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03522/0

Appendix A



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 Biedronka 225 Roundhay Road Leeds	
Post town Leeds	Post code LS8 4HS

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

Number of premises licence or club premises certificate (if known) PREM/03522/003
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ENTERTAINMENT LICENSING
10 FEB 2016
RECEIVED

Part 2 – Applicant details

- I am
- | | | |
|---|---|-------------------------------------|
| | | Please tick ✓ yes |
| 1 | An individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below) | <input type="checkbox"/> |
| 2 | A responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3 | A member of the club to which this application relates (please complete (A) below) | <input type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as 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) 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 16th October 2014 a Premises Licence for the sale of alcohol for consumption off the premises was granted for Biedronka with Mr Shores Hatah Mohammed specified as the Premises Licence Holder and Mr Kardo Unit Abdullah as the Designated Premises Supervisor.

On 6th July 2015 a complaint alleging the premises were open and selling alcohol after their permitted hours was received.

On 9th July 2015 separate letters addressed to Mr Mohammed and Mr Abdullah were hand delivered to Mr Mohammed at the premises. 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 2003. Mr Mohammed refutes the allegation.

On 23rd July 2015 an 'after hours' driveby is conducted of the premises. They are found to be closed.

On 3rd September 2015, the current licence is issued to Mr Alan Amiri as the Premises Licence Holder and Mr Shores Hatah Mohammed as the Designated Premises Supervisor. This licence is hand delivered to Mr Amiri at the premises. Mr Amiri is also advised of the complaint. Mr Amiri admits the CCTV is not recording.

On 10th September 2015 the complaint in respect of after hours trading is closed.

On 7th October 2015 a Leeds City Council Enforcement Officer together with the WYP District Licensing Officer and a probationer attended at the premises. Mr Amiri and a female member of staff are on site. Neither can operate the CCTV system. Mr Amiri is advised that there are 14 conditions relating to the CCTV on the Premises Licence and the premises will be revisited to check the CCTV is in working order.

On 9th October 2015 letters were posted to Mr Amiri the Premises Licence Holder and Mr Mohammed the designated Premises Supervisor. The letters confirm that 2 visits had been made to their premises and the CCTV 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 16th October 2015 the annual fee for the Premises Licence becomes due.

On 4th November 2015 a Leeds City Council Enforcement Officer together with the WYP District Licensing Officer and a probationer attended at the premises. There was only a young female member of staff on site, stating it was her first day. She did not know the Designated Premises Supervisor Shores Mohammed so unlikely to have been authorised by him to sell alcohol. She could not operate the CCTV system.

On 10th November 2015 further letters were sent to the Premises Licence Holder Mr Amiri and the Designated Premises Supervisor Mr Mohammed advising the findings during the 3 recent visits to the premises, specifically that staff did not appear to be authorised to sell alcohol or operate the CCTV system. Both parties are reminded of the specific conditions on the Premises Licence for Biedronka and the offences and penalties under Section 136 of the Licensing Act. The letter also advises that a revisit will be made during the week commencing 16 November 2015 and that if the issues have not been rectified, formal action will be taken.

On 11th November 2015 a Leeds City Council Enforcement Officer attends at the premises as the Premises Licence is suspended due to the non-payment of the annual fee. Neither the Premises Licence Holder nor the Designated Premises Supervisor is on site. The suspension letter is handed to the male member of staff and the situation explained. He speaks to the Premises Licence Holder Mr Amiri on the phone and he promises to pay the fee. The officer explains to the member of staff that another letter has been sent to Mr Amiri regarding the CCTV and the importance of it is stressed for him to repeat to Mr Amiri.

On 11th November 2015 the annual fee is paid and the suspension of the licence is lifted.

On 17th November 2015 the WYP District Licensing Officer attends at the premises with an officer from the Imaging Unit to check the CCTV. The officers found that the system only showed the previous 4 days recordings. 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 14th December 2015 further letters were posted to both Mr Amiri and Mr Mohammed advising them that after 4 visits to their shop and 2 letters to them, the CCTV system fails to comply. They are advised that a revisit will take place on the morning of 8th 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 8th January 2016 a Leeds City Council Enforcement Officer together with the Neighbourhood Policing Officer attended at the premises. Mr Amiri and a female member of staff were present. As Mr Amiri could not operate the CCTV system, the member of staff made repeated attempts to go back 31 days on the search for footage. However officers were only able to view 4 days previous which was in contravention of condition 12 of the Premises Licence (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 7 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/03522/003 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 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 Chief Police Officers (ACPO) Guidelines for Digital 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

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 SENIOR LIAISON & ENFORCEMENT OFFICER

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	
2014			
17.9.2014	Application for the grant of a Premises Licence		
16.10.2014	Premises Licence issued	PLH Shores Hatah Mohammed DPS Kardo Unit Abdullah	
2015			
6.7.2015	Complaint alleging premises operating outside permitted hours		
9.7.2015	Warning letters hand delivered to the premises by PR. PLH Shores H Mohammed on site	PLH refuted allegations. PR advised PLH time on CCTV incorrect	
19.7.2015	Driveby at 00:58.	Premises closed	
19.8.2015	Applications to vary PLH & DPS received		
3.9.2015	Premises Licence issued	PLH Alan Amiri DPS Shores H Mohammed	
3.9.2015	CB hand delivered new premises licence. New PLH Alan Amiri on site	CB advised new PLH of complaint and asked to look at CCTV footage. PLH admitted it was not recording. PLH advised that he would be revisited	
10.9.2015	Complaint closed in relation to after hours		
7.10.2015	CB & LD visited premises with a probationer officer. PLH & 1 staff on site.	Neither PLH nor staff could operate CCTV. CB advised PLH that he would be revisited	
9.10.2015	Warning letters posted to PLH & DPS	Neither PLH nor DPS contacted CB	
4.11.2015	CB & LD visited premises with a probationer officer. 1 member of staff on site who was not authorised by DPS	Time on CCTV incorrect. Staff could not operate system. Advised of revisit the following week	
10.11.2015	Warning letters re breaches and revisit w/c 16.11.15 posted to PLH & DPS	No contact from PLH or DPS	
11.11.2015	CB visited premises as licence suspended due to non -payment of annual fee. 1 staff on site	Annual fee paid so suspension lifted. Staff could not operate CCTV system. Time stamp incorrect.	
17.11.2015	LD & Imaging Officer attended at premises. 1 staff on site	CCTV system had only 4 days footage recorded.	
14.12.2015	Warning letters re breaches and revisit on 8.1.16 posted to PLH & DPS	No contact from either PLH or DPS	
2016			
8.1.2016	CB & DC visited premises. PLH & 1 staff on site.	Still only 4 days footage retained. PLH 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?



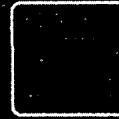
1. The system should be capable of recording pictures that are suitable for use as evidence in court.
2. The system should be capable of recording pictures that are suitable for use as evidence in court.
3. The system should be capable of recording pictures that are suitable for use as evidence in court.
4. The system should be capable of recording pictures that are suitable for use as evidence in court.
5. The system should be capable of recording pictures that are suitable for use as evidence in court.
6. The system should be capable of recording pictures that are suitable for use as evidence in court.

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



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



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15. The system should be capable of recording pictures that are suitable for use as evidence in court.
16. The system should be capable of recording pictures that are suitable for use as evidence in court.

PLAYBACK CAN THE PICTURES BE EASILY VIEWED?



1. The system should be capable of recording pictures that are suitable for use as evidence in court.
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13. The system should be capable of recording pictures that are suitable for use as evidence in court.
14. The system should be capable of recording pictures that are suitable for use as evidence in court.
15. The system should be capable of recording pictures that are suitable for use as evidence in court.
16. The system should be capable of recording pictures that are suitable for use as evidence in court.

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

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' (BIPO008) or from your local Crime Prevention Officer.

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 re-indexing of files or verification checks.