP? YES ☐ NO ☐ N/A ☐

Does the policy include:

- recording any search YES ☐ NO ☐ N/A ☐
- seizing drugs/weapons found YES ☐ NO ☐ N/A ☐
- a purpose made secure receptacle for items seized YES ☐ NO ☐ N/A ☐
- informing the police of any search and seizure YES ☐ NO ☐ N/A ☐
- prominently display notices to inform customers of the policy YES ☐ NO ☐ N/A ☐

Suggested measures	Code	✓
A policy for searching patrons at the entrance to premises will be adopted and prominently displayed on the premises.	6PF025	
The PLH/DPS will inform West Yorkshire Police as soon as practicably of any search resulting in a seizure of drugs or offensive weapons.	6PF026	
A suitable purpose-made receptacle for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with West Yorkshire Police or British Transport Police.	6PF027	
Notices will be prominently displayed at the entrances of the premises which state:	6PF028	
<ul style="list-style-type: none"> <li>• a search will be conducted as a condition of entry to premises;</li> <li>• Incidents of crime and disorder will be reported to the police and a full recorded entry will be made in the incident report register.</li> <li>• Entry to the premises will be refused to any person who appears to be drunk, acting in a threatening manner or is violent; or appears to be under the influence of drugs.</li> </ul> <p>entry will be refused to any person who has been convicted of an offence of drunkenness, violent or threatening behaviour or the use or distribution of illegal substances</p>		

## Communication

Do you subscribe to a form of communication link (radio/text/pager system). The system shall be recognised by the current Business Crime Reduction Partnership for the city, Leeds City Council and West Yorkshire Police. YES ☐ NO ☐ N/A ☐

Has this been agreed with WYP? YES ☐ NO ☐ N/A ☐

Suggested measures	Code	✓
There will be a communication link via radio to other venues in the city centre. This will be the system recognised by the current Business Crime Reduction Partnership for the city, Leeds City Council and West Yorkshire Police	6PF029	



Such communication link will be kept in working order at all times when licensable activities are taking place	6PF030	
The communication link will be available to the Designated Premises Supervisor or other nominated supervisor and be monitored by that person at all times that licensed activities are being carried out.	6PF031	
Any police instructions or directions given via the link will be complied with whenever given.	6PF032	
All incidents of crime or disorder will be reported via the link to an agreed police contact point.	6PF033	

### Responsible Sale of Alcohol (cont)

<u>Proof of Age</u>		
Have you adopted a proof of Age Scheme?	YES <input type="checkbox"/>	NO <input type="checkbox"/> N/A <input type="checkbox"/>
Have all staff been instructed of the steps required to prevent under age sales of alcohol?	YES <input type="checkbox"/>	NO <input type="checkbox"/> N/A <input type="checkbox"/>
<u>Glass and Bottles</u>		
Do you have a policy for the frequent collection of glasses and bottles?	YES <input type="checkbox"/>	NO <input type="checkbox"/> N/A <input type="checkbox"/>
Do you take steps to prevent glasses/bottles being removed from the premises, e.g. instruction to door/bar staff, display of notices?	YES <input type="checkbox"/>	NO <input type="checkbox"/> N/A <input type="checkbox"/>
Do you use plastic or toughened polycarbonate (or similar) drinking glasses/bottles when necessary?	YES <input type="checkbox"/>	NO <input type="checkbox"/> N/A <input type="checkbox"/>
<u>Alcohol Designated Public Places Orders</u>		
If your premises are in the area of an Alcohol Designated Public Places Order (DPPO), do you prominently display notices advising customers of the Order and its effects?	YES <input type="checkbox"/>	NO <input type="checkbox"/> N/A <input type="checkbox"/>

Suggested measures	Code	✓
The PLH/DPS staff will ask for proof of age from any person appearing to be under the age of 21/25 who attempts to purchase alcohol at the premises. Or	6PF034	
The PLH/DPS staff will ask for acceptable evidence (as agreed by WYP / WYTSS) from any person appearing to be under the age of 21/25 who attempts to purchase alcohol at the premises.	6PF035	
<u>Glass and Bottles</u>  Drinks, open bottles and glasses will not be taken from the premises at any time. Empty bottles and glasses will be collected regularly and promptly. Glass and other sharp objects will be stored and disposed of safely using suitable receptacles. Receptacles will be secured and not accessible to the customers.	6PF036	
The PLH/DPS will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises.	6PF037	

Plastic or toughened polycarbonate (or similar) glasses/bottles will be used in all outdoor areas.	6PF038	
Plastic or toughened polycarbonate (or similar) glasses/bottles will be used when requested by West Yorkshire Police / British Transport Police (e.g. football match days)	6PF039	
<u>Alcohol Designated Public Places Orders</u> Notices indicating the existence and effect of an Alcohol Designated Public Places Order will be prominently displayed at the exits to the premises.	6PF040	

### Responsible Sale of Alcohol (cont)

<u>Membership of a Recognised Body</u> Do you belong to a Licensees Association/Body	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
If YES, please state which body .....	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
<u>Exclusion from Premises</u> Do you operate a system of excluding customers who are known to cause problems?	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
If YES:	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
<ul style="list-style-type: none"> <li>is this your own system or</li> <li>a system run by a local licensees body</li> </ul>	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
<u>Dispersal Policy</u> Do you have a written dispersal policy (e.g. A policy on how you disperse your clientele from your premises to reduce the risk of anti social behaviour)	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
If YES:	
<ul style="list-style-type: none"> <li>Was this agreed with WYP (and BTP where applicable)?</li> <li>Are all bar and door staff trained on the policy?</li> </ul>	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>

Suggested measures	Code	✓
The PLH/DPS will belong to a recognised trade body or Pub Watch Scheme where one exists, whose aims include the promotion of the licensing objectives	6PF041	
The PLH/DPS will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The policy will be agreed with WYP. The PLH/DPS will ensure that staff receive training on the policy.	6PF042	

### Entertainment of an Adult Nature e.g. Strip Tease Dancing or Nude Dancing

Do you provide any entertainment consisting of striptease or nude dancing including where dancers are wearing 'see through' clothing or the show includes sexual stimulation?	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
Please note that should you provide relevant entertainment more than 12 occasions per 12 month period or more frequently than monthly you will be required to apply for a Sex Establishment licence.	

Suggested measures	Code	✓
Entertainers will be aged no less than 18 years.	6PF043	
Price lists will be clearly displayed at each table and at each entrance to the premises.	6PF044	
Entertainers will only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.	6PF045	
Any person on the premises who can be observed from outside the premises will be properly and decently dressed.	6PF046	
Entertainers will only perform on the stage area, or in areas identified on the plan attached to the licence.	6PF047	
Relevant entertainment will only be performed by the entertainer. There must be no audience participation. There must be no physical contact between entertainers.	6PF048	
Customers will not touch the breasts or genital area of entertainers. Entertainers will not directly or indirectly touch the breasts or genital area of customers.	6PF049	
Any performance will be restricted to dancing and the removal of clothes. There will not be any other form of sexual activity or stimulation which, for the avoidance of doubt, includes kissing.	6PF050	
Sex toys must not be used and penetration of the genital area by any means must not take place.	6PF051	
Customers will not be permitted to throw money at the entertainers.	6PF052	
All areas used for private dances must be visible to supervision and must not have closing doors or curtains that prevent performances from being observed.	6PF053	
All areas used for private dances must be directly supervised by either a SIA registered door supervisor, or a member of staff who has direct contact with SIA registered door supervisors working on the premises at all times the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.	6PF054	

## Public Safety

### Management Arrangements

Suggested measures	Code	✓
Before opening to the public, checks will be undertaken to ensure all access to the premises are clear for emergency vehicles. Regular checks will be undertaken when the premises is open.	6PF055	
Written records of all accidents and safety incidents involving members of the public will be kept. These will be made available at the request of an authorised officer.	6PF056	
During opening hours the cellar door must be kept locked or adequately supervised to prevent unauthorised access by the public.	6PF057	
A suitably trained and competent person must ensure regular safety checks of the premises including decorative and functional fixtures, floor surfaces and equipment (including electrical appliances) to which the public may come into contact are undertaken. Records of these safety checks must be kept and made available for inspection by an authorised officer.	6PF058	
Empty bottles and glasses will be collected regularly paying particular attention to balcony areas and raised levels.	6PF059	
Electrical installations will be inspected on a periodic basis (at least every 3 years or at a frequency specified in writing) by a suitably qualified and competent person. Inspection records/certificates will be kept and made available at the request of an authorised officer. If used, any temporary electrical wiring and distributions will also be inspected. Inspection records/certificates will be kept. These will be made available at the request of an authorised officer.	6PF060	
<p>One of the following protective measures shall be used for all socket-outlets which may be used for the connection for lighting, video or sound amplification equipment and display models:</p> <ul style="list-style-type: none"> <li>a) Each socket-outlet circuit will be protected by a residual current device having a rated residual operating current not exceeding 30mA, or</li> <li>b) Each individual socket-outlet will be protected by an integral residual current device having a rated residual operating current not exceeding 30mA.</li> </ul> <p>The current operation of all residual current devices will be checked regularly by pressing the test button. If the device does not switch off the supply, an electrical contractor should be consulted. At the same time action should be taken to prohibit the use of socket outlets associated with a faulty residual current device.</p>	6PF061	

## General Housekeeping

Do you have written procedures for the inspection of:

- Furnishings and fabrics YES ☐ NO ☐ N/A ☐
- Suspended decorations/lights/amplification systems YES ☐ NO ☐ N/A ☐
- Guarding to stairs/balconies/landings/ramps YES ☐ NO ☐ N/A ☐
- Condition of floor surfaces YES ☐ NO ☐ N/A ☐
- Provision of safety glazing YES ☐ NO ☐ N/A ☐
- Guardings to fires or open flames YES ☐ NO ☐ N/A ☐

Suggested measures	Code	✓
Regular safety checks of guardings to stairs, balconies, landings and ramps will be undertaken, and a supervision policy will be maintained to prevent people from inappropriate behaviour, including climbing which may lead to a fall from height.	6PF062	
Safety glass that is impact resistant or shielded to protect it from impact will be used in all areas where the public may come into contact with it.	6PF063	
A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner.	6PF064	

## Refreshments

Do you prepare hot food / drinks in proximity to the public?

YES ☐ NO ☐ N/A ☐

If YES:

YES ☐ NO ☐ N/A ☐

Has the risk of scalding or burns been assessed?

Suggested measures	Code	✓
Members of the public will be prevented from accessing hot food and drink preparation areas to prevent risk of scald or burns.	6PF065	

## First Aid

Do you have staff trained in First Aid?	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
If YES, please state numbers _____	
Do you provide facilities for treatment of minor injuries (e.g. First Aid box)?	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
Do you have procedures for dealing with customers who are unwell including those who appear to be affected by drugs / alcohol)?	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>

Suggested measures	Code	✓
A suitably trained First Aider or appointed person will be provided at all times when the premises are open.	6PF066	
An appropriately qualified medical practitioner will be present throughout any sporting entertainment.	6PF067	
Staff holding a current qualification issued by a recognised national body in rescue and life safety procedures will be stationed and remain in the vicinity of the water at all material times.	6PF068	
Adequate and appropriate First Aid equipment and materials will be available on the premises at all times.	6PF069	
A procedure for dealing with unwell members of the public will be in place including those who appear to be affected by alcohol or drugs. Staff will be appropriately trained in such procedures.	6PF070	

## Special Effects

Do you use special effects on the premises, e.g. strobes, lasers, smoke machines or fireworks?	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
If yes, please give details :	

Suggested measures	Code	✓
A written health and safety policy covering all aspects of the safe use of strobes, lasers, smoke machines or any other special effects, will be provided and staff will be appropriately trained.	6PF071	
No strobes, lasers or smoke machines will be used at the premises unless there is a clearly displayed warning at the entrance to the premises that such equipment is in use.	6PF072	

## Public Nuisance

### Noise and Vibration

#### Noise and vibration

Identify the potential sources of noise and vibration which apply to your premises:

- Amplified music ☐
- Unamplified music ☐
- Singing and speech ☐
- Waste disposal, including bottle bins ☐
- Plant and machinery, including extraction systems ☐
- Food preparation ☐
- Cleaning ☐

Identify where sources of noise may occur outside your premises:

- Beer garden ☐
- Play area ☐
- Car park ☐
- Temporary structure ☐
- Plant and equipment ☐

Identify which measures are in place/proposed:

- Soundproofing ☐
- Air conditioning to allow windows to be kept closed ☐
- Sound limiters ☐
- Use of lobby doors ☐
- Cooling down period with reduced music volume ☐
- Fixed and appropriate times for collection of waste ☐
- Restricted use of outdoor areas ☐
- No external loud speakers ☐

Are the premises located near noise sensitive properties, e.g. residential areas, residential homes, hospitals? YES ☐ NO ☐ N/A ☐

Applicants should refer to the Clean Neighbourhoods and Environment Act 2005 which has amended the Noise Act 1996 to introduce "night noise offences" for licensed premises in completing this section.

Suggested measures	Code	✓
Licensable activities will be conducted and the facilities for licensed activities will be designed and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties	6PF073	
Noise from a licensable activity at the premises will be inaudible at the nearest noise sensitive premises.	6PF074	
There will be no external loudspeakers	6PF075	
Bottles will not be placed in any external receptacle after 23.00 hours and 07.00 hours to minimise noise disturbance to neighbouring properties	6PF076	

Noise from plant or machinery will be inaudible at the nearest noise sensitive premises during the operation of the plant or machinery. Plant and machinery will be regularly serviced and maintained to meet this level.	6PF077	
The PLH/DPS will ensure patrons use beer gardens, external areas and play areas in a manner which does not cause disturbance to nearby residents and business in the vicinity. Patrons will not use such areas after 21:00/22:00/23:00* *Please delete as appropriate.	6PF078	
The activities of persons using the external areas will be monitored after 23:00hrs and they will be reminded to have regard to the needs of local residents and to refrain from shouting and anti social behaviour etc when necessary,	6PF079	
The PLH/DPS will adopt a "cooling down" period where music volume is reduced towards the closing time of the premises.	6PF080	

### Litter

Does the premises sell takeaway food, drinks or other produce/packaging which may generate litter/waste? YES ☐ NO ☐ N/A ☐

If YES, please identify the steps taken to prevent nuisance caused by litter:

.....

.....

- Provision of litter bins ☐
- Display of notices to customers ☐
- Warnings/advice on packaging ☐
- Instructions to staff to periodically clear litter from the street around the premises ☐
- Other (please specify) ..... ☐

Suggested measures	Code	✓
The PLH/DPS will ensure that litter arising from people using the premises is cleared away regularly and that promotional materials such as flyers do not create litter	6PF081	

### Transport/Pedestrian Movement

Do you have a procedure to ensure that local residents and businesses are not disturbed by customers entering and or leaving your premises? YES ☐ NO ☐ N/A ☐

If YES:

What steps do you take to ensure that the procedure(s) works?



Suggested measures	Code	✓
Clear and legible notices will be displayed at exits, car parks and other circulatory areas requesting patrons to leave the premises quietly having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos and anti-social behaviour.	6PF082	
SIA Registered door staff will be employed and used where queues are likely to form to manage the queues and ensure: Queues are restricted to cordoned areas to prevent them obstructing footpaths and spilling out onto roads, and to keep noise and obstructions away from residential property.	6PF083	
The premises supervisor and any door supervisors will monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.	6PF084	
A facility will be provided for customers to order Hackney taxis/private hire vehicles. Telephone numbers for taxi firms/private hire companies will be displayed in a prominent position on the premises.	6PF085	

## Protection of Children from Harm

### Entertainment of an Adult Nature

Do you provide entertainment of a sexual or adult nature (including strong or offensive language)? YES ☐ NO ☐ N/A ☐

If so, do you only provide the adult entertainment at certain times/days of the week? YES ☐ NO ☐ N/A ☐

Is your premises located near to premises which are children orientated? YES ☐ NO ☐ N/A ☐

Suggested measures	Code	✓
People under 18 (including staff) will not be admitted to the premises at any time when entertainment of a sexual or adult nature is being provided.	6PF086	
The PLH/DPS will provide clear signage that entertainment of an adult nature is occurring which is not suitable for under 18s.	6PF087	
Measures will be put in place for ensuring non-admission to persons under 18 years of age when entertainment of an adult nature is taking place, such as door supervision and age checks (including staff)	6PF088	
The PLH/DPS will not display outside the premises photographs or other images which indicate and suggest that striptease or similar entertainment takes place on the premises.	6PF089	
Any person on the premises who can be observed from outside the premises will be properly and decently dressed.	6PF090	
Any written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.	6PF091	

### Under Age Sales of Alcohol

Do the premises sell or supply alcohol? YES ☐ NO ☐ N/A ☐

Suggested measures	Code	✓
People under 18 years of age will not be admitted.	6PF092	

### Gambling

Is there a strong element of gambling on the premises? YES ☐ NO ☐ N/A ☐

Suggested measures	Code	✓
People under 18 (including staff) will not be admitted to the premises at any time when gambling is taking place.	6PF093	

or		
There will be sufficient physical screening of the relevant entertainment from view of those under 18 years.	6PF094	

### Performers Under 18

Do entertainment performances include performances by children and young persons under 18 years of age? YES ☐ NO ☐ N/A ☐

NOTE The Children (Performance) Regulations 1968 as amended – continue to apply but are not conditions on the licence as that would be duplication

Suggested measures	Code	✓
The PLH/DPS will provide an adequate number of suitable adult supervisors who can provide care for the children as they move from stage to dressing room etc, and to ensure that all children can be accounted for in case of an evacuation or an emergency.	6PF095	
The venue will be suitable to accommodate safely the numbers of children intended.	6PF096	
All supervisors and crew will receive instruction on the fire procedures applicable to the venue prior to the arrival of the children	6PF097	
The PLH/DPS will ensure that all special effects e.g. flashing lights, dry ice, smoke etc are suitable for the children involved in the performance.	6PF098	

### Entertainment and/or Facilities Specifically Provided for Children

Is any entertainment/facilities specifically provided for children? YES ☐ NO ☐ N/A ☐

If yes are the children unaccompanied or supervised by staff without parental presence (including where parents are elsewhere in the licensed premises). YES ☐ NO ☐ N/A ☐

Do you provide young persons discos or similar entertainment? YES ☐ NO ☐ N/A ☐

Suggested measures	Code	✓
The PLH/DPS will ensure that an adult supervisor is stationed in the area(s) or levels which are occupied by children. The supervisors will be placed in the vicinity to exits to the premises. There will be one supervisor per 50 children at all times.	6PF099	
For closely seated audiences, i.e. theatres and cinemas, the ratio of supervisors will be 1 per 25 children, provided that where the children are in the charge of an adult organiser such organisers will be regarded as attendants to an extent not exceeding half of the number of attendants required by the above condition 4PF088.	6PF100	
No child will be permitted to occupy the front row of any balcony gallery or tier, unless accompanied by and in the charge of a person who appears to have attained the age of 16 years.	6PF101	

Close supervision will be held when children use balconies and other raised areas.	6PF102	
Upon egress from the premises the Licensee will deploy staff on exit doors and within the vicinity of the premises to ensure the safe dispersal of children and the premises will not close until all children have left the area.	6PF103	

### Child Protection Measures

Do you have a system for ensuring the suitability of staff who work closely with children? YES ☐ NO ☐ N/A ☐

If YES state measures used:

Are your premises located near any adult orientated premises e.g. an adult retail sex shop or amusement arcade? YES ☐ NO ☐ N/A ☐

Suggested measures	Code	✓
The PLH/DPS will perform the necessary background checks including relevant police checks on all potential staff before offering them employment. The Licensee will report any child related concerns to the police he/she has about potential staff, existing staff and customers.	6PF104	
The PLH/DPS will ensure staff receive training to deal with unaccompanied children on the premises and prevent them from harm.	6PF105	
The PLH/DPS will comply with the written guidance for protecting children from harm issued by Leeds City Council, Department of Social Services.	6PF106	
The PLH/DPS will liaise with any adult orientated premises close to his/her premises which the Licensee suspects are at risk of admitting underage children from his/her own premises.	6PF107	

## Premises Licence

### Part A Schedule 12 Licensing Act 2003

#### Part 1 – Premises Details

##### Postal address of premises, or if none, ordnance survey map reference or description

East European Foods, 11 Harehills Road, Harehills, Leeds, LS8 5HR

##### Licensable activities authorised by this licence

Sale by retail of alcohol,

##### Times the licence authorises the carrying out of licensable activities

*Sale by retail of alcohol*

Monday to Saturday	09:00 - 23:00
Sunday	10:00 - 22:00

##### Opening hours of the premises

Monday to Saturday	09:00 - 23:00
Sunday	10:00 - 22:00

Alcohol is sold for consumption off the premises

#### Part 2

##### Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Shores Hatah Mohammed  
11 Harehills Road  
Harehills  
Leeds  
LS8 5HR

Daytime Contact Telephone Number:

Current Email Address: .uk

##### Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Shores Hatah Mohammed  
11 Harehills Road  
Harehills  
Leeds  
LS8 5HR

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Personal licence number: LEEDS/PERL/07762/14

Licensing authority: Leeds City Council

Licence issued under the authority of Leeds City Council

Mrs Emma White  
Licensing Officer  
Entertainment Licensing  
Elections, Licensing and Registration

## Annex 1 – Mandatory Conditions

1. No supply of alcohol may be made under this licence
  - a. At a time when there is no designated premises supervisor in respect of the premises licence, or
  - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- a. a holographic mark, or
- b. an ultraviolet feature.

- 
4. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1 of this condition -

- a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b. "permitted price" is the price found by applying the formula  $P = D + (D \times V)$  where -
  - i. P is the permitted price,
  - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
  - i. the holder of the premises licence,
  - ii. the designated premises supervisor (if any) in respect of such a licence, or
  - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e. "value added tax" mean value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 – Conditions consistent with the operating schedule**

### **The prevention of crime and disorder**

5. A suitable Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises .
6. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors and stairways (excluding WCs and changing rooms).
7. The CCTV system will cover the main entrance/s and exit/s and designated emergency egress routes from the premises.
8. The CCTV system will cover all external areas of the premises occupied by the public, i.e. queuing areas, beer gardens, smoking areas and car parks.
9. The location of CCTV cameras are identified on the site plan of the premises. No amendments to the locations of the cameras will be made without prior consultation with West Yorkshire Police/British Transport Police and the Licensing Authority
10. The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.
11. The CCTV system will contain the correct time and date stamp information.
12. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days continuous footage which will be of good quality.
13. The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has accessed the system, the reason why and when.
14. A designated member / members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority.
15. The CCTV system will be adequately maintained and be capable of transporting recorded material onto a removable media.
16. The CCTV system replay software must allow an authorised officer of the Licensing Authority or Responsible Authority to search the picture footage effectively and see all the information contained in the picture footage.



17. A Supervisor's Register will be maintained at the licensed premises, showing the names, addresses and up-to-date contact details for the DPS and all personal licence holders.

#### **The prevention of public nuisance**

18. Licensable activities shall be conducted and the facilities for licensed activities shall be designed and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties.
19. Noise for licensable activity at the premises will not be audible at the nearest noise sensitive premises which are Flat -11 Harehills Road ,Leeds, LS8 5HR.
20. Noise from plant and machinery shall not be audible at the nearest noise sensitive premises during the operation of the plant machinery. Plant and machinery shall be regularly serviced and maintained to meet this level.
21. The PLH/DPS shall ensure that litter arising from people using the premises is cleared away regularly and that promotional materials such as flyers do not create litter.

#### **Annex 3 – Conditions attached after a hearing by the licensing authority**

None

#### **Annex 4 – Plans**

The plans for these premises are as those submitted with the application. A copy of which is held by Leeds City Council licensing authority.

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# Premises Licence

Premises licence number:

PREM/03296/010

Part B

Initial licence from:

6th March 2013

Schedule 12 Licensing Act 2003

Current version effective from:

19th August 2015

**Premises Address**      **East European Foods, 11 Harehills Road, Harehills, Leeds, LS8 5HR**

## Licensable activities authorised by this licence

Sale by retail of alcohol,

## Times the licence authorises the carrying out of licensable activities

*Sale by retail of alcohol*

Monday to Saturday

09:00 - 23:00

Sunday

10:00 - 22:00

## Opening hours of the premises

Monday to Saturday

09:00 - 23:00

Sunday

10:00 - 22:00

## Alcohol consumption:

Alcohol is sold for consumption off the premises

## Premises licence holder(s):

Mr Shores Hatah Mohammed, 11 Harehills Road, Harehills, Leeds, LS8 5HR

## Designated premises supervisor:

Shores Hatah Mohammed

## Access by children:

Access to the premises by children is unrestricted.

Licence issued under the authority of Leeds City Council

Mrs Emma White  
Licensing Officer  
Entertainment Licensing  
Elections, Licensing and Registration



**Leeds**  
CITY COUNCIL

CB2

Elections, Licensing and Registration  
Entertainment Licensing  
Civic Hall  
Leeds LS1 1UR

Contact: Mrs Emma White  
Tel: 0113 2474095  
Fax: 0113 2243885  
Email:  
Our Ref: A80/PREM/03296/010

Mr Shores Hatah Mohammed  
11 Harehills Road  
Harehills  
Leeds  
LS8 5HR

3rd September 2015

Dear Mr Mohammed

**Premises Licence: PREM/03296/010**

**For: East European Foods, 11 Harehills Road, Harehills, Leeds, LS8 5HR**

Please find enclosed your new premises licence in two parts. The Part A full licence and the Part B summary licence. You should check the details on the licence carefully. The licensing authority is prepared to correct clerical errors for up to 28 days upon receipt of this letter.

Beyond that time, any change must be made as an application for a new licence or as a variation. This does not affect your statutory right of appeal.

It is a requirement of the Licensing Act 2003 to display the Part B summary licence (or a certified copy) on your premises. You should keep Part A (or a certified copy) on the premises. In your absence the Part A must be under the control of a nominated person who has been authorised in writing by yourself for this purpose.

Can we remind you that it is an offence to operate other than in accordance with the provisions of your licence. The penalty on conviction for doing so is a fine of up to £20,000 and/or 6 months imprisonment.

You will also need to ensure that you have the necessary planning and building control permissions for your property. Nothing in your new licence changes existing law in relation to these matters.

Please note that an annual fee of £180.00 will be required on the anniversary of the first grant of the premises licence for these premises. This will fall on the 6th March 2016.

Also attached is guidance produced by Leeds City Council Health and Safety team as an explanation of conditions that may be attached to this licence.



Please do not hesitate to contact us should you require any further assistance.

Yours sincerely

Mrs Emma White  
Licensing Officer  
Entertainment Licensing



**Leeds**  
CITY COUNCIL

Elections, Licensing & Registration  
Civic Hall  
Leeds LS1 1UR

**Private & Confidential**  
Mr Shores Hatah Mohammed  
East European Foods

Our Ref: A80/CB/LIC/PREM/03296/010  
Your Ref:  
Contact: Carmel Brennand  
Tel: 0113 2474095  
Fax: 0113 2243885  
Email:

Date: 10 September 2015

Dear Sir

**INVESTIGATION OF POSSIBLE OFFENCES UNDER THE LICENSING ACT 2003  
PREMISES : EAST EUROPEAN FOODS, 11 HAREHILLS ROAD, LEEDS, LS8 5HR**

I am writing to you in your capacity as both the Premises Licence Holder and Designated Premises Supervisor of the above named premises. This department is in receipt of a complaint alleging that the subject premises is retailing alcohol beyond permitted hours.

I take this opportunity to remind you of the hours authorised by the Premises Licence.

**Times the licence authorises the carrying out of licensable activities**

**Sale by retail of alcohol**

Monday to Saturday	09:00 – 23:00
Sunday	10:00 – 22:00

**Opening hours of the premises**

Monday to Saturday	09:00 – 23:00
Sunday	10:00 – 22:00

**Under the Licensing Act 2003 Section 136**

(1) A person commits an offence if -

- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
- (b) he knowingly allows a licensable activity to be so carried on

(4) A person guilty of an offence under this section is liable on summary conviction to an unlimited fine, imprisonment for a term not exceeding six months or to both.



I must advise you that your premises will be monitored for compliance by Leeds City Council Licensing Enforcement Officers.

The content of this letter will be passed to other Agencies with a responsibility under their own powers who may wish to visit your premises.

Please do not hesitate to contact me should you wish to discuss the matter further on the telephone number, above.

Yours faithfully

Mrs Carmel Brennand  
Senior Liaison and Enforcement Officer  
Entertainment Licensing

CC West Yorkshire Police Licensing



**Leeds**  
CITY COUNCIL

Elections, Licensing & Registration  
Civic Hall  
Leeds LS1 1UR

**Private & Confidential**  
Mr Shoresh Hatah Mohammed

Our Ref: A80/CB/LIC/PREM/03296/010  
Your Ref:  
Contact: Carmel Brennand  
Tel: 0113 2474095  
Fax: 0113 2243885  
Email:

Date: 10 September 2015

Dear Sir

**INVESTIGATION OF POSSIBLE OFFENCES UNDER THE LICENSING ACT 2003  
PREMISES : EAST EUROPEAN FOODS, 11 HAREHILLS ROAD, LEEDS, LS8 5HR**

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I take this opportunity to remind you of the hours authorised by the Premises Licence.

**Times the licence authorises the carrying out of licensable activities**

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(4) A person guilty of an offence under this section is liable on summary conviction to an unlimited fine, imprisonment for a term not exceeding six months or to both.



I must advise you that your premises will be monitored for compliance by Leeds City Council Licensing Enforcement Officers.

The content of this letter will be passed to other Agencies with a responsibility under their own powers who may wish to visit your premises.

Please do not hesitate to contact me should you wish to discuss the matter further on the telephone number, above.

Yours faithfully

Mrs Carmel Brennand  
Senior Liaison and Enforcement Officer  
Entertainment Licensing

CC West Yorkshire Police Licensing





**Leeds**  
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Elections, Licensing & Registration  
Civic Hall  
Leeds LS1 1UR

**Private & Confidential**  
Mr Shores Hatah Mohammed  
East European Foods

Our Ref: A80/CB/LIC/PREM/03296/010  
Your Ref:  
Contact: Carmel Brennand  
Tel: 0113 2474095  
Fax: 0113 2243885  
Email:

Date: 9 October 2015

Dear Sir

**INVESTIGATION OF POSSIBLE OFFENCES UNDER THE LICENSING ACT 2003  
PREMISES : EAST EUROPEAN FOODS, 11 HAREHILLS ROAD, LEEDS, LS8 5HR**

I am writing to you in your capacity as both the Premises Licence Holder and Designated Premises Supervisor of the above premises. As you are aware I have visited the premises twice recently, namely Sunday 20 September and Wednesday 8 October 2015 further to a complaint that the premises were operating past their permitted hours.

On 20 September your employee Dana Abdullah was unable to operate the cctv or confirm that footage was retained for the specified period. On 8 October you informed us that the system was not recording. This means that you are in breach of the conditions on your Premises Licence and as a result are committing offences.

May I remind you of the specific conditions on your licence.

***The prevention of crime and disorder***

5. A suitable Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises .
6. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors and stairways (excluding WCs and changing rooms).
7. The CCTV system will cover the main entrance/s and exit/s and designated emergency egress routes from the premises.
8. The CCTV system will cover all external areas of the premises occupied by the public, i.e. queuing areas, beer gardens, smoking areas and car parks.
9. The location of CCTV cameras are identified on the site plan of the premises. No amendments to the locations of the cameras will be made without prior consultation with West Yorkshire Police/British Transport Police and the Licensing Authority
10. The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.
11. The CCTV system will contain the correct time and date stamp information.



12. *The CCTV system will have sufficient storage retention capacity for a minimum of 31 days continuous footage which will be of good quality.*
13. *The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has accessed the system, the reason why and when.*
14. *A designated member / members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority.*
15. *The CCTV system will be adequately maintained and be capable of transporting recorded material onto a removable media.*
16. *The CCTV system replay software must allow an authorised officer of the Licensing Authority or Responsible Authority to search the picture footage effectively and see all the information contained in the picture footage.*

**Under the Licensing Act 2003 Section 136**

- (1) A person commits an offence if -
  - (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
  - (b) he knowingly allows a licensable activity to be so carried on
- (4) **A person guilty of an offence under this section is liable on summary conviction to an unlimited fine, imprisonment for a term not exceeding six months or to both.**

I must advise you that your premises will be revisited in the near future and the above issues will be checked for compliance by Leeds City Council Licensing Enforcement Officers.

The content of this letter will be passed to other Agencies with a responsibility under their own powers who may wish to visit your premises.

Please do not hesitate to contact me should you wish to discuss the matter further on the telephone number, above.

Yours faithfully

Mrs Carmel Brennand  
Senior Liaison and Enforcement Officer  
Entertainment Licensing

CC West Yorkshire Police ( Licensing )



**Leeds**  
CITY COUNCIL

Elections, Licensing & Registration  
Civic Hall  
Leeds LS1 1UR

**Private & Confidential**

Mr Shores Hatah Mohammed  
East European Foods

Our Ref: A80/CB/LIC/PREM/03296/010

Your Ref:

Contact: Carmel Brennand

Tel: 0113 2474095

Fax: 0113 2243885

Email:

Date: 10 November 2015

Dear Sir

**INVESTIGATION OF POSSIBLE OFFENCES UNDER THE LICENSING ACT 2003  
PREMISES : EAST EUROPEAN FOODS, 11 HAREHILLS ROAD, LEEDS, LS8 5HR**

I am writing to you again in your capacity as both the Premises Licence Holder and Designated Premises Supervisor of the above premises. As you are aware I have visited the premises three times recently, namely Sunday 20 September, Wednesday 8 October and Wednesday 4 November 2015 initially in respect of a complaint that the premises were operating past their permitted hours and more recently in respect of breach of licence conditions.

On 20 September your employee Dana Abdullah was unable to operate the cctv or confirm that footage was retained for the specified period. On 8 October you informed us that the system was not recording. On 4 November neither you nor your staff could operate the system to show officers any recorded footage. This means that you are in breach of the conditions on your Premises Licence and as a result are committing offences.

May I remind you of the specific conditions on your licence.

***The prevention of crime and disorder***

5. A suitable Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises .

6. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors and stairways (excluding WCs and changing rooms).

7. The CCTV system will cover the main entrance/s and exit/s and designated emergency egress routes from the premises.

8. The CCTV system will cover all external areas of the premises occupied by the public, i.e. queuing areas, beer gardens, smoking areas and car parks.

9. The location of CCTV cameras are identified on the site plan of the premises. No amendments to the locations of the cameras will be made without prior consultation with West Yorkshire Police/British Transport Police and the Licensing Authority



10. The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.
11. The CCTV system will contain the correct time and date stamp information.
12. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days continuous footage which will be of good quality.
13. The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has accessed the system, the reason why and when.
14. A designated member / members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority.
15. The CCTV system will be adequately maintained and be capable of transporting recorded material onto a removable media.
16. The CCTV system replay software must allow an authorised officer of the Licensing Authority or Responsible Authority to search the picture footage effectively and see all the information contained in the picture footage.

#### Under the Licensing Act 2003 Section 136

- (1) A person commits an offence if -
  - (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
  - (b) he knowingly allows a licensable activity to be so carried on
- (4) A person guilty of an offence under this section is liable on summary conviction to an unlimited fine, imprisonment for a term not exceeding six months or to both.

I also noted that Part B of the Premises Licence was not displayed. This is an offence under:-

#### Section 57 Duty to keep and produce licence

- (1) This section applies whenever premises in respect of which a premises licence has effect are being used for one or more licensable activities authorised by the licence.
- (3) The holder of the premises licence must secure that -
  - (a) the summary of the licence or certified copy of that summary, and
  - (b) a notice specifying the position held at the premises by any person nominated for the purposes of subsection (2),
 are prominently displayed at the premises.
- (4) The holder of a premises licence commits an offence if he fails, without reasonable excuse, to comply with subsection (2) or (3).
- (5) A constable or an authorised person may require the person who, by virtue of arrangements made for the purposes of subsection (2), is required to have the premises licence (or certified copy of it) in his custody or under his control to produce the licence (or such a copy) for examination.

- (6) An authorised person exercising the power conferred by subsection (5) must, if so requested, produce evidence of his authority to exercise the power.
- (7) A person commits an offence if he fails, without reasonable excuse, to produce a premises licence or certified copy of a premises licence in accordance with a requirement under subsection (5).
- (8) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

I must advise you that your premises will be revisited during the week commencing Monday 16 November 2015 and the above issues will be checked for compliance. If the above issues have not been rectified, I will be looking at formal action.

The content of this letter will be passed to other Agencies with a responsibility under their own powers who may wish to visit your premises.

Please do not hesitate to contact me should you wish to discuss the matter further on the telephone number, above.

Yours faithfully

---

Mrs Carmel Brennand  
Senior Liaison and Enforcement Officer  
Entertainment Licensing

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CC West Yorkshire Police ( Licensing )



**Leeds**  
CITY COUNCIL

Elections, Licensing & Registration  
Civic Hall  
Leeds LS1 1UR

**Private & Confidential**

Mr Shores Hatah Mohammed  
East European Foods  
11 Harehills Road  
Leeds  
LS8 5HR

Our Ref: A80/CB/LIC/PREM/03296/010  
Your Ref:  
Contact: Carmel Brennand  
Tel: 0113 2474095  
Fax: 0113 2243885  
Email:

Date: 14 December 2015

Dear Sir

**INVESTIGATION OF POSSIBLE OFFENCES UNDER THE LICENSING ACT 2003  
PREMISES : EAST EUROPEAN FOODS, 11 HAREHILLS ROAD, LEEDS, LS8 5HR**

I am writing to you in your capacity as both the Premises Licence Holder and Designated Premises Supervisor of the above premises which have been visited on 20 September, 8 October, 4 November and 17 November. I have also written to you on 10 September, 9 October and 10 November.

I wish to advise you that I will be revisiting these premises on the morning of Friday 8 January 2016 to conduct an inspection under the Licensing Act 2003, especially in regard to the CCTV system. I must inform you that if the issues in relation to the CCTV have not been attended to and are therefore still not compliant with the relevant conditions, I will be taking formal action.

Due to the seriousness of the breaches of the Premises Licence conditions and the length of time the issues have remained outstanding, I will be applying to review the Premises Licence. A review application is heard by the Licensing Committee and they are empowered, if necessary to promote the licensing objectives, to :-

- Modify the conditions of the premises licence,
- Exclude a licensable activity from the scope of the licence,
- Remove the designated premises supervisor from the licence, suspend the licence for a period not exceeding 3 months, or
- Revoke the licence.

Please do not hesitate to contact me should you wish to discuss the matter further.

Yours faithfully

Mrs Carmel Brennand  
Senior Liaison and Enforcement Officer  
Entertainment Licensing



## WITNESS STATEMENT

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

**Statement of Carmel Brennand**

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

This statement (consisting of 3 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.

Dated 1 March 2016

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 visiting licensed premises with other agencies to ensure compliance under the Licensing Act 2003, in promoting the four licensing objectives; the prevention of crime and disorder; public safety; the prevention of public nuisance and the protection of children from harm.

This statement is further to my statement of 28 January 2016.

On Thursday 11 February 2016 I was working in company with my colleague Mr Paul Rix, Senior Liaison & Enforcement Officer. At 11:03 am we attended at East European Foods Ltd, 11 Harehills Road, LS8 5HR. Mr Rix attached the laminated blue review notice in respect of these premises to the lamp post nearest the front door. I went into the shop premises and Mr Shores Mohammed came into the shop from the rear. I asked him if he had received the envelope of papers from my office. He confirmed that he had. He then stated that the CCTV was now working. After I had visited the last time his girlfriend carried on trying to find the footage and she managed to. I asked, 'Why did you not ring me to tell me? You have my telephone number from my business cards and it's on all the letters I have sent you. I have been a lot of times. The process has started now for the review. My colleague has put that notice up' as I pointed to the lamp post outside the front door. ' That stays there for 28 days. This matter will be heard on 5 April 2016 but you will be sent a letter telling you all about it'.

At 1:40 pm on Friday 12 February 2016 Mr Shores Mohammed and Mr Alan Amiri attended at the reception of Entertainment Licensing. They had submitted an application to vary the

reception. Both gentlemen stated their CCTV was now correct. I asked, '31 days, yes?'. Both said, 'Yes'. I told them that the process had already started and it could not be stopped. Mr Amiri said, 'It was fixed 2 days after you came in'. When I asked why he had not contacted me he said that he had a bad back and had been to hospital. 'It was the CCTV engineer. He kept coming back. It cost me £450'. I replied, 'I am telling you the same as I told Shores. If I take my car to the garage for fixing, I pay the money and then I drive it out and it is still clonking; I would take it back or even take to another garage to get it fixed'. Mr Shores Mohammed repeated that after I had left his shop last time. I asked, 'You mean when I was there with the police woman, PC Dobson?' Mr Mohammed replied in the affirmative saying, 'Yes. My girlfriend kept trying with the CCTV and managed to go back 31 days'. Both gentlemen asked for my help. I told them I would have to speak to my boss about revisiting their shops. I asked them both, 'Does your CCTV have 31 days? Does it go back to 11 January?' Both of them said, 'Yes'. I took both their mobile telephone numbers and told them I would be in touch.

At 2:36 pm on Wednesday 17 February 2016 I rang the mobile number given by Mr Shores Mohammed and left a voicemail message on it advising that I would be visiting his shop at 12 noon tomorrow, the 18 February to check the CCTV and make sure all the conditions are complied with, i.e. the time and date, the 31 days footage, that someone can operate the system and have spare DVD's or USB sticks for downloaded material. I also left my contact details.

On Thursday 18 February I was working in company with the Police District Licensing Officer, PC Lynn Dobson. At 12 noon we attended at East European Foods Ltd, 11 Harehills Road. I noted the review notice was still on display. I introduced myself and PC Dobson to the young male behind the counter and said we were here to see Mr Mohammed. The young male spoke to someone on his mobile telephone and then told us Mr Mohammed was just getting dressed so would not be long. Whilst we were waiting I checked the CCTV monitor facing the counter and noted the time stamp was 5 minutes out. After only a few minutes Mr Mohammed came from the rear of the shop. I told him we were here to look at the CCTV and we followed him to the rear of the shop, out the back door and up the outside staircase to the first floor. We followed him into the bedroom facing onto Harehills Road. He took us over to the right hand corner where a hard drive and a small monitor was. I asked where the big TV was as we had previously looked at the CCTV on the large TV screen. Mr Mohammed pointed to the wall behind us. Mr Mohammed's girlfriend had been in the room waiting for us. She proceeded to operate the CCTV and was able to show footage from 12



10 pm and finally 10.38 pm just as the shop was closing. I advised her the monitor downstairs was 5 minutes out on the time stamp and she was able to correct it there and then. I then asked Mr Mohammed if he had any DVDs or USB sticks to download some footage. He said he didn't. I asked if he had received my voicemail message I had left the previous afternoon. He checked his phone and said he hadn't got a message. We checked the number I had used and he confirmed it was correct. Mr Mohammed's girlfriend confirmed she could download footage but would need a lap top. When I asked if they had a lap top Mr Mohammed said he had one but it was away to be fixed. PC Dobson suggested that Mr Mohammed get some DVD's and download footage from 1 day ago, 31 days ago and 3 days in between. When Mr Mohammed queried, 'All day?' , PC Dobson clarified, 'No, just 5 minutes footage on each day and then drop them down to Entertainment Licensing so Mrs Brennand can check the footage'. Mr Mohammed agreed to do this. We resumed from the premises at 12:15pm.

At 1:05 pm on Wednesday 24 February 2016 Mr Soresh Mohammed attended at reception at the Entertainment Licensing Section at St George House, Great George Street to submit an application in respect of East European Foods Ltd. The application was to vary the Premises Licence Holder from him to Mr Hassan Mirabadi. I went into the reception area and asked Mr Mohammed, ' Where are the DVDs ?' Mr Mohammed replied that he would try and bring them the following day. I said, ' All I want to see is 5 minutes footage from each of the days requested. The hearing at Civic Hall will still have to go ahead but I will be able to explain to the Committee that you are compliant with all the CCTV conditions. Will you also speak to Mr Alan Amiri and remind him to bring me DVDs of his CCTV footage next week'. Mr Mohammed said he would.

## WITNESS STATEMENT

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

**Statement of John Paul Rix**

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

This statement (consisting of 1 page 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: 2.2.16

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 licenced and unlicensed premises contrary to the Licensing Act 2003. I have delegated authority under the said Act.

On Sunday 20 September 2015 I was working in company with my colleague Mrs Carmel Brennand, Senior Liaison & Enforcement Officer.

At 7:20 pm we attended at East European Foods, 11 Harehills Road, LS8.

Mrs Brennand introduced herself and then myself to the male sitting behind the counter and asked him if he was Mr Shores Mohammed.

He replied he was Mr Dana Abdullah and stated he worked at the shop part time.

Carmel asked him where the Part B of the Premises Licence was as it did not appear to be on display. This display is a legal requirement under the Licensing act 2003.

He said that it had not yet arrived.

I noticed a monitor facing the counter with 7 camera shots shown on the screen.

Carmel asked Mr Abdullah if he could operate the system and show that it retained 31 days footage. He replied no to both questions.

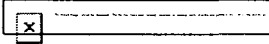
Carmel advised him the reason for the visit was that we had received a complaint that the shop was open and selling alcohol after the hours permitted on the licence.

Mr Abdullah was able to tell us the hours as stated on the licence. He added that it could be staff cleaning after the shop has closed which might have resulted in the complaint.

Carmel gave Mr Abdullah a DPS authorisation Form, Check 21 posters and her business card and requested that Mr Shores Mohammed contact her.

At 7:28 pm we resumed from the shop.

Signature :

**RESTRICTED** (when complete)**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B;  
Criminal Procedure Rules 2005, Rule 27.1)

NICHE Ref. No:

URN:

**Statement of** Lynn Dobson

Date of birth: Over 18

Occupation: PC 5783

This statement (consisting of: 6 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.

Dated: 080216

Signature:

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a Police Officer in West Yorkshire Police, serving at Elland Road Police Station, Leeds. I am the Licensing Officer for the North East Leeds Division, which covers the Leeds 8 area. Prior to the formation of the Leeds District Licensing Office I was stationed at Killingbeck and for a brief period at Gipton. I have worked in the North East Leeds area for the past 24 years.

I have worked on patrol responding to calls from members of the public for the majority of my service. I have tutored probationer constables in the Division again responding and dealing with calls from members of the public. More recently I have worked as a researcher in the Killingbeck Divisional Intelligence Unit (DIU) and from September 2005 I worked in the Operations and Planning Department at Killingbeck. I am now responsible for all licensing

Signature:

Signature witnessed by:

NICHE Ref. No:		URN:	
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Continuation Statement of Lynn Dobson

issues in the North East Leeds area and I bring my knowledge of the area and my experience as a Patrol Officer to my role.

Although I am based at Elland Road Police Station I liaise regularly with the Neighbourhood Policing Teams at North East Leeds in relation to issues attributable to licensed premises. I also liaise with other Responsible Authorities in relation to ongoing issues connected to licensed premises and the action to be taken in relation to these issues.

One premises I am familiar with is Eastern European Foods, 11 Harehills Road Leeds 8. At 1530hrs on Wednesday 7 October 2015, in company with Carmnel Brennand, Leeds City Council Licensing and Enforcement and probationer constable PC Stephanie Van Loo we visited the store. This visit was following complaint, received by Leeds City Council and was one of a number of inspections conducted on this day.

At the time of the visit there was a young female staff member behind the counter and we introduced ourselves to her. There was no premises licence on display in the shop and we were then approached by a male who identified himself to us as Shores Mohammed.

The nature of our visit was explained to Mr Mohammed and conversation took place in relation the whereabouts of the premises licence, which he was able to locate. We discussed the CCTV system installed at the shop. The premises licence has extensive conditions in relation to the quality and standard of the CCTV system required for the premises licence.

Signature:

Signature Witnessed by:

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Continuation Statement of Lynn Dobson

Carmel Brennand asked if we could inspect the CCTV system and were were informed that the system was in an upstairs room. Mr Mohammed began to make his way to the rear of the property, where there is an external staircase, but then turned and admitted that the CCTV system was not working. Further discussion took place in relation to the importance of the CCTV system to prove or disprove a complaint as well as the CCTV sytem being a a condition of the premies licence.

Mr Mohammed was informed that a follow up inspection would have to be conduted by which time the CCTV should be fully operational and comply with all the conditions on the premies licence.

At 1415hrs on Wedensday 4 November 2015 in company with Carmel Brennand from Leeds City Council Licensing and Enforcement and probationer constable PC Alan Andrews, I visited Eastern European Foods, 11 Harehills Road, Leeds 8.

The premises licence was not on display and on this occasion we were met by Mr Mohammed who informed us that the CCTV engineer had been.

We all went to the rear of the premies, up an external flight of stairs which led to Mr Mohammed's living quarters on the first floor. The CCTV system was situated in the front bedroom of the property. Mr Mohammed thought that the system would record for two months but the date and time on the screen actually showed 5 November 2015, the day after the visit. Mr Mohammed tried to operate the system but was not able to do so.

Signature:

Signature Witnessed by:

NICHE Ref. No:		URN:	
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Continuation Statement of Lynn Dobson

Mr Mohammed went to get a young member of staff to see if he could assist, however despite his best efforts, the television screen kept saying 'Nothing on file'.

We returned to the ground floor shop and it was made clear to Mr Mohammed that the CCTV failings were a serious breach of the premises licence. Mr Mohammed claimed to have paid £300 for the engineer to visit the shop and amend the system. Mr Mohammed wanted to give us the telephone number for the CCTV engineer for us to resolve the issue with him. It was made clear to Mr Mohammed that it was his CCTV system and his premises licence and that he needed to resolve the issues as soon as possible.

Mr Mohammed was informed that the premises would be revisited and the CCTV needed to work.

At 1050hrs on 17 November 2015, in company with Sebastian Roberts, an Officer from the West Yorkshire Police Imaging Department, I visited 11 Harehills Road Leeds 8.

We were met in the shop by Mr Mohammed who informed us that the CCTV had been fixed and asked to wait downstairs for five minutes before calling us upstairs. As we waited in the shop, the screen on top of the fridges looked better, but the recording facility was what needed to be checked.

Signature:

Signature Witnessed by:  
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NICHE Ref. No:		URN:	
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Continuation Statement of Liam Dobson

Once upstairs it was very clearly a difficult system to navigate around. Whilst there appeared to be eight cameras wired to the hard drive only seven cameras appeared to be working. When checking individual cameras the only way to return to a 'live feed' was to unplug the system and plug it back in again!

The recordings we were able to access only went back three days to 14 November 2015 and the hard drive said that there was only space for another 21 hours. The hard drive was simply not big enough for the number of cameras installed and the resolution required.

Mr Mohammed blamed the CCTV engineer 'from up the road' and said that he would have the CCTV fixed. There was no recommendation from Sebastian Roberts, the hard drive simply was not large enough and the system was not fit for purpose.

On 20 November 2015 I received an e-mail from PC Stephanie Van Loo who had accompanied Carmel Brennand and I on a licensing inspection on 7 October 2015. PC Van Loo informed me that she has requested CCTV footage following an assault which had taken place outside the property on 10 November 2015.

PC Van Loo reported speaking to Shores Mohammed who said that his CCTV only recorded for two days. It was pointed out that this would be a breach of his premises licence and at the time of sending the e-mail no CCTV had been produced for this crime. The crime has since been filed as undetected.

Signature:

Signature Witnessed by:

NICHE Ref. No:		URN:	
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Continuation Statement of Lynn Dobson

On 22 December 2015 I received a second e-mail from PC Van Loo following a report of a burglary at 11 Harehills Road Leeds 8 on 18 December 2015.

Officers who attended the burglary reported that there was no front door on the premises at all and that the shutters had been forced, which had resulted persons unknown gaining access to the shop. Officers enquired about the CCTV at the store and Mr Mohammed claimed to be having difficulties with the CCTV system and that he could not burn anything to a disc. Shores Mohammed failed to cooperate further with the officers and would not let them inspect the premises or reveal fully what had been stolen.

Signature:

Signature Witnessed by:  
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### WITNESS STATEMENT

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

NICHE Ref. No:

URN:

Statement of: David CROSSLEY

Date of birth: Over 18

Occupation:

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: David Crossley

Date: 03/02/16

Time and date statement taken: 03/02/16 16:00hrs

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

For the past year I have held the position of ward manager for the Harehills area of Leeds, and in this role I often work with partner agencies and community groups in the Harehills area. On **Friday the 8th January 2016** I was working in company with senior Liaison and Enforcement officer **Carmel BRENNAND**, from Leeds City Council and we were conducting revisits at both licensed and non-licensed premises within the area. At **10:16hrs** we attended at **"East European Foods" 11 Harehills Road, LS8.5HR** There was a young male behind the counter who identified himself as **Mumteamu GHEORGHE**. Carmel and I identified ourselves, and shown our identification to **GHEORGHE** who spoke very little English, so telephoned his boss. I asked where his boss was coming from to which **GHEORGHE** replied **'Romania'**, however he then pointed up to the ceiling and within a very short time a male I now know to be **Shoresh MOHAMMED** walked from the back of the shop. Carmel asked if he had received a letter telling him of today's visit, to which he nodded. Carmel asked to look at the shops CCTV and **MOHAMMED** signalled for us to follow him, so **GHEORGHE** locked the shop up and we all went out through the back of the shop into a small yard and up a flight of metal stairs to a first floor flat. We followed **MOHAMMED** through the kitchen and into a bedroom which contained the CCTV monitoring and recording equipment. **MOHAMMED** stated he had paid **£80** for a **2000 gigabyte hard drive**, and **GHEORGHE** was asked by Carmel to search the **8th December 2015**. I watched him enter the correct date and in the order of **2015/12/08** onto the search screen, whereupon a message immediately came up which read **'NO DATA'** Carmen voiced her opinions regarding the fact that no footage had been recorded. **GHEORGHE** continued his attempts to find some footage without success on dates requested by Carmen, being the **10th December 2015**, followed by the **15th, 20th, 22nd, 24th and 25th December**. On each occasion the same

Signature: David Crossley

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Signature witnessed by:

RESTRICTED (when complete)

NICHE Ref. No:		URN:	
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Continuation Statement of David CROSSLEY

message appeared stating '**NO DATA**' Carmen asked **MOHAMMED** if the shop was open on Christmas Day, and he confirmed that it was. Carmen asked questions regarding when the engineer came, did he have any receipts and whether the engineers visit was after a letter she had sent to **MOHAMMED** in December, at which point **MOHAMMED** said the engineers visit was after the other lady came, which was clarified as being **PC DOBSON**.

At this point a young female who had been in bed since we arrived, told us the engineer came on the 21<sup>st</sup> December. She then got out of bed and took over from **GHEORGHE** on the CCTV equipment and attempted to rewind the footage to see how far back it had recorded. She went on to a different search screen and kept clicking on the rewind symbol, which went back a single hour at a time. She was however able to go back to **09:00 on 5 January 2016**, which means only 3 days of footage had been recorded, which apparently was exactly the same as it was when **PC DOBSON** visited in **November 2015**. **MOHAMMED** insisted that he had paid for 2000 gigabyte and shown us a 'label' of the system on his phone, he then told the female to try again. She entered **27 December 2015** on the search screen and again '**NO DATA**' appeared. This was also the same for **1<sup>st</sup> January 2016**. When asked for details of the CCTV engineer, **MOHAMMED** said the engineer has a shop a few streets away, I asked **MOHAMMED** if he had the engineers name, business address or contact telephone number, however he was unable to provide these details. Carmen explained there may be a prosecution or a review at the Civic Hall where all parties will be entitled to put their case, and she would be writing to him in due course. **MOHAMMED** was also advised to use the services of a reputable engineer. At **10:53hrs** we left the premises.

# 11. Reviews

## The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

## **Repetitious grounds of review**

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
  - representations considered by the licensing authority when the premises licence or certificate was granted; or

- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.
- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

## **Powers of a licensing authority on the determination of a review**

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;

- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)<sup>10</sup>;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

## Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

<sup>10</sup> See chapter 15 in relation to the licensing of live and recorded music.

- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for prostitution or the sale of unlawful pornography;
  - by organised groups of paedophiles to groom children;
  - as the base for the organisation of criminal activity, particularly by gangs;
  - for the organisation of racist activity or the promotion of racist attacks;
  - for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
  - for unlawful gambling; and
  - for the sale or storage of smuggled tobacco and alcohol.
- 11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

## **Review of a premises licence following closure order**

- 11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:
- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
  - the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
  - notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

## **Review of a premises licence following persistent sales of alcohol to children**

- 11.30 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.



**WITNESS STATEMENT**

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

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

This statement (consisting of 2 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.

Dated 29 March 2016

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 visiting licensed premises with other agencies to ensure compliance under the Licensing Act 2003, in promoting the four licensing objectives; the prevention of crime and disorder; public safety; the prevention of public nuisance and the protection of children from harm.

This statement is further to my statement of 28 January 2016 and 1 March 2016.

On Wednesday 9 March 2016 I received an email from Mrs Emma White, Licensing Officer within the Entertainment Licensing Section advising that Mr Mirabadi, the prospective new Premises Licence Holder for East European Foods, 11 Harehills Road, had attended reception to pay the annual fee and request a change of name for the premises. Mrs White reminded Mr Mirabadi that I was still waiting for CCTV footage going back 31 days.

At 2:50 pm on Thursday 10 March 2016 Mr Mirabadi, the Premises Licence Holder and Mr Mohammed, the Designated Premises Supervisor attended at reception. Mr Mohammed handed me a USB Memory Stick. I was able to download the data from the stick on to my computer. I went through the menu and the first items were 2 stills of a male who appeared to be trying to lift the shutter on the shop on 18 December 2015 at 3 am in the morning. I proceeded through the menu and was able to view CCTV footage from the 10 February, then 12<sup>th</sup>, then the 10 March 2016. I went back to the gentlemen and advised that although I had been able to view the footage back to the 10 February, the condition stipulates 31 days and they had only supplied 29 days. I confirmed that 'Yes, I have seen 31 days footage on the system but you need to be able to download it in order to prove it'. The gentlemen said they would go straight back to the shop and download the footage from 8 February and bring it back down to me. I told them that I may not be at the office when they returned.

When they asked when I was next back in the office, I told them Tuesday 15 March. I explained to both of them that regardless of them now probably complying with the conditions on the licence, because it had taken so long; the review process had started and therefore the hearing would still go ahead. I advised that they should both attend the hearing which was more than likely to be heard on 5 April at the Civic Hall but they would be served papers giving all the details.

On Friday 11 March 2016 Premises Licence PREM/03296/012 was issued and posted out to the premises at 11 Harehills Road now known as DJ Off Licence. The Licence, effective from 24 February 2016 has Mr Hassan Mirabadi specified as the new Premises Licence Holder and Mr Shores Mohammed remaining as the Designated Premises Supervisor.

On my return to work on Tuesday 15 March 2016 I noted an email from my colleague Mr Robert Stirk, Principal Officer within the Entertainment Licensing Section that a USB stick for East European Foods had been brought in just after 4 pm on Thursday 10 March. The USB stick had been left in the locked evidence cupboard. I retrieved the USB stick and downloaded the data onto my computer. I noted that the data I had seen the previous week was still on but that there were extra files. I scrolled through each new file and viewed CCTV footage from 8 February 2016. From Channel (camera) 1, I was able to view footage from 00:03:09, 00:13, 00:23, 00:33, 00:43 and 00:53. I scrolled through the files and was able to view the footage from the same times from Channels 2,3 and 4.

I am now satisfied that there are 31 days footage on the system and that staff can operate the system and download footage at the request of authorised officers which is all stipulated within the conditions, specifically:-

*12. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days continuous footage which will be of good quality.*

*14. A designated member / members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority.*

**Please state the ground(s) for review – continued from Page 4 of the original application**

On 10<sup>th</sup> February 2016 the Application for Review was received at the Entertainment Licensing Section, therefore deemed as being served on all the responsible authorities and the operator of the premises.

On 11<sup>th</sup> February 2016 Leeds City Council Enforcement Officers attended outside the premises and attached a blue review notice to the lamp post nearest the front door. The officers entered the shop and informed the Premises Licence Holder and Designated Premises Supervisor Mr Shores Mohammed of the placement of the notice. He confirmed he had received the review papers. He also stated that the CCTV was now working. He was advised the review process had started, that it would be heard on 5<sup>th</sup> April 2016 but that would be confirmed by letter.

On 12<sup>th</sup> February 2016 Mr Shores Mohammed attended at the Entertainment Licensing reception with Mr Amiri to submit an application in respect of Biedronka. Both gentlemen stated that the CCTV in their respective shops was now correct. When asked if their CCTV was recording for 31 days, they both replied in the affirmative. I advised both gentlemen that the review process would still progress but that I would speak to my supervisor about coming out and rechecking.

On 17<sup>th</sup> February 2016 I telephoned Mr Mohammed and left a message on his voicemail advising that I would be visiting his shop tomorrow to recheck the CCTV and make sure all the conditions are complied with, i.e. the time and date, 31 days footage, that someone can operate the system and have spare DVDs or USB memory sticks for downloaded material.

On 18<sup>th</sup> February 2016 a Leeds City Council Enforcement Officer together with the Leeds District Police Licensing Officer attended at the premises and met with Mr Mohammed and his partner. She was able to operate the CCTV system and able to show us footage from midnight on the 18<sup>th</sup> January 2016. She was also able to show several earlier times in the day. When she was advised that the time on the monitor downstairs was 5 Minutes out, she was able to correct the time stamp. However when asked if she could download some of the footage Mr Mohammed stated he had no DVDs or USB memory sticks. Mr Mohammed was advised to purchase some and download 5 minutes of footage from 1 day ago, 31 days ago and 3 days in between and bring the footage to me at Entertainment Licensing.

On 24<sup>th</sup> February 2016 Mr Mohammed attended at Entertainment Licensing reception to submit an application to vary the Premises Licence Holder from him to Mr Hassan Mirabadi. When asked if he had brought DVDs with the CCTV footage, he stated he would bring them in the following day.

On 7<sup>th</sup> March 2016 the additional information to be included in the review application was received at the Entertainment Licensing Section and therefore deemed served on all the responsible authorities and Mr Mohammed and Mr Mirabadi.

On 9<sup>th</sup> March 2016 the new Premises Licence Holder Mr Mirabadi attended at the Entertainment Licensing reception to pay the annual fee for the shop and to change its name to DJ Off Licence. Mr Mirabadi was reminded that we were still waiting for the downloaded CCTV footage.

On 10<sup>th</sup> March 2016 Mr Mohammed and Mr Mirabadi re attended at Entertainment Licensing reception with a USB memory stick. I was able to plug the USB stick into my works computer. The initial data I was able to view were 2 stills of a male outside the shop on 18 December 2015 at 3 am in the morning, trying to lift the shutter. I went through the list of data and was able to view footage from various dates going back to the 10<sup>th</sup> February 2016, this being only 29 days retention. I advised the 2 gentlemen that although I had seen footage from 31 days ago on the system, they still needed to evidence this by downloading it. They said they would return with the relevant footage. They were advised that I would be away from the office until the following Tuesday. I reiterated that even if they supplied this data, the review process would still proceed and they should both attend the hearing on 5<sup>th</sup> April 2016.

On 11<sup>th</sup> March 2016 the new Premises Licence PREM/03296/012 with Mr Hassan Mirabadi specified as the Premises Licence Holder and Mr Shires Mohammed remaining as the Designated Premises Supervisor, was posted out to the premises.

On 15<sup>th</sup> March 2016 I was able to check the data on the USB stick that had been brought in for my attention late on the 10<sup>th</sup> March. I was able to view footage from various times during the day of the 8<sup>th</sup> February 2016. This satisfied the most important conditions CCTV conditions, namely:-

*12. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days continuous footage which will be of good quality.*

*14. A designated member / members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage,*

*as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority.*

## Chronology of events.

Key			
PLH	Premises Licence Holder	CB	Carmel Brennand
DPS	Designated Premises Supervisor	PR	Paul Rix
WYP	West Yorkshire Police	LD	Lynn Dobson
PL	Premises Licence	DC	David Crossley
CCTV	Close Circuit Television		
LCC	Leeds City Council		
ELS	Entertainment Licensing Section		
Date	Reason	Result	
<b>2013</b>			
5.2.2013	Application for the grant of a Premises Licence		
6.3.2013	Premises Licence issued	PLH Ziring M Mahmood DPS Kardo U Abdullah	
<b>2014</b>			
25.2.2014	Application to vary PLH		
26.3.2014	Premises Licence issued	PLH Shores H Mohammed DPS Kardo U Abdullah	
9.10.2014	Application to vary PLH & DPS		
24.10.2014	Premises Licence issued	PLH Dahren Mohammed DPS Dahren Mohammed	
4.11.2014	Application to vary PLH		
19.11.2014	Premises Licence issued	PLH Shores H Mohammed DPS Dahren Mohammed	
<b>2015</b>			
24.3.2015	Application to vary PLH		
8.4.2015	Premises Licence issued	PLH Gierbuszewska Ewelima DPS Dahren Mohammed	
18.5.2015	Application to vary PLH		
1.6.2015	Premises Licence issued	PLH Alan Amiri DPS Dahren Mohammed	
19.8.2015	Application to vary PLH & DPS		
3.9.2015	Premises Licence issued	PLH Shores H Mohammed DPS Shores H Mohammed	
10.9.2015	Complaint alleging operating outside permitted hours	Warning letters posted to PLH/DPS at premises and home address	
20.9.2015	CB & PR visited premises. PLH /DPS not on site. Spoke to 1 x male staff	Part B of Premises Licence not displayed Staff unable to operate CCTV system. Business card left for PLH/DPS to contact CB	
7.10.2015	CB & LD visited premises with probationer officer. PLH/DPS on site & 1 member male staff	Part B of Premises Licence not displayed PLH/DPS admitted CCTV not recording. Advised premises would be revisited	
9.10.2015	Warning letter to PLH/DPS posted to the premises	No contact from the PLH/DPS	
4.11.2015	CB & LD visited premises with probationer officer. PLH/DPS on site & 1 male staff	Date & Time on CCTV monitor incorrect. Neither PLH/DPS nor staff could show any recorded footage. Part B of the Premises Licence not displayed	

## Chronology of events.

10.11.2015	Warning letter re breaches and revisit w/c 16.11.15 posted to PLH/DPS at the premises	No contact from the PLH/DPS
17.11.2015	LD & Imaging Officer attended at premises. PLH/DPS on site.	CCTV system had only 3 days footage recorded
14.12.2015	Warning letter re breaches and revisit on 8.1.16 posted to PLH/DPS at the premises	No contact from the PLH/DPS
<b>2016</b>		
8.1.2016	CB & DC visited premises. PLH/DPS & 1 staff on site	Still only 3 days footage retained. PLH/DPS advised formal action will be taken.
10.2.2016	Review application received by Leeds City Council Entertainment Licensing	All other Responsible Authorities and PLH/DPS deemed served
11.2.2016	CB & PR posted Review notices outside the premises. Spoke to PLH /DPS on site said CCTV was now working.	Review notice to remain in situ for 28 days with periodic checks
12.2.2016	PLH/DPS attended at ELS reception. He stated that CCTV was working and had 31 days footage	Advised PLH/DPS I would have to get instruction from Principal Officer
17.2.2016	Rang PLH/DPS to advise would revisit premises following day	
18.2.2016	CB & LD attended at premises and viewed CCTV from 31 days prior. However PLH/DPS unable to download footage.	Advised to download & supply footage from 31 days and 1 day ago and a selection of 3 dates in between, asap to CB
24.2.2016	PLH attended ELS reception with application to vary PLH	Reminded that need downloaded footage from CCTV
7.3.2016	Additional statements to be included in the Review application received by LCC Entertainment Licensing	All other Responsible Authorities and PLH/DPS deemed served
9.3.2016	New PLH Mr Hassan Mirabadi attended at ELS reception to pay annual fee and change the name of the shop	New PLH reminded that still awaiting CCTV footage
10.3.2016	Mr Mirabadi and Mr Mohammed attended at ELS reception with USB Memory Stick	CB able to view footage from 29 days prior and 12 Feb & 10 March. Advised need evidence of 31 days.
11.3.2016	Premises Licence issued for DJ Off Licence	PLH Hassan Mirabadi DPS Shores H Mohammed
15.3.2016	CB viewed CCTV footage from 8 February on USB stick supplied by Operator late 10.3.16	Operator now compliant with all CCTV conditions