

Public Document Pack

Licensing Sub-Committee

Tuesday, 7th November 2023

Supplementary Pack

Agenda Item 8 – Premises Licence for HGS-Ltd (Maxi Foods)

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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/03356/014

Your Ref:

Contact: Carmel Brennand



Date: 30 October 2023

Dear Sirs/Madam,

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

Further to my formal representation submitted on the 12th October 2023, please accept this letter as supplementary information to be included for the hearing on the 7th November 2023.

On receipt of my representation, the solicitor for the applicant emailed me on the 20th October and within the email stated:-

As per the S182 Guidance at Para 11.10 my client would have hoped that enforcement would have taken a stepped approach to deal with the matters raised.

My client as a pro-active operator wants to work in partnership to ensure that any concerns are rectified as soon as possible, as was the case with the CCTV. We can also confirm that independent third party training in relation to the sale of alcohol to children has been arranged. Can you also please confirm that the premises passed the follow up test purchase on 25 September 2023, something that is not mentioned in your statement.

Can you also please confirm if there are any further steps that enforcement would recommend in order to deal with the concerns that are raised within your representation, as my client want to work in co-operation with you and all responsible authorities.

My client would welcome a meeting to discuss any further steps, please do let me know if this is something that you feel would be of benefit.

Further to a telephone conversation with the solicitor on Monday 23rd October, below is my response to him the following day:-

The Neighbourhood Policing Team has confirmed that the above passed a test purchase on the 25th September.

As we discussed I don't see the benefit of having a meeting with your client with only a couple of weeks before the hearing. All I would be able to advise him would be to ensure compliance with his Premises Licence and the Licensing Act 2003 as a whole.

On checking the premises record on the Council's Uniform database, I noted action taken by the Environmental Protection Team in June 2021.

When I have contacted the team leader of the Cleaner Neighbourhoods Team Amanda Matthews, she was able to confirm that the owner of the business Mr Dylan Safy had appeared at Kirklees Magistrates Court in June 2021 and pleaded guilty to 3 offences under Section 33 (1) (a); 2 offences under Section 33 (1) (c) and 1 offence under Section 34 (1) of the Environmental Protection Act 1990.

Mr Safy was ordered to pay a fine of £1907 for 1 offence with no separate penalty for the other offences, costs at £1981 and victim surcharge at £190 totalling £4078.

My colleague Ms Matthews reported that that her department had a history with this business which did result in a successful prosecution on several charges. The below shows a brief overview of the involvement she had as an officer, which did include a lot of educational/advisory work, then official notice, then a fixed penalty notice (FPN) for breaching the legal notice, then eventually prosecution due to persistent offences. She gave them plenty of opportunity to work with her and control their waste, however, they paid very little attention to their social impact. This premises in particular has such a variety of produce available to buy, including meats. Not only was the waste unsightly, dangerously piled up and uncontained (occasionally in the road itself!), it also gave off a foul odour on occasion. She had received complaints regarding verminous activity too, which is a real problem in Harehills generally.

The below shows that there is a pattern of behaviour here which did not change, in spite of the help and advice she gave.

18th March 2020 – Site visit and conversation with Mr Safy himself, advised that waste bins must be locked and waste stored inside at all times. On this occasion, there was a raw chicken root trapped in the lid of the bin – food source for rodents

1st April 2020 – Legal notice served pursuant to section 47 of the Environmental Protection Act – this focuses on the containment and disposal of commercial waste. Legal requirements in place for Mr Safy to adhere to. Enclosed was a general information sheet about the duty of care a business has over its waste.

8th June 2020 – revisit, bins open and overflowing, in breach of notice served, FPN issued.

1st July – revisit, bins unlocked and overflowing. No action taken as FPN was still outstanding for payment

Payment received for FPN 2nd July, but 7 days later on 9th July, another offence committed (Waste uncontained) – showing no change in behaviour, disregard for responsibility.

12th August – waste uncontained again

15th September – educational visit about bonfire night, and information/guidance attached. Time permitted for extra collections if needed (fire hazard and targets)

5th November – bins again unlocked and overflowing with side waste

Please see attached a copy of her statement which contains full details of interactions with Mr Safy, and a couple of photos to help visualise the impact this business was having on the locality.

In my opinion this does not show the behaviour of a pro-active and responsible operator who is willing to work with authorities to ensure that it is a safe and clean business for staff, customers and for residents living close by.

In my representation of the 12th October I evidenced the breach of Premises Licence conditions in relation to the cctv which is a criminal offence as well as the sale of alcohol to a child which demonstrate a failure to operate responsibly in upholding the objectives; the prevention of crime and disorder and the protection of children from harm.

This additional information shows a failure to uphold the licensing objective 'the prevention of public nuisance'.

Under Section 5 of the Licensing Act 2003 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act.

The below section is taken from Leeds City Council's Licensing Policy 2023 – 2027 which came into effect in January this year.

Public Nuisance

- 4.20 In considering the promotion of this licensing objective, applicants need to focus on the effect of licensable activities on people living and working in the area around the premises which may be disproportionate and unreasonable.
- 4.21 The council is aware that the prevention of public nuisance is not narrowly defined in the Act and can include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include, in appropriate circumstances, the reduction of the living and working amenity and environment of other people living and working in the licensed premises. Public nuisance may also arise because of the adverse effects of artificial light, dust, odour, litter, vermin, and insects or where its effect is prejudicial to health.

Whilst I appreciate that the Cleaner Neighbourhood Team is not a responsible authority under the Licensing Act 2003 I would respectfully request that the Licensing Sub Committee take into consideration the formal action required in order for this operator to comply with their legislation.

Any decision taken by the Council about determination of licences, certificates and notifications should aim to promote the licensing objectives which are:


- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Yours faithfully



Mrs Carmel Brennand
Senior Liaison & Enforcement Officer, Entertainment Licensing

WITNESS STATEMENTS
(CRIMINAL PROCEDURE RULES, PART 16)

<p>Statement of witness (<i>Criminal Procedure Rules, 16.2</i>); <i>Criminal Justice Act 1967, s. 9,</i></p>
<p>STATEMENT OF: Amanda Matthews</p> <p>Age of witness: over 18.</p> <p>Address retained by case officer who has record of this if required: Yes</p> <p>This statement, consisting of 8 pages 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.</p> <p>Dated the 14th January 2021</p> <p>Signed </p> <p>My name is Amanda Matthews and I am employed by Leeds City Council as an Environmental Action Officer in the East North East Locality Team. My duties include investigating and taking enforcement action against commercial premises wherein waste arrangements are found to be insufficient or causing a nuisance to the locality and environment. I also conduct proactive commercial duty of care inspections at sites to ensure legal waste arrangements are in place.</p> <p>In March 2020 I launched an investigation into the severe commercial waste issues stemming from businesses located between 260-288 Harehills Lane. This section of Harehills Lane runs parallel with Cowper Mount, Leeds, LS9 and all commercial waste receptacles for the businesses at these addresses are stored at the rear of the shops</p>

Signed 

Dated the 14th January 2021

WITNESS STATEMENTS
(CRIMINAL PROCEDURE RULES, PART 16)

on the public footpath of Cowper Mount. On the opposite side of the road are a high number of back-to-back terraced houses, the windows of which overlook the commercial waste bins. Alongside complaints of overflowing waste, there had been a number of reports made in regards to rodent activity thought to be caused by poor commercial waste management.

On Wednesday 18th March 2020 I visited Cowper Mount, Leeds, LS9 and was able to identify which waste receptacles stored on the public footpath belonged to which business, by visiting each shop.

I went into Harehills Maxi Food and spoke with a man whom introduced himself as the owner of the business, Dylan Safy. I invited Mr Safy to join me at the rear of Harehills Maxi Food on Cowper Mount and asked him to identify which waste bins belonged to his business. Mr Safy confirmed that the 1100ltr AWM general waste receptacle and three 1100ltr Sonoco recyclable waste receptacles at the rear of the shop were for his business. Mr Safy advised me the general waste bin was lifted twice a week on a Wednesday & Saturday and the Sonoco bins were lifted once per week on a Wednesday. I took photographs of these receptacles, copies of which are identified as Exhibit AM01 and AM02, dated 18th March 2020.

During this visit I made note that the general waste receptacle was unlocked and had a raw chicken foot trapped between the lid and the rim of the bin. I took a photograph showing that the bin was unlocked but Mr Safy removed the chicken foot before I captured it in the image. A copy of this is shown as Exhibit AM03, dated 18th March 2020. I advised Mr Safy that all commercial waste receptacles must be locked closed and waste contained within them at all time. I also suggested that it may benefit the business to increase collection frequency of the recyclable containers in order to reduce the number of bins on the footpath.

Signed



Dated the 14th January 2021

WITNESS STATEMENTS
(CRIMINAL PROCEDURE RULES, PART 16)

There was also a large number of plastic bread crates stacked next to the waste bins visible in Exhibits AM01 & AM03. I advised Mr Safy that the plastic crates should not be stored on the public footpath as they are not secured in any way. As there is a storage area located in the rear of the business premises, I told Mr Safy that the crates must be stored inside there until they are collected. Mr Safy explained that due to the high volume of breads that were delivered, it would not be possible to store all crates inside the storage room at once, for example on a weekend. I made note to reflect this difficulty in any legal correspondence I would send out. The bread crates were tagged with paper labels that had the name of the recipients written on. Some of these tags marked "Maxi Food" had become loose or had been ripped off the crates and were found discarded further down the public footpath. I took a photographs of this, copies of which are shown as Exhibit AM04 and Exhibit AM05, dated 18th March 2020. I advised Mr Safy that I would serve a legal notice against the business to put into effect what I had discussed with him.

On 1st April 2020 I conducted a search on Leeds City Council's Non-Domestic Tax Rates database for the trading address of Harehills Maxi Food, 268-270 Harehills Lane, LS9 7BD and found that Harehills Maxi Food was a trading name of HGS-UK LTD. A copy of this search is shown as Exhibit AM06, dated 1st April 2020. I cross referenced the company name and number with the Companies House database and found the company had only one active board member; Dylan Safy. A copy of the screenshots of this search is shown as Exhibit AM07, dated 1st April 2020.

I served a notice pursuant to Section 47 of the Environmental Protection Act 1990 against Dylan Safy as the only named and active board member of HGS-UK LTD. This Notice was sent via first class post to the registered office address of 268-270 Harehills Lane, LS9 7BD. The notice allowed a period of 28 days in which measures could be put in place in order to improve the way in which waste produced by Harehills Maxi Foods was managed. An information leaflet was included which highlighted the main points of

Signed



Dated the 14th January 2021

WITNESS STATEMENTS
(CRIMINAL PROCEDURE RULES, PART 16)

duty of care a business has over its waste. A copy of the covering letter and Notice 20/01088/EP47 are shown as Exhibit AM08, dated 1st April 2020. A copy of the information leaflet accompanying the Notice is shown as Exhibit AM09, dated 1st April 2020. I was confident that Dylan Safy understood my verbal advice given on the 18th March 2020 and was expecting my legal correspondence.

I inspected the site on the Monday 8th June 2020 and found all four waste receptacles to be unlocked, open and overflowing with waste. Bags of general waste were piled on top of the lid of the open AWM container and a large number of plastic crates were found to be on the public footpath. I took photographs of the bins, copies of which are shown as Exhibits AM10, AM11 and AM12 all dated 8th June 2020. I also noted that the bread crates had the "Maxi Food" written on a label and had definitely come from Harehills Maxi Food. I took a close up photograph of this label, a copy of which is shown as AM13 dated 18th June 2020.

As a consequence of failing to adhere with Notice 20/01088/EP47, on 10th June 2020 I issued a £100 fixed penalty notice (FPN) to Dylan Safy of Harehills Maxi Food for failing to adhere to the terms of the Section 47 notice. A copy of the covering letter and FPN150/00121 is shown as Exhibit AM14, dated 10th June 2020. This was sent via first class post to the registered office address. I subsequently sent out a reminder letter for payment on the 25th June 2020, a copy of which is shown as Exhibit AM15, dated 25th June 2020. Our records showed that on 2nd July 2020, the £100 fine was paid in full.

I had passed the site on the 1st July 2020 and found the general waste bin to be unlocked, open and overflowing. I took a photograph of this but as the FPN was still outstanding for the first offence, I did not take further action. A copy of this photograph is shown as Exhibit AM16, dated 1st July 2020.

Signed



Dated the 14th January 2021

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(CRIMINAL PROCEDURE RULES, PART 16)

As payment of the FPN issued on 10th June 2020 had been received, this brought the original offence on the 8th June 2020 to a close. I continued to monitor the commercial waste management at Harehills Maxi Food.

On Thursday 9th July 2020, only 7 days after liability for the first offence had been discharged, I found the waste produced by Harehills Maxi Food to be once more out of control of the business. One of the recycling containers was unlocked and overflowing and a number of crates were stored on the public footpath. There was also a build-up of waste around the base of the general waste bin making the area appear untidy. I recalled Mr Safy mentioning that the collection of the recyclable materials takes place on a Wednesday, so I believed there may have been an issue with collection and resolved to revisit at a later date. I took two photographs for evidence but did not take further action at this point, copies of which are shown as Exhibit AM17 and Exhibit AM18, dated 9th July 2020.

I revisited on Wednesday 12th August 2020 and again found the waste to be outside the control of the business as three of the four waste containers were unlocked and overflowing with waste and a number of crates were stored on the footpath. I took photographs to document the continuing pattern of poor waste management. Copies of my photographs are shown as Exhibits AM19, AM20 and AM21, dated 12th August 2020.

This proved to me that the collection schedule in place for Harehills Maxi Food was not frequent enough to ensure that the commercial waste at this site is sufficiently contained and managed. Allowing receptacles with dry mixed recyclables to be left unlocked and waste overflowing poses two threats; one is an increased risk of fire in what is an incredibly densely populated area and the second is that the lightweight nature of the waste means adverse weather conditions will easily carry such waste away from the control of the business. A point for further consideration is that Sonoco collect only dry

Signed



Dated the 14th January 2021

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recyclables, therefore if the waste is wet or contaminated, the waste would not be collected. As poor waste management was already an issue here, this was something that must be avoided.

On Tuesday 15th September 2020 I visited every business on Harehills Lane providing them with information and support around waste management prior to Bonfire Night 2020. The anti-social behaviours that had occurred on Bonfire Night 2019 had resulted in a number of commercial waste receptacles being targeted, set alight and pulled out into the public highways. The bins had created dangerous obstructions and incurred significant costs of clean up. I spoke with a representative of each business individually in regards to their duty of care over their waste and asked them to ensure the risks of their bins being set alight or stolen be reduced as much as possible by ensuring excess waste was collected and bins remained locked. A copy of the correspondence that was hand delivered to all business is shown as Exhibit AM22, dated 15th September 2020.

On Thursday 5th November 2020 I was on duty in Harehills conducting follow up checks of commercial waste bins to ensure they were secured and waste sufficiently contained. I inspected the waste arrangements at Harehills Maxi Food and witnessed all four receptacles open, unlocked and overflowing with waste. The general waste bin had an amount of plastic packaging hanging out over the rim that had residues from raw meats and animal blood. The crates were stacked to a height of approximately 8 feet and were not secured in any way. I took a number of photographs prior to entering the shop. Copies of these photographs are shown as Exhibits AM23, AM24, AM25, AM26 and AM27, all dated 5th November 2020.

I went into the shop in order to speak with Mr Safy, however he was not available. I spoke with a member of staff and expressed my concerns around the flammable waste and overflowing general waste bin and asked him to join me at the back of the shop. When passing through the shop, I saw significant space at the rear of the premises in

Signed



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which the crates and excess waste could have been stored without risk of interfering with the fire exit. The member of staff worked with a colleague to attempt to compact all overflowing waste in order to be able to lock the bin. In the process, the cardboard was doused with water, effectively contaminating it for collection.

Harehills Maxi Food is just one business out of fifteen located between 260-288 Harehills Lane. I have successfully taken action against all fifteen of these businesses. Three of these businesses were issued with £100 FPNs for contraventions of notices served pursuant to Section 47 of the Environmental Protection Act 1990 (not including Harehills Maxi Food) which were paid and have since continued to manage their waste correctly.

Harehills Maxi Food have had multiple opportunities between my initial inspection on 18th March 2020 and my final visit on 5th November 2020 to improve the commercial waste arrangements at site. Dylan Safy acknowledged that an offence had been committed by the business in June 2020 and accepted responsibility for the offence by paying the FPN. Further information was provided to the business on 15th September 2020 and again in person by me on 5th November 2020.

Since the original offence, I have recorded three occasions on which the waste produced by Harehills Maxi Food was stored on the public footpath (in a dangerous and uncontained manner) without authorisation from Leeds City Council or relevant permit. It must be noted that these items were stored on the public footpath in spite of sufficient space existing inside the premises and after verbal advice and legal notice had been given.

I have recorded three occasions on which the waste produced by Harehills Maxi Food was treated, stored and disposed in a manner likely to cause pollution of the environment or harm to human health.

Signed



Dated the 14th January 2021

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I have recorded three occasions on which the waste produced by Harehills Maxi Food has been insufficiently managed and has escaped the control of the business. This has been noted by waste overflowing from the bins and labels from bread crates found discarded on the public footpath.

There are a number of changes that Harehills Maxi Food could reasonably instigate in order to correctly store and dispose of the waste produced by this business. These changes could include scheduling extra waste collections, installing further locking mechanisms on the bins to ensure they remain locked closed, ensuring a member of staff is on site when the bread delivery arrives so the products may be decanted and the crates taken away immediately, conducting a daily check of the bins and compacting waste correctly when placing it in the bins to create more space.

Harehills Maxi Food have not attempted to make any of these reasonable changes.

Signed



Dated the 14th January 2021



Business waste – are you disposing of yours legally?

If you operate any form of business, you have a legal responsibility and a Duty of Care under the Environmental Protection Act 1990 and other related legislation, to safely contain and legally dispose of any waste produced from your business. If you don't, you can be taken to court because you are committing criminal offences. Please note that your business rates do not include costs of your business waste disposal.

Examples of commercial waste are anything what so ever that is no longer required that is produced in the course of your business operations, such as old mail, cleaning products, packaging, sweepings, packages from and food eaten on the premises, damaged goods etc.

Disposal of commercial waste – two options

Option 1 – disposal of your own waste

You must be able to provide documents called waste transfer notes, or provide some form of receipt / tipping note showing;

- Where you disposed of the waste (tip location)
- How much waste you disposed of (weight)
- When it was disposed of (date)

You must keep such receipts for a minimum of 2 years.

You can take the waste to one of the Councils waste transfer stations that accepts trade waste, alternatively privately run waste sites can be found in the Yellow Pages and online.

Option 2 – have someone collect and dispose of the waste for you

- Anyone collecting your waste **MUST** be a licensed waste carrier
- You must have filled in a form, commonly known as a Duty of Care, with your chosen contractor

A contractor will provide you with a bin, or bags, depending on how much waste you produce and your preferences. You can check with the Environment Agency if your contractor is licensed. You are committing offences and can be prosecuted if you give your waste to anyone who is not licensed to carry and dispose of controlled waste.

Duty of Care

A legal Duty of Care applies to anyone who produces, stores, transports and disposes of commercial waste. The main misconception is that once commercial waste has been put out for collection by a business either in bags or in their commercial bins, the waste is no longer their responsibility. This is untrue. The waste still belongs to you until your waste disposal company removes it. Common problems found are bins found unlocked, lids wide open with waste spilling out, bins or bags of waste found thrown on the floor and often spilling out. This is an offence.

Most common forms of **illegal** waste issues from businesses

You will be committing offences if you do any of the following with your commercial waste:

- Store loose waste in your yard
- Place any waste outside on the floor / or on / around your bin
- Allow any waste to escape from your bins
- Fail to keep your waste storage area clean and waste free
- Take it home and put it in your household waste bin
- Take it to a household waste facility
- Give it to someone who is not authorised to accept your waste
- Put it in a public litter bin
- Cannot produce receipts / tipping notes, or a contract

You can face prosecution through the courts if found committing these types of offences. One of the main reasons businesses are taken to court is due to offences caused by their staff or by their own mismanagement. This could have easily been avoided by employees knowing the basic rules and procedures for your companies waste.

Make sure your staff are fully trained on your own waste disposal methods and waste storage arrangements. If they deal with your waste on your behalf, they should know what to do with it and where it should go.

The Councils environmental enforcement officers are here to help and advise you how to best manage your waste arrangements and to prevent your business falling foul of the law.

Council officers have the power to inspect your commercial waste arrangements.

This may be by the service of a section 34(5) legal notice in accordance with the Environmental Protection Act 1990. This notice gives you a specified time period to produce your documents to us. If you can not and do not have written proof of the correct disposal of your business waste, you will be committing offences. This can result in a fixed penalty notice of £300, or prosecution through the courts where the maximum fine is £5000.

Officers can also issue you with a section 47 legal notice in accordance with the Environmental Protection Act 1990. This notice requires you to obtain the specifics waste disposal arrangements contained within the notice. For example, the Officer may require you to obtain a 1100litre bin to be emptied twice a week and stored in your yard. Failure to comply with this notice can result in a fixed penalty notice of £100, or prosecution through the courts where the maximum fine is £1000.

Flytipping, or the illegal deposit of waste on land, is a serious criminal offence, and you can be taken to court and face a penalty of £50,000 and / or 5 years imprisonment. If YOUR business waste is found dumped, and you have not complied with all the requirements as above, YOU may face such action.

For help or advice call the East North East Locality Team now on 0113 ~~2301561~~ AM

5351331







All correspondence should be sent to our Leeds office

Licensing Section
Leeds City Council
Entertainment Licensing
Civic Hall
LEEDS
LS1 1UR

Our ref CRG/TS/MAX004-2-3/6668

Your ref

26 September 2023

SENT VIA EMAIL ONLY

Dear Sirs

Review-Maxi Foods, 270 Harehills Lane, Harehills, Leeds, LS9 7BD

We are instructed in relation to the above review proceedings launched by West Yorkshire Police on 11 September 2023.

Having read the application for the review of the premises licence we request that it be 'Rejected without Determination', in line with Section 51 (4) of the Licensing Act 2003.

A joint operation with the Police and Trading Standards took place on 16 June 2023 aimed at off licences selling illicit tobacco and non-duty paid alcohol. This review was launched some 3 months later on the basis that there was a van containing illegal cigarettes found at the rear of our client's premises.

As is stated in the Trading Standards Officer's witness statement, "no illegal items were found inside the store". The only association that the vehicle containing illegal cigarettes had with our client's premises is that it was parked at the rear of the premises. It is believed that these illicit cigarettes were linked to Gihan Store at 278 Harehills Lane, that was indeed closed by a Closure Notice on 12 September 2023. The closure of Gihan Store is believed to be on the basis of the sale of illicit cigarettes from that premises.

The evidence provided by the Police and contained within the supporting witness statement from Trading Standards does not link the illicit cigarettes in any way to our client's premises. Indeed the version of events from those store workers present at the time of the inspection of Maxi Foods contradicts what is contained within the review application. Namely, that the rear door of the premises was not open until the matter was being investigated by the authorities. In addition, that the only door of the van in question that was open originally was the passenger side door, and not the back door or side door nearest the premises, as is shown in the supporting photographs. The passenger door and back door were only opened when photographs were taken by the authorities.

The "Rejection without Determination" is sought in line with section 51(4) that provides that:
The relevant licensing authority may, at any time, reject any ground for review specified in an application under this section if it is satisfied-
(a) that the ground is not relevant to one or more of the licensing objectives, or...

As the review application currently does not contain sufficient evidence specific to my client's premises to support a prima facie case for the taking of steps by the authority to promote the licensing objectives, the application should be rejected. The requirement to ensure that the review application contains sufficient

evidence would be consistent with the Daniel [REDACTED] High Court Decision and the requirement in Schedule 8 to the LA 2003 (PL and CPC) Regs 2005 for the applicant to "provide as much information as possible to support the application".

In respect of the CCTV recording period it can be confirmed that issue was dealt with swiftly, with the hard drive being updated as soon as an engineer could get on site, this being 18 June 2023. The licensing team have confirmed that the premises CCTV can record for 31 days.

We should be grateful if you would please acknowledge receipt of this letter and confirm that the application has been "Rejected without Determination".

If all correspondence could be with Christopher [REDACTED] at our Leeds office.

Yours sincerely

[REDACTED]

Christopher [REDACTED]
Woods Whur

Cc Pc [REDACTED]
Robert [REDACTED] (LCC Principal Legal Officer)

[REDACTED]

From: [REDACTED] Matthew <[REDACTED]>
Sent: 27 September 2023 11:53
To: Christopher [REDACTED]
Cc: [REDACTED] Bridget; [REDACTED] (External); [REDACTED] Robert
Subject: RE: Review-Maxi Foods, 270 Harehills Lane, Harehills, Leeds, LS9 7BD

Good Morning Chris

Having sought guidance I am now in a position to advise of the following.

The grounds for the review set out in the application (i.e. the assertions that the business has been involved somehow in criminal activity and has also breached the terms of its licence) are clearly relevant to one or more of the licensing objectives.

Whether or not the Applicant can make out those grounds is a separate matter, and in practice will depend on the evidence presented at the hearing. Acting as the Applicant's representative you can make all the points set out in your letter at the hearing, but the grounds set out in the application are relevant to one or more licensing objectives and we therefore consider that the Authority cannot reject the application at this stage.

The Licensing Sub Committee must hold a hearing (provisionally set for Tuesday, 7th November 2023) to consider the application and any representations before it makes a determination. It must then take such steps (if any) as it considers appropriate for the promotion of the licensing objectives.

Please feel free to get in touch should you have any questions.

Regards

Matthew [REDACTED]
Principal Licensing Officer
Entertainment Licensing
Leeds City Council
Tel: [REDACTED]
email: [REDACTED]
www.leeds.gov.uk

From: Christopher [REDACTED]
Sent: 26 September 2023 17:32
To: [REDACTED], Matthew [REDACTED]
Subject: RE: Review-Maxi Foods, 270 Harehills Lane, Harehills, Leeds, LS9 7BD

Afternoon Matthew,

Many thanks for confirming receipt.

Chris

Christopher [REDACTED]

Woods Whur 2014 Limited
Tel: [REDACTED]
Mobile: [REDACTED]

[REDACTED]
Woods Whur 2014 Limited, St James House, 28 Park Place, Leeds, LS1 2SP

From: [REDACTED], Matthew [REDACTED]
Sent: 26 September 2023 17:19
To: Christopher [REDACTED] >; [REDACTED], Bridget [REDACTED]
Cc: [REDACTED], Robert [REDACTED]; [REDACTED] (External)
[REDACTED]
Subject: RE: Review-Maxi Foods, 270 Harehills Lane, Harehills, Leeds, LS9 7BD

Good Afternoon

Chris, thank you for your e-mail and I acknowledge receipt of your letter.

All, having sought legal advice I will be in touch in due course. In the meantime the review application will continue as expected.

Regards

Matthew [REDACTED]
Principal Licensing Officer
Entertainment Licensing
Leeds City Council
Tel: [REDACTED]
email: [REDACTED]
www.leeds.gov.uk

From: Christopher [REDACTED]
Sent: 26 September 2023 16:32
To: [REDACTED], Bridget <[REDACTED]>
Cc: [REDACTED], Matthew [REDACTED]; [REDACTED], Robert <[REDACTED]>; [REDACTED] (External) >
Subject: Review-Maxi Foods, 270 Harehills Lane, Harehills, Leeds, LS9 7BD

Good Afternoon Bridget,

Please see attached letter in relation to the Maxi Foods Review.

I should be grateful if you would please acknowledge receipt of the letter.

Please note I have copied in LCC legal and the Police.

Many thanks

Chris

Christopher [REDACTED]

Woods Whur 2014 Limited
Tel: [REDACTED]
Mobile: [REDACTED]
[REDACTED]

Woods Whur 2014 Limited, St James House, 28 Park Place, Leeds, LS1 2SP

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IN THE MATTER OF A LICENSING ACT 2003 REVIEW

BETWEEN:

WEST YORKSHIRE POLICE

and

HGS-UK Ltd

WITNESS STATEMENT OF [REDACTED]

Introduction

1. I am [REDACTED], the sole director of HGS-UK limited, the premises licence holder of Maxi Foods, 268-270 Harehills Lane, Leeds, LS97BD. I have a hands on approach to management and spend all my time between the three stores I operate in the Harehills area. The other two stores being Maxi Foods at 22 Harehills Road, Leeds and Maxi Foods and Wine at 309 Harehills Lane, Leeds. Of these, Maxi Foods and Wine also has a Licensing Act premises licence.
2. I have owned and operated Maxi Foods, 268-270 Harehills Lane since 2016. I am a personal licence holder and I have worked in the retail industry for 7 years. I know this area of Harehills extremely well.
3. I was not working on 16 June 2023 when a joint Police and Trading Standards visit took place within the store. However, my management team reported the inspection to me.
4. I can confirm that none of my other premises within Leeds that have premises licences have ever been reviewed, nor have they ever previously failed a test purchase. The failed test-purchase in this store on 13 September 2023 is the first that any of my stores have had. I know this, at this was checked as part of my new store application at Maxi Foods at 22 Harehills Road.
5. In relation to the allegations linking illicit goods and the white van to this premises, I can confirm that I have never seen the white van before. I can also confirm that I and none of my stores have ever dealt with illicit products of any type, that is simply not the way that my stores trade.
6. I was shocked and upset to receive the review of our premises licence at this store. As the paperwork shows the inspection took place on 16 June 2023 and the review was launched some three months later in September 2023. If it really were the case that the police thought we were dealing with illicit goods, then surely they would have provided evidence to support this and indeed they would have taken action far sooner given the

very serious nature of dealing in illicit goods. Indeed the Trading Standard's witness statement clearly states that: "No illegal items were found inside the store".

7. I would also like to confirm that none of my stores sell cigarettes, we do sell alcohol and vapes. I ensure that I have a full invoice record for all the alcohol that is purchased. Please see example attached at Exhibit DS 1.
8. What is most disappointing is that given the length of time that has passed, we do not hold the CCTV of the footage. However, we are aware from other premises in the area that CCTV hard drives are often taken should there be any thing untoward. Or, indeed CCTV requested for a certain period so that it can be reviewed. At no stage was this done by either the Police or Trading Standards.
9. If we did have the CCTV we would be able to prove that the van was not linked to our premises and that it was just parked at the back of the premises.
10. I take all licensing matters extremely seriously and have had the CCTV rectified as soon as I could get a CCTV specialist in to do it. Please see attached invoice (Exhibit DS 2) for the work that took place on 18 June 2023, some two days after the initial visit. The CCTV was recording for 28 days, the condition on our premises licence states that should record for 31 days. I can only apologise for this issue, but it has now been resolved (Please see Record of Inspection (Exhibit DS 3)).
11. I was also upset that one of my stores failed an under-age test purchase. I have as a result of this had a third party training undertaken with all staff on 25 October 2023. This was revision for them but given that a failed test purchase has taken place I felt that it was an appropriate step to take.
12. I am also aware from other operators within the area that the normal process of test purchasing means that they are often followed up with a further test purchase. I can confirm that this follow up did take place on 25 September 2023 and that this test purchase was passed by the store.

13. As has always been the case I want to work in cooperation with the responsible authorities, and am aware that my lawyers have offered to meet with licensing enforcement to discuss any concerns they may have. I understand that it was felt that this was not necessary at this time.

14. So that I have greater control of the premises, I have also decided to become DPS of the premises, so that it is under my day to day management. This application was submitted on 25 October 2023.

15. I believe the white van and the illegal cigarettes are related to "Gihan Store" at 278 Harehills Lane, Harehills, Leeds which was closed in September 2023 with a Closure Notice (Please see Exhibit DS4).

16. It is my opinion that this shop is currently well run and managed and has never dealt with any illegal goods. That the allegations made in relation to illicit goods are unfounded and there is no evidence to link this van with this premises.

Statement of truth

The contents of this statement are true to the best of my knowledge and belief.

Name: [REDACTED]

Signed: [REDACTED]

Dated: 26 October 2023



BRANCH 575

LEEDS (MAKRO)
ROYDS LANE
LOWER WORTLEY
LEEDS

makro is the trading name of Makro Self Service Wholesalers Limited
Registered Office: Equity House, Ithlingborough Road, Wellingborough, Northants NN8 1LT
Telephone: [REDACTED]
Registered in England Number 973265, VAT Number GB 220 4302 31
Alcohol Wholesale Registration No - XTAW00000102869

LS12 6HU TEL : [REDACTED]
FAX : [REDACTED]

CUSTOMER 736728592 MR HASSAN
VINA LTD
309 HAREHILLS LANE
LEEDS
LS9 6AA TEL: 07846479190

INVOICE NUMBER 0689222 PAGE 01
CUSTOMER PO NUMBER 0000000000
DATE 07/03/23 TIME 14:17
TILL 06 OPERATOR 113 SELFSCAN

CODE	DESCRIPTION	PACK SIZE	QTY	PRICE	VALUE	VAT	STD RRP	POR
274182	Monster Assault PM149	12 500ml	3	8.29 P	24.87	B	1.49	44.4%
280526	ES Energy Drink PM50	24 250ml	6	5.45	32.70	B	0.50	45.5%
787980	Volvic Water Sports Cap	12 1ltr	1	6.05	6.05	B	1.10	45.0%
797027	Volvic Mineral Water PET	24 50cl	1	5.05	5.05	B	0.89	71.6%
282184	Jacks Table Salt PM75	12 750g	6	6.29	37.74	A	0.75	30.1%
RETAIL GROCERY		SUB-TOTAL	: ITEMS	17	GOODS :	106.41	EXC.VAT	
212341	Fresh Whole Milk	4 2ltr	25	5.65	141.25	A	1.99	29.0%
212321	Fresh Semi Skimmed Milk	4 2ltr	10	5.65	56.50	A	1.99	29.0%
CHILLED		SUB-TOTAL	: ITEMS	35	GOODS :	197.75	EXC.VAT	
236624	Lambrini Original 1.25L 6%	6 1.25ltr	2	13.79	27.58	B	3.75	26.5%
281297	Smirnoff Red PM2149	6 1ltr	1	95.89	95.89	B	21.49	10.8%
281429	Smirnoff Red PM1629	6 70cl	1	68.89	68.89	B	16.29	15.4%
249725	Heineken NRB	1 12x330m	8	8.99 SL	71.92	B	14.99	28.0%
264188	Stella Artois 4 6%	1 12x284m	20	8.29 SL	165.80	B	12.69	21.6%
234022	Budweiser	24 330ml	8	18.99	151.92	B	1.65	42.5%
WINES SPIRITS BEERS		SUB-TOTAL	: ITEMS	40	GOODS :	582.00	EXC.VAT	
222025	12/16oz Black Lid	1 100s	2	4.99	9.98	B		
273426	12oz Triple Ripple Cups&Lids	10 40s	1	46.49	46.49	B		
085166	CL Trays Large C3	1 250s	2	15.99	31.98	B		
NON-FOOD		SUB-TOTAL	: ITEMS	5	GOODS :	88.45	EXC.VAT	

TOTAL ITEMS: 97									
RATE	GOODS	MULT	NETT	VAT	TOTALS: GOODS	974.61	: CASH	0.00	
A: 0.00	235.49	0.00	235.49	0.00	VAT	147.82	: CREDIT	0.00	
B: 20.00	739.12	0.00	739.12	147.82			: CHQ B	0.00	
				INVOICE TOTAL		1122.43	: CHQ P	0.00	
				OUTSTANDING		0.00	: C/CARD	0.00	
				WAITING TO PAY		0.00	: D/CARD	1122.43	
							: T/COUP	0.00	
				GRAND TOTAL		1122.43	: R/COUP	0.00	

WE ARE RECRUITING NOW VISIT
WWW.BOOKER.CO.UK FOR DETAILS TO APP



Invoice

ARZ Electrical Services Ltd

www.arzelectrical.co.uk

Tel [REDACTED] Mob [REDACTED]
[REDACTED]



BILL TO
Maxi Food
278-270 Harehills Lane
Leeds LS9 7BD
[REDACTED]

Invoice # 210828
Date 18 Jun 2023
Due date 18 Jun 2023

Item	Quantity	Price	Amount
CCTV Maintanance Additional surveillance HDD installation.	1	£250.00	£250.00

Payment Instruction

Account Name: [REDACTED] SORT CODE : [REDACTED]
ACCOUNT NUMBER: [REDACTED]
Paypal Payment email [REDACTED]

Subtotal £250.00
Total £250.00



[PAY ONLINE NOW](#)

Amount Due
£250 00

**Licensing Act 2003
Record of Inspection**



Leeds
CITY COUNCIL

Premises Details Prem 103356/013 Licence Number: Name: MAXI FOODS Address: 268 - 270 MARELLUS LANE LS8 9BD.		Inspection Details Date: 16.6.23 Time In: 1255 Time Out: Authorised Officer: CB Other officers: In company with WYP/BTP/TS Other Agency:	
Premises Licence Holder/DPS: HGS UK LTD / HEDI		Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
X	Matters arising (Advice given marked with "X" in left-hand column)	Timescale	
	X CCTV NOT RECORDING FOR 31 DAYS ONLY SINCE 19 MAY.	2 WEEKS.	
<input type="checkbox"/> No action required		<input checked="" type="checkbox"/> Action required; contravention(s)/breach of condition(s) as above	
Signatures Authorised Officer's signature:		Date: 16.6.23. Time: 1305.	
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: HENRYKA		Date:	
Signed:		Time:	
Position: MENU			

white - file yellow - premises



CLOSURE NOTICE
All Barrels Refuelling, Coking and Polishing Act 2014

Date: 10 September 2024
Name: [Redacted]
Address: [Redacted]
Description: [Redacted]
This notice is issued under the authority of the Leeds City Council (LCC) pursuant to the provisions of the All Barrels Refuelling, Coking and Polishing Act 2014 (ABRCPA).
The purpose of this notice is to inform you that the premises specified in paragraph 1 above are hereby closed to the public from 12:00 noon on 10 September 2024 until 12:00 noon on 11 September 2024.
It is your responsibility to ensure that you are not present at the premises during this period of closure.
If you have any queries regarding this notice, please contact the Leeds City Council Planning Department on 0113 2754333.
Yours faithfully,
Leeds City Council

ACCESS TO PREMISES

Date: 10 September 2024
Name: [Redacted]
Address: [Redacted]
This notice is issued under the authority of the Leeds City Council (LCC) pursuant to the provisions of the All Barrels Refuelling, Coking and Polishing Act 2014 (ABRCPA).
The purpose of this notice is to inform you that access to the premises specified in paragraph 1 above is hereby granted to the public from 12:00 noon on 10 September 2024 until 12:00 noon on 11 September 2024.
It is your responsibility to ensure that you are present at the premises during this period of access.
If you have any queries regarding this notice, please contact the Leeds City Council Planning Department on 0113 2754333.
Yours faithfully,
Leeds City Council

ADVICE PROVISION

You are strongly advised to note the advice of a solicitor, independent of this Council, before applying for an All Barrels Refuelling, Coking and Polishing Notice. You may be eligible for legal aid to assist in these proceedings.
For more information please contact the Leeds City Council Legal Services Department on 0113 2754333.
Community Legal Service Direct: 0800 33 33 33
Leeds Citizens Advice Bureau: 0113 2754333
Leeds City Council Legal Services: 0113 2754333
Garragher & Co.: 3 Park Plaza, Leeds LS1 5QJ

IN THE MATTER OF A LICENSING ACT 2003 REVIEW

BETWEEN:

WEST YORKSHIRE POLICE

and

HGS-UK Ltd

WITNESS STATEMENT OF [REDACTED]

Introduction

1. I am [REDACTED], a supervisor at Maxi Foods, 268-270 Harehills Lane, Leeds, LS97BD. I have worked in this store for 7 years and have been a supervisor for 2 years. I have worked in the retail sector for 10 years.
2. I was working on 16 June 2023 when a joint Police and Trading Standards visit took place within the store. A full inspection was undertaken by the authorities, I have never seen this type of inspection before in all the time I have been at the premises.
3. I was the first person spoken to by the authorities, when they initially requested that the store be closed. I confirmed that I couldn't close the shop and so it was not closed and the inspection took place with the shop still trading. The authorities confirmed that they would be checking everything.
4. They had a search dog that checked everywhere, round the counter and in the basement, etc. Beer prices were checked, with 2 or 3 beers being scanned to ensure the price advertised was the price it was being sold at.
5. During the inspection it became clear that something was going on at the rear of the premises. It was at this stage that those members of the Police and Trading Standards team within the store moved to the rear of the premises. The rear door at the time was closed, and was opened by the visiting Police and Trading Standards team.
6. There was a white van parked at the rear of the shop. Neither I nor any other member of staff had seen this white van before.
7. Specific to the van, for clarity as the Police and Trading Standards witness statements are not clear, I can confirm (because I was watching the CCTV at the time) that I saw a Police Officer with a dog walking around the vehicle. It was at this stage that [REDACTED] (a shop worker) came to join me at the till and we watched the CCTV together.

8. All doors of the white van were initially closed and it was the Police officer who opened the passenger side door furthest away from the pavement (and the premises) first, then the driver's door and then the side door nearest the shop.
9. Having seen the doors being tried on the van, I then went back to work, serving at the counter. I remember at this time, that they saw a set of keys near the counter. They belonged to [REDACTED] (a shop worker) and so they inspected her car. Indeed, three staff members cars were searched by the Police and Trading Standards team and as expected no illicit cigarettes or alcohol were found.
10. In fact all I was told at this stage is that "everything was fine", but that they were waiting for licensing to do their checks. The Trading Standards and Police then left. Then the licensing officer arrived.
11. Upon inspecting, the licensing officer found that the CCTV was recording for 28 days and not 31 days. Beer prices were then checked again for a second time and again there were no issues.
12. The licensing officer then said that everything was okay and that could the CCTV please be sorted.
13. I was not at the time, nor have I now been asked to provide CCTV for the Police or Trading standards in relation to this matter.
14. This white van is not linked to this store and I believe that this van and the illegal cigarettes are related to "Gihan Store" at 278 Harehills Lane, Harehills, Leeds which was closed in September 2023 with a closure notice.
15. It is my opinion that this shop is well run and managed and has never dealt with any illegal goods. That the allegations made in relation to illicit goods are unfounded and there is no evidence to link this van with this premises.

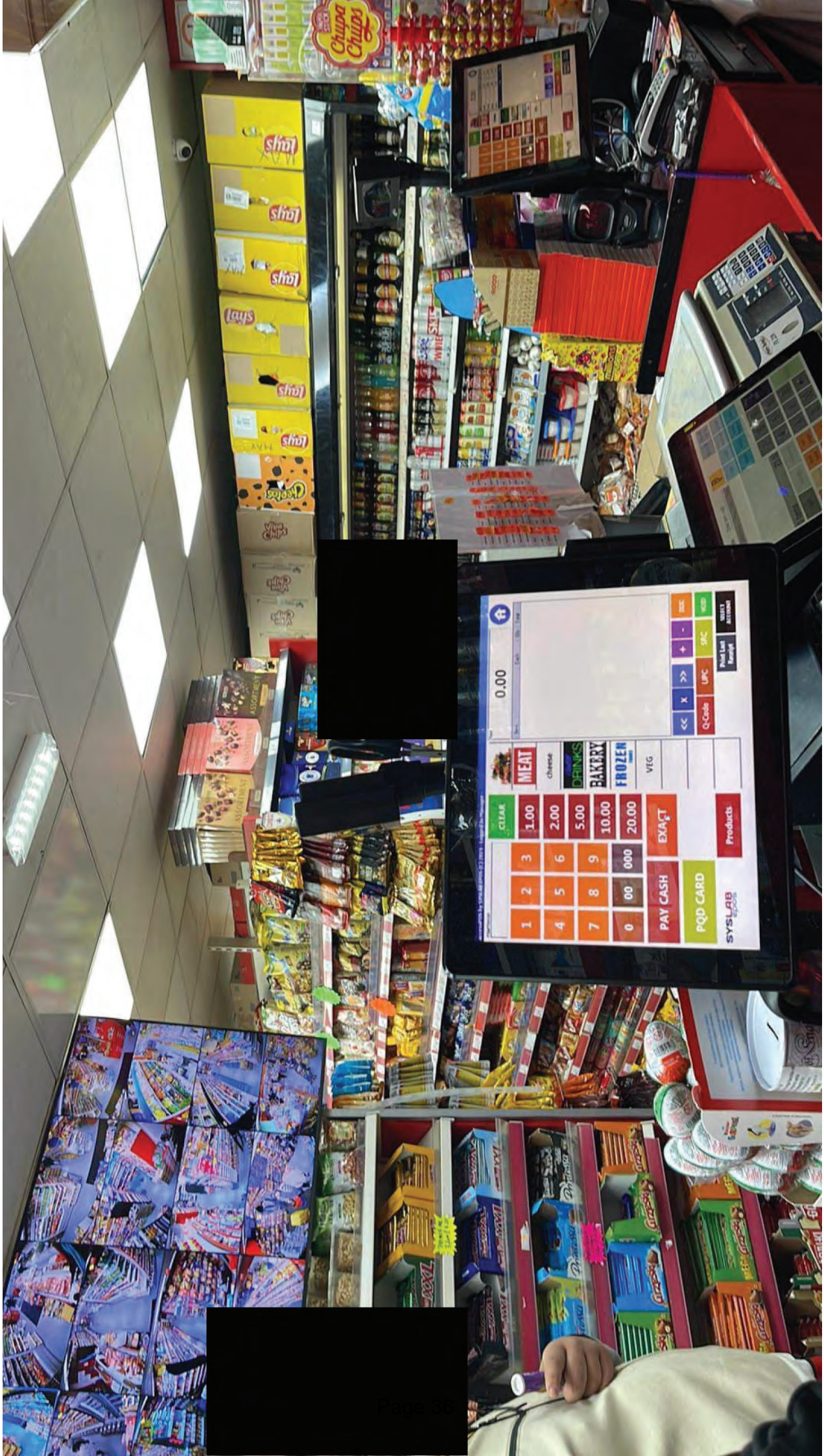
Statement of truth

The contents of this statement are true to the best of my knowledge and belief.

Name: [REDACTED]

Signed: [REDACTED]

Dated: 25 October 2023



0.00

1	2	3	4	5	6	7	8	9	0	00	000	0000	EXACT	PAY CASH	PPD CARD	Products
---	---	---	---	---	---	---	---	---	---	----	-----	------	-------	----------	----------	----------

MEAT cheese DRINKS BAKERY FROZEN VEG

Q-Code UPC + - DEC

SYSLIB by SYSLIB

IN THE MATTER OF A LICENSING ACT 2003 REVIEW

BETWEEN:

WEST YORKSHIRE POLICE

and

HGS-UK Ltd

WITNESS STATEMENT OF



Introduction

1. I am [REDACTED], a store manager at Maxi Foods, 268-270 Harehills Lane, Leeds, LS97BD. I have worked in this store for 7 years and have been a manager for 4 years and know this area of Harehills well. I work very closely with [REDACTED] the owner of the premises.
2. I was working on 16 June 2023 when a joint Police and Trading Standards visit took place within the store. I remember it well as it was my birthday the day before. A full inspection was undertaken in relation to alcohol, vapes and cigarettes. Although it should be noted that neither this store and indeed none of the Maxi stores sell cigarettes at all. This inspection lasted 60-90 minutes, a very comprehensive search and inspection took place, they even had a specialist dog.
3. When the inspecting team first came in, I was at the butcher counter on the left of the entrance, when a man (I now know was part of the inspecting team) announced that he was going downstairs. I was shocked, as initially I had no idea who he was and so I went quickly to the till, where I met the head inspecting officer, where it was explained that this was a Police and Trading Standards inspection.
4. The inspecting team asked certain details from me. I confirmed that I was the manager on site at the time, they also asked my date of birth, address, etc, that I gave them.
5. As stated the whole inspection/search took around 60 - 90 minutes. For the first 40 minutes or so, I stayed with the same officer from the inspecting team (I am uncertain of whether the officer was trading standards or police). I then took another member of the inspecting team with their dog to the cold room and to the back of the premises, wherever they wanted to go. It was obvious they were searching for something.
6. After 40 minutes or so, I left the officers and returned back to my normal work within the store. We received a delivery, that I had to attend to.

7. They asked whether I knew anything about the van to the rear. I stated that it had nothing to do with us. I had my own car searched and two other members of staff had their cars checked, nothing was found within these.
8. I can confirm that the door to the rear of the premises was closed and it was the investigating team that opened the rear door. I know this because when I went to the back earlier with the search dog, it was dark, meaning no natural light was coming in.
9. Near the end of the visit the CCTV was checked by a licensing officer. This taking place after the police found the van to the rear. At no stage did they want to see the CCTV to link the person mentioned in the Trading Standard's Statement with the van and this premises. Instead they only checked the number of days on the CCTV.
10. Unfortunately, the system was not working correctly and was not recording for 31 days, it only had 28 days worth of recording. The officers made us aware of this and as they left I was handed paperwork in relation to this. This issue was rectified by our CCTV company as soon as possible. It was Dylan Safy that had the CCTV looked at and corrected.
11. I did not see them take the photos of the van nor am I aware of which doors of the van were open.
12. I was told that "everything was okay", we did not think to keep the CCTV. It was also never requested from me at any stage.
13. It is my opinion that this shop is well run and managed and has never dealt with any illegal goods. That the allegations made in relation to illicit goods are unfounded and there is no evidence to link this van with this premises.

Statement of truth

The contents of this statement are true to the best of my knowledge and belief.

Name: [REDACTED]

Signed: [REDACTED]

Dated: 25 October 2023

IN THE MATTER OF A LICENSING ACT 2003 REVIEW

BETWEEN:

WEST YORKSHIRE POLICE

and

HGS-UK Ltd

WITNESS STATEMENT OF [REDACTED]

Introduction

1. I am [REDACTED] a shop worker at Maxi Foods, 268-270 Harehills Lane, Leeds, LS97BD. I have worked in this store for 2 years.
2. I was working on 16 June 2023 when a joint Police and Trading Standards visit took place within the store. A full inspection was undertaken on the premises.
3. At the time I was at the back of the store, when I heard something at the front of the store and so I went to investigate. I walked to the till to speak with [REDACTED]. Whilst with [REDACTED], I watched the CCTV. I saw on the screens a Police Officer and another person (believed to be Trading Standards) walk around the white van to the rear. All doors on the white van were originally closed. The Police officer tried the passenger door first, then the driver's door and finally the side door.
4. It is my opinion that this shop is well run and managed and has never dealt with any illegal goods. That the allegations made in relation to illicit goods are unfounded and there is no evidence to link this van with this premises.

Statement of truth

The contents of this statement are true to the best of my knowledge and belief.

Name: [REDACTED]

Signed: [REDACTED]

Dated: 25 October 2023

[REDACTED]

From: Christopher [REDACTED]
Sent: 24 October 2023 09:28
To: [REDACTED], Carmel
Cc: [REDACTED], Matthew
Subject: RE: PREM/03356/014 - Maxi Foods

Good Morning Carmel,

Many thanks for this and your time yesterday.

Chris

Christopher [REDACTED]

Woods Whur 2014 Limited
Tel: [REDACTED]
Mobile: [REDACTED]

[REDACTED]
Woods Whur 2014 Limited, St James House, 28 Park Place, Leeds, LS1 2SP

From: [REDACTED], Carmel <[REDACTED]>
Sent: 24 October 2023 09:21
To: Christopher [REDACTED] >
Cc: [REDACTED], Matthew <[REDACTED]>
Subject: RE: PREM/03356/014 - Maxi Foods

Good morning Chris

Good to speak to you yesterday.

The Neighbourhood Policing Team has confirmed that the above passed a test purchase on the 25th September.

As we discussed I don't see the benefit of having a meeting with your client with only a couple of weeks before the hearing. All I would be able to advise him would be to ensure compliance with his Premises Licence and the Licensing Act 2003 as a whole.

Kind regards

Carmel

Carmel [REDACTED]
Senior Liaison & Enforcement Officer
Entertainment Licensing
Leeds City Council
Tel: [REDACTED]
Fax: [REDACTED]
email: [REDACTED]
www.leeds.gov.uk

From: Christopher [REDACTED]
Sent: 20 October 2023 15:44
To: [REDACTED], Carmel <[REDACTED]>
Cc: Entertainment Licensing <[REDACTED]>; [REDACTED], Matthew <[REDACTED]>
Subject: FW: PREM/03356/014 - Maxi Foods

Good Afternoon Carmel,

I hope that you are well.

I have been forwarded your attached representation in relation to the above premises licence review.

As per the S182 Guidance at Para 11.10 my client would have hoped that enforcement would have taken a stepped approach to deal with the matters raised.

My client as a pro-active operator wants to work in partnership to ensure that any concerns are rectified as soon as possible, as was the case with the CCTV. We can also confirm that independent third party training in relation to the sale of alcohol to children has been arranged. Can you also please confirm that the premises passed the follow up test purchase on 25 September 2023, something that is not mentioned in your statement.

Can you also please confirm if there are any further steps that enforcement would recommend in order to deal with the concerns that are raised within your representation, as my client want to work in co-operation with you and all responsible authorities.

My client would welcome a meeting to discuss any further steps, please do let me know if this is something that you feel would be of benefit.

Kind regards

Chris

Christopher [REDACTED]

Woods Whur 2014 Limited
Tel: [REDACTED]
Mobile: [REDACTED]

[REDACTED]
Woods Whur 2014 Limited, St James House, 28 Park Place, Leeds, LS1 2SP

From: [REDACTED], Matthew <[REDACTED]>
Sent: 18 October 2023 09:41
To: Christopher [REDACTED]
Cc: Entertainment Licensing <[REDACTED]>
Subject: RE: PREM/03356/014 - Maxi Foods

Morning Chris

I hope you're well.

In Bridget's absence I have taken lead of the review application for Maxi Foods and I will be handling all matters relating to this case going forward.

On viewing the record the application has attracted a single representation supporting the review, lodged by Carmel [REDACTED] on behalf of the Licensing Authority and received 12th October 2023. Please see attached.

There's no evidence on record indicating you have been made aware of the representation and/or have been served with a copy, for which I apologise.

I am aware that you have been informed the item has been listed for hearing on the 7th November 2023 and formal notice of the hearing will be sent in due course.

Any questions, please feel free to get in touch.

Thanks

Matthew [REDACTED]
Principal Licensing Officer
Entertainment Licensing
Leeds City Council
Tel: [REDACTED]
email: [REDACTED]
www.leeds.gov.uk

From: Christopher [REDACTED] >
Sent: 17 October 2023 20:05
To: Entertainment Licensing <[REDACTED]>; [REDACTED], Bridget
<[REDACTED]>; [REDACTED], Matthew [REDACTED] >
Subject: RE: PREM/03356/014 - Maxi Foods

Evening Team,

The last day for representations for the above review is today, could I please be sent any further representations as soon as possible.

Many thanks

Chris

Christopher [REDACTED]

Woods Whur 2014 Limited
Tel: [REDACTED]
Mobile: [REDACTED]

[REDACTED]
Woods Whur 2014 Limited, St James House, 28 Park Place, Leeds, LS1 2SP

From: Christopher [REDACTED]
Sent: 13 October 2023 14:53
To: 'Entertainment Licensing' <[REDACTED]>; [REDACTED], Bridget
<[REDACTED]>; [REDACTED], Matthew [REDACTED] >
Subject: RE: PREM/03356/014

Good Afternoon Sue,

Many thanks for this, noted about Bridget.

Have a good weekend.

Chris

Christopher [REDACTED]

Woods Whur 2014 Limited
Tel: [REDACTED]
Mobile: [REDACTED]

[REDACTED]
Woods Whur 2014 Limited, St James House, 28 Park Place, Leeds, LS1 2SP

From: Entertainment Licensing <[REDACTED]>
Sent: 13 October 2023 14:46
To: Christopher [REDACTED]; [REDACTED], Bridget [REDACTED]; [REDACTED],
Matthew <Matthew.Nelson@leeds.gov.uk>
Subject: RE: PREM/03356/014

Good afternoon Chris

Bridget is not in work at the moment, so please direct all future enquiries to [REDACTED] where they will be dealt with by an available licensing officer.

I can advise that you must serve any supplementary information 5 working days prior to the hearing and we will distribute it, otherwise on the day but it would need to be agreed by all parties.

Sue [REDACTED]
Principal Licensing Officer
Entertainment Licensing
Leeds City Council
Tel: [REDACTED]
Web: [REDACTED]

From: Christopher [REDACTED]
Sent: 13 October 2023 14:25
To: [REDACTED] Bridget <[REDACTED]>; [REDACTED] Matthew <[REDACTED]>
Subject: RE: PREM/03356/014

Good Afternoon Bridget,

I am aware from the below that the hearing for the above is on 7 November.

Can you please confirm when I will need to serve the premises licence holder's supporting documents, as we will be responding to the review on behalf of our client. Is it the standard 5 working days before?

Obviously the amount of supporting documentation will be dependent on what representation are received. If I could please have any further representations as soon as possible.

Many thanks

Chris

Christopher [REDACTED]

Woods Whur 2014 Limited
Tel: [REDACTED]
Mobile: [REDACTED]

[REDACTED]
Woods Whur 2014 Limited, St James House, 28 Park Place, Leeds, LS1 2SP

From: [REDACTED] Bridget <[REDACTED]>
Sent: 20 September 2023 13:23
To: Christopher [REDACTED]
Subject: PREM/03356/014

Hi Chris

The hearing for HGS-UK Ltd review is:-

Tuesday 7th November 2023 at 10:00 am
Sub Committee E

Regards

Bridget

Bridget [REDACTED]
Licensing Officer
Entertainment Licensing
Leeds City Council
Communities & Environment
Telephone [REDACTED]

Email: [REDACTED]

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[REDACTED]

From: [REDACTED], Andrew [REDACTED]
Sent: 26 October 2023 12:15
To: Christopher [REDACTED]
Cc: [REDACTED], Matthew; [REDACTED], Carmel
Subject: RE: PREM/03356/014 FW: Notice of intention Maxi Food

Good afternoon Chris,

Thanks for getting in touch.

I think as it stands, I don't really have anything to suggest that could deal with the concerns in my rep.

Regards

Andy

From: Christopher [REDACTED]
Sent: Wednesday, October 25, 2023 9:39 PM
To: [REDACTED], Andrew [REDACTED]
Cc: [REDACTED], Matthew [REDACTED]; [REDACTED], Carmel [REDACTED]
Subject: RE: PREM/03356/014 FW: Notice of intention Maxi Food

Good Evening Andy,

I hope that you are well.

I have been forwarded the attached witness statement of PC [REDACTED].

I reached out to Carmel [REDACTED] as she mentioned the failed test-purchase in her witness statement. I should have reached out to the Police at the time also

My client as a pro-active operator wants to work in partnership to ensure that any concerns are rectified as soon as possible, as was the case with the CCTV issue. We can also confirm that independent third party training in relation to the sale of alcohol to children was completed today. We are also aware that the premises passed the follow up test purchase on 25 September 2023.

As was asked of licensing, can you and PC [REDACTED] please confirm if there are any further steps that the Police would recommend in order to deal with the concerns that are raised within your representation, as my client wants to work in co-operation with you and all responsible authorities.

My client would welcome a meeting to discuss any further steps, please do let me know if this is something that you feel would be of benefit.

Kind regards

Chris

Christopher [REDACTED]

Woods Whur 2014 Limited
Tel: [REDACTED]
Mobile: [REDACTED]

From: [REDACTED], Matthew [REDACTED]
Sent: 25 October 2023 17:59
To: Christopher [REDACTED]
Subject: FW: PREM/03356/014 FW: Notice of intention Maxi Food

Good Afternoon Chris

Sorry for the delay in bringing this to your attention.

Please find attached a statement supplied by West Yorkshire Police in support of their application to review premises licence for HGS Ltd./Maxi Foods, 268 - 270 Harehills Lane, Harehills, Leeds, LS9 7BD.

The statement will form part of the agenda pack for the Licensing Sub Committee's consideration.

Kind regards

Matthew [REDACTED]
Principal Licensing Officer
Entertainment Licensing
Leeds City Council
Tel: [REDACTED]
email: [REDACTED]
www.leeds.gov.uk

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WITNESS STATEMENT

(CJ Act 1967. s. 9, MC Act 1980, s.s.5A (3a) and 5B MC Rules 1981, r70)

Statement of: Darrell [REDACTED]

Age if under 18: Over 18
(over 18 insert "over 18")

Occupation: Licensing and Security
Compliance Consultant

This statement (consisting of 5 page(s) 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 the 26th October 2023

Signature: D [REDACTED]

This report and has been produced in relation to an investigation pertaining to a review application against Maxi Foods 268-270 Harehills Lane Leeds LS9 7BD.

Qualifications and Experience

1. I am an independent licensing consultant and a former Police Inspector, having completed 30 years' service with the Greater Manchester Police in a variety of uniform and non-uniformed roles.
2. The longest period of attachment to a department was between 1998 and 2006 when I performed the role of Force Licensing Inspector. This role involved the supervision of 12 divisional licensing officers, tasking and management of a covert licensing unit comprising a sergeant and six constables, developing force policy and enforcement in relation to all licensed units and employment and briefing of a licensing solicitor to act on behalf of the force in more complex licensing hearings.
3. During the period as the Force Licensing Inspector, I was responsible for the good conduct of outlets involved in selling alcohol but also those that provided gambling, betting and bingo facilities. I have represented Greater Manchester Police at Magistrates' Court hearings, Crown Court Appeals, The High Court and Council Licensing Committee hearings to oppose unsuitable applications and to take enforcement action against those premises whose standards had fallen below an acceptable level. I was responsible for the Force's response to support the Government led Alcohol Misuse Enforcement Campaigns (AMEC) which was highly acclaimed for reducing alcohol related crime and disorder.
4. Throughout my period in the central licensing role Assistant Chief Constable Robert [REDACTED], also from the Greater Manchester Police, was the Association of Chief Police Officers (ACPO) lead spokesman on Alcohol and Licensing matters. As a result of this connection, I became

Signature D [REDACTED]

secretariat to the ACPO National Licensing officers' group and National Licensing Forum (NLF). The latter group was comprised of trade organisations including the British Beer and Pub Association, Retail Trade Consortium, Business in Sport and Leisure, Magistrates Association, Justices Clerks Society, Local Government Association, Home Office, and Department for Culture, Media and Sport. During the period above, these groups scrutinised and made recommendations for amendments to the proposed Green and White papers, which were subsequently presented to the House of Commons as the Licensing Act 2003.

5. In 2006 on leaving the Central Licensing Unit I received a Chief Officer's Commendation, recognising the contribution I had made to licensing enforcement across Greater Manchester, particularly in relation to my leadership and commitment shown in developing force policy and training in response to the Licensing Act 2003.
6. Between 2006 and my retirement from the Greater Manchester Police in December 2010 I took up the role of Neighbourhood Inspector for the town of Heywood on the Rochdale division. I continued to work with the licensed trade in that area to improve safety in and around licensed premises and reduce crime and disorder. I was chairperson of the Heywood Pub Watch and closed several premises in the town that failed in their licensing objectives using my powers under the Licensing Act 2003 and subsequent amendments.
7. In recent years I have continued my professional development regarding licensing knowledge by taking and passing the National Licensees Certificate and National Door Supervisors courses. This enabled me both to successfully apply for a Personal Licence and to become approved by the Security Industry Authority (SIA) as a front line operative. In September 2011 I successfully applied to become a nominated tutor with the British Institute of Inn keeping enabling me to carry out training in the award for responsible alcohol retailing and the award for personal licence holders which are National Vocational Qualifications. Annually and lately in February 2023 I attended a Licensing Seminar to update solicitors, council officers and practitioners on licensing changes.
8. Since January 2011 I have worked in a consultancy role with licensed premises in Basingstoke, Bedford, Birmingham, Blackpool, Brighton, Bristol, Bromsgrove, Canterbury, Cardiff, Chester, Derby, Guildford, Harrogate, Huddersfield, Lancaster, Leeds, Lincoln, London, Manchester, Mildenhall, Newcastle, Nottingham, Preston, Sheffield, Skipton, St. Helens, Stratford, Trafford, Watford, Worcester and York, producing strategies aimed at reducing crime and disorder in and around venues. In addition to conducting investigations on behalf of operators I have also been engaged by Camden LBC and residents in Cardiff, Chester, Newcastle and York to conduct observations and reports on licensed venues. I would estimate that since January 2011 I have visited more than 2,000 premises licensed under the Licensing Act 2003. In all these cases I believe that I have been able to make a positive impact on the licensing objectives. Only one venue has subsequently suffered a second review application following my guidance. This venue continues to operate following further interventions being made.
9. I am experienced in the production of independent written reports and giving evidence before Licensing Sub-Committees and Magistrates' Courts. It is important to stress that in carrying out this work, I act independently, record what I see and express my own opinions. I am aware that my primary role and duty is to assist the Licensing sub-committee in reaching its decision.

Signature D 

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Scope of investigation

10. I have been requested by Christopher [REDACTED] of Woods Whur to investigate an application made by West Yorkshire Police for a review of the premises Licence at Maxi Foods 268-270 Harehills Lane, Leeds LS9 7BD. The following terms of reference for the investigation have been agreed with those instructing me.
 - (a) Audit the police representations and assess the veracity of the evidence.
 - (b) Compile a report of my findings.
 - (c) Consider any recommendations that may be necessary to ensure the venue continues to support the Licensing Objectives.
 - (d) Attend any future licensing hearings to assist the committee in any aspects of my report.
11. To focus my investigation on the principal matters of concern, I have seen and read the police representations, police statements and witness statements of the West Yorkshire Trading Standards.
12. I have previously visited the Harehills area of Leeds in relation to alcohol and gambling premises licence applications and I am familiar with the area and the local challenges to the statutory authorities. I have also previously visited the site of the current review application in March 2023. I was aware during the site visit in March 2023 that Maxi Foods on Harehills Lane did not sell tobacco products. I was therefore surprised to receive instructions to complete an investigation and that the premises licence had been reviewed for being involved in the smuggling/ illicit possession of tobacco products. I am informed by those instructing me that this policy of not selling cigarettes remains in place.

West Yorkshire Police Review Application

13. I have reviewed the police review application documentation REV1 in respect of this application. The review grounds are based on the selling of smuggled/illicit goods which they correctly state is a serious criminal offence and funds organised crime groups. However, I could find no evidence within the review application documentation to show any sale of smuggled/illicit goods has taken place. The sale of tobacco is again mentioned in the West Yorkshire trading standards officers' statement without any further supporting evidence.
14. The second string to the review application is the lesser offence of being in possession of unmarked or tax unpaid tobacco. Again, I could find no evidence of any person being in possession of the goods seized. It appears that the only person who was in possession of these goods evaded arrest and was able to flee the scene. Having revisited the legislation in relation to smuggled goods the law states that the offences are by a person. The legislation is therefore not applicable or transferable to a company.
15. To support their representations of selling or possession of the tobacco the review notice states that the rear door of Maxi foods was open on the arrival of the authorities and that the sliding van door to the vehicle was also open. I am informed by those instructing me that this was not the case and prior to the officers entering the store the rear shop doors and van door were both

Signature D [REDACTED]

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closed. Both doors being opened by the officers during their inspection. This version of events is corroborated in the witness statement of the West Yorkshire trading standards officer where they state, "The van was unlocked and when its side door was opened it could be seen that laid out in its rear were boxes of illegal cigarettes.

16. The evidence of the Police and trading standards, from their inspection of the venue, shows that no illegal tobacco or alcohol was found inside the premises during their inspection visit. It is also trading standards policy to issue the owners of the goods with a seizure notice informing them what goods have been seized and how the owner can challenge the legality of the seizure. As no seizure notice has been issued to the Premises Licence or any employee at Maxi Foods, I can only assume that they did not consider the goods to belong to them.

If Trading Standards seizes goods from a business or individual, they will provide a seizure information notice or notice of seizure to the owner of the goods. The notice will contain details of the seized goods and the reason for the seizure. It is important to keep this notice safe as it is required if you want to challenge the legality of the seizure or request restoration of the seized goods (source: HMRC website).

17. I have also noted that the inspection visit took place on the 16th June 2023, with the statement from trading standards being dated the 3rd July 2023. Given the seriousness of the offences as outlined in the review application and the statement of West Yorkshire trading standards I am bemused why it has taken almost 4 months for enforcement action to be taken. This delay has led to the CCTV evidence to support Maxi Foods being over written.
18. The third part of the review application refers to a breach of the premises licence condition in relation to the storage of CCTV on site. In the review application West Yorkshire Police state that the condition breached was due to the premises not storing CCTV images for 31 days. They fail to state that the premises only had storage of CCTV for 28 days which would have been a fairer and more accurate description of the breach.
19. I also note that no summary or criminal charges have been brought by the police, trading standards or HM Customs against the company or any staff of Maxi Foods in respect of these incident.

Test Purchase Operation

20. Following the Police and trading standards visit to Maxi Foods on 16th June 2023 two test purchase operations have been carried out at the store. One test purchaser was sold intoxicants on the first visit and the second test purchaser was refused service.
21. As a result of the initial visit in June and the initial failed test purchase I reattended Maxi Foods at 1230 pm on Wednesday 25th October 2023. I examined the CCTV system which had recordings dated back to the 20th of September 2023 (35 days). I also re-examined the stock and service areas for cigarettes and tobacco but did not find any evidence that they were stored or sold at the shop.
22. I then conducted a training session with eleven maxi stores employees, including senior and middle management staff as well as shop workers that sell alcohol. The operator confirmed

Signature D 

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specifically that all staff that sell alcohol at Maxi Foods, 270 Harehills Lane, Harehills, Leeds, LS9 7BD were present, including the male who had failed the initial test purchase. This training was based on the British Institute of Innkeepers (BII) award in responsible alcohol retailing but with specific emphasis on sales to under 18's and, bearing in mind the local social problems, selling to drunks. The training also included Challenge 25, Ask Angela, Vulnerable persons, crime scene management, Counter Terrorism, Conflict Management and good customer service.

Recommendations

23. In respect of the technical breach of the CCTV condition. I would recommend that the condition be amended to include a weekly check of the recording system to ensure it is correctly operating and recording for at least 31 days. Such checks to be recorded and those records to be made available to West Yorkshire police on request.
24. In respect of the failed test purchase I would recommend that Challenge 25 signage be prominently displayed at the premises.
25. That the training on under age sales and responsible alcohol retailing is given to all new staff who sell alcohol as a condition on the licence. This training to be repeated on a six-monthly basis with training records available for inspection by West Yorkshire Police or other responsible authority.
26. These recommendations are based on my previous experience as a police licensing Inspector and current experience as a licensing consultant dealing with premises and their licences.

Conclusion

27. Having investigated the Police review application above I am surprised that an application has been made on the grounds of selling illegal tobacco when no evidence of such an offence has been produced. I believe that there is a clear discrepancy in the evidence available and the grounds stated in the review application. I would therefore respectfully ask the licensing committee to consider the points raised in my investigation and those discrepancies when reaching their decision.
28. The premises has failed a test purchase operation by selling to a person under 18 years of age and breached its licence condition in respect of CCTV storage periods. By imposing the above conditions on the licence the venue can continue to support the Licensing Objectives whilst continuing as a successful business in the area.

Darrell [REDACTED]
Licensing and Security Consultant

Signature D [REDACTED]

In summary the grounds for the review are as follows:

A joint operation in collaboration with West Yorkshire Police, HMRC, West Yorkshire Trading Standards and Leeds City Council Licensing, resulted in the seizure of illicit tobacco, non-duty paid alcohol and illegal electronic disposable vapes from the premises.

A further positive test purchase established the sale of alcohol to persons under the age of 18 years old.

EXTRACTS - S182 Guidance

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.

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);
- 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 action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

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HGS-UK Ltd Case Summary - Licensing Act 2003 - Review

Maxi Foods, 270 Harehills Lane, Harehills, Leeds, LS9 7BD

Operator Background

1. [REDACTED] is the sole director of HGS-UK limited, the premises licence holder of Maxi Foods, 268-270 Harehills Lane, Leeds, LS97BD. He has his personal licence and has a hands on approach to management of all three of the stores he operates in the Harehills area. The other two stores being Maxi Foods at 22 Harehills Road, Leeds and Maxi Foods and Wine at 309 Harehills Lane, Leeds. Of these, Maxi Foods and Wine also has a Licensing Act premises licence.
2. He has operated in the Harehills area since 2016 and knows the area extremely well. No stores have ever failed a test-purchase for illicit goods, or ever sold illicit goods. All goods are provided by legal suppliers and invoices retained.

HGS-UK Ltd Case Summary

3. The grounds of the review do not state that any illicit cigarettes or alcohol were found in the premises. This is supported by the Trading Standards witness statement that states the following "No illegal items were found inside the store" (Page 57, Main Agenda Pack).
4. The grounds for review are not clear. In the fact that the door to the rear of the premises was not open at the time of the visit. In addition, when it states that the door of the van was open, this means unlocked and not physically open. This is reinforced by the supporting witness statement of [REDACTED] who was present at the store for the inspection ([REDACTED] WS - Para 5 - Page 33).
5. The photographs supporting the review showing a view from inside the store of the side door of the vehicle being open was not as the Police/Trading Standards found it. The side door of the van and the back door were only opened when photographs were taken by the authorities. This is reinforced by the supporting witness statements of [REDACTED] and [REDACTED] who were present at the store for the inspection ([REDACTED] WS - Para 7, 8 - Page 33 & [REDACTED] WS - Para 3 - Page 42).
6. Neither the Police nor Trading Standards provide any evidence to confirm that any illegal products are linked to the premises in any way. A 60 to 90 minutes search/inspection of the premises was undertaken and no illicit items, either alcohol or tobacco were found. There was no 'seizure notice' served on the business or any individual, as there were no illegal products in the store. No 'seizure notice' has been served on [REDACTED] in relation to the illegal cigarettes in the van either.
7. To the contrary invoices were shown for the alcohol sold at the premises at the time. An example of an invoice for the purchase of alcohol for the shop can be seen at Exhibit DS1 page 28 Supplementary Information Pack.
8. The police have sought to launch a review on the basis that a white van containing illicit cigarettes was parked in a public street near to the rear of Maxi Foods. No members of staff recognise the white van in question, as contained in their witness statements. Instead [REDACTED] and [REDACTED] believe that the van could be linked to [REDACTED] that the police are fully aware of and that was served with a Closure Notice (Please see DS 4, Page 31). In addition, all staff cars were also searched and indeed no illicit goods were found in those vehicles.

9. None of the stores run by [REDACTED] sell cigarettes. This is reinforced by [REDACTED] (expert witness) who confirmed this in his report page 52 Supplementary Information Pack, him having carried out visits previously to the stores earlier in the year.

10. The inspection was not believed to be intelligence led, no premises operated by [REDACTED] has ever had illicit goods found at it. No store has never failed a test-purchase in relation to the sale of illicit cigarettes or alcohol.

11. This is in contrast to other premises in Harehills that have been reviewed in relation to the operation, where illicit goods have been removed from the premises. For example, the review of Baba Jaga 2 (please see page 55 Supplementary Information Pack).

12. It is on this basis that there is simply no evidence to link illicit goods to Maxi Foods that we wrote to the council to have the review application "Rejected without Determination". Unfortunately, the Council decided not to reject the application and the review has gone ahead. Please see Letter and Council Response, pages 19 -21 Supplementary Information Pack.

13. The inspection and operation took place on 16 June 2023. The review was not launched until some three months later. If the premises was linked with illicit goods, this could be a link to serious crime and disorder and indeed it would be hoped that action would have been taken in a more timely fashion, if these severe allegations were indeed correct. This sentiment is also re-enforced by [REDACTED] in his expert report that states: *"Given the seriousness of the offences as outlined in the review application and the statement of West Yorkshire trading standards I am bemused why it has taken almost 4 months for enforcement action to be taken. This delay has led to the CCTV evidence to support Maxi Foods being over written"* (Page 53 Supplementary Information Pack).

14. In the trading standards officer's witness statement it states that a person was seen fleeing the scene, there is no mention of this person, where they detained? Could they be linked to the premises? There is again no evidence linking this person or the van to the premises.

15. There was no CCTV footage requested in relation to the white van or the person seen fleeing from it. An inspection was done of the CCTV during the inspection on 16 June 2023, however at no time was it requested in order to view whether persons linked to the white van ever entered Maxi Foods. Given the length of time before the review was launched and that on finalising the inspection on 16 June 2023 staff were told that "everything was okay" CCTV at the time was not saved.

16. In addition, if the Police or Trading Standards believed the premises sold illicit goods, surely, they would request CCTV footage from the store to prove that this was the case. It is the case that no CCTV has ever been requested from the store, of either the till area or any other area, in relation to the illicit sale of goods.

Failed Test Purchase

17. There was a failed test purchase on 13 September 2023. It can be confirmed that this is the first time any store run by [REDACTED] has failed a test purchase. He having operated within the Harehills area for seven years. It should be noted that a further test purchase took place on 25 September 2023 which was passed. (Confirmed in Correspondence with enforcement, page 43 Supplementary Information Pack)

18. [REDACTED] taking the promotion of the licensing objectives seriously decided to undertake external training with his staff in relation to underage sales. This training took place on 25 October

2023 as is confirmed in [REDACTED] report. All store members that sell alcohol, including [REDACTED] that failed the test purchase were trained (Page 54 Supplementary Information Pack).

19. As per the paragraph 11.10 of the S182 Guidance, one would expect licensing authorities to have a stepped approach to enforcement. It is the case that one failed test purchase would not be grounds for review of a premises licence. However, being a proactive operator, not only have independent third-party training being undertaken but also that [REDACTED] has applied to become the DPS at the premises. The current position is that the DPS variation has been objected to by the Police at present.

CCTV Recording Number of Days

20. In the review it states there was a breach of licensing condition relating to the number of days of CCTV footage held. The CCTV on 16 June 2023 was recording for 28 days, instead of 31 days. As is set out in [REDACTED] witness statement at Page 26 and Page 29 Supplementary Information Pack, this was amended in two days when the CCTV engineer could get out to fix it. Again, reinforcing the professional approach taken by the operator.

Past Waste Enforcement

21. We received on 31 October 2023 (some 7 days before the hearing, when the review was launched on 11 September 2023), information about a previous prosecution in relation to waste almost 3 years ago (Jan 2021). In January 2021 no action was taken against the premises licence in relation to waste, it therefore seems perverse that it is brought up now at this review hearing. There have been no issues since this prosecution in relation to waste.

22. This waste enforcement action has no connection with the grounds of the review and indeed it should be disregarded as it not linked directly to the sale of alcohol, the licensable activity for the store. Indeed, this information was not raised when an application for a new premises licence was submitted earlier this year for the new Maxi Food on Harehills Road.

Steps Taken by the Operator in Relation to the Review.

23. The operator is not linked with illicit goods and so no measures have been taken in relation to this. The premises will continue to sell vapes and will not sell cigarettes. All alcohol will continue to be purchased from legal suppliers.

24. In relation to the CCTV and this was dealt with two days after the issue had been flagged by licensing.

25. Both Enforcement and Police have been liaised with to see if they wanted to meet and what additional steps they would recommend. Please see pages 43-49 Supplementary Information Pack. This being in line with the cooperative approach set out in the Sect 182 Guidance. Enforcement confirmed that they would *"advise him would be to ensure compliance with his Premises Licence and the Licensing Act 2003 as a whole"*.

26. Specific to the failed test purchase, all staff have undertaken training from an independent third party, as mentioned above.

Proposed Conditions allowed under S54 (4) LA 2003

-The following further conditions are also offered to ensure that the CCTV issue and the failed test purchase issue does not happen again:

“The PLH/DPS will ensure a weekly check on the CCTV to ensure that it is operating correctly and that images are held for a minimum of 31 days. This check will be recorded in a register and signed by the PLH/DPS or senior member of management staff. The register will be shown on request to an authorised officer of the Police or Licensing Authority”.

“All staff deployed in the serving of alcohol and for managing admission to age restricted premises shall be trained on the correct procedures for age verification, the prevention of proxy sales, the prevention of sales to those who appear intoxicated and for dealing with false and any surrendered identification documents. This training is to be given to all new staff who sell alcohol and is to be repeated on a six-monthly basis with training records available for inspection on request to an authorised officer of the Police or Licensing Authority”.

“Challenge 25 Age Verification Signage will be displayed prominently at the premises.”

Removal of Unclear and Unenforceable Conditions

In addition, under the powers available to the committee the following conditions should be removed as they are unclear and unenforceable.

5. Staff training on all issues.
6. Promoting ‘no sale of alcohol’ and CCTV signage.
16. Refusal to serve drunk, disorderly and underage.