

## **Licensing Sub-Committee**

**Tuesday, 9th January, 2024**

**PRESENT:** Councillor L Farley in the Chair

Councillors L Martin and S Firth

### **1 Election of the Chair**

**RESOLVED** – To elect Councillor L Farley as Chair prior to the start of the meeting.

### **2 Appeals Against Refusal of Inspection of Documents**

There were no appeals.

### **3 Exempt Information - Possible Exclusion of the Press and Public**

There were no exempt items.

### **4 Late Items**

There were no formal late items, however, supplementary information was circulated to Members in relation to Agenda Item 6 - Review of the Premises Licence for Baba Jaga, 107 Harehills Road, Harehills, Leeds, LS8 5HS & Agenda Item 7 - Review of the Premises Licence for Potraviny Danko, 39 Compton Road, Burmantofts, Leeds, LS9 7BJ.

### **5 Declaration of Interests**

No declarations of interests were raised.

### **6 Review of the Premises Licence for Baba Jaga, 107 Harehills Road, Harehills, Leeds, LS8 5HS**

The report of the Chief Officer (Elections and Regulatory) advised Members that West Yorkshire Police had served on the Licensing Authority, an application under Section 51 of the Licensing Act 2003 for a review of the premises licence in respect of Baba Jaga, 107 Harehills Road, Harehills, Leeds, LS8 5HS.

The application to review the licence followed a joint operation in collaboration with West Yorkshire Police, Leeds City Council's Entertainment Licensing Section, His Majesty's Revenue & Customs and West Yorkshire Trading Standards.

The following were in attendance for this item:

- PC Andy Clifford, West Yorkshire Police (WYP)
- Jason Bethell, West Yorkshire Trading Standards (WYTS)
- Carmel Brennand, LCC Entertainment Licensing
- Emilia Slezak, LCC Public Health
- Councillor Salma Arif, Elected Ward Member for Gipton & Harehills
- Councillor Asghar Ali, Elected Ward Member for Gipton & Harehills
- Muzafar Piroti, Designated Premises Supervisor (DPS), Premises Licence Holder (PLH) and Director of Baba Jaga Yorkshire Ltd.
- Nicola Raper, LCC Entertainment Licensing - Observer
- Victoria Radford, LCC Entertainment Licensing – Observer

The Licence Holder's representative put forward an application to the Sub-Committee for the application to be deferred until a later date, this was a written submission, sent to Sub-Committee Members as Supplementary Pack 4. He explained that he was only made aware of the hearing on the 5<sup>th</sup> of January 2024 and had not been given a lot of time to read all of the relevant information, it was also alluded that some of the information provided in the application and supporting representations was not relevant. The legal representative had explained they needed more time to prepare for the hearing. In considering this request, WYP, Leeds City Council's Entertainment Licensing and Public Health advised the licence holder had been notified of the review application on receipt, was served with notice of the hearing in the prescribed timescale and given an ample amount of time to instruct legal representation. The parties also raised concerns regarding the safety of children and the public in deferring the hearing.

Sub-Committee Members posed questions to the PLH as to why there had been a delay in instructing a legal representative and what contents of the application or supporting representations were not relevant. In response it was asserted by the PLH that identifying a suitable legal representative had taken a significant amount of time and the claims alcohol has been sold on early mornings, outside of the premises licensed hours, was incorrect and the CCTV non-compliance was an error by staff and was not intentional.

Deliberations took place for Sub-Committee Members to consider the adjournment application.

Upon returning to the room, Sub-Committee Members resolved to refuse the application to defer the hearing. Members felt that adequate time has been provided for the licence holder to instruct a solicitor and to accept the deferral would have incurred significant time and resources for the Sub-Committee and parties making representations who had attended today. Given the seriousness of the alleged conduct and risk to the licensing objectives it was not in the public interest to adjourn the hearing, nor was it necessary in order to consider the PLH's evidence or representations. They felt that it was necessary and in-line with the licensing objectives to proceed with the hearing. Therefore, it was **RESOLVED** – That the meeting proceed on that basis.

The Legal Officer outlined the procedure for the hearing.

The Licensing Officer presented the application, outlining the following information:

- The review application had been submitted by WYP on the grounds of the prevention of crime & disorder, public safety and the prevention of public nuisance, relating to the seizure of illicit tobacco and non-duty paid alcohol, as well as the failure of test purchases.
- Appendix A contained the review application, along with statements and photographs provided by WYTS and His Majesty's Revenue and Customs (HMRC).
- An additional failed test purchase was conducted by WYTS on the 3<sup>rd</sup> of October 2023, with details contained in supplementary pack 3.

- Appendix B contained a copy of the Premises Licence for Baba Jaga, which permitted the sale by retail of alcohol Monday to Saturday 08:00 to 23:00 and Sunday 10:00 to 22:30.
- Representations in support of the review had been received from Entertainment Licensing, Public Health, the Home Office Immigration Enforcement and Elected Ward Members with copies available at appendix D.
- Section 182 guidance specific to the licence review process was available at appendix E, noting decisions had to be appropriate and proportionate to the cases provided.
- Point 12 of the report outlined the options available to Members.

The applicant and supporting parties outlined the following information:

#### *WYP*

- Concerns within the Harehills Cumulative Impact Area (CIA) were significant with over thirty off licences within it. Previously, it had been thought that issues had stemmed from a minority of shops, but multi-agency work had established lawful businesses appeared in the minority and many licenced shops in the area were under review.
- The premises had been involved in organised crime, with smuggled alcohol and cigarettes on sale to customers, driving down prices and leading to an increased potential for anti-social behaviour.
- The goods were illicit, with cigarette packaging having non-English language for warnings and ingredients, which was against regulations.
- The premises was one part of a wider problem within the locality and issues had been noted with the previous owner of Baba Jaga. Criminality of this nature, and the associated issues of anti-social behaviour and community safety, had become a plague and were negatively impacting the area.
- It was suggested that the licence should be revoked, given that the licensing objectives were not being promoted and the premises were stocking illicit products and the deep rooted, large, organised crime operations needed to be addressed.

#### *WYTS*

- As an illicit goods expert, it was clear the premises were engaged with illegal trade, with three failed test purchases providing clear evidence. Illicit cigarettes were sold from a vehicle parked nearby, often outside, the shop.
- Illicit goods had been continued to be sold, despite seizure of goods and warnings being sent to the premises.
- Seized cigarettes had been sent off for analysis and had been confirmed to be counterfeit, with some being of Russian and Eastern European origin and not permitted for sale within the EU or the UK. This was evidence of serious organised criminality.

The retail price for a pack of 20 legal cigarettes was noted to be approximately £14.50, with £8 of the cost being duty. The illicit packs were being sold for £4 per pack and impacted public health with the reduced financial incentive not to smoke.

#### *Entertainment Licensing*

- With many years of experience working within liaison and enforcement within Harehills, the issues at the premises were well known, with the licence holder

first being employed at the business in July 2014 and being appointed as the director and licence holder in December 2022.

- The most recent iteration of the licence had appointed Mr. Piroti as the DPS on the 13<sup>th</sup> of February 2023. The requirements to clearly display Part B of the licence and hold a copy of Part A at the premises had not been complied with.
- Following reports of the sale of alcohol outside the licensed hours at the premises by a local resident, a site visit had been conducted with WYP on the 12<sup>th</sup> of May 2023, and it had been claimed that staff had been in receipt of deliveries at this time.
- During the visit, it was noted that CCTV requirements were not followed, with the CCTV being 10 minutes out and the required 31 days of recordings were not available as Mr. Piroti was unable to access the system. This was in conjunction to the Part A licence requirements and sale of alcohol with these requirements unfulfilled was a serious breach of the license under section 136 guidance of the Licensing Act 2003.
- A notice was received, submitted by Mr. Piroti, after the visit to extend the licensed hours and in response Entertainment Licensing had stressed the importance of complying with an existing licence before applying for an extension.
- A further multi agency visit had been conducted on the 16<sup>th</sup> of June 2023 with HMRC looking into the seizure of non-duty paid goods and again, Part A of the licence was not available, and Incident Book and CCTV requirements were not being followed. A warning letter was sent to the premises on the 22<sup>nd</sup> of June 2023, noting non-compliance with section 136 and 57 of the Licensing Act 2003. CCTV was compliant from the 30<sup>th</sup> of August 2023.
- There had been a long history of illegal trade at the premises and HMRC had seized alcohol on the 16<sup>th</sup> of June 2023, under section 144.
- Immigration Enforcement from the Home Office had visited the premises on the 30<sup>th</sup> of August 2023 and had noted a member of staff had no right to work in the UK.
- Point 11.27 of section 182 guidance outlined that criminal activity at a licensed premises should be taken seriously and given the sale of smuggled tobacco and alcohol, revoking the licence was noted to be appropriate.
- Mr. Piroti was the DPS for another shop that was also due for review. Holding a premises licence was outlined to be a privilege and if licensing objectives were not being promoted, consequences must ensue.
- As Elected Ward Members understood the impact on the community and had supported the review, revoking the licence will make Harehills a safer place.

#### *Public Health*

- The protection of children from harm was a priority within Harehills, with the second highest number of under 16 year olds compared with all other Wards in the Leeds district and also a significant amount of looked after children. With deprivation in the area and the CIA policy in place there were vulnerable people at risk to exposure to addiction and anti-social behaviour.
- Within the locality of the premises there were 11 childcare institutions, a nursery, primary school and the Archway Resource Centre for vulnerable young people.
- The area ranked highly for issues occurring in a CIA area, which negatively impacted young people and normalised anti-social behaviour and addiction.

- Concerns from local residents were raised, noting, parents did not want their children to grow up in a resource poor area, with anti-social behaviour and crime common.
- Partnership work was ongoing to reduce street drinking with associated addiction, public nuisance and intimidation and the bad operation of the premises encouraged these issues, affecting residents' ability to feel safe and also access the high street.
- A statement from a local General Practitioner (GP) noted deep concern regarding underage drinking and exposure to addiction at young ages. Shops in the locality had a social responsibility to operate properly, doing the best for the community and public health. There were clear negative implications from this premises operation.

#### *Elected Ward Members*

##### *Councillor Salma Arif*

- Councillors were present to represent the concerns of local residents and with the multitude of issues and crimes stemming from this premises, it was impacting the community negatively, with Harehills being one of the most deprived areas in Leeds.
- The premises was in a central location, with many local amenities, such as nurseries, Harehills Primary School, Banstead Park and St. James Hospital, as well as dense residential housing, nearby. Intimidation and anti-social behaviour impacted people's everyday lives and access to services.
- With the sale of illicit goods and associations to organised crime, the premises was not serving the community in anyway and was contributing to the plague of criminality in the area.
- Approximately 70% of the shops on Harehills High Street sold alcohol which contributed to street drinking issues. Licensing objectives were not being promoted and Harehills needed improvements to address public health and safety concerns.
- Nurses working at St. James Hospital had noted being intimidated by street drinkers, the culture of crime and anti-social behaviour commuting to and from work.
- Revoking the licence was right to send a message to other bad operators in the area.

##### *Councillor Asghar Ali*

- All three Elected Ward Members had attended on the day the seizure of goods operation had been carried out at the premises and had provided clear evidence of crime and bad operations. The Sub-Committee were encouraged to make their decision against this clear evidence and the breach of the licence and trust.
- Leeds was outlined to be a city of sanctuary and the premises operations were in opposition to the promotion of public safety and due care.
- A premises licence was noted to be a privilege and required responsibility. With vulnerable young people and those living with addiction targeted or influenced to use the premises and buy illicit goods due to lower pricing was irresponsible and criminal.
- The criminal operations were of significant scale and had gone unchallenged. The premises had numerous opportunities to improve yet had failed to do so.

- The changing of owners and appointed DPS's had created difficulties to address the issues, however, this hearing was a definitive opportunity to challenge criminals.
- The investigations of Immigration Enforcement raised further concerns and displayed disregard to operating a shop as a community asset. Legitimate businesses in the area had nothing to worry about but this premises was a serious cause for concern.
- More licences in the area were scheduled for review and it was an appropriate time to hold badly operated premises accountable to improve the area.

The licence holder/DPS provided the Sub-Committee with the following information:

- The employment of the staff member that was ineligible to work in the UK was a mistake and had provided ID and a National Insurance number and it was assumed they were eligible for work. It was only after Immigration Enforcement had made contact that the issue arose.
- Two weeks prior to the hearing a fee of approximately £7,000 had been paid to HMRC.
- An offer had been made to WYP to assist with addressing issues of drug dealing and cars selling illicit cigarettes in the area. It was outlined that the car alleged to be selling illegal cigarettes outside the property was not known to the licence holder.
- The non-duty paid alcohol sold at the premises had been purchased from a previously used warehouse and the licence holder was unaware of the differences in language used on the products at the time and the requirements within the UK, due to language barriers.
- The licence holder was not present for the seizures and associated allegations over Summer 2023 as they were out of the country on holiday.
- Over the 7 years the licence holder had run shops in Leeds and Manchester there had been no previous issues or allegations of crime noted.

Following questions from Sub-Committee Members, the following information was confirmed:

- As CCTV compliance had to be pursued on multiple occasions it was outlined the licence holder had thought it was compliant and once the issues were known compliance was sought.
- In response to a query relating to the continued sale of alcohol after a non-payment of a licence fee, it was outlined the licence holder was not working at the premises due to a medical operation and staff had not covered the payment process in his absence; it was the first time this had occurred.
- The licence holder was unaware that the premises had been operating illegally or that the licence was suspended due to non-payment of the annual fee, due to being in hospital. Members noted notification had been sent by Entertainment Licensing and it was his responsibility to oversee operations.
- With previous experience of running licenced premises and the non-compliance for a multitude of requirements and the additional criminal activity, the licence holder understood his responsibility and noted issues had occurred due to mistakes and times of absence. The previous owner had informed him that the premises was compliant and legally operational.

- The CCTV being non-compliant was predominately due to the password for the system not being known and was not to obstruct WYP and WYTS investigations. The CCTV system had been updated and was compliant.
- The non-duty alcohol for sale had been an error and the sale of illegal, illicit cigarettes had secretly done by other staff members who had been dismissed.

In summarising, PC Clifford outlined the licence holder claimed naivety, however, it was perceived to be a concerted effort to break the law for profit. It was stressed that the Sub-Committee should not be led to believe the illegal stock was a coincidence or the fault of another staff member; the licence holder should be considered in charge of an illegal operation and was not to be trusted to responsibly run the premises. Members were encouraged to revoke the licence, as opposed to any alternative option.

The licence holder did not provide a summarising statement.

At this point in the meeting, the Sub-Committee went into private session to deliberate on the application. Upon returning, it was outlined the premises had a poor history of compliance, was not promoting the licensing objectives, posed harm to the public, had employed illegal staff and sold illegal products.

**RESOLVED** – To revoke the licence.

## **7 Review of the Premises Licence for Potraviny Danko, 39 Compton Road, Burmantofts, Leeds, LS9 7BJ**

The report of the Chief Officer (Elections and Regulatory) informed the Sub-Committee that West Yorkshire Police has served on the Licensing Authority an application under Section 51 of the Licensing Act 2003 for a review of a premises licence in respect of 39 Compton Road, Burmantofts, Leeds, LS9 7BJ.

The grounds for review related to the seizure of illicit tobacco and non-duty paid alcohol and the sale of alcohol to underage persons.

The following were in attendance for this item:

- PC Andy Clifford, West Yorkshire Police (WYP)
- Jason Bethell, West Yorkshire Trading Standards (WYTS)
- Carmel Brennand, LCC Entertainment Licensing
- Emilia Slezak, LCC Public Health
- Councillor Salma Arif, Elected Ward Member for Gipton & Harehills
- Councillor Asghar Ali, Elected Ward Member for Gipton & Harehills
- Chris Rees-Gay, Woods Whur – Licence Holder's Representative
- Nicola Raper, LCC Entertainment Licensing - Observer
- Victoria Radford, LCC Entertainment Licensing – Observer

The licence holder's legal representative put forward an application to the Sub-Committee for the application to be deferred until a later date, suggested as the 23<sup>rd</sup> of January 2023. He explained that he was only made aware of the hearing on the 2<sup>nd</sup> of January 2024 and had not been given sufficient time to read all of the relevant information or to provide a detailed case. He also stated that the Premises Licence

Holder (PLH) asserted that he had not received notice of the hearing. The legal representative summarised by explaining they needed more time to prepare for the hearing. In considering this request, WYP, Leeds City Council's Entertainment Licensing and Public Health believed an ample amount of time had been given for all documentation to be considered and raised concerns regarding the safety of children and the public in deferring the hearing.

The Licensing Officer confirmed the review application was served on the licence holder on the 10<sup>th</sup> of November 2023, a site notice advertising the review application was in situ at the premises on the 13<sup>th</sup> of November 2023 and letters advising the licence holder were hand delivered directly to the premises and posted to the licence holder's residential address on the same day, notice of the hearing had been sent to the licence holder on the 14<sup>th</sup> of December 2023 via email to a previously verified email address and the legal representative had been instructed on the 21<sup>st</sup> of December 2023. The Licensing Officer agreed that a notice of the hearing had not been contained in those documents sent to the representative.

Deliberations took place for Sub-Committee Members to consider the application.

Upon returning to the room, Sub-Committee Members resolved to refuse the application to defer the hearing. They concluded that adequate time has been provided for the licence holder to instruct a solicitor. To accept the deferral would have incurred significant time and resources for the Sub-Committee and the parties making representations who had attended today. When taken together with the seriousness of the alleged conduct and risk to the licensing objectives it was not considered to be in the public interest to adjourn the hearing. They felt that it was necessary and in-line with the licensing objectives to proceed with the hearing in the PLH's absence. Therefore, it was **RESOLVED** – That the meeting proceed on that basis.

The Legal Adviser outlined the procedure for the hearing.

The Licensing Officer provided an overview of the application, outlining the following information:

- The review application had been submitted by WYP on the grounds of the prevention of crime & disorder, public safety, the prevention of public nuisance and the protection of children from harm, with a number of illicit goods seizures and failed test purchases conducted at the premises.
- Alcohol had been sold to underage (aged 14 and 15 years old) Police Cadets on the 13<sup>th</sup> of September 2023 during a failed test purchase at the premises.
- Appendix A contained a copy of the review application, outlining the grounds and relevant information for the review.
- Appendix B contained a copy of the premises licence which was summarised as sale by retail of alcohol everyday from 09:00 to 21:00. Point 2 of the report provided the background history of the licence.
- Representations in support of the review had been received from Entertainment Licensing, Public Health and Elected Ward Members, with copies available at appendix D.



- Section 182 guidance specific to the review process was available at appendix E and the options available to Members were detailed at point 12 of the report.

The applicant and supporting parties outlined the following information:

#### WYP

- The issues regarding crime and public nuisance were well documented in Harehills and the CIA was in place to address the concentration of off licence within the area.
- A number of premises within the CIA had bad operation models and links to organised crime which were exacerbating social issues.
- The premise had made a concerted effort to conduct crimes, with the stocking of illicit and non-duty paid alcohol and cigarettes.
- During a WYP search at the premises, a sniffer dog had uncovered a secret trap door behind a false wall which had contained illegal cigarettes. The key, an electromagnetic fob, to the trap door was only produced by a staff member upon WYP attempting to force it open.
- Non-duty paid alcohol and cigarettes decreased the prices of potentially harmful products, reducing the financial incentive against usage and negatively impacting a deprived area with a high number of alcohol dependant persons.
- Reports of residents and local businesses feeling intimidated by street drinkers had been received and with the sale of cheap, non-duty paid alcohol, the premises were directly contributing to the issue and had become a magnet for street drinkers.
- The instances of crime displayed disregard to uphold the licencing objectives and the placement of profit and greed above social responsibility.
- The failed test purchase conducted by the Police Cadets was noted to be very concerning, and blatantly irresponsible and illegal as the Cadets looked and dressed young and were obviously underage.
- Harehills needed good operators, in line with the law and licencing objectives, which were clearly not being followed at this premises.

#### WYTS

- Failed test purchases of illicit cigarettes had occurred as far back as 2017, with the price for a 20 pack sold at £3.50, the average price for a legal 20 pack was approximately £14.50 with around £8 being duty cost.
- The operations over Summer 2023 displayed no improvements in operations and the electromagnetic trap door was a sophisticated concealment method and malicious in intent, requiring specific knowledge and hidden wiring.
- Illegal vapes, above the legal nicotine content per milligram, were also seized from the premises.
- The licence holder had been advised on the criminality of the sale of illicit goods, yet one month later, another illicit cigarette test purchase was failed, displaying disregard for compliance.
- The premises had been illegally bypassing electricity, with the National Grid called out to switch it off.
- The seized cigarettes had been sent for analysis and confirmed as counterfeit, and not imperial tobacco. Around a half to a third of the seized cigarettes had been smuggled counterfeits, mostly of Eastern European

origin. The health warnings were not in English, the packaging was incorrect, and no duty had been paid on them.

#### *Entertainment Licensing*

- With 18 years' experience, in liaison and enforcement, mostly within Harehills, the issues of the area and the history of non-compliance were known well.
- Contact with the premises had begun in May 2015, with the licence holder, Mr. Saman Ali Faiak, appointed in November 2015.
- During multiple visits to the premises in 2015, alongside WYP, it was noted that the CCTV was non-compliant, only saving recordings for 24 hours and not the 31 days as required. It was outlined to the licence holder that all sales during this period, when the CCTV was non-operational, were illegal under section 136 of the Licensing Act 2003.
- In March 2016 Mr. Faiak was appointed as DPS of the premises, which required passing the relevant exam to obtain a person licence. It was thought at this point the licence holder would have understood their responsibilities.
- During a multi-agency operation on the 16<sup>th</sup> of June 2023, Part B of the licence was improperly displayed on the outside of the premises and upon request the licence holder was unable to produce Part A of the licence. This was a legislative requirement.
- From December 2021 to June 2022, the East Leeds Neighbourhood Policing Team had conducted a section 141 Closure Order to address anti-social behaviour in the area. The premises had received an email noting the investigations taking place and the specific issues stemming from the shop.
- The premises was on a parade of eleven shops, being one of two off licences and had become a magnet for congregating street drinkers. On a recent visit to the parade twelve street drinkers were witnessed, with complaints of intimidation also received from local residents at this location. The two licensed premises were located at the far left and right end of the parade, and both had placed blame on each other for attracting anti-social behaviour.
- The sale of alcohol to the underage Police Cadets was seriously concerning, breaching condition 9 on the licence to request proof of age ID for customers believed to be under 25, in opposition to the licensing objective regarding the protection of children from harm and was a dereliction of duty.
- Illicit cigarettes test purchases had failed at the premises in 2017, 2018 and 2023, displaying disregard for the law and had led to multiple seizures by HMRC.
- Point 11.27 of section 182 guidance notes that criminal activity at a licenced premises should be taken seriously and given the sale of smuggled tobacco and alcohol, revoking the licence was noted to be appropriate.
- The 16<sup>th</sup> of June 2023 operations were a snapshot of the overall criminal activity occurring at the premises, with Mr. Faiak operating the shop for over eight years yet continued to breach licence conditions and commit crimes.
- The sale to minors and the stocking of illicit, smuggled goods were noted to be serious crimes which impact the area negatively. The representations from Elected Ward Members displayed deep concern held by the community.
- The end of year statement from Woods Whur, the appointed legal representative's company, was read out, which stated *'Enforcement proceedings in Leeds for example are significantly higher than we have seen for years with a large operation attacking off-licences in the Harehills area of*

*Leeds*'. It was noted the graduated response was proportionate to the number of poorly operated, often illegal, premises in Harehills.

- The number of reviews were taking place to protect community interests and not to attack properly operating premises. In this case there were clear issues and illegalities that needed to be addressed and it was suggested the licence should be revoked.

#### *Public Health*

- Middle Super Output Area (MSOA) data outlined that Harehills had a high number of people under the age of sixteen and looked after children, who may be vulnerable to harm. Given the high number of off licences, the Sub-Committee was encouraged to address the licencing objective of protecting children from harm.
- There were thirteen childcare providers within a one mile radius of the premises, and given the prevalence of street drinkers, young people were being exposed to addiction and heaving drinking was normalised.
- A resident had raised concerns that children in the area were growing up around crime and litter and this business contributed to these issues.
- Partnership work to address addiction and street drinking was ongoing with events run from a café nearby the premises.
- Residents should feel safe and not witness the scale of anti-social behaviour in the area.
- A local GP had noted there were many vulnerable people within the CIA area and licensed premises had a social responsibility to address risks to addiction and harm. Some families had moved out the area due to the prevalence of crime and disorder which had potential health implications if required to change GP surgeries and join long waiting lists.
- The cheap, illicit products on sale at the premises increased accessibility of harmful goods. The operations were dangerous, regulations were in place for a reason and the premises displayed a lack of respect for the community.
- The sale of alcohol to underage people showed a direct disregard for protecting children from harm.

#### *Elected Ward Members*

##### *Councillor Salma Arif*

- The premises was nearby Compton Library, a children's centre, the Co-op Academy and Harehills Primary School and the anti-social behaviour stemming from the premises affected people's ability to access local services and amenities.
- A month prior to the hearing, Harehills Labour Club had sold of the plot of land it was situated on in order to acquire funds of approximately £25,000 for a perimeter security fence to restrict access to the outdoor area which had been abused by street drinkers.
- There was a high prevalence of street drinkers on Compton Road, with a local dentistry notifying residents they were moving to a new location in response to persistent anti-social behaviour. This decreased health service provision for the area.
- Exposure to street drinking and anti-social behaviour impacted young people negatively, with heavy drinking and crime normalised and families feeling intimidated.

- With the premises selling illegal products and concealing them, bypassing electricity and selling alcohol to children, it was clearly a rouge player and a strong signal needed to be sent to bad operators.
- Support for the community was needed and the direct disregard for the licensing objectives, instances of crime and associated social issues needed to stop.

*Councillor Asghar Ali*

- Over the eight years the licence holder had operated the premises, there had been multiple incidents and subsequent opportunities to improve operations, yet the business practises had become worse.
- Upon election as a Councillor, the primary issues for the area were clear and the prevalence of street drinking, drug abuse and anti-social behaviour was a constant terror for residents.
- The multiagency operations had uncovered clear criminal activity and challenged the licence holder who had failed the community, with children and vulnerable people targeted and misled.
- Operations such as this case, ruined the area for legitimate businesses, with prices undercut through illicit goods, a lack of social responsibility and not capitalising on the ample opportunities to improve.
- There was hard evidence of wrongdoing and Members were requested to send a clear message to bad operators by revoking the licence.

The license holder's legal representative informed the Sub-Committee that, given their application to adjourn the hearing on the grounds of insufficient time to prepare, he was not in a position to provide a case on behalf of his client and did not address the Sub-Committee in objection to the review. The representative requested that his submission that his client had been prejudiced by the hearing proceeding in absence should be recorded.

In response to questions from Sub-Committee Members, the following information was outlined:

- Further investigation into the allegations of crime were noted to be pursued by the HMRC Civil Team for outstanding duty and VAT payments.
- Mr. Faiak had been a manager at the premises since November 2015 and became the licence holder and DPS in 2016 after completing a personal licence course and there had been many years to address the criminal allegations and bad practise at the premises.
- Prior to the Covid-19 Pandemic, WYP had conducted partnership tasking meetings to address issues of street drinking and premises across Harehills had been visited regularly. During the visits it was noted that this premises had been unable to provide any CCTV footage.
- For a potential prosecution, the Licensing Authority required three offences within a twelve month period. For issues noted on an initial visit an inspection sheet was filled out to clearly outline requirements for compliance with a licence agreement and laws. The monitoring and prosecution process was intensive in time and resources to gain evidence for sanctions.
- The email address used to contact the licence holder was unable to be confirmed as correct by the legal representative.

- Members suggested the approval of the adjournment application had been taken for granted given the weight of the accusations made by the parties in support of the review and the public interest in the case. In response, the legal representative outlined it was in the public interest for sufficient time to be allocated for the licence holder and himself to create a defence case.

In summarising, PC Clifford outlined no defence case had been made as the allegations were based on clear evidence and were indefensible. The premises had preyed on vulnerable people with the deliberate sale of illegal goods. Street drinkers were attracted to the premises and local area by the low cost of the illicit cigarettes and non-duty paid alcohol. There had been clear, deliberate attempts to break the law and cover up crimes. The work of WYP and partners was time and resource intensive just to get premises to comply with simple laws and regulations and poorly operated licensed shops were a plague on Harehills.

The licence holder's legal representative did not provide a summarising statement of their case but reiterated the application to adjourn had been made due to insufficient time to prepare and a late notice of hearing.

At this point in the meeting, the Sub-Committee went into private session to deliberate on the application. Upon returning, it was outlined there had been a blatant disregard for laws and licence conditions, repeated non-compliance, deliberate concealment of illicit goods and there was no lesser measure than to revoke the licence to address the issues.

**RESOLVED** – To revoke the licence.