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## LICENSING SUB-COMMITTEE

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MEETING TO BE HELD IN CIVIC HALL, LEEDS, LS1 1UR ON  
TUESDAY, 13TH FEBRUARY, 2024 AT 10.00 AM

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### MEMBERSHIP

#### Councillors

L Farley - Burmantofts and Richmond  
Hill;

D Seary - Pudsey;

**Third Member TBC**

Please do not attend the meeting in person if you have symptoms of Covid 19 and please follow current public health advice to avoid passing the virus onto other people.

We strive to ensure our public committee meetings are inclusive and accessible for all. If you are intending to observe a public meeting in-person, please advise us in advance by email ([FacilitiesManagement@leeds.gov.uk](mailto:FacilitiesManagement@leeds.gov.uk)) of any specific access requirements, or if you have a Personal Emergency Evacuation Plan (PEEP) that we need to consider.

Please state the name, date, and start time of the committee meeting you will be observing and include your full name and contact details.

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**Enquiries specific to  
Entertainment Licensing:**

**Matthew Nelson  
Tel No: 0113 37 85337**

**Agenda compiled by:  
Governance and Scrutiny  
Support  
Civic Hall  
LEEDS LS1 1UR  
Tel No: 0113 37 88657**

## **CONFIDENTIAL AND EXEMPT ITEMS**

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

### **9.0 Confidential information – requirement to exclude public access**

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

### **9.2 Confidential information means**

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

### **10.0 Exempt information – discretion to exclude public access**

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

# A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p style="text-align: center;"><b><u>PRELIMINARY PROCEDURES</u></b></p> <p><b>ELECTION OF THE CHAIR</b></p> <p>To seek nominations for the election for the position of Chair.</p>	
2			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>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)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance and Scrutiny Support at least 24 hours before the meeting)</p>	

Item No	Ward/Equal Opportunities	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/Equal Opportunities	Item Not Open		Page No
5			<p><b>DECLARATION OF INTERESTS</b></p> <p>To disclose or draw attention to any interests in accordance with Leeds City Council's 'Councillor Code of Conduct'.</p> <p><b><u>HEARINGS</u></b></p>	
6			<p><b>CERTIFICATION OF FILMS – LEEDS INDIS FILM FESTIVAL</b></p> <p>To receive and consider the attached report of the Chief Officer (Elections and Regulatory) which advises 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 films will be shown as part of Leeds INDIs Film Festival, taking place between 23rd February and 25th February 2024.</p>	7 - 16
7			<p><b>REVIEW OF THE PREMISES LICENCE FOR BIEDRONKA, 225 ROUNDHAY ROAD, LEEDS, LS8 4HS</b></p> <p>To receive and consider the attached report of the Chief Officer (Elections and Regulatory) which informs the Licensing Sub Committee that West Yorkshire Police has 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.</p>	17 - 72

Item No	Ward/Equal Opportunities	Item Not Open		Page No
			<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> <p>We strive to ensure our public committee meetings are inclusive and accessible for all. If you are intending to observe a public meeting in-person, please advise us in advance of any specific access requirements that we need to take into account by email (<a href="mailto:FacilitiesManagement@leeds.gov.uk">FacilitiesManagement@leeds.gov.uk</a>). Please state the name, date and start time of the committee meeting you will be observing and include your full name and contact details.</p>	



**Report of** Chief Officer, Elections and Regulatory

**Report to** Licensing Sub Committee

**Date:** Tuesday, 13<sup>th</sup> February 2024

**Subject:** Certification of Films – Leeds INDIs Film Festival

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Little London & Woodhouse		
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:		
Appendix number:		

**Executive Summary**

To advise 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 films will be shown as part of Leeds INDIs Film Festival, taking place between 23<sup>rd</sup> February and 25<sup>th</sup> February 2024.

**1.0 Purpose of this Report**

1.1 This report informs Members with the background, history and issues of an application made under the Licensing Act 2003 (“the Act”) for the certification of films that do not currently have a BBFC (British Board of Film Classification) certification. Finally, this report informs Members of the options available to them when considering an application for the certification of films.

**2.0 Background Information**

2.1 The Licensing Act 2003 applies to premises which provide film exhibitions. At present there are a total of 8 cinemas licensed in the Leeds district.

2.2 The majority of films shown in cinemas will carry a certificate from the BBFC, the categories of which are as follows:

**Category U Universal. Suitable for all.**

A U film should be suitable for audiences aged four years and over, although it is impossible to predict what might upset any particular child. U films should be set within a positive framework and should offer reassuring counterbalances to any violence, threat or horror.

**Category PG**                      **Parental Guidance. General viewing, but some scenes may be unsuitable for young children.**

A PG film should not unsettle a child aged around eight or older. Unaccompanied children of any age may watch, but parents are advised to consider whether the content may upset younger or more sensitive children.

**Category 12A/12**                      **Suitable for 12 years and over.**

Films classified 12A and video works classified 12 contain material that is not generally suitable for children aged under 12.

No one younger than 12 may see a 12A film in a cinema unless accompanied by an adult. Adults planning to take a child under 12 to view a 12A film should consider whether the film is suitable for that child. To help them decide, the BBFC recommend that they check the ratings info for that film in advance.

No one younger than 12 may rent or buy a 12 rated video work.

**Category 15**                      **Suitable only for 15 years and over.**

No one younger than 15 may see a 15 film in a cinema.

No one younger than 15 may rent or buy a 15 rated video work.

**Category 18**                      **Suitable only for adults.**

No one younger than 18 may see an 18 film in a cinema.

No one younger than 18 may rent or buy an 18 rated video work.

**Category R18**                      **To be shown only in specially licensed cinemas, or supplied only in licensed sex shops and to adults only.**

The R18 category is a special and legally restricted classification primarily for explicit works of consenting sex or strong fetish material involving adults. Films may only be shown to adults in specially licensed cinemas, and video works may be supplied to adults only in licensed sex shops. R18 video works may not be supplied by mail order.

2.3 In addition to licensing premises for film exhibitions, the licensing authority has a duty under Section 20 of the Licensing Act 2003 to categorise a film which is absent of a certificate from a film classification body such as the BBFC. The licensing authority may also reject or modify a film which has received certification from the BBFC.

2.4 A copy of the current BBFC Classification Guidelines are available [here](#).



### **3.0 Main Issues**

- 3.1 An application has been received from Leeds Young Film to have a total of 6 feature length films and 20 short films certified as they are not currently certified by the BBFC. The screening will take place at The Pyramid Theatre, Leeds University Union, Lifton Place, Leeds, LS2 9JT and The Carriageworks Millennium Square, Electric Press, Leeds LS2 3AD, between Friday 23<sup>rd</sup> February and Sunday 25<sup>th</sup> February 2024.
- 3.2 A list detailing each film requesting certification can be found at **Appendix A**, which includes links to view the films online, a synopsis for each film and the applicant's recommended classification. The published document includes redactions as the links supplied by the applicant direct the observer toward unclassified content and an original copy has been provided to Licensing Sub Committee Members in advance of the hearing.
- 3.3 A representative from Leeds Young Film will be available via phone to answer any questions that the Licensing Sub Committee may have.
- 3.4 To assist members with their deliberation officers of the Licensing Authority will aim to view each available film and provided comments in accordance with BBFC guidelines. These comments will be available as a supplementary item nearer the hearing date.

### **4.0 Implications for Council Policy and Governance**

- 4.1 There are no implications for Council policy and governance in respect of determining this application.

### **5.0 Legal and Resource Implications**

- 5.1 There is no right of appeal to the Magistrates' Court against the decision of the Licensing Sub Committee.

### **6.0 Recommendations**

- 6.1 Members are requested to consider this request for the certification of the films as attached hereto.
- 6.2 Members may take the decision to view any of the films prior to the issue of a Certificate.

### **7.0 Options Available to Members**

- 7.1 The Licensing Authority has the authority to categories a film which is absent of a Certificate from the BBFC.

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INDIs Film Festival 2024

	Title	Synopsis provided by the Applicant	Applicant's Recommended Rating	Link to Screener	Password (if applicable).
1	Tender Metalheads	A simple animation about two teenagers in 90s Catalonia who deal with their difficult upbringings through friendship and heavy metal music	15	██████████ ██████████ ██████████ ██████████ ██████████	N/A
2	Black Dog	A story about two teenage boys from London with very different backgrounds, who grow closer on a road trip up North.	15	██████████ ██████████ ██████████	██████████ ██████████
3	Wolf and Dog	A beautiful coming-of-age drama following a teenager living on a religious and traditional Portuguese Island, and the queer community she discovers.	12A	██████████ ██████████	██████████ ██████████
4	Sirens	A music documentary about an all women heavy rock band from Lebanon doing their first shows in the UK	15	██████████ ██████████ ██████████ ██████████ ██████████	N/A
5	5 centimetres per second	Anime drama-romance about two young teenagers and their	12A	██████████ ██████████ ██████████ ██████████	██████████

		<b>unrequited love for each other, told in three chapters through their lives.</b>			
<b>6</b>	Lonely Oaks (01.42hrs)	Environmental documentary put together using footage shot by a film student who died whilst living in a commune occupying Hamburg forest	<b>15</b>		N/A
<b>7</b>	Shuck (00.05.23)	In a purgatory that looks like the Norfolk Broads, dying souls wander through the tall grasses to find their afterlives. Among them is Murph, a woman on her deathbed, and Shuck, the Grim Reaper in the form of a dog. Together they will attempt to overcome Murph's fear of death and Shuck's loneliness.	<b>12A</b>		N/A
<b>8</b>	CRUMBS (00.01.05)	This film tells the story of a regretful incident.	<b>U</b>		N/A
<b>9</b>	Gear Stick Shifter (/Highway Drifter) (00.00.50)	What gear are you in? Are you shifting? Are you drifting? Is it even you? Maybe it's the gear-stick-man above	<b>U</b>		N/A
<b>10</b>	Washed Up (00.02.32)	A fish gets washed up onto the beach where a group of hungry seagulls await...	<b>U</b>		N/A
<b>11</b>	Floor 43 (00.03.03)	On her late-night shift, an oblivious cleaner gets ready to clean and to bust some moves in a lawyer's office. She cleans up the bad deeds of an intruder that has ravaged the office.	<b>PG</b>		N/A

12	The Bakedown (00.03.51)	Three contestants compete in the final round of their local baking competition. When things start to go sideways, they must do whatever it takes to become the winner.	U		N/A
13	The Journey Home (00.03.00)	A creature considers its current bindings and finds them wanting.	12A		N/A
14	Phantom Pains (00.00.47)	A ghost tries to navigate where it came from.	U		N/A
15	I PLAYED MY TROMBONE TODAY (00.02.05)	A trombone players mind and reality start to merge whilst nervously awaiting to perform, activating parts of his brain which process memory, emotion, vision and movement differently	U		N/A
16	Ugly (00.02.28)	An experimental film about the experiences of self-image.	PG		N/A
17	You're a Mess (00.03.17)	Suzan the puppet finds herself in an art gallery. Music video for Jack Mitchell.	U		N/A
18	Johnny (00.05.00)	Johnny's first time doesn't quite go to plan.	PG		N/A

19	Breaking News (00.00.48)	A pastiche of eccentric news outlets, reporting on a mysterious invasion.	U		N/A
20	Tomorrow May Rain (00.04.07)	It's the middle of summer and two young men want to be alone together, the trouble is that their friends won't leave.	PG		N/A
21	I KILLED YOU or: a Conversation From Purgatory (00.06.54)	Tensions arise as a murderer finds an unexpected acquaintance waiting for them in the afterlife.	PG		N/A
22	Anna Mcgee's Wild Ride (00.01.36)	A teenager, on the cusp of adulthood, flies through life. Literally.	PG		N/A
23	Gallery of Thieves (00.05.24)	'Gallery of Thieves' follows three amateur thieves as they attempt to complete a heist at their local museum, but things don't go exactly to plan...	PG		N/A

24	Losing my Rhythm (00.04.27)	After a recent trauma, a dancer struggles to find her rhythm, but inspiration can be found in unexpected places.	PG		N/A
25	Each Way (00.04.07)	A psychedelic journey into a young man's mind as he struggles to beat his gambling addiction.	PG		N/A
26	Altered Senses (00.02.10)	altered senses is a short film utilising mixed media, based on personal experiences of being autistic and how neurodivergent people can sense the world differently	PG		N/A

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**Report of the Chief Officer Elections and Regulatory**

**Report to the Licensing Sub Committee**

**Date: Tuesday 13 February 2024**

**Subject: Review of the Premises Licence for Biedronka, 225 Roundhay Road, Leeds, LS8 4HS**

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 the Licensing Sub Committee that West Yorkshire Police has 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 narrative of this report sets out the background of the premises licence, the relevant law and highlights the appropriate guidance to assist Members in reaching their decision. A recommendation is also made to Members that the premises licence is reviewed using their statutory powers.

The grounds for review relate to a number of failed counterfeit and illicit tobacco test purchases by the premises between November 2017 and December 2023. During the same period large quantities of counterfeit and illicit tobacco have been seized from the premises and on one occasion, counterfeit contraception and perfumes were seized.

The Licensing Authority is now under a duty to review the premises licence held by these premises.

## **1.0 Purpose of this Report**

- 1.1 This report informs the Members of the Licensing Sub Committee of an application for a licence review made by West Yorkshire Police in respect of Biedronka, 225 Roundhay Road, Leeds, LS8 4HS. The application is made on the grounds of the prevention of crime and disorder & public safety.
- 1.2 The application can be found at **Appendix A**.
- 1.3 In support of the application and at the time of submission, West Yorkshire Police provided statements of West Yorkshire Trading Standards Officers. Members' attention is drawn to **Appendix B**.

## **2.0 Background Information**

- 2.1 This premises currently hold a Premises Licence issued on 16 October 2014 under the Licensing Act 2003. A copy of the existing licence is attached at Appendix A.
- 2.2 In August 2015 applications were received to transfer the premises licence to Alan Amiri and to change the Designated Premises Supervisor to Shoresh Mohammed. The applications did not attract objections and they were granted as applied for.
- 2.3 In February 2016 a review for this premises was sought by Leeds City Council's Entertainment Licensing Section for persistent breaches of the premises licence conditions. The Licensing Sub Committee resolved not to revoke the licence.
- 2.4 In February 2016 an application was received to change the Designated Premises Supervisor to Alan Amiri. The application did not attract an objection and it was granted as applied for.
- 2.5 In January 2017 an application for a full variation was received to amend the premises opening hours to 24 hours a day. The application attracted an objection from Environmental Protection and Sub Committee resolved to refuse the application.
- 2.6 In June 2019 an (invalid) application was made to the Licensing Authority to transfer the premises licence to Aziz Ahmed. On receipt, the applicant was notified the application had not been completed correctly and the form providing consent of the existing licence holder had not been included. The Licensing Authority received no further correspondence to this application.
- 2.7 On 30 November 2023 a new application was served on the Licensing Authority to transfer the premises licence to Mr Aziz Mohamed Ahmed. The application was given with interim effect and during "the application period", Mr Ahmed, was the named premises licence holder. Attracting an objection from West Yorkshire Police on the grounds of the incoming licence holder's previous association to the premises, as per the transfer application received 2019, and the concerns instigating the pending review application, the Licensing Sub Committee considered the matter on the 16 January 2024 and resolved to refuse the application.
- 2.8 In accordance with the Licensing Act 2003 "the application period" ends when the applicant is notified of the rejection. The applicant, Mr Ahmed, was notified in writing 25 January 2024 and on receipt of that notice, the premises licence reverted to the previous holder, Mr Amiri. Aware that the determination of the transfer is currently in the appeal period, the review papers and all other associated

documentation has been delivered by hand to the addresses held on record by the Licensing Authority for both above named individuals.

### **3.0 Premises Licence**

3.1 The premises licence holder is Mr Alan Amiri.

3.2 Details of the premises licence can be found at **Appendix C** of this report. In summary, the premises licence authorises the following:

*Sale by retail of alcohol (for consumption off the premises)*  
Every Day 07:00 – 00:00

*Opening hours of the premises*  
Every Day 07:00 – 00:00

### **4.0 Designated Premises Supervisor**

4.1 The Designated Premises Supervisor for the premises is Mr Alan Amiri.

### **5.0 Location**

5.1 A map which identifies the location of the premises is attached at **Appendix D**.

### **6.0 Main Issues**

6.1 Between November 2017 and December 2023 the premises have failed a number of test purchases by selling counterfeit and illicit tobacco. The operations have been carried out by West Yorkshire Police and West Yorkshire Trading Standards.

6.2 During the same period large quantities of counterfeit and illicit tobacco have been seized from the premises and on one occasion counterfeit contraception and perfumes have been seized.

6.3 The evidence obtained demonstrate those operating the premises are not promoting the licensing objectives by being involved in serious criminality.

### **7.0 Relevant Representations**

7.1 Under the Act representations can be received from responsible authorities and or other persons. Representations must be relevant and, in the case of other people, must not be frivolous or vexatious.

7.2 Representations in support of the review application sought by West Yorkshire Police have been received from a Senior Liaison & Enforcement Officer on behalf of Entertainment Licensing, Public Health and the Gipton & Harehills Ward Councillors.

7.3 Members' attention is drawn to copies of the representations at **Appendix E**.

## **8.0 Cumulative Impact**

8.1 The Cumulative Impact Policy for Harehills was approved by the Licensing Committee in October 2018. These premises do reside within the Harehills Cumulative Impact Area.

## **9.0 Matters Relevant to the Application**

9.1 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.

9.2 In making their decision Members are obliged to have regard to guidance issued under Section 182 of the Act (Statutory Guidance). 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.

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

9.1 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.

## **10.0 Legal and Resource Implications**

10.1 There are no resource implications in determining the review.

10.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrate's Court.

## **11.0 Recommendations**

11.1 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.

11.2 Members may decide that no action is necessary and that the circumstances of the review do not require the Committee to take any steps to promote the licensing objectives.

11.3 Members should note the Statutory Guidance 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.

- 11.4 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.
- 11.5 Members are directed to paragraphs 11.24 to 11.28 of the Statutory Guidance which related to reviews arising in connection with crime.
- 11.6 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.

## **Appendices**

Appendix A	Review Application
Appendix B	Supporting Statements
Appendix C	Premises Licence
Appendix D	Map of the Premises
Appendix E	Representations in Support of the Review
Appendix F	Review Guidance

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REV1

**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.

I PC [redacted] Haywood (insert name(s) of applicant) apply for the review of a premises licence under section 51/apply for the review of a club premises certificate 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)

Alan Amiri

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

**PREM/03522/005**

**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 PC [REDACTED] Neil Haywood
C/O Leeds District HQ Elland Road Police Station Elland Road LS118BU
Telephone number (if any)
E-mail [REDACTED]

**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 type="checkbox"/>            |
| 4. | the protection of children from harm | <input type="checkbox"/>            |

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

On the 24<sup>th</sup> November 2017 & 22<sup>nd</sup> February 2018, Trading Standards carried out test purchase at the store. On both occasions, a purchase was made of cigarettes under their duty paid price

On the 25<sup>th</sup> November 2017 and the 5<sup>th</sup> March 2018, Trading standards carried out inspections. On both occasions, large quantities of illicit and counterfeit tobacco and cigarettes were seized. Alan Amari was present.

On the 26<sup>th</sup> April 2018, Trading standards seized counterfeit condoms and perfume from the store

On the 24<sup>th</sup> October 2023, Trading Standards carried out a test purchase at the store. A sale was made of cigarettes without the proper excise duty.

On the 2<sup>nd</sup> November 2023, Police and Trading Standards carried out a joint operation. Large amounts of counterfit and illicit tobacco and cigarettes were seized. Alan Amari was present.

On the 15<sup>th</sup> December 2023, Trading Standards carried out a test purchase at the store. A sale was made of cigarettes without the proper excise duty.

Biedronka is one of a number of premises in Harehills and the surrounding area possessing and selling products that are not compliant with regulations, and selling products without the correct duty paid. This is believed to be organised criminal activity.

The sale of smuggled goods is a criminal offence which must be taken especially serious given that Biedronka currently holds a premises licence. They are not promoting the licence objectives in that

they are committing criminal offences, and there are risks to public safety selling products that are not compliant with legal requirements.

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

Statement of Jason Bethell - Trading Standards officer detailing the various seizures

Statement of Mark McCombe – Trading Standards officer- Details seizures made on the 2<sup>nd</sup> November 2023.

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**

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 x
- I understand that if I do not comply with the above requirements my application will be rejected x

**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 ... 18/12/23 .....

Capacity ... Police officer. ....

<b>Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 6)</b>	
<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>	

**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.

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**WITNESS STATEMENT**

**Criminal Procedure Rules, r 27.2  
Criminal Justice Act 1967, S. 9  
Magistrates Courts Act 1980, 5B**

**Statement of:** Mark McCombe

**Age of witness:** (if over 18 enter 'over 18')

Over 18

**Occupation:** Trading Standards Officer

This statement (consisting of 2 pages 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:** 27/11/2023

**Signature:** ..... [REDACTED] .....

I am a Trading Standards Officer employed by West Yorkshire Trading Standards (WYTS). I am an authorised officer under the Food Safety Act 1990, Food Information Regulations 2014 and Food Safety and Hygiene (England) Regulations 2013 and the Trade Marks Act 1994.

On 2nd November 2023 I took part in a large operation in Harehills, Leeds, concerned with illicit tobacco.

At approximately 10:30am I visited **Biedronka Stores Ltd**, 225 Roundhay Road, Harehills, Leeds, LS8 4HS. The purpose of the visit was to carry out an inspection of the premises to identify any illicit tobacco and to conduct a general inspection of the premises including a routine food standards inspection. Upon entering, I introduced myself to the person behind the serving counter to the right of the front door and showed my ID card. I explained the purpose of my visit. The person gave his name as [REDACTED] and stated he was a Sales Assistant. Prior to carrying out any inspection I issued [REDACTED] with a Notice of Powers and Rights.

**Signed:**..... [REDACTED] .....

**Dated** 27/11/2023 **Page 1 of 2**

I was accompanied by Carmel Brennand, Senior Licensing Enforcement Officer with Leeds City Council and I continued to conduct my inspection.

During the inspection I examined several shelves at the service counter and discovered a bag hidden under the counter containing 15 packets of assorted rolling tobacco of various brands. In addition, I discovered a box under the counter containing packets of cigarettes. In total there were 132 packets of cigarettes which I recorded on a Record of Inspection form. All the tobacco products appeared to be non-compliant as the packets did not display the combined health warnings and/or were not in the required standardised packaging.

I duly inspected the stockroom at the back of store. No further illicit tobacco was found but I did notice two very large metal safe containers which I attempted to inspect. Both containers were locked. I asked [REDACTED] if he had a key. He replied that he did not.

A short while later a man who introduced himself as Mr Alan Amiri, owner attended the shop. I explained that I had discovered what appeared to be illicit tobacco and that I would be taking the items away as evidence. I asked Mr Amiri what was in the two metal containers. He stated that he did not know as he had never had a key for them – the containers being left by the previous business owner.

Signed..... [REDACTED] .....

Dated 27/11/2023 Page 2 of 2



**WITNESS STATEMENT**

**Criminal Procedure Rules, r 27.2  
Criminal Justice Act 1967, S. 9  
Magistrates Courts Act 1980, 5B**

**Statement of:** Jason Lee BETHELL

**Age of witness:** (if over 18 enter 'over 18') Over 18

**Occupation:** Illicit Tobacco officer

This statement (consisting of 4 pages 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:** 24/11/2023 **Signature:** .....

I am an Illicit Tobacco officer employed by West Yorkshire Trading Standards Service (WYTSS). I am an authorised officer for the purposes of the Trade Marks Act 1994, the Tobacco and Related Products Regulations 2016, the Standardised Packaging of Tobacco Regulations 2015 and the Consumer Rights Act 2015.

The Premises that is Biedronka Polski Sklep, 225 Roundhay Road, Leeds, LS8 4HS is well known to West Yorkshire Trading Standards due to complaints being received about the sale of illegal tobacco.

On 24/11/2017 and 22/02/2018 Test Purchases were conducted at the store, illegal packets of cigarettes were purchased on both occasions at a fraction of their genuine, duty paid price.

**NOTE :** If statements are typed double spacing should be used. One side only of this paper should be used. (Signed) .....

Dated.....24/11/2023..... Page 1 of 4

To be completed if applicable: .....being unable to read the above statement I, .....of....., read it to him/her before he/she signed it. Signed ..... Dated.....

**WITNESS STATEMENT**

**Criminal Procedure Rules, r 27.2  
Criminal Justice Act 1967, S. 9  
Magistrates Courts Act 1980, 5B**

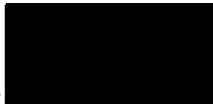
On 25/11/2017 and 05/03/2018 Inspection visits were conducted at the store. Substantial quantities of illegal counterfeit/illicit cigarettes and hand rolling tobacco were seized on both occasions. The business owner, Premises Licence Holder and Designated Premises Supervisor, Mr Alan Amiri, was present in the store. It was confirmed he knew the cigarettes and hand rolling tobacco were illegal and he was warned about continuing in their sale.

On 26/04/2018 a further visit was conducted at the store and quantities of counterfeit perfumes, cosmetics and condoms were seized.

On 24/10/2023 a test purchase was conducted at Biedronka Polski Sklep and an illegal packet of cigarettes was purchased for £4.00. This is well below the normal retail price of a genuine packet of cigarettes of over £12.00, around £8.00 of which would be excise duty that had clearly not been paid. The cigarettes were obtained from under the sales counter. The store had continued to sell illegal cigarettes.

On 02/11/2023 an inspection visit was conducted at Biedronka Polski Sklep by Trading Standards and Police officers. Mr Amiri was working at the store when it was visited. Illegal counterfeit/illicit cigarettes and hand rolling tobacco were seized from behind the counter. The total amount was 130 x 20 packets of cigarettes & 15 x 50g pouches of hand rolling tobacco

**NOTE** : If statements are typed double spacing should be used.  
One side only of this paper should be used.

(Signed) .....  .....

Dated.....24/11/2023..... Page 1 of 4

To be completed if applicable: .....being unable to read the  
above statement I, .....of.....,  
read it to him/her before he/she signed it. Signed ..... Dated.....



**Continuation Statement of: Jason Lee BETHELL**

I visually examined the tobacco products that were purchased and seized from the store. I could see they were not in the standardised format as required by The Standardised Packaging of Tobacco Products Regulations 2015 and were in violation of the Tobacco and Related Products Regulations 2016 as the prescribed health warnings were not present in English. From discrepancies in the packaging on some cigarettes and from the foreign excise stamps present on others it was clear to me the cigarettes were a mix of counterfeit and smuggled items

The sale of Counterfeit/Illicit Tobacco products is not a minor breach of Trading Regulations but is in fact Serious Organised Criminality. These items which cannot be legally sold in the UK are smuggled into the country on a vast scale. The Profits of this illegal trade going to criminals while the treasury is deprived of the Tax/Excise. The current yearly loss in revenue is in excess of £2.5 billion which in turn deprives public services of funding.

Smoking is the leading cause of preventable diseases in the UK and over half of long term smokers will die prematurely from smoking related diseases. Tobacco taxes are a proven strategy to reduce smoking and extend lives. The illegal, cheap sale of this product removes this incentive

*NOTE : If statements are typed double spacing should be used.  
One side only of this paper should be used.*

(Signed) .....  .....

Dated.....24/11/2023..... Page 1 of 4

To be completed if applicable: .....being unable to read the above statement I, .....of....., read it to him/her before he/she signed it. Signed ..... Dated.....



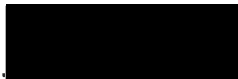
**Continuation Statement of: Jason Lee BETHELL**

of helping people to quit and also makes cigarettes more affordable to children, making it more likely they will start.

The supply of illegal tobacco not only causes harm to people but also causes genuine businesses to lose income and potentially close. This damages local communities with reduced employment and the loss of essential services.

The owner and Licensee of this business has ignored a warning to stop trading in illicit goods. West Yorkshire Trading Standards therefore fully supports a review of its alcohol licence.

**NOTE** : If statements are typed double spacing should be used.  
One side only of this paper should be used.

(Signed) .....  .....

Dated.....24/11/2023..... Page 1 of 4

To be completed if applicable: .....being unable to read the above statement I, .....of....., read it to him/her before he/she signed it. Signed ..... Dated.....

## Details of premises licence

For: Biedronka



This document provides details of the premises licence issued to the stated premises and is not a licence itself.

**Licence number:** PREM/03522/005

**Premises the licence relates to:** Biedronka, 225 Roundhay Road, Leeds, LS8 4HS

**Date licence first effective:** 16 October 2014

**Date current version effective from:** 12 February 2016

### Licensable activities authorised by the licence:

Sale by retail of alcohol  
Every Day 07:00 - 00:00

### Opening hours of the premises:

Everyday 07:00 - 00:00

### Premises licence holder(s):

Mr Alan Amiri

### Designated premises supervisor:

Mr Alan Amiri

### Access to the premises by children

Access to the premises by children is unrestricted

## 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**

### **Conditions consistent with the operating schedule relating to the licensing objectives**

#### **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 data controller, under the Data Protection Act 1998, who is responsible for any CCTV images caught on cameras on the premises will, on the lawful request of an authorised officer of a Responsible Authority (under the Licensing Act 2003), be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. Where the CCTV images are not supplied at the time of the request being made the data controller will ensure that it is secured to prevent any overwriting.

16. The CCTV system will be capable of securing relevant pictures for review or export at a later date.
17. The CCTV system will be adequately maintained and be capable of transporting recorded material onto a removable media.
18. 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.
19. It must be possible to replay exported files immediately e.g. no re-indexing of files or verification checks.
20. 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.
21. 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.
22. 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.
23. The Incident Report Register will be produced for inspection immediately on the request of an authorised officer.
24. The premises licence holder and/or designated premises supervisor staff will ask for acceptable evidence (as agreed by WYP / WYTSS) from any person appearing to be under the age of 21 who attempts to purchase alcohol at the premises.

### **Public safety**

25. 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.
26. 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.
27. During opening hours the cellar door must be kept locked or adequately supervised to prevent unauthorised access by the public.
28. 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.
29. The premises licence holder/designated premises supervisor will not allow the sale or supply of 'Legal Highs' on the premises.
30. 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.

31. 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:
  - a. Each socket-outlet circuit will be protected by a residual current device having a rated residual operating current not exceeding 30mA, or
  - b. Each individual socket-outlet will be protected by an integral residual current device having a rated residual operating current not exceeding 30mA.

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.

32. 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.
33. A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner.
34. The premises have a current Fire Risk Assessment.
35. Adequate and appropriate First Aid equipment and materials will be available on the premises at all times.
36. 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.

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

37. Bottles will not be placed in any external receptacle after 23:00 and 07:00 to minimise noise disturbance to neighbouring properties.

#### **Protection of children from harm**

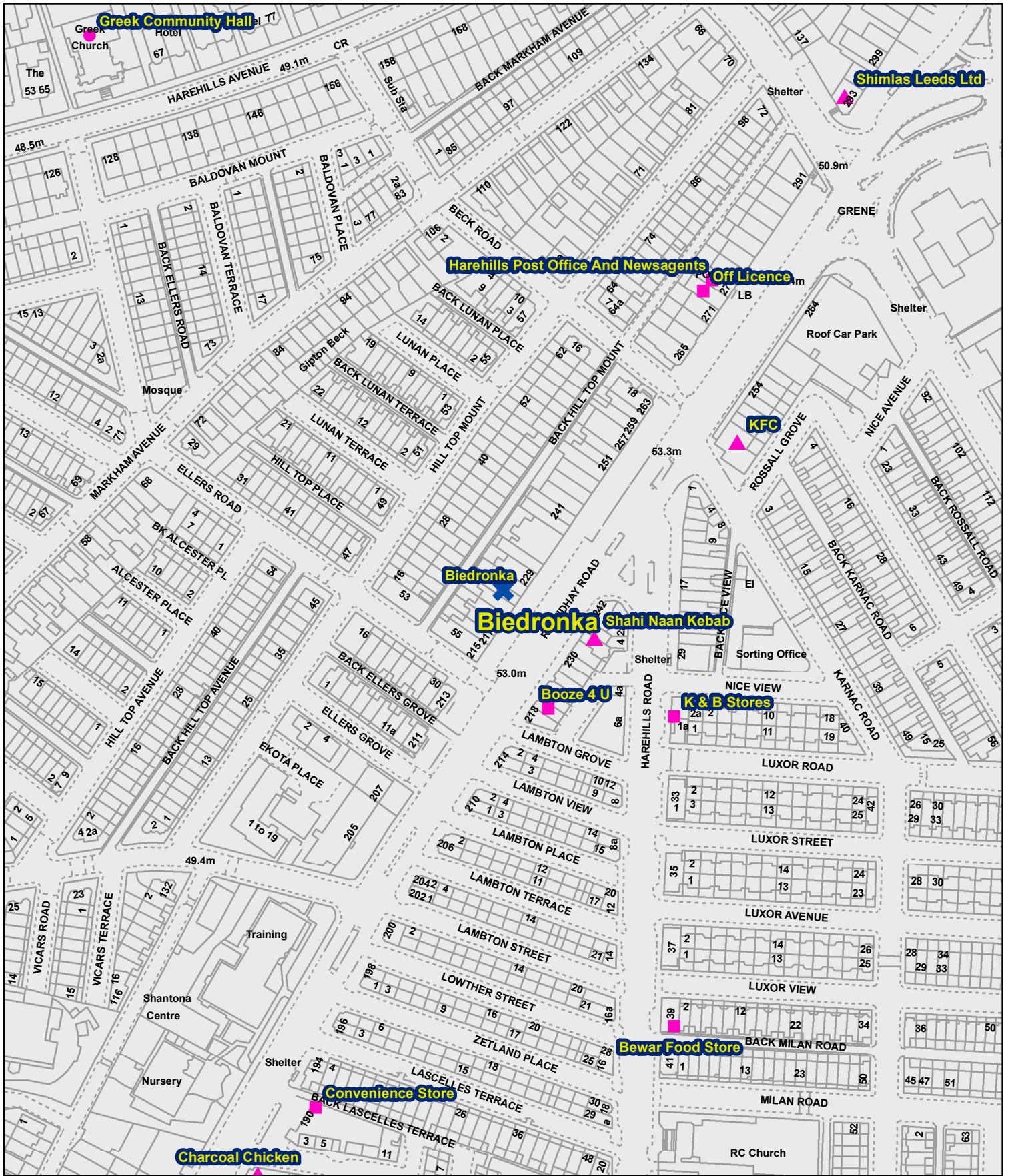
38. The premises licence holder and/or designated premises supervisor will comply with the written guidance for protecting children from harm issued by Leeds City Council, Department of Social Services.

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

None

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# Appendix D



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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Key			
	Applicant premises		On licence
	Off licence		Late night refreshment
	Other		Other
	Page 43		Neighbouring premises

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Entertainment Licensing  
Leeds City Council  
Civic Hall  
Leeds  
LS1 1UR

**Elections and Regulatory Services**

Civic Hall  
Leeds LS1 1UR

Our Ref: A80/CB/LIC/PREM/03522/009

Your Ref:

Contact: Carmel Brennand

Tel: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

Date: 18<sup>th</sup> January 2024

Dear Sirs/Madam,

**REVIEW APPLICATION UNDER THE LICENSING ACT 2003  
PREMISES: BIEDRONKA, 225 ROUNDHAY ROAD, LEEDS, LS8 4HS**

Please accept this formal representation by an officer on behalf of the Licensing Authority. I am employed as a Senior Liaison & Enforcement Officer within Leeds City Council's Entertainment Licensing Section.

My duties include investigating complaints for licensed/unlicensed premises contrary to the Licensing Act 2003 as well as 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. I have delegated authority under the said Act.

These premises have been licensed to sell alcohol between 7 am and midnight since October 2014 with Mr Shonesh Hatal Mohammed as the Premises Licence Holder (PLH) and Mr Kardo Unit Abdullah as the Designated Premises Supervisor (DPS).

In July 2015 a complaint was received at the Entertainment Licensing Section alleging that the premises were operating past their permitted hours. An enforcement officer attended at the premises on the 9<sup>th</sup> July 2015 and spoke to the then PLH about the allegation and hand delivered a warning letter reminding him of the permitted hours on the Licence.

Mr Alan Amiri became the Premises Licence Holder (PLH) and specified [REDACTED] as the Designated Premises Supervisor with effect from the 19<sup>th</sup> August 2015.

I attended at the shop on the 3<sup>rd</sup> September 2015 to hand deliver the newly issued Premises Licence to Mr Alan Amiri. We discussed the complaint of after hours which Mr Amiri refuted. When I asked to look at the cctv he admitted that it was not recording but that he had already called a cctv engineer to come out as he wanted more cameras. I was able to show him the specific conditions on the Licence and explained that every sale of alcohol when the cctv is not recording is an offence under Section 136 of the Licensing Act, namely:-



## Section 136 Unauthorised licensable activities

- (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 imprisonment for a term not exceeding six months or to a fine, or to both.
- (5) In this Part "authorisation" means -
  - (a) a premises licence,
  - (b) a club premises certificate, or
  - (c) a temporary event notice in respect of which the conditions of section 98(2) to (4) are satisfied.

Despite 7 visits to the shop by myself and PC [REDACTED] Dobson, with the Neighbourhood Policing Team as well as the Imaging Officer from West Yorkshire Police and 4 strongly worded warning letters to both the PLH and the DPS over the next 5 months, no remedial action was taken. Therefore I had no other option other than to submit a review the Premises Licence on the 5<sup>th</sup> February 2016.

On the 12<sup>th</sup> February 2016 Mr Amiri as the PLH specified himself as the new DPS.

It appeared that the possible sanction of suspending the Premises Licence finally motivated Mr Amiri to rectify matters. Although it was only after advice given during another 2 visits to the shop and 2 conversations at the Entertainment Licensing offices before he could satisfy all the CCTV conditions. On the 7<sup>th</sup> March 2016 Mr Amiri was able to evidence that the cctv was recording for the requisite 31 days.

However the review hearing had already been set for the 5<sup>th</sup> April 2016. The following has been taken from the decision letter:-

*The application was for the review of a Premise Licence under section 51 of the Licensing Act 2003 sought by the Licensing Authority in respect of Biedronka, 225 Roundhay Road, Leeds, LS8 4HS.*

*In attendance was Carmel Brennand from the Licensing Authority, supported by [REDACTED] from West Yorkshire Police. Mr Alan Amiri, the premise licence holder attended.*

*The committee heard all the representations from the parties both written and oral in reaching its decision. The committee were deeply unimpressed that the operator had taken so long to comply with the advice and also warnings provided to it.*

*The committee were of the view is not acceptable for the operator to require so much prompting from the responsible authorities to comply with its licence.*

*However, the committee noted the issue with the CCTV had now been addressed from the further evidence filed from Carmel Brennand.*

*The committee wish to implore to the operator the severity of this situation and are providing a warning to it that such behaviour will not be tolerated in the future,*

*The committee were of the view that the Licencing Authority and West Yorkshire Police will need to continue to closely monitor the premise.*

*If there are breaches conditions of licence, the committee will expect this matter to be brought back to it. This committee will where possible consider this matter in the event there should be a further review.*

In January 2017 Mr Amiri applied to extend his licence to sell alcohol for 24 hours a day. Due to representations, the application was heard before the Licensing Sub Committee in March 2017 and refused.

On the 5<sup>th</sup> March 2018 I was working in company with officers from Trading Standards when we attended at Biedronka. Mr Amiri was not on site when we arrived but he arrived shortly afterwards. Officers found 100's of packets of cigarettes and rolling tobacco under the counter and determined they were illicit. It was confirmed that Mr Amiri knew they were illegal and he was warned about continuing their sale.

When I asked Mr Amiri if he could show me footage from the 2<sup>nd</sup> February on the cctv system he could only show that it started recording at 0625 on the 5<sup>th</sup> February. When I told him that this was 28 days, he argued with me that it was 29 ½ days. I reminded him that the condition clearly states, 'The cctv system will have sufficient storage retention capacity for a minimum of 31 days continuous footage'.

On the 2<sup>nd</sup> November 2023 I took part in a multi-agency operation visiting shops in the Harehills area. At 10:35 I attended at Biedronka with an officer from Trading Standards. We introduced ourselves to the male behind the counter and explained the reason for the visit. The male identified himself as [REDACTED]. The Trading Standards officer seized packets of cigarettes and rolling tobacco that were in carrier bags and boxes underneath the counter. Mr Amiri arrived as we were itemizing the seizure and told us that he knew nothing about these cigarettes and pointed the blame at [REDACTED].

I conducted an inspection under the Licensing Act. The Part B of the Premises Licence was displayed behind the counter to the right but Mr Amiri could not produce the Part A of the Licence. I explained that the Part A has all the terms and conditions that must be complied with to sell alcohol.

Section 57 states:-

(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.

(2) The holder of the premises licence must secure that the licence or a certified copy of it is kept at the premises in the custody or under the control of—

(a) the holder of the licence, or

(b) a person who works at the premises and whom the holder of the licence has nominated in writing for the purposes of this subsection.

(3) The holder of the premises licence must secure that—

(a) the summary of the licence or a certified copy of that summary and 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).

I turned to the cctv monitor which faces the counter and noted that the time was 9 minutes out. I asked Mr Amiri if he could show me footage from 31 days previous but he admitted he could not operate the system. I reminded him that he should be able to operate his own cctv system or else how do we know that it is recording and compliant with his Licence conditions. He said his son can work it so I asked that his son send me a screenshot of the cctv showing 31 days recording on the calendar.

An annual fee for a Premises Licence is due every year on the anniversary of the grant. Reminders are sent out a month before the due date and the Licensing Act 2003 allows a grace period of 21 days before the Licence is suspended. Mr Amiri never pays the annual fee on time so that day I reminded him that the annual fee for his Licence had been due on the 16<sup>th</sup> October and that if this wasn't paid the Licence would be suspended.

I produce a printout from the Uniform system showing that an annual fee reminder letter had been emailed to Mr Amiri at 01:44 on the 1<sup>st</sup> September. I produce a copy of the printout as my exhibit CB 1.

I produce a copy of my inspection sheet dated the 2<sup>nd</sup> November 2023 which Mr Amiri signed as my exhibit CB 2.

As we were leaving the shop [REDACTED] opened the door for me and said, 'I have nothing to do with the stock in this shop. I just work here'.

I can confirm that the annual fee was paid on the 3<sup>rd</sup> November.

On the 27<sup>th</sup> November I wrote a warning letter to Mr Amiri detailing my findings on the joint visit of the 2<sup>nd</sup> November and the offences found. I also advised that I would be returning in the next few weeks to check that all the issues had been rectified. I sent the email with 'High Importance'.

I attach a copy of my email dated the 27<sup>th</sup> November 2023 as my exhibit CB 3 and the warning letter attached as my exhibit CB 4.

On the 13<sup>th</sup> December 2023 I was working in company with PC Neil Haywood. At 12:15 we visited the subject premises. We introduced ourselves and explained we were conducting an inspection further to a recent visit. The female behind the counter introduced herself as [REDACTED]. When I asked if she could operate the cctv she rang a male who she said was her boss. He said that it was all in order so I asked who he was as I had been waiting for Alan's son to send me a screenshot of the cctv. The male said he was Alan's son. The cctv was at the correct time with 8 cameras. He instructed [REDACTED] over the phone how to access the system and she was able to show us footage from the 24<sup>th</sup> October, so the cctv was compliant. [REDACTED] was unable to locate the Part A of the Premises Licence and I explained it should be on site as it has all the terms and conditions by which to sell alcohol. Again this is an offence under Section 57 of the Licensing Act.

Alan's son said it was at home so he would bring to the shop tomorrow. I asked to see the Incident/Supervisors Register. There was a diary for 2023 but nothing written in English. There was also a new diary for 2024. I explained to [REDACTED] that anytime she refuses someone because they look young and have no ID, this should be recorded, as many details as possible. Or if I staggered in and asked for a bottle of vodka, she should refuse and write the time and brief



description as this shows good practice. They also should be recording who is working when, i.e. if she works during the day, what hours and then whoever is working in the evening should do the same. I said ideally this should be in English so that if an officer comes in and asks for it, they can check it. I gave her a new Check 21 poster before leaving.

On Thursday the 11<sup>th</sup> January 2024 I was working in company with my colleague Mrs Victoria Radford, also a Senior Liaison & Enforcement Officer. At 13:40 we attended at the subject premises. Mr Amiri was sitting down behind the counter and [REDACTED] was sorting stock down an aisle. When I asked if he had Part A of the Premises Licence a younger male came into the shop and said someone has been in already to check the cctv. I said, 'That was me'. Mr Amiri introduced the young male as his son. I said, 'You told me you would bring the Part A of the Licence from home the next day and you still haven't'. The young male appeared confused and [REDACTED] had to translate some of the conversation and told him that he needed to bring it to the shop. Mr Amiri retrieved some paperwork out of an envelope which I recognised as a review application. He said he had ticked the boxes about the hearing and sent it back to Licensing. At 13:48 we resumed.

On the 30<sup>th</sup> November 2023 Entertainment Licensing received an application in respect of Biedronka. The application was to transfer the PLH from Mr Alan Amiri to Mr Aziz Mohamed Ahmed. Due to an objection by West Yorkshire Police the application was listed before the Licensing Sub Committee on the 16<sup>th</sup> January 2024. Neither the applicant nor a representative from the business attended at the hearing and the Committee heard it in their absence and determined to refuse the transfer application.

It is clear that since taking over this shop in August 2015 Mr Amiri has given little importance to complying with his Premises Licence or the Licensing Act 2003, to the extent that his business is now subject to a 2<sup>nd</sup> review application. There have been several occasions when illicit cigarettes have been purchased at the shop which have resulted in 4 multi agency operations where significant seizures of counterfeit/illicit cigarettes and tobacco, perfumes, cosmetics and condoms have been seized; this is despite advice being to him by officers. I believe this shows that Mr Amiri is not a responsible retailer. He has failed to comply with a variety of legislation and is unconcerned about the impact his business has on the immediate community. He has repeatedly failed to operate responsibly in upholding the objectives and I therefore support the review being brought by West Yorkshire Police.

Yours faithfully

[REDACTED]

Mrs Carmel Brennand  
Senior Liaison & Enforcement Officer  
Entertainment Licensing

CB 1

Document	User Name	Purpose	Printed	Copies	Image	Notes	View Document
PRAAFR	Ent	Annual fee first remind	01.09.2023 01:44		<input type="checkbox"/>	Emailed to	* →
PRAAFR	Ent	Annual fee first remind	01.09.2022 01:28		<input type="checkbox"/>	Emailed to	→
PRAAFR	Ent	Annual fee first remind	01.09.2021 00:57		<input type="checkbox"/>	Emailed to	→
PRAAFR	Ent	Annual fee first remind	25.11.2020 16:23		<input type="checkbox"/>	Emailed to	→
CPRANFEEACK	Ent	Ann Fee Acknowledge	27.11.2019 16:24		<input type="checkbox"/>	Emailed to Mr Alan Amiri	→
PRAAFR	white-e	Annual fee first remind	06.11.2019 08:47	0	<input type="checkbox"/>	E-Mailed	→
CPRANFEEACK	white-e	Ann Fee Acknowledge	07.11.2018 11:53	0	<input type="checkbox"/>	E-Mailed	→
GEN_APP_WITHDR	white-e	Annual fee suspension	06.11.2018 08:21	1	<input type="checkbox"/>	E-Mailed	→
PRAAFR	white-e	Annual fee first remind	31.10.2018 08:49	0	<input type="checkbox"/>	E-Mailed	→

OK Cancel

£180 ANNUAL FEE DUE 16.10.23

# Licensing Act 2003

Record of Inspection

NEUF102793



### Premises Details

Licence Number: Prem/03522/005  
Name: BIEDRONKA  
Address: 225 ROUNDHAY ROAD  
LS8 4HS.

### Inspection Details

Date: 2.11.23 Time In: 1035 Time Out:  
Authorised Officer: CB  
Other officers:  
In company with WYP/BTP/TS  
Other Agency: TS

Premises Licence Holder/DPS:

ALAN AMIRI

Present? Yes  No

X Matters arising (Advice given marked with "X" in left-hand column)

Timescale

X CCTV 9 MINUTES OUT  
X STAFF UNABLE TO OPERATE CCTV  
SO UNABLE TO PROVIDE 31 DAYS  
FOOTAGE. } 1 WEEK

X PAY ANNUAL FEE. TODAY.  
RING 0113 3785029.

EMAIL [REDACTED]  
SCREENSHOT OF CCTV CALENDAR SHOWING  
31 DAYS RECORDING.

No action required

Action required; contravention(s)/breach of condition(s) as above

### Signatures

Authorised Officer's signature:

[REDACTED SIGNATURE]

Date: 2.11.23.

Time: 1145.

Appropriate person at premises

I certify that the issue(s) identified have been brought to my attention and I undertake to rectify any breaches by the agreed timescale(s) set out above. I have been advised that a revisit will be made to ensure that the breaches have been rectified. I will ensure that the Premises Licence Holder and Designated Premises Supervisor is informed of this inspection and the findings at the earliest opportunity.

Print Name:

[REDACTED NAME]

Date:

Signed:

Time:

Position:

## Enforcement Powers and Offences - Licensing Act 2003

### Section 136 – Unauthorised licensable activities

- (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 imprisonment for a term not exceeding six months or to an unlimited fine, or to both.
- (5) ..."authorisation" means –
  - (a) a premises licence,
  - (b) a club premises certificate, or
  - (c) a temporary event notice in respect of which the conditions of section 92(2) to (4) are satisfied.

### Summary of other offences (Licensing Act 2003) (not exhaustive):

#### Unauthorised licensable activities

- section 137 Exposing alcohol for unauthorised sale
- section 138 Keeping alcohol on premises for unauthorised sale etc.

#### Drunkenness and disorderly conduct

- section 140 Allowing disorderly conduct on licensed premises etc.
- section 141 Sale of alcohol to a person who is drunk
- section 142 Obtaining alcohol for a person who is drunk
- section 143 Failure to leave licensed premises etc.

#### Smuggled goods

- section 144 Keeping of smuggled goods

#### Children and alcohol

- section 145 Unaccompanied children prohibited from certain premises
- section 146 Sale of alcohol to children
- section 147 Allowing the sale of alcohol to children
- section 147A Persistently selling alcohol to children
- section 147B Order suspending a licence in respect of offence under section 147A
- section 149 Purchase of alcohol by or on behalf of children
- section 150 Consumption of alcohol by children
- section 151 Delivering alcohol to children
- section 152 Sending a child to obtain alcohol
- section 153 Prohibition of unsupervised sales by children
- section 154 Enforcement role for weights and measures authorities

#### Confiscation of alcohol

- section 155 Confiscation of sealed containers of alcohol

#### False statements relating to licensing etc

- section 158 False statements made for the purposes of this Act

#### Powers of Entry

- section 179 Rights of entry to investigate licensable activities (available to a constable or authorised person).

**Brennand, Carmel**

---

**From:** Brennand, Carmel  
**Sent:** 27 November 2023 14:13  
**To:** [REDACTED]  
**Subject:** Biedrinka, 225 Roundhay Road, LS8 4HS  
**Attachments:** Warning letter to PLH DPS 27.11.23.doc  
  
**Importance:** High

Dear Sir

Please see attached letter which is self-explanatory.

Yours faithfully

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

T: [REDACTED]  
E: [REDACTED]  
W: [Alcohol and entertainment \(leeds.gov.uk\)](http://alcoholandentertainment.leeds.gov.uk)

To make a payment for a Premises Licence online visit: [Premises Licence Annual Fee Payment](#) | To apply for a Temporary Event Notice visit: [Temporary event notices \(leeds.gov.uk\)](http://temporaryeventnotices.leeds.gov.uk) | To apply, vary or make changes to a Premises Licence visit: [Premises licence \(Leeds City Council\)](#)



CB 4  
**Leeds**  
CITY COUNCIL

**Elections and Regulatory Services**

Civic Hall  
Leeds LS1 1UR

Our Ref: A80/CB/LIC/GE/004141

Your Ref:

Contact: Carmel Brennand

Tel: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

Date: 27 November 2023

**Private & Confidential**

Mr Alan Amiri  
Biedronka  
225 Roundhay Road  
Leeds  
LS8 4HS

Dear Sir

**INVESTIGATION OF POSSIBLE OFFENCES UNDER THE LICENSING ACT 2003  
PREMISES: BIEDRONKA, 225 ROUNDHAY ROAD, LEEDS, LS8 4HS**

I am writing to you in your capacity as the Premises Licence Holder and Designated Premises Supervisor of the above mentioned premises.

As you are aware I visited your shop with colleagues from West Yorkshire Police and Trading Standards on the 2<sup>nd</sup> November 2023 where several issues were highlighted during an inspection under the Licensing Act 2003.

May I draw your attention to the specific conditions on your Premises Licence, namely:-

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 data controller, under the Data Protection Act 1998, who is responsible for any CCTV images caught on cameras on the premises will, on the lawful request of an authorised officer of a Responsible Authority (under the Licensing Act 2003), be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. Where the CCTV images are not supplied at the time of the request being made the data controller will ensure that it is secured to prevent any overwriting

**At the time of the visit neither you nor staff were able to operate the cctv system so unable to confirm that the system was recording for 31 days.  
Also, the time on the cctv system was 9 minutes out.**

20. 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.

21. 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.

22. 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.

23. The Incident Report Register will be produced for inspection immediately on the request of an authorised officer.

**At the time of the visit neither you nor staff were able to produce the Supervisor's or Incident Register.**

May I remind you that to operate whilst in breach of conditions on your Premises Licence is an offence under Section 136 of the Licensing Act, in that:-

**(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 imprisonment for a term not exceeding six months or to a unlimited fine, or to both.**

**(5) In this Part "authorisation" means -**

- (a) a premises licence,**
- (b) a club premises certificate, or**

**(c) a temporary event notice in respect of which the conditions of section 98(2) to (4) are satisfied.**

Although the Part B of the Premises Licence was displayed, the Part A of the Premises Licence was not available on site.

Please be aware that this is an offence under Section 57 of the Licensing Act 2003, namely:-

(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.

(2) The holder of the premises licence must secure that the licence or a certified copy of it is kept at the premises in the custody or under the control of—

(a) the holder of the licence, or

(b) a person who works at the premises and whom the holder of the licence has nominated in writing for the purposes of this subsection.

(3) The holder of the premises licence must secure that—

(a) the summary of the licence or a certified copy of that summary and 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).

(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.

Leeds City Council's Entertainment Licensing Section, in conjunction with other enforcement agencies, are taking an active role in visiting premises/events. This Department will continue to monitor the situation for compliance of the Licensing Act 2003.

If you could please ensure that all the issues have been rectified as we will be revisiting your premises in the next few weeks.

Yours faithfully



Carmel Brennand  
Senior Liaison & Enforcement Officer  
Entertainment Licensing



# Interested Party Representation (Form IPR1)



## Section 1 – Licence application details

Please indicate as appropriate :

I wish to object to the following application:

I wish to support the following application:

Applicant premises name and address: Biedronka, 225 Roundhay Road, Leeds, LS8 4HS

## Section 2 – Your personal details

NB: If you are acting as a representative, please go to Section 3.

Title

Mr  Mrs  Miss  Other \_\_\_\_\_

Surname

Patel

First name(s)

Chetna

Address (incl postcode):

Leeds City Council, Public Health (Alcohol and Drugs Team), 5<sup>th</sup> Floor West, 110 Merrion House, Leeds, LS2 8BB.

Please note that a full copy of your representation (including your name and address) will be sent to the applicant and will be a public document at any hearing of this matter.

Please refer to our Guidance Note – GN-M Guidance on making representations for further information and alternative options.

## Section 3 – Representative details

If you are representing someone else, please complete details below

Name of Representative/  
Organisation

N/A

Full postal address  
(Incl postcode)

N/A

Please indicate capacity:

Representative of Residents Association

Ward Councillor

Parish Council

MP

Trade Association

Other (please

specify) \_\_\_\_\_

## Section 4 – Representation grounds

<p><b>The representation is relevant to one or more of the following licensing objectives:</b></p> <p><b>Please tick relevant box(es)</b></p>	<table> <tr> <td>Prevention of crime and disorder</td> <td>X <input type="checkbox"/></td> </tr> <tr> <td>Prevention of public nuisance</td> <td>X <input type="checkbox"/></td> </tr> <tr> <td>Protection of children from harm</td> <td>X <input type="checkbox"/></td> </tr> <tr> <td>Public safety</td> <td>X <input type="checkbox"/></td> </tr> </table>	Prevention of crime and disorder	X <input type="checkbox"/>	Prevention of public nuisance	X <input type="checkbox"/>	Protection of children from harm	X <input type="checkbox"/>	Public safety	X <input type="checkbox"/>
Prevention of crime and disorder	X <input type="checkbox"/>								
Prevention of public nuisance	X <input type="checkbox"/>								
Protection of children from harm	X <input type="checkbox"/>								
Public safety	X <input type="checkbox"/>								

Please select:

I object to the application being granted at all.

I object to the application being granted in its current form\*

\*If you choose this option, remember to tell us in the next section what changes you would prefer to see.

**The grounds of the representation is based on the following:**

I would like to make a public health objection to the application of Biedronka, 225 Roundhay Road LS8 4HS.

Regarding the above application, I would like to bring to your attention the negative impact this premises has. There are concerns regarding the potential harm to children, crime and disorder and public safety.

I would like to strongly object for the continuation of this license on the following grounds.

After two years of the coronavirus pandemic, levels of alcohol consumption and alcohol harms have increased across Leeds, and they have disproportionately affected areas of multiple deprivation such as Burmantofts/Richmond Hill and Harehills. Much work has successfully been undertaken by Ward Councillors, the Police, and the Council's Safer Stronger Communities Team to make Harehills a more attractive and safer (retail) area. Their success in reducing street drinking and crime levels will be significantly undermined.

Following visits from West Yorkshire Trading standards and West Yorkshire Police, large quantities of illicit and counterfeit cigarettes and tobacco were seized on numerous occasions. Also on a number of occasions test purchases were conducted and cigarettes were sold without the proper excise duty. Selling cheap tobacco products can deter those who are wanting to give up smoking and in this situation was sold to under age children which could encourage children and young people to take up smoking. There is also a risk to public safety selling products that are not compliant with legal requirements. This clearly indicates the licensee is not promoting the licencing objectives. I am objecting to the continuation of this licence for the protection of children from harm. In the ward area we already have significantly higher rates of smoking compared to Leeds.

Leeds City Council has produced a matrix to estimate alcohol harm for each Middle Super Output Area (MSOA) in Leeds. Each MSOA is given an overall score which places the MSOA into a comparative city-wide risk rating. There are 107 MSOA's in Leeds. LS8 4HS was awarded an overall harm from alcohol related risk as **25 out of 107 MSOAs**, putting it within the medium risk of alcohol-related harm category. It also has a deprivation score of **15 out of 107**, with a risk rating of **high**. Analysis of the individual scores on the matrix contribute to creating a fuller picture of the local community and will be highlighted forthwith with reference to the criteria.

**Protection of children from harm -**

This area has a **very high count** of off licenses in Leeds and is **risk rated as high with a rank rating of 16**. By allowing this off-licence premises to continue to sell alcohol, this will jeopardize the protection of children and young people from harm. This area has the rank rating of **very high**; it has the **highest number of children** under the age of 16 in Leeds District (ranked **2**). The increased number of establishments selling alcohol and the subsequent proliferation of street drinkers and residents suffering from alcohol addiction normalizes the situation for children and as they grow older it sets the benchmark of what is normal in their area. It can also encourage young people to start smoking if cheap illicit tobacco and cigarettes are readily available. We know from much

peer reviewed evidence such an environment can have a strong influence on impressionable children in low-income neighborhoods and can create low aspiration amongst this peer group. **Vulnerability to alcohol-related problems: a policy brief with implications for the regulation of alcohol marketing** (TF. Babor et al, 2017). Due to the high numbers of children in the area there are many schools and childcare providers some of which are listed below and are within one mile of the premises, which is located on a busy route for primary aged school children and their parents.

- Harehills Family Early Years Centre, Cowper Terrace, Harehills, Leeds LS9 7BA (0.8 miles away)
- Little Owls Nursery Harehills, Cowper Terrace, Harehills, Leeds LS9 7BA (0.7 miles away)
- Sunshine Community Nursery, 97 Harehills Rd, Harehills, Leeds LS8 5HS (0.4 miles away)
- Shepherds Lane Children's Centre, Shepherds Ln, Harehills, Leeds LS8 5AW (0.2 miles away)
- Harehills Primary School, Darfield Rd, Harehills, Leeds LS8 5DQ (0.6 miles away)
- Co-op Academy Nightingale, 9 Stanley Rd, Harehills, Leeds LS9 7AX (0.7 miles away)
- Co-op Academy Woodlands, Foundry Pl, Harehills, Leeds LS9 6DA (0.8 miles away)
- Hovingham Primary School, Hovingham Ave, Harehills, Leeds LS8 3QY (0.4 miles away)
- Bankside Primary School, Shepherds Ln, Harehills, Leeds LS8 5AW (0.3 miles away)

The GIPSIL - Archway Resource Centre 95 Roundhay Rd, Harehills, Leeds LS8 5AQ is also only **0.5 miles away**. GIPSIL, work with vulnerable young people and have provided statements previously on the impact of off license on young people they work with.

The abundant presence of alcohol outlets, and associated marketing in children's environments may normalise alcohol as an every-day product, shift social norms in acceptability and use, and shape children's knowledge, attitudes, and beliefs. **Children's home and school neighbourhood exposure to alcohol marketing** (T Chambers et al.,2018).

This area has a **very high** number of young people not in education or training; it is ranked – **4 out of 107 MSOA's**. There is also a low level of educational attainment with **high** rate of pupils not achieving a strong pass in English and Maths and is **ranked 20 out of 107 MSOA's**. Viewed alongside this the area has the high number of looked after children and young people, which is **ranked high – 13 out of 107 MSOAs**, which is highly concerning as they are more vulnerable to harm. These children and young people will have experienced trauma within the family home severe enough to warrant their removal from that family home. Their life experience will undoubtedly be skewed from the norm which often results in the young person engaging in harmful behaviours, one of which is alcohol drinking. 'Children living in the most deprived areas were almost five times more likely to be exposed to off-sales alcohol outlets than children in the least deprived areas' **Inequalities in children's exposure to alcohol outlets in Scotland: a GPS study – (Fiona M. Caryl et al.,2022)**.

The table below gives data provided by West Yorkshire Trading standards for Gipton and Harehills ward. The rows in grey are the totals for the years stated and then below those are the counts for Underage sales (UAS) or Counterfeit (tobacco and vapes) and along the top is the breakdown in complaints/visits for tobacco/vapes. When comparing 2022/23 to 2023/24 (even with this year being incomplete) total tobacco complaints/tobacco visits and vape visits have increased from the previous years, indicating that communities are worried about underage selling or counterfeit (tobacco or vapes). West Yorkshire Trading standards are familiar with this licensed premises due to complaints of selling illegal tobacco.

<b>Gipton &amp; Harehills</b>	<b>Tobacco complaints</b>	<b>Tobacco visits</b>	<b>Vapes complaints</b>	<b>Vapes visits</b>
<b>All years</b>	102	75	18	23
UAS	10	41	18	12
Counterfeit	92	34	0	11
<b>2020-21</b>	26	11	0	0

UAS	3	8	0	0
Counterfeit	23	3	0	0
<b>2021-22</b>	<b>24</b>	<b>31</b>	<b>5</b>	<b>1</b>
UAS	3	15	5	1
Counterfeit	21	16	0	0
<b>2022-23</b>	<b>24</b>	<b>14</b>	<b>8</b>	<b>4</b>
UAS	3	3	8	1
Counterfeit	21	11	0	3
<b>2023-24 (incomplete)</b>	<b>28</b>	<b>19</b>	<b>5</b>	<b>18</b>
UAS	1	4	5	10
Counterfeit	27	15	0	8

#### Prevention of public nuisance -

Alcohol related harm hospital stays (narrow, age std. rate) are **medium** in the area – risk ranked as **53 out of 107 MSOA's** and ambulance callouts related to alcohol are also **medium- 43 out of 107 MSOAs**. These are avoidable pressures to the NHS and illustrate the harm caused by easy access to cheap alcohol with un an area.

#### Prevention of crime and disorder -

Increasing the availability of cheap strong alcohol is strongly correlated with a higher prevalence of alcohol-related crime and disorder. This is backed up by statistics from Safer Leeds, which record the number of incidents of ASB, drunk and disorderly and violent crime stats.

Anti-social behaviour where alcohol was flagged (excluding violent crime) was **high risk** ranked as **12 out of 107 MSOA's**, and violent crime was **medium** and ranked **34 out of 107 MSOAs**. Statistics relating to drunk and disorderly is **very high** and ranked as being **7 out of 107 MSOA's**. These indicators both suggest a risk to public safety as well as high levels of crime and disorder in existence in the community. This will be exacerbated by the increased accessibility of alcohol.

Healthwatch and other third sector organisations prepared a report focusing on Covid 19 and issues facing the communities in Gipton and Harehills. A survey was completed by 80 people of which a third of the respondents' said crime was something they wanted to see changed in Gipton and Harehills. The issues most often referenced were street drinking and drug dealing, as well as violence and not feeling safe in streets and parks.

One participant stated, *"She didn't want to live in the area when her children grow up due to the amount of gang crime, anti-social behaviour, street drinkers, domestic violence and litter."*

Currently in public health we are conducting Health Needs Assessment for Gipton and Harehills and Burmantofts and Richmond Hill, many local people have talked about their worries around alcohol, noise nuisance, environmental concerns, crime, and fear of crime.

I am part of the Harehills CommUNITY partnership meetings led by West Yorkshire Police and Leeds City Council, many local organisations are committed to the Clear Hold Build initiative to make Harehills a better place for communities to live, work and grow. Off license premises like Mama Rose undermine all the hard work and commitment that is taking place to improve the area.

Below is a statement provided by the lead GP partner at Chapeltown Family surgery which is situated less than a mile away from the premises.

*I am writing to express my deep concern about the sale of alcohol/tobacco to underage individuals within our community. As the children and families lead for the Burmantofts, Harehills and Richmond Hill PCN I*

*have been made aware of this by the public health team but while the health implications are clear, I would like to highlight other critical reasons why I am so concerned.*

- 1. **Social Responsibility:** Fundamentally we have an obligation to protect our young people. Selling alcohol/tobacco to minors undermines this responsibility. By allowing access to alcohol/tobacco we inadvertently contribute to potential harm and negative consequences for these young people.*
- 2. **Risk of Dependency:** Early exposure to alcohol/tobacco can lead to dependency issues later in life. Adolescents' brains are still developing, and alcohol consumption during this crucial phase can alter brain chemistry and increase the likelihood of addiction. When looking at childhood trauma the negative consequences of alcohol misuse whilst growing up is a clearly recognised risk factor for problems throughout the life course.*
- 3. **Social Behavior and Safety:** In my experience a number of my younger patients have ended up in trouble with the police because of alcohol consumption. When minors gain access to alcohol, it can lead to risky behaviors, accidents, and even criminal activities. It is our cities ambition to create safer communities for children and young people to grow up in. Clearly curbing underage sales, we contribute to safer communities and protect both young individuals and the public.*

*Thank you for considering my concerns.*

*Dr Hasantha Jayasinghe (Senior Partner)*

The intelligence provided above relates to the potential harm caused by alcohol/tobacco within an area and viewed together creates an understanding of why this area was ranked as being an area of Leeds at high risk of alcohol related harm. Furthermore, this application also falls within a cumulative impact assessment (CIA) area. This means as a Local Authority (LA) licensing authority we have a responsibility to help limit the number or type of licence applications granted in areas where there is evidence to indicate that the number or density of licensed premises in the area is having a cumulative negative impact.

The data above shows that there are significantly higher numbers of children, vulnerable young people and those not in education or training who may seek comfort in tobacco and alcohol. The evidence indicates Biedronka, on numerous occasions provided illicit cigarettes and tobacco which can have a detrimental effect on health not knowing what is contained in illicit tobacco or alcohol. Providing cheap products can encourage those who have turbulent lives and dependent on tobacco to increase their usage. The area already suffers with high rates of violent crime, antisocial crime, ambulance callouts; impacting on emergency services and the NHS which are already strained with limited resources and capacity. The failed test purchases on tobacco as well as the large quantities of illegal tobacco and cigarettes seized; as well as the seizure of counterfeit condoms and perfume demonstrate this retailer is not acting as a responsible retailer and is repeatedly undermining the licensing objectives.

The pandemic has undoubtedly impacted on the communities in this neighbourhood in terms of economic decline adding increased negligent selling of tobacco and alcohol to an already saturated environment to communities who are struggling with daily life, poverty and deprivation, domestic abuse, low mood, anxiety and depression is socially irresponsible and will be detrimental to child development, family life and public order.

I would therefore ask the licensing subcommittee to question what purpose will it serve to allow this premises to continue to operate?

Considering, the evidence of how local people, organisations feel; the failed test purchases and vast amount of illegal tobacco seized I would urge the subcommittee to support the closure of this off license to avoid the potential harm to children, additional crime and disorder offences and maintain public safety.

Signed:



Date: 24/1/2023



**Gipton & Harehills Ward**  
**Labour Councillors**  
**Councillor Arif Hussain**  
**Councillor Salma Arif**  
**Councillor Asgar Ali**

Civic Hall  
Leeds, LS1 1UR  
Civic Tel 0113 37 88811

FAO: Leeds City Council's  
Entertainment Licensing Team



24.01.24

To Whom It May Concern

**Subject: Licence Review- Biedronka, 225 Roundhay Road, PREM/03522/005.**

As ward Councillors we are writing to **support** the licence review of Biedronka on Roundhay Road.

Biedronka is located on one of Harehills' main arteries, Roundhay Road, a busy thoroughfare that cuts through the heart of a densely populated residential area, sitting adjacent to people's homes, schools, and places of worship. Harehills is a densely populated neighbourhood; a place where what happens on the street has a huge impact on the local community.

Roundhay Road is also an area that is already saturated with retail outlets legally selling tobacco products. The idea that a business could be operating illegally, selling products that are potentially dangerous to our residents, is a serious concern to ward Councillors.

There is a clear risk to public safety posed by residents being exposed to unregulated tobacco products. We are all too aware that the use of these types of illicit products could have a detrimental impact on the health of our residents, many of whom are already some of the most disadvantaged in our society.

According to the 2019 Index of Multiple Deprivation, Gipton & Harehills Ward has 17 Lower Super Output Areas (LSOAs) that are among the 10% most deprived in the country. That is more than any other ward in Leeds. Coupled with this cumulative deprivation is the fact that Gipton & Harehills Ward is:

- The second most populated ward in Leeds with 33,645 residents living in 12,400 properties; nearly 10% of homes are classed as overcrowded.
- Both young and dynamic; 29.5% of residents are children and young people aged 14 or under. 53% of the population is aged 29 or under.
- 4,303 children and young people aged 0-15 in Gipton & Harehills live in the most income deprived households in England.
- Whilst 62.4% of the population is economically active; long term unemployment is double the Leeds average and the percentage of residents that have never worked

is 15.2%, which is nearly four times the Leeds average. Women from the ward active in the job market is also notably lower than the Leeds average.

- 33.3% of working age people are receiving universal credit.
- Gipton and Harehills Ward is very diverse, with 63% of the population identifying as being from an ethnic minority; 72% of households reported that English was a first language.
- As a migration hub, the ward has hundreds of languages spoken and numerous faiths live in close proximity (75% of households identify as being religious against a Leeds average of 65%).
- Nearly 56% of households don't have access to a car or van.
- Fuel poverty for the ward stands at 29.9%; 8.4% of households don't have central heating.
- Crime is higher than the Leeds average with violence and sexual assault, public order, ASB and criminal damage presenting as the main issues.

Source: <https://observatory.leeds.gov.uk/deprivation>

Against this backdrop, the idea that a business in the heart of a residential area in Harehills could be not only operating illegally but compounding these issues our residents face by selling tobacco products is very worrying.

Letting this business trade illegally could be seriously damaging to the health of the people of Harehills, in particular residents who may be exposed to potentially dangerous tobacco products that they otherwise wouldn't have access to.

With that in mind we feel passionately that this licence should be reviewed in light of the compelling evidence presented by the police.

As Ward Councillors, we hope you will consider the concerns raised above and come to the decision that Harehills does not need, want, or deserve a business selling illegal tobacco products.

We say with a united voice, please consider the impact on our community; they deserve so much better than this.

Yours sincerely



Councillor Arif Hussain

Councillor Salma Arif

Councillor Asghar Ali



# 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. The applicant must give notice of the review application to the responsible authorities and holder of the licence or certificate. The licensing authority is required to advertise a review application.
- 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 not as 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 relevant 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, consideration may be given as whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the licensing authority may be asked to consider whether it would be appropriate to publish a cumulative impact assessment. Further guidance on cumulative impact assessments can be found in Chapter 14 of this Guidance.
- 11.9 Responsible authorities and other persons may make representations in respect of an application to review a premises licence or club premises certificate. They must be relevant (i.e., relate to one or more of the licensing objectives) and, in the case of other persons, must not be frivolous or vexatious. 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 or illegal working compliance 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 promoting 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. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

- 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, 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 or preventing illegal working. 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 and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough

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<sup>10</sup> See chapter 16 in relation to the licensing of live and recorded music.

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.
- 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 and the prevention of illegal working 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 the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
  - 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 employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) 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 or illegal working compliance 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 under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. 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**

11.29 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.

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