



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/03356/014

Your Ref:

Contact: Carmel Brennand

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Date: 12 October 2023

Dear Sirs/Madam,

**REVIEW APPLICATION UNDER THE LICENSING ACT 2003
PREMISES: HAREHILLS MAXI FOODS, 268 – 270 HAREHILLS LANE, LS9
7BD**

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.

On Friday 16th June 2023 I was working in company with officers from West Yorkshire Police. At 12:55 pm that day we attended at Harehills Maxi Foods, 268 – 270 Harehills Lane, LS9 7BD.

The current Premises Licence PREM/03356/013 for Harehills Maxi Foods allows the retail sale of alcohol between 08:00 and 07:59 every day. The Premises Licence Holder (PLH) since 3rd March 2017 is HGS UK Ltd and the specified Designated Premises Supervisor (DPS) since 16th March 2022 is Mr Hedi Hazem Ali.

On the 16th June 2023 I conducted an inspection under the Licensing Act 2003. The DPS MR Ali was not on site so I spoke to Henryka Pomarnska who is the manager. There were a couple of males, one behind the counter with her and another on the customer side. I noted that Part B of the Premises Licence was displayed behind the counter where the spirits are displayed. There were also Proof of Age posters at the counter and near the alcohol displays. When I asked for Part A of the Premises Licence, Henryka was able to produce it.

I then turned around to see the cctv monitor which showed 16 camera screens. The time on the screen was correct. I asked if Henryka could operate the system and show me footage from the 17th May. She was unable to as the footage did not commence until the 19th May. I advised that



it was not compliant as it should record for 31 days. One of the males said he thought it only had to record for 28 days. I asked for the Part A of the Premises Licence and showed them all condition 9 which states:-

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

I gave them 2 weeks to rectify the matter.

When there is a breach of Premise Licence conditions any sales of alcohol become an offence under Section 136 of the Licensing Act 2003, namely:

- (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) *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.*

On Thursday 29th June 2023 I was working in company with PC Neil Haywood. At 10:45 am we attended at Harehills Maxi Foods. The PLH Mr Dylan Safi was on site and able to show us the cctv. The footage was now recording from 08:15 pm on the 30th May 2023, which meant there were 30 days continuous footage. Mr Safi stated that the cctv engineer had increased the hard drive so it would record for more than 31 days.

On the 13th September 2023 a child was sold alcohol at this shop.

This is an offence under Sections 146 & 147 of the Licensing Act 2003 :

146 Sale of alcohol to children

- (1) *A person commits an offence if he sells alcohol to an individual aged under 18.*
- (4) *Where a person is charged with an offence under this section by reason of his own conduct it is a defence that—*
 - (a) *he believed that the individual was aged 18 or over, and*
 - (b) *either— (i) he had taken all reasonable steps to establish the individual's age, or (ii) nobody could reasonably have suspected from the individual's appearance that he was aged under 18.*
- (5) *For the purposes of subsection (4), a person is treated as having taken all reasonable steps to establish an individual's age if—*
 - (a) *he asked the individual for evidence of his age, and*
 - (b) *the evidence would have convinced a reasonable person.*

(6) Where a person ("the accused") is charged with an offence under this section by reason of the act or default of some other person, it is a defence that the accused exercised all due diligence to avoid committing it.

(7) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

147 Allowing the sale of alcohol to children

(1) A person to whom subsection (2) applies commits an offence if he knowingly allows the sale of alcohol on relevant premises to an individual aged under 18.

(2) This subsection applies to a person who works at the premises in a capacity, whether paid or unpaid, which authorises him to prevent the sale.

(5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Whilst the sale to a child is a serious offence under the Licensing Act in itself; there is also the breach of the relevant conditions specified on the Premises Licence which state:

5. Staff training on all issues.

12. The PLH/DPS staff will ask for acceptable evidence (as agreed with WYP/WYTSS) from any person appearing to be under the age of 25 who attempts to purchase alcohol at the premises.

16. Refusal to serve drunk, disorderly and underage

In view of the above detailed breaches of the Licensing Act 2003, it is clear that the Premises Licence Holder and Designated Premises Supervisor have failed to operate responsibly in upholding the objectives; the prevention of crime and disorder and the protection of children from harm and therefore support the review being brought by West Yorkshire Police.

Yours faithfully



Mrs Carmel Brennand
Senior Liaison & Enforcement Officer
Entertainment Licensing