

Licensing Sub-Committee

Tuesday, 13th February, 2024

PRESENT: Councillor L Farley in the Chair

Councillors D Seary and S Holroyd-Case

1 Election of the Chair

RESOLVED – To elect Cllr Luke Farley to the Chair for the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents.

3 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

4 Late Items

There were no late items.

5 Declaration of Interests

No declarations of interests were made at the meeting.

6 Certification of Films – Leeds INDIs Film Festival

The report of the Chief Officer, Elections and Regulatory advised Members of an application for the certification of twenty-six films to be shown at The Pyramid Theatre, Leeds University Union, Lifton Place, Leeds, LS2 9JT and the Carriageworks, Millennium Square, Electric Press, Leeds, LS2 3AD.

The Licensing Officer presented the application providing the following points:

- The application was received from Leeds Young Film to have 6 feature length films and 20 short films certified as they are not currently certified by the BBFC.
- The screening is to take place at the Pyramid Theatre at the Leeds University and the Carriageworks on Millennium Square between Friday 23rd February and Sunday 25th February 2024.
- A list of the films requiring certification was appended to the report at Appendix A and included links to view the films online. A synopsis had been provided for each film along with the applicant's recommended classification. The links had been redacted on the published agenda.
- The BBFC had been made available for Members via a link in the report.
- Supplementary information had been circulated which provided the comments of officers on the films.

It was noted that officers had identified concerns and sought from the promoter any objection they may have to classify the following two films of 12A:

- Johnny
- Tomorrow May Rain

The promoter was satisfied with those two films to be awarded with a 12A ratings, rather than the PG ratings initially recommended.

RESOLVED – To apply the classification as requested, with the exceptions of ‘Johnny’ and ‘Tomorrow May Rain’, which were classified as 12A.

7 Review of the Premises Licence for Biedronka, 225 Roundhay Road, Leeds, LS8 4HS

The report of the Chief Officer, Elections and Regulatory, informed the Sub-Committee that West Yorkshire Police had served on the Licensing Authority an application under Section 51 of the Licensing Act 2003 for a review of the premises licence in respect of Biedronka, 225 Roundhay Road, Leeds, LS8 4HS. The application was made on the grounds of the prevention of crime and disorder and public safety.

In attendance for the meeting were:

- PC Neil Haywood, West Yorkshire Police – Review Applicant
- Jason Bethell, West Yorkshire Trading Standards – Witness acting for West Yorkshire Police
- Carmel Brennand, Entertainment Licensing – Representation in support of the review application
- Councillor Asghar Ali, Local Ward Member – Representation in support of the review application
- Chetna Patel, Public Health – Representation in support of the review application
- Mr Alan Amiri, Licence Holder
- Mr Aziz Ahmed, Refused Transferee
- Goli Shaghoei – Independent Interpreter

The Legal Officer set out the procedure for the review.

The Licensing Officer presented the application providing the following information:

- The application for the review was attached at Appendix A.
- In support of the application and at the time of submission, West Yorkshire Police had provided statements of West Yorkshire Trading Standards Officers. These were attached to the report at Appendix B.
- The history of the premises was included within the report at Paragraph 2.
- The main issues to be considered were that between November 2017 and December 2023 the premises had failed a number of test purchases by selling counterfeit and illicit tobacco. The operation had been carried out by West Yorkshire Police and West Yorkshire Trading Standards. During the same period large quantities of counterfeit and illicit tobacco had been seized from the premises and on one occasion, counterfeit contraception and perfumes were seized.
- Details of the premises licence were appended to the report at Appendix C.
- A map identifying the location of the premises was attached at Appendix D.
- Representations in support of the review had been received from Entertainment Licensing, Public Health, and the Gipton & Harehills Ward Councillors. Their representations were attached to the report at Appendix E.

- Section 182 of the Licensing Act 2003 was provided for Members' information at Appendix F.
- Supplementary Information had also been provided by West Yorkshire Police.

The Sub-Committee heard the following representations supporting the review of the premises licence:

West Yorkshire Police along with their witness from West Yorkshire Trading Standards.

- An application was made on 18th December 2023, on the grounds of crime and disorder and public safety. However, the police requested that the Sub-Committee also consider the application on the grounds of the protection of children from harm.
- The Harehills area is a designated Cumulative Impact Area (CIA) as it has a very high anti-social behaviour rate, crime rate and violent crime rate, where alcohol is a factor. The area also has a high number of hospital stays and ambulance call outs where alcohol is a factor.
- This review was not for an isolated case but one of 12 submitted in the last few months. It was the view that many licensed premises operate in a similar way causing criminality across Harehills. As a result of this type of criminality the community suffers.
- A number of agencies work together in this area to tackle the issues, and they want to send a strong message that this type of behaviour will not be tolerated.
- Biedronka has been trading since 2017 and there have been a number of complaints. The officer from West Yorkshire Trading Standards listed the following actions:
 - November 2017, a complaint received in relation to illicit tobacco. A test purchase was made, and an illicit packet of cigarettes was purchased for less than the normal price. The day after an inspection was carried out and illicit tobacco and cigarettes were seized. Mr Amiri was present at the premises.
 - February 2018, another test purchase was made and again cigarettes were sold at below the normal price. Another investigation was carried out and another seizure was made. Mr Amiri was present and warned again about the sale of counterfeit tobacco and cigarettes. Also in 2018, counterfeit perfumes and contraception were seized.
 - October 2023, a test purchase was carried out and illicit cigarettes sold well under the normal price, alluding to no duty paid.
 - On the 2nd November 2023 an inspection of the premises was undertaken with the seizure of cigarettes and rolling tobacco. Mr Amiri was present during the investigation and was warned that his licence may be under review unless he stopped selling illicit goods immediately.
 - On 12th December 2023 another test purchase was made, and cigarettes were sold for £4, well under the normal price. At the time of this test purchase the goods were being brought into the shop from a car parked at the front of the premises. Checks were made and the car was registered to Mr Amiri, who now seemed to be storing the illicit goods for sale in his car.

- The Sub-Committee were advised that this was not minor criminality as the goods were smuggled across Europe by criminal gangs for vast amounts of profit.
- This was not a few minor mistakes, but deliberate, wilful and illegal acts by the licence holder, who should not be trusted to hold a premises licence.
- The act of using his car to store illicit goods was a deliberate act to hide the goods from the agencies.
- These types of goods where the origin is unknown and safety credentials are not checked are dangerous, and for those who are going to the store to buy goods expect them to be safe.
- It was the view that Mr Amiri was not a fit person to be a licence holder and both West Yorkshire Police and West Yorkshire Trading Standards called for a full revocation of the licence.

Senior Liaison and Enforcement Officer on behalf of Entertainment Licensing.

- The officer had been employed in Entertainment Licensing for 18 years and for most of that time had been responsible for the Harehills area.
- The premises were licensed to sell alcohol since 2014. Mr Amiri had become the premises licence holder in August 2015 and the designated premises supervisor in February 2016. It was noted that to be a designated premises supervisor one must acquire a personal licence for which an exam has to be taken. It is expected that those who hold a personal licence would have a good understanding of the licensing objectives.
- Entertainment Licensing had received the first complaint about the premises in July 2015 that the premises were opening beyond the permitted operating hours. In September 2015, the new premises licence was delivered, and it was explained that the authority was dealing with a complaint in relation to the premises opening after permitted hours. Whilst there the officer had requested to see the CCTV recording which was a condition of the premises licence. Mr Amiri admitted that the CCTV was not recording, and he was advised that this was a breach of the premises licence conditions and a serious offence.
- 6 more visits were undertaken by Entertainment Licensing and officers from other agencies. There had also been 4 warning letters over a five-month period. Mr Amiri was still not complying with conditions of his premises licence in relation to CCTV.
- When the first review was applied for Mr Amiri only then realised the seriousness of the breach of his conditions. The officer visited two more times and was eventually able to access the CCTV recordings. However, a review date had been set for April 2016.
- Mr Amiri had applied for a 24-hour opening in March 2017, which had been refused.
- The test purchases and subsequent investigations and seizure of illicit goods presented as evidence by West Yorkshire Trading Standards was referred to by the officer who had been in attendance during the investigations. It was noted that the Senior Liaison and Enforcement Officer had again made Mr Amiri aware of his responsibilities in relation to his premises licence and as the designated premises supervisor.

- During the investigations, the officer had requested to view CCTV footage and this time Mr Amiri was able to operate the system. However, it only covered 28 days, not the required 31 days, and Mr Amiri was advised that this was an offence under S136 of the Act.
- It was the view of the officer that selling illicit tobacco and cigarettes was bad enough, but to sell illicit contraception and perfumes showed that Mr Amiri had a lack of concern for his customers.
- The officer had taken part in the multi-agency operation in Harehills and during this operation boxes and bags of illicit tobacco and cigarettes had been found under the counter. It was noted that Mr Amiri had arrived at the shop during the investigation and had blamed his staff for selling illicit items. As the officers were leaving the member of staff had said quietly to the Senior Liaison and Enforcement Officer that they had nothing to do with the stock.
- On another visit it was noted that the CCTV was 9 minutes out, but Mr Amiri had not been able to rectify it as he was unable to operate the system. It was noted that this was an offence.
- It was noted that Mr Amiri had also committed an offence under S57 of the Act by not displaying a copy of part A of the premises licence in the shop.
- As part of the inspection on 2nd November 2023, the officer had advised Mr Amiri that his annual fee had not been paid and that this should be paid on the anniversary of the grant of the premises licence. If it was not paid, then the licence would be suspended. Mr Amiri has had to be reminded of payment on several occasions. It was the view that this showed a lack of importance given to the licence. The licence was paid on 3rd November 2023.
- A visit took place on 13th December 2023, during an investigation after a test purchase of illicit cigarettes had been made the day before. The officer noted that Part A was still not being displayed on the premises, however, the CCTV was showing 31 days recording as required. On another visit on 11th January 2024, again it was noted that Part A was still not being displayed in the shop. Mr Amiri was told that he must comply with every condition when selling alcohol.
- The officer informed the Sub-Committee that two reviews was unusual for a premises and that Mr Amiri was privileged to hold a premises licence, but with the licence comes responsibilities. Despite repeated advice, Mr Amiri had failed to comply with several laws and failed to uphold the licensing objectives.

Officer from Public Health.

- Evidence had been provided in relation to large quantities of illicit goods being sold at the premises, with several test purchases made.
- The focus of the representation from Public Health was on the licensing objective; the protection of children from harm.
- Reference was made to the alcohol data matrix used by Public Health, along with information and statistics for the Harehills area. It was noted that Harehills has a high number of looked after children in the area along with a large number of young people who are not in education, employment or training.

- Evidence suggested that with so many premises licensed to sell alcohol in Harehills it normalises the behaviours caused by exposure of alcohol to children seeing this on a daily basis and it could impact their lives.
- It was noted that a number of schools and GIPSIL, who work with vulnerable children, are in close proximity to the premises.
- Speaking to people who live in the area, there was concern for children growing up in the area and the impact it would have on them in later life.
- It was the view that licenced premises were not promoting the licensing objectives or cared about the community, who are their customers.
- Selling illicit cigarettes and tobacco at cheap prices is not assisting those who want to stop smoking.
- Leeds is a Marmot City, which looks to promote the best start in life for all children. It was the view of the officer that these premises and the licence holder were not promoting this initiative and that the licence should be revoked.

Cllr Ali – Local Ward Councillor for Harehills and Gipton.

- Near to these premises are several schools, the Bangladeshi Mosque, Bangladeshi Centre, and Women’s Centre. On an evening there can be up to 15,000 children and families using these facilities. Mr Amiri will know this as he has been the licence holder since 2017.
- As the premises licence holder and designated premises supervisor, Mr Amiri is privileged and with that he has responsibilities to promote the licensing objectives.
- Mr Amiri had showed no responsibility for what happens in his store and as a result, the Harehills community suffers. Mr Amiri has put profit before the community and public safety.
- Evidence has been provided by a number of agencies and these are not minor mistakes. Mr Amiri has deliberately and wilfully tried to avoid detection.
- In selling cigarettes for £4 well under the normal price of £14.50, Mr Amiri deprives the community, the health services and children through lost duty towards the community and health services.
- Selling illegal and illicit goods where the safety of the products is unknown showed a lack of responsibility and concern for his customers.
- Over the 7 years Mr Amiri has held the licence he has been provided with advice and given chances to do as requested. However, he had chosen not to, and even blamed an employee for selling the goods. Mr Amiri had not taken the warnings or the licensing objectives seriously. As an Elected Member of Gipton and Harehills, Cllr Ali requested the revocation of the licence.

Mr Amiri presented his case and provided the following information with the help of the interpreter:

- He apologised to the Sub-Committee saying that it was not him involved in selling.
- The man who had been employed during the last investigation had now been dismissed.
- He said he always asks for identification, and he has not sold alcohol to anyone underage.

- He does not allow drunk people into the store.
- He has never had to call the police to any incidents at his shop.
- He does not allow anti-social behaviour near his shop.
- He does take responsibility, in some cases he did not know about the goods being sold, his staff were selling them.
- He had now learnt from this meeting about his full responsibility and now has the knowledge from this meeting.
- He said again that he was sorry and would fully comply with whatever decision was made, and the rules.

In response to questions from the Members the Sub-Committee were informed of the following:

- Mr Amiri is not physically well. He has pain in his knees, so he is only able to work 3-4 hours per day. He sits in his car to observe the shop.
- Mr Amiri wished to transfer the premises licence to his friend. It was noted that this could not be done at this meeting.
- Mr Amiri said that the car mentioned by the police was not his. However, the police said that they had checked the police database and Mr Amiri was the registered owner. The car had come to the attention of the police during a test purchase. They had not used a dog.
- Mr Amiri said that it was him who stocked the shop.
- When asked about his personal licence, Mr Amiri said he didn't have one. However, Entertainment Licensing had checked, and a personal licence had been issued by Birmingham City Council.

In summing up the police said there was evidence of illicit goods seized at the premises, but Mr Amiri says it was not him. However, Mr Amiri has said that he stocked the shop. Although, Mr Amiri has apologised, it was the view of the police that Mr Amiri had not taken responsibility as he was blaming others.

The police found it concerning as to what type of licence Mr Amiri did have. They were of the view that there was a lack of control at the store and that Mr Amiri did not know how to correctly run a licensed premises.

Mr Amiri in summing up said he would comply with rules and whatever the decision was, he would comply.

In deliberations Members considered the following points:

- Evidence of Trading Standards.
- Goods hidden in a car.
- Mr Amiri was only in the store for 3-4 hours per day.
- Mr Amiri the only one responsible for stock.
- Concern that Mr Amiri had been unable to understand the letters and warnings as he had required an interpreter at the meeting.
- Breaches of the licence.
- No improvement over several years.
- Issues with CCTV
- Disregard for the law.

- The number of failed test purchases and the second review for these premises.
- Organised crime in the area.

RESOLVED – To revoke the premises licence.

Meeting concluded at 12:55