Licensing Sub-Committee

Tuesday, 6th February, 2024

PRESENT: Councillor J Gibson in the Chair

Councillors E Carlisle and A Smart

1 Election of the Chair

RESOLVED – That Councillor Gibson be elected as Chair for the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals.

3 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information.

4 Late Items

There were no late items of business.

5 Declaration of Interests

There were no declarations.

6 Review of the Premises Licence for Booze 4 U, 220 Roundhay Road, Leeds, LS8 5AA

The report of the Chief Officer, Elections and Regulatory informed the Sub-Committee that West Yorkshire Police had submitted an application under Section 51 of the Licensing Act 2003 for a review of a premises licence in respect of Booze 4 U, 220 Roundhay Road, Leeds, LS8 5AA.

The following were in attendance:

- PC Neil Haywood, West Yorkshire Police
- Carmel Brennand, Entertainment Licensing
- Emilia Slezak, Public Health
- Jason Bethell, West Yorkshire Trading Standards
- Councillor Asgar Ali, Local Ward Councillor
- Nicola Raper, Entertainment Licensing

The Legal Adviser to the Sub-Committee outlined the procedures for the meeting and the Licensing Officer presented the application.

It was reported that an application had been served on the Licensing Authority by West Yorkshire Police for a review of the Premises Licence on the grounds of the prevention of crime & disorder and public safety. Representations had also been made by Entertainment Licensing, West Yorkshire Trading Standards and Local Ward Councillors. Public Health were in attendance to support the representations made by Local Ward Councillors. The premises fell within the Harehills Cumulative Impact Area.

The Premises Licence Holder was not in attendance.

The West Yorkshire Police representative was invited to address the Sub-Committee and was supported by West Yorkshire Trading Standards. The following was highlighted:

- When the application was submitted the representation should have also included the protection of children from harm.
- The premises fell within the cumulative impact area and there were widespread problems and very high risk factors relating to alcohol related crime, ambulance call outs and hospital admissions.
- There was a widespread failure of premises within the area to act in accordance with the law.
- There had been serious breaches of the licence at the premises. Joint operations with West Yorkshire Police and West Yorkshire Trading Standards had led to the seizure of counterfeit and illegal cigarettes and tobacco.
- The Licence Holder had ignored previous warnings and continued to sell counterfeit and illegal goods. These were goods smuggled in to the country by organised criminal gangs and the proceeds were used to fund further criminality.
- It was requested that the Licence be revoked.

The Entertainment Licensing representative addressed the Sub-Committee. Issues highlighted included the following:

- The premises had had the same Designated Premises Supervisor (DPS) and Premises Licensing Holder since November 2021. It was expected that the DPS should have a better knowledge of the Licensing Act than had been demonstrated by operations at the premises.
- The sub-committee was given a timeline of issues that had occurred at the premises during the management by the current DPS. These included visits that had resulted in the seizure of illicit goods; failure to pay licensing fees which made it illegal to sell alcohol and other issues which breached conditions of the licence including failure to operate the CCTV system correctly.
- There had been a continued sale of counterfeit and illicit tobacco and illegal vapes. There had also been the sale of alcohol during periods when the Licence was suspended. This was an offence that could be punished by an unlimited fine or up to six months in prison.
- The DPS had only been in position for 25 months and the Sub-Committee was asked to consider the representations made by the responsible authorities and Ward Councillors along with the impact that irresponsible trading has on the wider community. It was requested that the licence be revoked.

The Sub-Committee heard from a Ward Councillor and the Public Health representative. Issues highlighted included the following:

- The area had a high number of looked after children and young people who weren't in education. There were 12 childcare facilities close to the premises including the Gipsil Academy which was a centre for vulnerable young people.
- Public Health had concerns regarding the sale of illicit and counterfeit goods as it was not known what substances were contained within these products.
- Following sanctions imposed at the premises, the Licence Holder had shown a lack of understanding and disregard to the needs of the community.
- Illicit tobacco was easily available to young people in Harehills and there was a higher number of young people taking up smoking. These tended to be the most vulnerable and also those who suffered mental health problems. There was also a higher level of adults smoking in Harehills than elsewhere in Leeds.
- There were health inequalities in Harehills and smoking was disproportionately high compared to other areas. Criminals preyed on these kinds of communities.
- The Licence Holder had failed to met the licensing objectives.
- The sale of smuggled goods was a serious offence.
- There had been a continued practice of committing offences and the licence should be revoked.

The West Yo9rkshire Police representative was invited to sum up. He reminded the Sub-Committee that there had been large scale multi-agency work across Harehills and that that there had been continued non-compliance and criminality involved at the premises. It was requested that the licence be revoked.

The Sub-Committee carefully considered the report of the Chief Officer, Elections and Regulatory, the submissions made in writing and made at the hearing and also the Statement of Licensing Policy.

RESOLVED – That the application be revoked.

7 Review of the Premises Licence for Gold Classic, 315 Harehills Lane, Harehills, Leeds, LS9 6AA

The report of the Chief Officer, Elections and Regulatory informed the Sub-Committee that West Yorkshire Police had submitted an application under Section 51 of the Licensing Act 2003 for a review of a premises licence in respect of Gold Classic, 315 Harehills Lane, Harehills, Leeds, LS9 6AA.

The following were in attendance:
- PC Neil Haywood, West Yorkshire Police
- Carmel Brennand, Entertainment Licensing
- Emilia Slezak, Public Health
- Jason Bethell, West Yorkshire Trading Standards
- Councillor Asgar Ali, Local Ward Councillor
- Mr Hemen Jalal – DPS, Gold Classic
- Nicola Raper, Entertainment Licensing

The Legal Adviser to the Sub-Committee outlined the procedures for the meeting and the Licensing Officer presented the application.

It was reported that an application had been served on the Licensing Authority by West Yorkshire Police for a review of the Premises Licence on the grounds of the prevention of crime & disorder and public safety. Representations had also been made by Entertainment Licensing, West Yorkshire Trading Standards and Local Ward Councillors. Public Health were in attendance to support the representations made by Local Ward Councillors. The premises fell within the Harehills Cumulative Impact Area.

The West Yorkshire Police representative was invited to address the Sub-Committee and was supported by West Yorkshire Trading Standards. The following was highlighted:

- When the application was submitted the representation should have also included the protection of children from harm.
- The premises fell within the cumulative impact area and there were widespread problems and very high risk factors relating to alcohol related crime, anti-social behaviour, ambulance call outs and hospital admissions.
- There was a widespread failure of premises within the area to act in accordance with the law.
- There was organised criminal activity that was linked to a number of stores in the area.
- There had been multi-agency work to tackle illegal activity and non-compliance at licensed premises within Harehills.
- There had been an operation which had resulted in the seizure of illegal vapes and illicit cigarettes from the premises. The cigarettes were from Belarus and had not been subject to duty payments. The Sub-Committee was informed that the legal limit for vapes which contained nicotine was 2ml and that the seized goods were in excess of this.
- There was also evidence of the premises remaining open after permitted hours.
- It was requested that the licence be revoked.

The Entertainment Licensing representative addressed the Sub-Committee. Issues highlighted included the following:

- The premises had had a licence since Mar 2014 although it had been under suspension due to non-payment of fees. The previous owner of the premises surrendered the licence on 10th July 2023.
- The premises had been visited by Licensing Officers and West Yorkshire Police later in July 2023 following the sale of the premises and there had been alcohol on display and for sale without a licence. The premises owner, Mr Jalal had been been advised of the requirement to pay the outstanding fees so the licence could be reinstated. Prior to the payment of the fees, there had been further visits to the premises when alcohol had still been on display for sale.
- There had also been further breaches including the opening of the premises past the permitted licensing hours and the CCTV system not meeting the required specifications.

- The Premises Licence and Designated Premises Supervisor had not been transferred to Mr Jalal until the 28th July 2023. Prior to this the premises had been trading unlawfully.
- Following further visits to the premises the CCTV was still not meeting the required specifications.
- There was a multi-agency operation at the premises on 31st August 2023. A large amount of illegal cigarettes and illegal vapes were seized.
- Illegal vapes had been displayed for sale during further visits to the premises in October and December 2023 and January 2024 and the CCTV system was still not meeting the required specifications. There had also been further instances of the premises being open past permitted hours.
- It was felt that the Designated Premises Supervisor as a trained Personal License Holder should have had the expected knowledge to have operated the premises in an appropriate manner. In just six months of operation there had been a constant breach of the licence and conditions observed in 11 visits to the premises.
- It was requested that the licence be revoked.

West Yorkshire Police, West Yorkshire Trading Standards and Entertainment were asked questions by the Sub-Committee. Discussion included the following:

- It was felt unlikely that the smuggled goods were there without the owner's knowledge. These goods were not available through a normal wholesaler and had not been subject to tax or duty.
- Training for a Personal Licence focussed on the sale of alcohol.
- It was felt that there should have been the sufficient knowledge of the premises owner to know that the vapes that were offered for sale were illegal.
- Because the CCTV system was not operating correctly it was not possible to prove what time the premises had been closing.
- The licence fees had not been paid in four years prior to Mr Jalal buying the premises and all outstanding fees had to be paid to reinstate the licence. The previous owner had stated that the premises were closed prior to the sale. When the premise were visited on 19th July 2023 and had started trading as Gold Classic, it was explained that the licence was suspended and the sale of alcohol was not permitted.
- Training for a Premises Licence Holder would cover the licensing objectives and the requirements and conditions required for a licence to be operated with compliance.

The Sub-Committee heard from a Ward Councillor and the Public Health representative. Issues highlighted included the following:

- The area had a high number of looked after children and young people who weren't in education. There were 12 childcare facilities close to the premises including the Gipsil Academy which was a centre for vulnerable young people.
- Public Health had concerns regarding the sale of illicit and counterfeit goods as it was not known what substances were contained within these products.
- Following sanctions imposed at the premises, the Licence Holder had shown a lack of understanding and disregard to the needs of the community.

- Illicit tobacco was easily available to young people in Harehills and there was a higher number of young people taking up smoking. These tended to be the most vulnerable and also those who suffered mental health problems. There was also a higher level of adults smoking in Harehills than elsewhere in Leeds.
- There were health inequalities in Harehills and smoking was disproportionately high compared to other areas. Criminals preyed on these kinds of communities.
- There was concern that the Licence Holder did not recognise that they had been trading illegally.
- Concern that the bright colourful packaging of the vapes was appealing to children.
- Concern that the premises were on a main arterial road and close to schools and places of worship.
- Trading at the premises presented a clear risk to the community which had high levels of deprivatio9n, overcrowded housing and vulnerable young people.
- The Licence Holder has had opportunity to address the issues at the shop and has failed to do so.
- It was requested that the licence be revoked from a public health perspective and due to the failure to meet the licensing objectives.

The Licence Holder was invited to address the Sub-Committee. He stated that had taken over the premises in July 2023 and before that the premises was closed. He had contacted the council and was told not to sell alcohol as he needed to transfer the licence and pay the outstanding fees. He said he had not received any notification about whether he could sell electric cigarettes and that the premises sold legal English cigarettes. He then said that the sale of cigarettes had stopped and the cigarettes that were seized had not been for sale and had been left at the shop before he moved in.

In response to questions from the Sub-Committee, discussion included the following:

- The Licence Holder confirmed he no longer sold cigarettes and that the seized cigarettes were left by the previous owner. None of these had been sold.
- The Licence Holder said that he was aware of his responsibilities not to sell alcohol to underage or drunk people and goods such as lighters, gas and cigarette papers.
- The Licence Holder was not aware that the vapes for sale were illegal as he had not received notification. It was confirmed by the Entertainment Licensing Representative what the legal requirements for Vapes were and that further illegal vapes had been on display at the premises in January 2024.
- The Licence Holder had asked for the CCTV system to be rectified for so images could be kept for one month. It had only been adjusted for 28 days and not the required 31 days.
- The Licence Holder was unaware that he had traded without a licence as he was told the premises had a licence and he was the licence holder. He told

the Sub-Committee he wasn't selling alcohol initially, only food and soft drinks.
- The Licence Holder said that alcohol had not been sold after the permitted time. Only soft drinks. The premises were now always closed on time. He said that it was possible the shop had remained open later on a couple of occasions when he had not been there.

The West Yorkshire Police representative was invited to sum up. It was clear that the licence had not been transferred before the Licence Holder had started trading. There were illegal cigarettes for sale that the Licence Holder claimed not to know about and he also claimed that he did not know the seized vapes were illegal. Further illegal vapes were then found in stock. Despite numerous visits and the opportunity to start operating correctly this had not happened which showed an inability to comply with the law and licensing objectives. It was requested that the licence be revoked.

In summary, the Licence Holder reported that he no longer sold cigarettes and did not know about the illegal cigarettes that were found at the premises.

The Sub-Committee went into private session to make their deliberations. Following a short adjournment, all parties were called back for further questions. Discussion included the following:

- The Licence Holder could not remember the exact date he contacted the Council to transfer the licence. He did not know that the licence was suspended. He also said that he did not sell alcohol before the licence was transferred.
- Prior to the transfer of the licence and payment of outstanding fees, Entertainment Licensing confirmed that on visits in July 2023 there was alcohol on display at the premises. There was no evidence to confirm the sale of alcohol.
- It was unlikely the illegal vapes seen on display in the shop in January 2024 had been leftover stock following the seizure of illegal vapes in August 2023 as all shelves were cleared on that occasion and any storage areas would have been checked.
- Explanation would have been given to staff who were at the premises at the time of the seizure as to why the goods were seized.

The Sub-Committee went into private session to make their deliberations. All parties were recalled and informed that a decision would be made in writing within five working days.
The Sub-Committee carefully considered the report of the Chief Officer, Elections and Regulatory, the submissions made in writing and made at the hearing and also the Statement of Licensing Policy.

RESOLVED – That the application be suspended for three months.