

Licensing Sub-Committee

Tuesday, 11th January, 2022

PRESENT: Councillor P Wray in the Chair

Councillors A Hutchison and J Illingworth

1 Election of the Chair

RESOLVED – That Councillor Paul Wray be elected as Chair for the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

3 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information.

4 Late Items

There were no formal late items. However, supplementary information had been circulated to all parties prior to the meeting in relation to Agenda item 6.

5 Declaration of Interests

No declarations of interests were made at the meeting.

6 Review of the Premises Licence for Mama Mia Convenience Store Ltd, 274 Harehills Lane, Harehills, Leeds, LS9 7BD

Further to the meeting of the 16th November 2021, when this item was adjourned due to the premises licence holder requiring the services of a translator.

For this meeting a translator did attend, however, the premises licence holder did not attend and the translator left.

The report of the Chief Officer Elections and Regulatory informed Members that West Yorkshire Trading Standards had 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 Mama Mia Convenience Store, 274 Harehills Lane, Harehills, Leeds, LS9 7BD.

In attendance at the meeting were:

- David Strover (Trading Standards) – review applicant
- Jason Bethell (Trading Standards) – witness on behalf of the review applicant
- David Mullins (Trading Standards) – observing
- Lisa Harrison (Trading Standards) – observing
- Craig Lingard (Trading Standards) - Observing
- PC Andy Clifford (West Yorkshire Police, Licensing) – responsible authority supporting the review application
- Richard Beecham – LDRS Journalist

The Licensing Sub Committee were advised that Mr Ali Mohamad the premises licence holder and his Barrister, Mr Duncan Craig had indicated they would not be attending the meeting. The Legal Officer asked if the Licensing Sub Committee wished to proceed with the hearing or adjourn. With the agreement of all parties present it was the decision to continue with the hearing.

The Sub Committee were aware that the two applications to be heard related to the same premises at Mama Mia's Convenience Store Ltd and involved some common parties. Therefore, to ensure all information that may be relevant to each item was with the committee before each decision was made, the committee proposed to hear both applications and the representations against each application together, before making their decision on both applications.

The Licensing Officer presented the application providing the following information:

- The application was made by Trading Standards on the grounds of prevention of crime and disorder, the prevention of public nuisance and public safety.
- The premises had held a premises licence for off sales since March 2010. The licence had been transferred numerous times and had operated as a convenience store throughout. In June 2017 the licence was transferred to Mama Mia Convenience Store Ltd. In February 2021 Mr Ali Mohamad made an application to transfer the licence to his name and to alter the designated premises details to himself. However, the application had been made incorrectly in both cases and invalidated the licence, Licensing was awaiting amendments to be made to the forms.
- West Yorkshire Trading Standards served the Licensing Authority and all responsible authorities with an application to review the licence on 24th September 2021. Subsequent to this application, Mama Mia Convenience Store Ltd made an application to vary the designated premises supervisor details to Ali Mohamad. However, this application received representation from West Yorkshire Police and was scheduled to be heard at the same Licensing Sub Committee hearing.
- The Licensing Authority had received a number of representations supporting this review. They were appended to the report as follows:
 - Appendix D1 West Yorkshire Police PC Andy Clifford, including statements from HMRC and Immigration
 - Appendix D2 West Yorkshire Police Sgt. Fred Winster, Neighbourhood Policing Team
 - Appendix D3 Licensing Authority, Carmel Brennand
 - Appendix D4 Ward Member Cllr. Salma Arif on behalf of Gipton and Harehills ward members
- A copy of the relevant section of guidance issued under Section 182 of the Act was appended to the report at Appendix E.

Mr Stover from Trading Standards provided the following information:

- Mama Mia Convenience Store Ltd has 2 directors, Mr Ali Mohamad and Mr Aram Ahmed Mohammed
- A chronology of the case was presented as follows:
 - 24th June 2020 – 2 PCSO's had witnessed the sale of illegal tobacco. 2,757 packets of cigarettes and 496 pouches of hand rolling tobacco were seized. It was noted that Mr Mohammed was present at the store.
 - On 23rd November 2020, a Trading Standards Officer in plain clothes made a test purchase of 20 Richmond cigarettes for £5.00. It was noted that these cigarettes usually retail at over £10.00, over £6.00 of which is Excise Duty.

- 27th November 2020, Trading Standards Officers attended the premises. Mr Ali Mohamad was present in the store. Bags of illegal cigarettes were found behind the counter with more found behind a concealment in the rear of the store. Illegal cigarettes, rolling tobacco and imported strength alcohol where duty had not been paid were seized. Members' attention was drawn to photographs within the agenda pack which showed how the illicit cigarettes and tobacco had been stored in the concealment.
- 25th February 2021, Mr Mohammedie was in the store when more tobacco was seized as part of an inspection visit. It was noted that the cigarettes seized were not in plain packaging and did not carry the health warnings. A letter was sent to the licence holder.
- 20th September 2021, another test purchase was made by a plain clothes Trading Standards Officer, who was sold a pack of Richmond cigarettes for £5.00 not the usual £10.00.
- 28th September 2021, Trading Standards again visited the shop to carry out an inspection. Numerous packages of illegal cigarettes and rolling tobacco were found in the store, to the rear of the store and also in a vehicle parked at the rear of the store. Mr Mohamad was present in the store at the time, he denied that the vehicle was anything to do with him.
- Mr Mohamad and Mr Mohammedie had attended at Leeds Crown Court on 10th January 2022, on a criminal investigation charge. It was noted that Mr Mohamad and Mr Mohammedie were due to appear at court on 9th February 2022, for sentencing.

Responding to questions from Members the Licensing Sub Committee were provided with the following information:

- Guidance and warnings had been given after the seizures of goods with written paperwork on items taken and why they had been taken. The items had been seized as the items were not packaged correctly and had no health warnings in English. Advice had been given and it was accepted and understood that Mr Mohamad and Mr Mohammedie had understood the advice which was given in Kurdish. It was noted that the officers also believed that both men had a certain standard of English.
- Estimated value of the items seized was provided.
- HMRC had been called due to the amount of illicit alcohol seized. It was noted that they had only attended on one occasion as they had been too busy to attend on further occasions
- Immigration had been notified as an assistant in the shop was found to have out stayed their visa and working illegally in the shop
- At the court hearing both men had pleaded guilty. However, sentencing could not take place as the health of both men had seemed to have deteriorated, with one saying that they could only walk with a stick and the other saying that he had a bad back. Sentencing was delayed so that medical evidence could be sought.

PC Clifford presented his representation and provided the Licensing Sub Committee with the following information:

- It was his view that the premises were adding to anti-social behaviour and crime in the area of Harehills, police officers had witnessed the selling of alcohol to drunks
- The Police along with colleagues from Leeds City Council were working with a number of off licence premises in the area to educate the licence holders on the selling of cheap and imported goods.
- PC Clifford said there was a number of issues to consider, including sale of illicit tobacco, sale of illicit alcohol and also immigration issues. It was his view that Mr Mohamad and Mr Mohammed did not seem to care about any of the issues in the area. Even after the first incident and the guidance given, they had continued to sell illicit goods from the shop, contributing to the issues in Harehills.

It was noted that the written representations within the agenda pack and the supplementary information had been read by the Members and would be included during their consideration.

Mr Stover in summing up for this item, he reiterated how serious the matter was and highlighted the guidance from the Home Office on such matters.

Member's discussions included:

- Ongoing disregard for authority
- Breach of all Licensing Objectives
- Contribution to crime and anti-social behaviour in the area

RESOLVED – To revoke the premises licence as requested.

7 Application to vary a premises licence held by Mama Mia Convenience Store Ltd, 274 Harehills Lane, Harehills, Leeds, LS9 7BD, to specify an individual as designated premises supervisor

The Chief Officer Elections and Regulatory submitted a report advising Members of an application to vary a premises licence held by Mama Mia Convenience Store Ltd, 274 Harehills Lane, Harehills, Leeds, LS9 7BD, to specify an individual as designated premises supervisor.

In attendance for this item were:

- David Stover (Trading Standards) – review applicant
- Jason Bethell (Trading Standards) – witness on behalf of the review applicant
- David Mullins (Trading Standards) – observing
- Lisa Harrison (Trading Standards) – observing
- Craig Lingard (Trading Standards) – Observing
- PC Andy Clifford (West Yorkshire Police, Licensing) – responsible authority supporting the review application
- Richard Beecham – LDRS Journalist

The Licensing Officer provided a brief outline of the application to specify Ali Mohamad as the designated premises supervisor. Members were advised that West Yorkshire Police had made a representation objecting to the grant of this application.

PC Clifford of West Yorkshire Police informed the Licensing Sub Committee that in his view Mr Mohamad was the sole director of this company and therefore was the

DPS. West Yorkshire Police were aware of the incidents that had taken place at the premises with seizure of illicit goods, namely cigarettes, rolling tobacco and alcohol. They were also aware that the premises had employed someone illegally and must have been paying this person cash in hand. PC Clifford was of the view that Mr Mohamad must have known that this was wrong.

The Licensing Sub Committee were aware that this application related to the previous item being heard on this date and therefore considered all evidence presented for both applications prior to making their decision.

RESOLVED – Not to grant Mr Ali Mohamad as the designated premises supervisor of Mama Mia Convenience Store Ltd.

The meeting concluded at 11:20