



RESTRICTED

# APPENDIX A

## APPLICATION FOR THE 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 that 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, (insert name of applicant) PC [redacted] Neil Haywood

- 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

**Part 1 – Premises or Club Premises details**

Postal address of premises or, if none, Ordnance Survey map reference or description:

M and S 24/7 Off Licence, 128 Roundhay Road,

Town/City: Leeds

Postcode: LS8 5NA

Name of premises licence holder or club holding club premises certificate (if known):

Mr Merhawi Yowhase

Number of premises licence or club premises certificate (if known): PREM/02712/006

**Part 2 – Applicant details**

Please 'check' appropriate box(es)

I am:

1. An interested party (please complete A or B below)
  - (a) a person living in the vicinity of the premises
  - (b) a body representing persons living in the vicinity of the premises
  - (c) a person involved in business in the vicinity of the premises
  - (d) a body representing persons involved in business in the vicinity of the premises
2. A responsible authority (please complete C below)
3. A member of the club to which this application relates (please complete A below)

**A – Details of individual applicant**

Surname:

Forename(s):

I am 18 years old or over:

Current postal address if different from premises address:

Town/City:

Postcode:

Daytime contact telephone number:

E-mail address (optional):

**B – Details of other applicant**

Surname: Forename(s):  
Address: Town/City: Postcode:  
Daytime contact telephone number:  
E-mail address (optional):

**C – Details of responsible authority applicant**

Other title, e.g. R. PC  
Surname: Haywood Forename(s): Neil  
Address: C/O  
Leeds District HQ  
Elland Road Police Station  
Elland Road  
Town/City: Leeds Postcode: LS118BU  
Daytime contact telephone number: [REDACTED]  
E-mail address (optional): [REDACTED]

This application to review relates to the following licensing objective(s): (Please 'check' one or more boxes)

- (a) The prevention of crime and disorder
- (b) Public Safety
- (c) The prevention of public nuisance
- (d) The protection of children from harm

State the ground(s) for review (please read Guidance note 1):

West Yorkshire Police holds information to suggest that M&S Off Licence is selling alcohol and nitrous oxide laughing gas to underage children.

At 12:20 hours on Wednesday the 23<sup>rd</sup> August 2023, Officers from West Yorkshire Police Licensing and Leeds City Council Licensing visited M and S 24/7 Off Licence, 128 Roundhay Road, Leeds. The premises license holder Merhawi Youhanse was on site at the time of the visit.

During the visit, the officers found 10 boxes each containing 6 large bottles of nitrous oxide, also known as laughing gas in an area at the rear of the store and also located on the steps leading to the store room in the basement. The total weight of these bottles was 86kg

Officers also found 10 packs of 16 balloons behind the counter.

Youhanse was asked about the why he had so much nitrous oxide, to which he replied "for cakes."

Youhanse was interviewed by Police at Elland Road for the offences of Possession with intent to supply a psychoactive substance and money laundering. He refused to answer any questions asked by officers. He did provide a prepared statement denying the offence regarding the nitrous oxide, stating they were delivered that morning in error to the store. He wrote in his statement that the comment he made to Police about the gas being "for cakes" was because he didn't understand what was being asked of him.

This explanation is implausible and it is believed the nitrous oxide and balloons were in the store to be sold for the purpose of being inhaled to provide a high to the recipients. It is not plausible to answer the question posed with the answer "cakes" if the question was not understood. It is believed the answer cakes was given as the only legal use of nitrous oxide is in baking as an aerating agent for cream, and this was given as a defence. The location of the boxes of nitrous oxide at the bottom of the stairs does not correlate to the explanation that they had just been delivered in error.

Merhawi Yowhanse is the premises licence holder, Designated premises supervisor and therefore personal licence holder. As part of his licence application, he will have attended a personal licence course delivered in English and also a personal licence exam, also in English. It is reasonable to assume he understood the question posed in the store about the nitrous oxide which elicited his response of "for cakes".

As per the Office of National Statistics website – "Nitrous oxide has become one of the most commonly abused substances in England and Wales, particularly among young people. In the year ending March 2020, 2.4% of adults aged 16 to 59 years and 8.7% of adults aged 16 to 24 years reported using nitrous oxide in the past year. This makes it the second most abused drug for those aged 16 to 24 (after cannabis) and third most abused drug among those aged 16 to 59 years (after cannabis and cocaine).

Between 2001 and 2020, there were 56 registered deaths involving nitrous oxide in England and Wales, with 45 of those having been registered since 2010. Among other health risks, inhaling nitrous oxide (through a mask) runs the risk of asphyxiation or suffocation."

According to transformdrugs.org, It takes one 8 gram cannister to fill a balloon for inhalation. This works out that the 86kg of cannisters found in M and S, would equate to enough nitrous oxide to inflate 10,750 balloons.

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Whilst there are several options available to the licensing sub-committee, due to the seriousness of the described activities, we would ask the committee to consider full revocation of the licence.

Please provide as much information as possible to support the application (please read Guidance note 2)

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Documents provided in support of application-

Statement of PC Neil Haywood – evidences the events in the store on the day of the visit

Exhibits NH3-NH10 – images taken by PC 3718 Haywood on the day of the visit, showing the layout of the store and the location of the nitrous oxide

Prepared statement – the document given by Merhawi Youhanse and his solicitor in the recorded interview under caution with PC Haywood on the 20<sup>th</sup> September 2023

Have you made an application for review relating to this premises before? NO

If 'YES', please state the date of that application:

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If you have made representations before relating to this premises, please state what they were and when you made them:

Please 'check' appropriate box(es)

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements, my application will be rejected

**It is an offence, liable on conviction to a fine up to Level 5 on the standard scale, under Section 158 of the Licensing Act 2003, to make a false statement in, or in connection with this application**

**Part 3 – Signatures** (please read Guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 4). If signing on behalf of the applicant, please state in what capacity:**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read Guidance note 5):

Surname:

Forename(s):

Address:

Town/City:

Postcode:

Telephone number (if any):

If you would prefer us to correspond with you using an e-mail address, please state your e-mail address (optional):

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual

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authority to do so.

5. This is the address which we shall use to correspond with you about this application.