



Entertainment Licensing
Leeds City Council
Civic Hall
Leeds
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Elections and Regulatory Services

Civic Hall
Leeds LS1 1UR

Our Ref: A80/CB/LIC/PREM/03433/007

Your Ref:

Contact: Carmel Brennand

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Email: [REDACTED]

Date: 11 January 2024

Dear Sirs/Madam,

REVIEW APPLICATION UNDER THE LICENSING ACT 2003
PREMISES: GOLD CLASSIC, 315 HAREHILLS LANE, LS9 6AA

Please accept this formal representation by an officer on behalf of the Licensing Authority. I am employed as a Senior Liaison & Enforcement Officer within Leeds City Council's Entertainment Licensing Section.

My duties include investigating complaints for licensed/unlicensed premises contrary to the Licensing Act 2003 as well as visiting licensed premises with other agencies to ensure compliance under the Licensing Act 2003, in promoting the four licensing objectives; the prevention of crime and disorder; public safety; the prevention of public nuisance and the protection of children from harm. I have delegated authority under the said Act.

The shop at this address has been licensed to sell alcohol for consumption off the premises since 6th March 2014. The Premises Licence authorises the sale of alcohol for consumption off the premises 08:00 to 23:00 Monday to Saturday and 10:00 to 22:30 on Sundays with the opening and closing times mirroring them.

On the 10th July 2023 the current Premises Licence Holder [REDACTED] emailed both the Entertainment Licensing Section and me asking for the Premises Licence for Bolek I Lolek at 315 Harehills Lane to be surrendered.

I was aware that the Premises Licence for this shop had been suspended due to non-payment of the annual fees and I had spoken to [REDACTED] in recent years about the outstanding arrears but as he explained the shop was empty and not trading. Whenever I was in Harehills, I checked the shop was still closed.

I was working in company with PC Haywood on the 19th July 2023. At 11:13 we attended at the shop which was open and trading under the name Gold Classic. We entered the shop and I noted that alcohol was on display both behind the counter and in fridges. I explained to the male behind the counter that the Premises Licence had been suspended as there were 4 years of annual fees outstanding. He rang the new owner Hemen Jalal and I spoke to Mr Jalal informing



him that the Premises Licence was suspended and therefore him/his staff were committing offences selling alcohol. The annual fee of £180 was due on the 29th May 2020 and every 29th May in the following years up until the 29th May 2023. Mr Jalal said he had only been in the shop a month and he was going to transfer the Licence before the end of the week. I told him he needed to pay £720 as soon as possible to lift the suspension or else sales of alcohol must cease and all alcohol must be removed. Mr Jalal argued that he only had the shop a month, why should he pay for previous years. I explained that this was stipulated in the Licensing Act and that he or his solicitor should have made enquiries as to the status of the Licence before purchasing the business.

When Mr Jalal asked if he could pay in 2 halves, I explained the suspension would stay in place until the full amount was paid. He said he would apply for the transfer first. I advised that would be fine, but he would have to remove all the alcohol from the shop premises until the annual fees were paid in full. The transfer of the Licence would not automatically allow the sales of alcohol. My advice would be to pay the annual fee and then transfer and vary the Designated Premises Supervisor (DPS). Mr Jalal said he had some paperwork and his member of staff looked through envelopes under the counter and found applications to transfer and vary the DPS. I noted that my colleague [REDACTED] had sent them to Mr Jalal in January 2023. I explained he could complete the paper applications, scan them and email them to Entertainment Licensing or could he apply more easily online. I told him that he could also pay the annual fee online. I left my business card with the office telephone number and email address and reiterated that the Premises Licence was surrendered so needed to act quickly. If not, as well as committing offences under Section 136 for selling alcohol without a Licence, he would be committing offences under Section 137 and 138 of the Licensing Act 2003 as well for displaying and storing alcohol for unlawful sales. Mr Jalal said he would pay that afternoon.

Section 136 Unauthorised licensable activities

- (1) A person commits an offence if -
 - (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
 - (b) he knowingly allows a licensable activity to be so carried on.
- (4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine, or to both.
- (5) In this Part "authorisation" means -
 - (a) a premises licence,
 - (b) a club premises certificate, or
 - (c) a temporary event notice in respect of which the conditions of section 98(2) to (4) are satisfied.

Section 137 Exposing alcohol for unauthorised sale

- (1) A person commits an offence if, on any premises, he exposes for sale by retail any alcohol in circumstances where the sale by retail of that alcohol on those premises would be an unauthorised licensable activity.
- (2) For that purpose a licensable activity is unauthorised unless it is under and in accordance with an authorisation.

(3) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine, or to both.

(4) The court by which a person is convicted of an offence under this section may order the alcohol in question, and any container for it, to be forfeited and either destroyed or dealt with in such other manner as the court may order.

Section 138 Keeping alcohol on premises for unauthorised sale etc.

(1) A person commits an offence if he has in his possession or under his control alcohol which he intends to sell by retail or supply in circumstances where that activity would be an unauthorised licensable activity.

(2) For that purpose a licensable activity is unauthorised unless it is under and in accordance with an authorisation.

(3) In subsection (1) the reference to the supply of alcohol is a reference to the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(5) The court by which a person is convicted of an offence under this section may order the alcohol in question, and any container for it, to be forfeited and either destroyed or dealt with in such other manner as the court may order.

On the 25th July 2023 I was visiting premises On Harehills Road and Harehills Lane with my colleague Mrs Susan Duckworth, a Principal Officer in Entertainment Licensing. At 12:35 we attended at Gold Classic. I spoke to a male member of staff explaining that I had been in before about the suspended Premises Licence. He got the owner Mr Jalal on the phone who said he had just tried to pay the annual fee day before but a female of staff had told him needed to transfer the Licence first. I again explained that he was committing offences by selling alcohol when the Licence was suspended. I strongly advised him that he needs to pay the annual fees and submit the applications online today.

At 09:19 on the 27th July I spoke to PC Cooper who was dealing with intelligence that was received on the 12th July alleging that Gold Classic was open until 1 am, selling illicit tobacco and drugs. I explained the situation in regard to the surrender of the Premises Licence on the 10th, that the Licence had been suspended since 19th June 2020 and my discussions with the new owner on 2 recent visits. The intelligence would appear to tie in with the shop only recently reopening.

I checked our systems and noted the annual fees were still outstanding and no applications to transfer or vary the DPS had been received.

At 14:30 on the 27th July I attended at the shop. The same male member of staff as behind the counter who gave his name as [REDACTED]. Alcohol was still being displayed. I explained to him that nothing had been done despite Mr Jalal saying he would sort the previous week. [REDACTED] rang Mr Jalal and passed the phone to me. I told Mr Jalal that unless he pays I wanted the shop closing or all the alcohol removing now as offences are being committed and have been since he first opened the shop more than a month ago. Mr Jalal stated he was at accountants now trying to sort the forms. Again he said he had tried to pay over the phone but failed. I contacted

the office and asked a licensing officer if she could take the payment and I gave her Mr Jalal's telephone number.

I then conducted an inspection under the Licensing Act. When I asked [REDACTED] what time the shop was open until, he admitted 1 am. I asked him why he would think that when there was no Premises Licence on site. He could not explain why his boss would not know the trading hours of a business he had bought. I noted the cctv monitor facing the counter had 8 cameras and was showing the correct time. I asked [REDACTED] if could operate it and show me footage from the 26th June. [REDACTED] said it was a new cctv system but he did not know how to operate it.

I received a message from the licensing officer that the full £720 had been paid and therefore the suspension had been lifted. Mr Jalal rang [REDACTED] who passed the phone to me. Mr Jalal asked what he needed to do next. I told him he needed to transfer the Premises Licence to himself and vary the DPS. [REDACTED] got the forms from under the counter and with Mr Jalal on the phone, I helped him fill as much as he could and that when Mr Jalal completed his bits and signed the forms, he could scan them and email to Entertainment Licensing and make payment but I wanted this doing by Friday 28th at the latest. As well as writing the opening and closing times on the inspection sheet, I told Mr Jalal the times specified on the Licence. He then asked how he could apply for longer hours. I explained to them both the approximate cost and that as a Cumulative Impact Policy in place for Harehills, very likely that the application would attract representations and would have to be heard by the Licensing Sub Committee and that in my experience the chances of them getting later hours would be slim. After the call ending with Mr Jalal I continued with the inspection with [REDACTED]. When I asked to see the Refusals Register and Incident Register [REDACTED] looked blank. I explained that a Page A Day Diary could be used for both. I signed the inspection sheet and passed to [REDACTED] to sign, which he refused to do. I gave him the carbonated copy of the inspection sheet.

I produce a copy of the inspection sheet dated the 27th July 2023 as my exhibit CB 1.

On the 28th July 2023 valid applications were received to specify Mr Hemen Jalal as both the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS).

On the 15th August PC Haywood and I were visiting premises in Harehills. At 13:20 we attended at the subject premises. There was a male I had not met before behind the counter. We introduced ourselves and I showed him the inspection sheet that [REDACTED] had refused to sign on our last visit; telling him not good response from [REDACTED]. When I asked the male if he could operate the cctv he said the engineer was coming the next week to show them how to operate it. I then asked for the Incident/Refusals Register. The male got out a loose leaf notebook. I advised him that was no good as the pages weren't numbered and a page could be ripped out easily, further explaining that a page a day diary would be better. I asked him his name and he replied 'Hemen'. I replied ' You're the new owner who I spoke to on the phone'. Hemen said he was a director. I went on to ask him what time the shop opened and he said 9ish and closed before 11 pm if it was quiet. I told him that [REDACTED] had admitted staying open until 1 am. I explained to him that if the cctv was working he would be able to prove that he was sticking to the hours on the Licence. He took a photo of the inspection sheet that detailed all the issues. I gave him a Check 21 poster and told him he needed to have something similar for Challenge 25 as this was specified on the Premises Licence.

On the 31st August 2023 I took part in a multi agency operation in Harehills. At 10:10 PC Haywood and I attended at Gold Classic which had already been secured by other police officers. We introduced ourselves to the young female behind the counter. I explained that we were conducting an inspection under the Licensing Act and asked her if she was in charge. She identified herself as [REDACTED] but disputed that she was in charge or even working; stating she was just helping out Hemen. I asked if she could operate the cctv and show us footage from 31 days ago as I understood the cctv engineer had been due out to show them how to operate the system. She said she did not know how to operate the system. I asked if I could have a look

at the Incident/Refusals Register but she did not have a clue what I was talking about even though I said it might be under the counter. I explained that should a young person come in asking for alcohol or cigarettes and they were not able to provide proof of age and she refused to sell to them -this should be recorded with time and date and details/description of the refusal. I noted that there were no proof of age posters displayed in the shop.

I produce a copy of the inspection sheet dated 31st August 2023 signed by [REDACTED] as my exhibit CB 2.

Whilst PC Cooper was removing illegal vapes from behind the counter, I noticed cannabis paraphernalia also displayed for sale and took a photograph of it.

I produce a copy of the photograph as my exhibit CB 3.

Further to information received from a Neighbourhood Police Officer that the shop was open at 00:16 hours I wrote to Mr Jalal reminding him of the hours for licensable activities and the opening and closing times as specified on his Premises Licence.

I produce a copy of my email dated the 19th September 2023 as my exhibit CB 4 and the attached warning letter addressed to Mr Jalal as the PLH and DPS as my exhibit CB 5.

On the 25th September PC Haywood and I were working in the Harehills area and visited the subject premises at 12:40. [REDACTED] was on her own in the shop behind the counter but was quick to point out that she was working; she was simply helping out the owner as he had to go and collect stock. I noted that proof of age posters were now being displayed. When asked about the Incident/Refusals Register, [REDACTED] produced a page a day diary. When I checked it there were entries for refusals however mainly for vapes. I explained that we had received information that the shop had been open past the permitted hours and asked if we could look at footage from the 18th September. [REDACTED] stated she could not operate the system so were unable to confirm the operator was adhering to his Licence. I had noted that cigarettes were being displayed behind the counter in full view of the public.

The following day I contacted Trading Standards and asked about the legislation. It was confirmed that the Tobacco Display Act came into effect on the 6th April 2012 it became illegal to display tobacco products at the point of sale in large stores, such as supermarkets. On the 6th April 2015 this applied to any business selling tobacco products to the public.

On the 11th October 2023 I was again working in Harehills with PC Haywood. At 11:16 we attended at Gold Classic. The PLH and DPS Mr Hemen Jalal was on site. When I asked Mr Jalal if he could now operate the cctv he tried to access the system but kept getting the access code wrong. He rang the cctv engineer and I spoke to him. The engineer asked if we could come back tomorrow. I explained that we were very busy and had other appointments. The engineer said he would come to the shop that afternoon. I told him I needed a screen shot of just 1 camera showing footage from the 9th September as the system has to be able to record for 31 days. He said he wasn't sure there would be 31 days. I advised him that it was a condition on the Licence. I gave a business card showing my email address to Mr Jalal who said he had told the engineer it needed to be 31 days. I checked the Refusals/Incident Register which had a couple of entries. When I asked where the Part A & B of Premises Licence was, Mr Jalal said he never received it. I rang a colleague whilst at the shop and she was able to confirm that the Licence had been sent out on the 24th August to Mr Jalal's home address in Bradford. I pointed to the row of cigarettes and rolling tobacco below and advised Mr Jalal that it was unlawful to have such items on display. I took photos of the shelves before he started putting them in a holdall. PC Haywood pointed to an adjacent shelf and asked if that was the naughty shelf? It had cannabis grinders, balloons etc on it. I took photos of this shelf also. Mr Jalal said the balloons were for birthday parties. I then asked what time he was closing the shop. Mr Jalal replied, '11 pm but maybe staff are cleaning after that but the public still coming in for stuff. I sell

if it's not alcohol'. I repeated that 'Closing time is 11 pm on Mondays to Saturday and 10:30 on Sundays. The door should be locked and you should not be selling anything. I have a police officer saying that the shop has been open well after these times but you can't prove you are closing on time as you can't show me the cctv'. Mr Jalal again asked about extra hours. I told him that I have been in many times and things still not right so I would object to any application. PC Haywood also explained about the CIA which recognises problems with alcohol in the area so will usually attract objections. I told him it would also be expensive even if he were to submit the application himself and even more so if he were to employ a solicitor. Mr Jalal said he is going to see a solicitor around the corner.

I produce a copy of the photograph showing cigarettes and tobacco as my exhibit CB 6 and a copy of the photograph showing the cannabis paraphernalia as my exhibit CB 7.

On the 13th October I emailed Mr Jalal to remind him to apply for a duplicate Premises Licence. I produce a copy of the email as my exhibit CB 8.

As I had received no screenshot of the cctv, nor had Mr Jalal paid for a duplicate Licence, I sent a strongly worded email to Mr Jalal reminding him of the cctv conditions attached to his Premises Licence and the offence under Section 136 of the Licensing Act of operating whilst being in breach of these conditions. I also reminded him that it was an offence under Section 57 for not having the Part A and B of the Premises Licence on site. The email was sent with 'High Importance' and I ask Mr Jalal to contact me when the matters have been rectified.

Section 136 of the Licensing Act has been detailed on page 2 of this representation.

Section 57 states:-

(1) This section applies whenever premises in respect of which a premises licence has effect are being used for one or more licensable activities authorised by the licence.

(2) The holder of the premises licence must secure that the licence or a certified copy of it is kept at the premises in the custody or under the control of—

(a) the holder of the licence, or

(b) a person who works at the premises and whom the holder of the licence has nominated in writing for the purposes of this subsection.

(3) The holder of the premises licence must secure that—

(a) the summary of the licence or a certified copy of that summary and and

(b) a notice specifying the position held at the premises by any person nominated for the purposes of subsection (2),

are prominently displayed at the premises.

(4) The holder of a premises licence commits an offence if he fails, without reasonable excuse, to comply with subsection (2) or (3).

I produce a copy of my email dated 31st October 2023 as my exhibit CB 9.

At 12:00 on the 12th December PC Haywood and I revisited Gold Classic. We introduced ourselves to the young male behind the counter who identified himself as [REDACTED]. He stated he had only been working at the shop for 2 days but stated he knew we had visited previously when a young girl had been there. I noted that the 1st page of the Part A of the

Licence was attached to the front door. I removed it from the door and explained to [REDACTED] that it should be placed with the rest of the Part A and that it should be Part B that is displayed. He looked under the counter but could not find the remaining pages. He did find the Incident/Refusals Register but when I checked there were no recent entries. I explained that he should record any instances when he refuses alcohol or any other age restricted products as this shows he is doing a good job and showing due diligence. When I asked if he could operate the cctv, he said no. He then rang Mr Jalal and we made an appointment for the following day.

I completed an inspection sheet and gave [REDACTED] a carbonated copy after he had signed it.

I produce a copy of the inspection sheet as my exhibit CB 10.

At 11:52 on the 13th December PC Haywood and I returned to the shop. The PLH and DPS Mr Jalal was on site with another male. The cctv was showing the correct time and Mr Jalal was able to access the system and showed us footage from the 26th November which is only 17 days. I again advised Mr Jalal that the condition on his Licence specified 31 days. Mr Jalal stated that was when the new hard drive was fitted. At first he said he had paid £500 to the engineer, then £900. He also stated that he was not confident in allowing all staff access to the system. When I asked what time he was closing Mr Jalal stated 11 pm as he works the late shift. The other male asked if they could have 24 hours like other shops down the road. I explained that we did not have any problems with the other shop whilst here the cctv has not been compliant since July so I would definitely object and added there was a CIA for Harehills so likely other objectors as well. Mr Jalal asked why I had taken down the Part A. I told him that it should be Part B that is displayed and Part A – all the pages should be on site, preferably under the counter so all staff can access and be able to produce to an officer when they ask for it. Mr Jalal said he would bring it from home. When I asked to see the Incident/Refusals Register, Mr Jalal replied that he was no longer selling cigarettes. I gave examples of what should be recorded and the other male mentioned proxy sales. I told them both that if they believe a customer is buying alcohol for a child/young person they should refuse and log as many details as possible as this shows they are being responsible and showing due diligence. PC Haywood and I said we would return in January to check the cctv.

On the 15th December I attended at the premises at 13:50 to display blue review notice to the nearest lamp post and gave male staff [REDACTED] a letter addressed to Mr Hemen Jalal confirming receipt of the review application. I noted that Part B of the Premises Licence was not displayed.

At 12:10 on the 11th January 2024 I attended at the premises in company with my colleague Mrs Victoria Radford, also a Senior Liaison & Enforcement Officer. The male behind the counter introduced himself as [REDACTED] and I recognised him as the male who had been in the shop during a previous visit on the 15th December and who had asked about extending the hours for the Premises Licence. [REDACTED] stated he had worked at the shop for 7/8 weeks. I looked around the shop and could not locate the Part B of the Premises Licence. I advised him that it should be displayed and suggested he looked under the counter. [REDACTED] phoned Mr Jalal and we have a three way conversation over the phone. [REDACTED] proceeded to go through a pile of paperwork from under the counter and found the 1st page of the Part A of the Premises Licence (which was laminated and had previously been displayed in error). He came across a white envelope and on opening it found the remaining pages of Part A and the Part B. I held the A4 Part B against the glass partition at the side of the counter and [REDACTED] taped it in place. I wrote on the envelope 'Part A of the Premises Licence' so that any staff would know what it contained and instructed [REDACTED] to put it back under the counter so that if an authorised officer such as myself or a police officer asked for the Part A, staff would be able to produce it. I said, ' Finally the Licence is in order' and Mr Jalal thanked us. I told him now we have to look at the cctv. I noted the time on the monitor was correct. I asked [REDACTED] if he could operate the system and show us footage from the 11th December 2023. When he replied that he couldn't, I asked if Mr Jalal could not give him the access code over the phone as I ad

visited many times and still not seen if the cctv was compliant. Mr Jalal proceeded to give [REDACTED] the code but despite a number of attempts he was unable to access the system to the extent that he was completely locked out. [REDACTED] carried on trying until Mrs Radford told him that it was locked and would need to be reset. I reminded Mr Hemen that I had previously asked him to send me a screenshot of the cctv showing it was recording for 31 days and he still hadn't. When I told him that I had previously given my email address, he asked will you email me again and I will send it. I told him I would email him later.

On facing [REDACTED] at the counter I noted a number of electronic disposable vapes that were high volume puffs on the shelves behind him. I asked [REDACTED] if I could come behind the counter and he agreed. I looked closely at a number of different makes which varied from 600 puffs to 1500, 3500, 4000, 6000, 7000 and 10k puffs. I looked closely at the packaging and noted that some had 2 ml of E liquid, whilst others had 4.8 ml, 10 ml and 12 ml and some had no quantity stated.

I am aware that the legal limit for nicotine E liquids in UK disposable vapes is 2 ml and that this can generally provide up to 600 puffs per device so anything above this is likely to be an illegal vape. I explained that police officers had seized similar products on a previous visit. Mrs Radford asked [REDACTED] if he knew where they had come from but he said he didn't. I advised [REDACTED] that all the brands with more than 600 puffs or over 2 ml of liquid should be removed from display and sale. Before he began putting the illegal vapes in carrier bags I took photos of them.

I had noted a page a day diary on the counter and asked if this was the Refusals/Incident Register. [REDACTED] passed me the diary and I noted a couple of entries for this year so far and told him that was in order. We then went on to have a discussion about I.D and proxy sales. He gave an example of someone showing ID on their mobile phone. We advised this was not ideal as could be made up and that if he was unsure at all then he should ask them to provide a driving licence or passport and to check the photo on the ID and the person in front of him. [REDACTED] then asked about older people coming in and possibly buying alcohol for underage. We told him that if he had even the smallest suspicion that this was the case, then he should refuse and record it.

We resumed from the premises at 12:50.

At 18:29 the same day I emailed Mr Jalal confirming our conversation and asked him to email me a screenshot of the cctv showing that it was recording for 31 days. In the email I remind him of the specific condition on his Premises Licence and the offence under Section 136 of the Licensing Act when he operates whilst in breach of any condition.

Despite advice and assistance given during 11 visits and 4 emails, serious and continuous breaches of the Licensing Act 2003 continue. Despite the seizures of illicit cigarettes and illegal vapes on the 31st August, illegal vapes had been replenished and displayed for sale. It is clear that Mr Hemen Jalal does not take his responsibilities seriously. He has failed to comply with a variety of legislation and is unconcerned about the impact his business has on the immediate community. It is clear that he has failed to operate responsibly in upholding the objectives and I therefore support the review being brought by West Yorkshire Police.

Yours faithfully

[REDACTED]

Mrs Carmel Brennand
Senior Liaison & Enforcement Officer, Entertainment Licensing