

## **Licensing Sub-Committee**

**Monday, 17th June, 2024**

**PRESENT:** Councillor N Buckley in the Chair

Councillors J Bowden

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

**RESOLVED** – To elect Councillor Neil Buckley to the Chair for the duration of the meeting.

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

There were no appeals against the refusal of inspection of documents.

### **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, there was supplementary information in relation to:

- Agenda Item 6 – Summary Review of the Premises Licence for Pax Inn, 11, The Village, Boston Spa, Wetherby, Leeds, LS23 7AR; and
- Agenda Item 7 -Summary Review of the Premises Licence for Gusto Market, 12 – 14, Strathmore Drive, Harehills, Leeds, LS9 6AB

### **5 Declaration of Interests**

No declaration of interests were at the meeting.

### **6 Summary Review of the Premises Licence for Pax Inn, 11 The Village, Boston Spa, Wetherby, Leeds, LS23 7AR**

The report of the Chief Officer Elections and Regulatory informed the Members of the Licensing Sub Committee of an application for a licence summary review by the West Yorkshire Police in respect of Pax Inn, 11, The Village, Boston Spa, Wetherby, Leeds, LS23 7AR. The application was made on the grounds of serious crime and serious disorder.

In attendance for the meeting were:

- PC Neil Haywood, West Yorkshire Police – Review Applicant
- Richard Taylor, Gosschalks LLP – Licence Holder's Representative
- Joanne Hipkiss, Licensing Manager – Ei Group Ltd., Licence Holder

The Legal Officer informed the parties that despite attempts to get three Members for this hearing there was only two members to make up the Sub-Committee. It was noted that the Sub-Committee could sit with two Members if all parties were agreeable to this. All parties agreed that the hearing should proceed.

The Legal Officer outlined the procedure for the hearing.

The Licensing Officer presented the application, and the Sub-Committee noted the following points:

- A brief history of the premises was included in the submitted report at Paragraph 2. The most recent applications received by the Licensing Authority on 6 April 2023 were made to appoint the current licence holder and designated premises supervisor, Mr Dane Smith. The applications did not attract objections, and both were granted as applied for.
- Details of the current premises licence was attached at Appendix A of the report.
- An application for a summary review of the premises licence had been sought by West Yorkshire Police. A redacted version of the application was attached at Appendix B. Members noted that in accompaniment of the application a certificate made under section 53(1B) of the Act, which confirms that a Senior Member of West Yorkshire Police was satisfied that these premises are associated with serious crime or serious disorder or both. A redacted version of the certificate was appended to the report at Appendix C.
- Officers confirmed that the application and certificate were served by email on the Responsible Authorities on the 22 May 2024. A hard copy of the application and certificate were hand delivered directly to the premises on 23 May 2024. The Licensing Authority confirmed that the statutory requirements to advertise the review application had been followed.
- At the Interim Steps meeting on 24<sup>th</sup> May, it was decided that suspension of the licence with immediate effect pending the substantive hearing of the review application was the most appropriate course of action for the Sub-Committee to take. A copy of the Interim Steps Decision Notice was attached to the report at Appendix D.
- Members acknowledged that the premises licence holder may submit a representation to the interim steps initially taken and any representation would be in accordance with Section 53B of the Licensing Act 2003. In this instance, no representation had been received against the interim steps decision.
- It was noted that no representations on behalf of the responsible authorities had been received. However, the application had attracted two representations from “other persons”, the representation attached at Appendix F had been received on behalf of the freehold owner of the premises, Ei Group Limited. Members were advised that possession of the premises and the transfer of the premises licence had been received on 2<sup>nd</sup> June 2024 into the company name. Entertainment Licensing were advised that the Ei Group Limited and the Police had discussed additional conditions for the licence which related to:
  - The implementation of a Challenge 25 proof of age scheme; and
  - No unaccompanied children allowed on the premises
- In addition to this, a representation from a member of the public expressing support for the premises had been received by the Licensing Authority, and a redacted copy of the representation was attached to the report at Appendix G.
- Members had also been provided with guidance to assist their decision making issued under Section 182 of the Act which related to Summary Reviews and was appended to the report at Appendix H.

PC Hayward of West Yorkshire Police addressed the Sub-Committee and provided the following information:

- It was noted that an incident had taken place on 18<sup>th</sup> May 2024, at the Pax Inn. The victim a 17-year-old had been at the premises with a group friends, also believed to be 17 years of age, and it was thought that there had been previous history between the group and Mr Dane Smith, the then licensee. Mr Smith had found a broken pool cue and was described as having ‘snapped’ and assaulted the victim with the cue. The victim had sustained a 20mm wide and 20mm deep cut above the eye which had required hospital treatment. The Police informed the Sub-Committee that this was a Section 18 Assault, which is one of the most serious assaults.
- It was the view of the Police after their interview with Mr Smith that he was struggling with mental health issues and for the safety of the public the licence should be suspended, and that Mr Smith should be removed as the premises licence holder. The Sub-Committee were advised that Mr Smith was no longer living at the premises and that the Ei Group Limited were now the premises licence holder.
- The Police had discussed additional conditions with the Ei Group Limited and these had been agreed.

Members had no questions or comments at this point.

Mr Taylor of Gosschalks LLP addressed the Sub-Committee and provided the following information:

- The Ei Group Limited is part of the Stonegate Group who have 4,000 tenanted pubs around the country. The pubs are rented through a lease agreement and the Ei Group Limited can terminate under certain circumstances and if required.
- The Pax Inn is a nice pub and the premises owners had thought that they had a good tenant in Mr Smith, until the incident on 18<sup>th</sup> May 2024. The incident was not acceptable, and they had requested that Mr Smith vacate the premises within 7 days, which had happened. The premises are currently closed, and the licence has been transferred back to the Ei Group Limited.
- Discussions had taken place between the Ei Group Limited and the Police, and it had been agreed that conditions should be tightened up and the Police had proposed additional conditions for the licence, which had been agreed.
- The Ei Group Limited were requesting that the suspension of the licence was lifted. However, the premises would remain closed until a suitable tenant could be found. They did not wish the premises to be closed for long, as it was a nice pub, in a nice location.

The Sub-Committee had no questions.

The Sub-Committee considered all the evidence provided to them within the report and appendices, and at the hearing.

## **RESOLVED –**

**Review** - Members unanimously resolved to remove the Designated Premises Supervisor, Mr Dane Smith, and to modify the licence by attaching the two conditions agreed in principle between Ei Group Ltd. and West Yorkshire Police, which are:

1. A ‘Check 25’ scheme shall be used to prevent the sale of alcohol to people under 18 years of age; and

2. Persons under the age of 18 will not be permitted in the premises unless accompanied by a responsible adult over 18.

**Interim Steps** - Members unanimously resolved to withdraw the suspension of the premises licence with immediate effect.

## **7 Summary Review of the Premises Licence for Gusto Market, 12 - 14 Strathmore Drive, Harehills, Leeds, LS9 6AB**

The report of the Chief Officer Elections and Regulatory informed the Members of the Licensing Sub Committee of an application for a licence summary review made by the West Yorkshire Police in respect of Gusto Market, 12–14, Strathmore Drive, Harehills, Leeds, LS9 6AB. The application was made on the grounds of serious crime.

In attendance for the hearing were:

- PC Neil Haywood, West Yorkshire Police – Review Applicant
- Victoria Radford, Entertainment Licensing – Representation in support of the application
- Emilia Slezak, Public Health – Representation in support of the application
- Nabaz Ibrahim Karim – Resigned Director of Gusto Market Mini Ltd. and the current Designated Premises Supervisor

The Legal Officer advised Members that Mr Karim had resigned as Director of Gusto Market Mini Ltd on 28<sup>th</sup> May 2024, after the interim steps hearing. It was confirmed via a search on Companies House that the Director of Gusto Market Mini Ltd was a Mr Akan Omed Mangori as of 28<sup>th</sup> May 2024. Mr Karim said that he was no longer linked to Gusto Market Mini Ltd.

Members were advised that given the informed from Mr Karim and the information on the Companies House webpage, Mr Karim was no longer considered as an interested party as he was longer involved in the company that holds the licence. Therefore, he had no right to speak at the hearing. Members, however, were of the view that as he had turned up for the hearing, he should be given the chance to speak, so that they had the full picture and could ascertain why he was at the hearing. No other party at the hearing objected to Mr Karim addressing the Licensing Sub-Committee.

The Legal Officer outlined the procedure for the hearing. At this point West Yorkshire Police informed the Sub-Committee that they wished to table some supplementary information. All parties were agreeable to the information being tabled and the hearing adjourned for five minutes, so all parties could read the information.

The Licensing Officer presented the application and provided the following information:

- A history of the premises had been provided at Paragraph 2 of the submitted report along with a copy of the premises licence which was appended to the report at Appendix A.
- The application for a summary review of the premises licence had been sought by West Yorkshire Police and a redacted version of the application was attached at Appendix B. Members noted that in accompaniment of the

application a certificate made under section 53(1B) of the Act, confirmed that a Senior Member of West Yorkshire Police was satisfied that these premises are associated with serious crime or serious disorder or both. A redacted version of the certificate was appended to the report at Appendix C.

- Officers confirmed that the application and certificate were served by email on the Responsible Authorities on the 22 May 2024. The application and certificate were served on the licence holder by email on the 23 May 2024 and a hard copy was delivered by hand directly to a member of staff at the premises on the same day. The Licensing Authority confirmed that the statutory requirements to advertise the review application had been followed.
- At the Interim Steps meeting it was decided that suspension of the licence with immediate effect pending the substantive hearing of the review was the most appropriate course of action for the Sub Committee to take. A copy of the Interim Steps Decision Notice was attached to the report at Appendix D.
- A map identifying the location of the premises was attached to the report at Appendix E.
- Members noted that the application had attracted two representations in support of the application, one from a Senior Liaison and Enforcement Officer on behalf of Entertainment Licensing, and a copy of the representation was appended to the report at Appendix F. The second representation was from Leeds City Council's Public Health Team and Members' attention was drawn to a copy attached to the report at Appendix G.
- Guidance specific to Summary Reviews taken from Section 182 of the Act was available to assist Members' decision making at Appendix H of the submitted report.

PC Hayward addressed the Sub-Committee and provided the following information:

- Evidence had been provided in the form of witness statements and photographs that the licensing objectives in relation to crime and disorder and the protection of children from harm had been undermined.
- It was recognised that Harehills had issues with organised crime in the area, and there were patterns of behaviour, and this was not the first time that these premises had been the subject of a review. There had been previous issues when the premises had been called Baba Jaga 2 in relation to:
  - Failed test purchases.
  - Sale of cigarettes where duty had not been paid.
  - Illicit vapes, cigarettes and alcohol found in the store.
- It was noted that the illicit goods are often stored outside the premises sometimes in a van, making the goods difficult to find.
- Members were informed that Mr Karim, Director of Gusto Market Mini Ltd. at the time the applications were made, had incorporated the company, transferred the licence, and became the DPS whilst the premises was called Baba Jaga 2 and had been subject to a review. The Police had advised against the licence being transferred to Mr Karim as they had been of the view at that time that even with the change of ownership, name, and Mr Karim as DPS the issues would continue. However, without being presented substantial evidence establishing a link between the existing and proposed licensees, the Licensing Sub-Committee had resolved to allow the transfer of the Premises Licence to Mr Karim and for Mr Karim to be specified as DPS.

- Members noted that the landlord of the premises is currently serving a prison sentence for smuggling.
- On the 18<sup>th</sup> April 2024 a multi-agency operation was undertaken where it was found that there was a menu for vapes and a walkie-talkie. The Police were able to see that there were large amounts of alcohol and vapes more than could be used for personal use. The Police had used the walkie-talkie in the shop to advise the occupants to come downstairs to the shop. At this point of the operation 2 males were seen jumping from the flat's window. On gaining access to the flat a large amount of illicit vapes, and illicit cigarettes were found, and a large quantity of money was found on the sofa. The Sub-Committee were informed that this showed repeat behaviour as at Baba Jaga 2 and that business had carried on as normal with Mr Karim's control of the premises, as the Police had advised would happen.
- Members were informed that this is organised crime with counterfeit goods smuggled through from Eastern Europe. A packet of cigarettes was sold at £4 well below price one would expect for duty-paid goods, and therefore, aimed at the poor, the vulnerable and children. This type of operation is not good for the community and is done to undercut supermarkets and for profit.

Entertainment Licensing Officer speaking in support of the application from West Yorkshire Police:

- A timeline of the issues raised at the premises was read out for the Sub-Committee.
- The Licensing Team had discovered that Mr Karim had resigned as Director of Gusto Market Mini Ltd. on 28<sup>th</sup> May 2024. A copy of the notice was delivered by hand to the premises, but Mr Karim had not been at the premises. However, the person in the store had provided contact details for Mr Karim in the form of an email address.
- The premises has failed test purchases in relation to cigarettes, vapes and medicines and there have been large quantities of cash found.
- The targeted operations of the multi-agencies are trying to make a difference for the community of Harehills.

Public Health Officer speaking in support of the application provided the reasons for supporting the application:

- The irresponsible selling of alcohol and tobacco is undermining the licensing objective of protecting children from harm. The alcohol data matrix of the MSOA shows that there are a number of vulnerable children living in the area, along with many looked after children and young people not in employment, education or training. There are also 8 childcare facilities in the location and the premises with a 1 mile radius. The GIPSIL centre is also in the vicinity of the premises.
- There are several off licences in the area, and this increases the risk of learned behaviours for children who are constantly seeing vaping or alcohol advertisements.
- The officer informed the Sub-Committee that she had taken part in the multi-agency operation and had seen bottles of liquid behind the counter but on show in the shape of weapons and male genitalia. It was the officer's view that these bottles contained alcohol.

- The officer said that a recent engagement session with residents, they had said that they did not like living in the area and were afraid for their children growing up in Harehills, seeing street gangs, street drinkers and the place had lots of litter, which all contributes to the harm of the area and to children growing up there.

A Member of the Sub-Committee asked for clarification on the shapes of the bottles thought to contain alcohol. There was no further question for the applicant or the officers supporting the application.

Mr Karim was asked to speak to the Sub-Committee and provided the following information for them:

- He said he had tried to buy the shop as he was of the view that he could change the way the shop operated. However, he had not been aware at that time that the previous owner had been selling to teenagers.
- He had come from London to be closer to his family, and his wife who was pregnant. He had not been unaware how bad the area was for crime and the issues associated with the shop. He was also unaware that the landlord was in prison, as he had only spoken to the landlord's wife.
- He said that he had done nothing wrong at the shop it was the area that was bad not the shop. All the paperwork found had belonged to the previous owner.
- He said that the previous owner lived upstairs in the flat, but he did not know who that was, but it was not linked to the shop, and he did not know what was going on in the flat.

Responding to questions from the Sub-Committee Mr Karim informed the Members of the following:

- The licence had not transferred but the Director of the company had changed.
- He was attending the hearing as he wanted to explain and clear his name. The previous owner had been dishonest and still had the flat above the premises, but the shop and flat were not linked.
- He had no income from the shop, and he had lost money in this business.
- Access to the flat was on the outside of the shop, he has no idea who rents it or who lives there.

PC Hayward summed up saying:

- Mr Karim has told the Sub-Committee that he has not had a chance to run the shop. However, it is his name that is above the door.
- It was the view of the Police there was sufficient evidence to support a link between the shop and the flat above via the walkie-talkies found in both premises and the Gusto Market till receipts found in the flat above. He did not believe Mr Karim's statement, that the shop and the flat were not linked.
- It was believed that the sales of illicit goods were making about £4,000 per day and that the flat was being used as a store for the goods, the money and as housing for staff.

The Sub-Committee considered all the information provided to them in the agenda pack, supplementary information and from the attendees at the hearing.

**RESOLVED –**

**Review** - Members unanimously resolved to revoke the premises licence.

**Interim Steps** – Members resolved that suspension of the premises licence should remain in place pending the expiry of the appeal period or, if an appeal is lodged, until the appeal is dispensed of.

*The meeting concluded at 12:40.*