



<b>REV1</b>
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Entertainment Licensing, Leeds City Council, Civic Hall, Leeds, LS1 1UR

**Application for a review of a premises licence or club premises certificate  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**I/We The Licensing Authority apply for the review of a premises licence under section 51/apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

**Postal address of premises or club premises, or if none, ordnance survey map reference or description**

Bob's Bar  
3 Sheepscar Street South  
Sheepscar

**Post town:** Leeds

**Post code:** LS7 1AD

**Name of premises licence holder or club holding club premises certificate (if known)**

Mr Biniam Kesete Asfaha

**Number of premises licence or club premises certificate (if known)**

PREM/04426/001

**Part 2 – Applicant details**

- |   |                                     |
|---|-------------------------------------|
| I am  | Please tick ✓ yes                   |
| 1 An individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below) | <input type="checkbox"/>            |
| 2 A responsible authority (please complete (C) below)   | <input checked="" type="checkbox"/> |
| 3 A member of the club to which this application relates (please complete (A) below)  | <input type="checkbox"/>            |

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

Surname  First names

Please tick ✓ Yes

I am 18 years old or over

Current postal address  
if different from  
premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

**(B) DETAILS OF OTHER APPLICANT**

Name
Address
Telephone number (if any)
E-mail (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name: Carmel Brennand
Address: Leeds City Council Entertainment Licensing Civic Hall Leeds LS1 1UR

Telephone number (if any) ■■■■■■■■■■

E-mail (optional) ■■■■■■■■■■

**This application to review relates to the following licensing objectives(s)**

Please tick one or more boxes ✓

- |    |                                      |   |
|----|--------------------------------------|---|
| 1. | the prevention of crime and disorder | X |
| 2. | public safety                        |   |
| 3. | the prevention of public nuisance    | X |
| 4. | the protection of children from harm | X |

**Please state the ground(s) for review (please read guidance note 2)**

This review is brought under both the Licensing Act 2003 and The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 which were made under the Public Health (Control of Disease) Act 1984.

Initially the premises were brought to the attention of the Entertainment Licensing Section by allegations of operating after permitted hours the weekend after the grant of the Premises Licence. These allegations persisted despite both verbal and written advice to the Premises Licence Holder. When officers attended at the premises for prearranged appointments on 2 separate occasions to investigate the allegation, the cctv was not recording the requisite 31 days which is a serious breach of a Premises Licence condition, and undermines at least one of the mandatory licensing objectives including The prevention of crime and disorder. As per Home Office published Revised Guidance issued under section 182 of the Licensing Act 2003 – ‘the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally.’

More recently there have been 3 occasions where police have been called to the premises and witnessed people inside consuming alcohol and smoking shisha which were clear breaches of the current Coronavirus legislation. This has resulted in the Council’s Environmental Protection Team issuing Prohibition Notices and Fixed Penalty Notices to the Premises Licence Holder and the Designated Premises Supervisor.

**On the 26<sup>th</sup> November 2019** Premises Licence PREM/04426/001 was granted for Bob’s Bar, 3 Sheepscar Street South, LS7 1AD with Mr Biniam Kesete Asfaha as the named Premises Licence Holder and Mr Mehari Andemariam specified as the Designated Premises Supervisor.

**On Monday 2<sup>nd</sup> December 2019** a complaint was received by Entertainment Licensing alleging that Bob’s Bar was open all weekend with parties going on until 3:30 am on Sunday 1<sup>st</sup> December and 5:30 am on this Monday morning when it should have been closed by 2 am, as per the permitted licensable activities granted only a short time earlier by the Licensing Authority.

**On Tuesday 3<sup>rd</sup> December 2019** a warning letter was sent to the Premises Licence Holder advising of the complaint and the ramifications of being found guilty of operating other than in accordance with the Premises Licence.

**On Tuesday 10<sup>th</sup> December** the Premises Licence Holder contacted the officer who sent the letter confirming receipt of both the Premises Licence and the warning letter. Arrangements were made for a licensing and food safety inspection on the 12<sup>th</sup> December.

At 11:01 am that same day the complainant contacted the officer alleging the bar had been open at 6 am on Sunday 8<sup>th</sup> December.

**On Thursday 12<sup>th</sup> December** the officer attended at the premises and met with the Premises Licence Holder who advised that he had only fitted a new cctv hard drive 2 days previously so was the officer was unable to look at recorded cctv footage on the days of the alleged after-hours. The time was out

on the cctv system which was a further breach of the Premises Licence condition. The Premises Licence Holder admitted that some friends had stayed after-hours to celebrate his new business venture. The officer reminded the Premises Licence Holder of the hours stated on his Licence, the details of the cctv condition and requested a screenshot from the cctv on the 12<sup>th</sup> January 2020 to prove that it was compliant with the condition of 'retaining images for a minimum of 31 days'.

**On Wednesday 15<sup>th</sup> January 2020** the officer attended at the premises with the police licensing officer for a pre-arranged appointment with the Premises Licence Holder. On checking the cctv and finding only 6 days footage the officer issued a Closure Notice under Section 19 of the Criminal Justice and Police Act 2001. The Premises Licence Holder signed the Closure Notice stating he would rectify the issues within a month.

**On Sunday 19<sup>th</sup> January 2020** Entertainment Licensing enforcement officers conducted a drive-by of the premises at 2.35 am and noted it was closed and in darkness. No breaches of the premises licence were witnessed.

**On Friday 24<sup>th</sup> January 2020** an email from a 2<sup>nd</sup> complainant was received at the Entertainment Licensing Section. The complainant alleged that a customer could still enter the premises to buy alcoholic beverages after 2:30 am till 4 am even 5:00 am, in the earlier hours on Fridays, Saturdays, and Sundays.

**On Thursday 12<sup>th</sup> February 2020** the officer contacted the Premises Licence Holder and asked if a visit could be made on the 18<sup>th</sup> February to check the cctv. When the Premises Licence Holder admitted the cctv was not up to 31 days, the officer advised him to check the system every couple of days to ensure the period of recording was extending and to ring when 31 days had been reached.

**On Friday 28<sup>th</sup> February 2020** the Premises Licence Holder contacted the officer to advise the cctv was only recording 28/29 days so he had bought a new hard drive but thought he should ask before changing it. The officer agreed to the change giving the Premises Licence Holder a last chance to comply with the licence condition.

**On Monday 9<sup>th</sup> March 2020** the officer contacted the 1<sup>st</sup> complainant for an update and was told the premises were still staying open after hours, specifically 3:17 am on Saturday 7<sup>th</sup> March and 5:13 am on Sunday 8<sup>th</sup> March.

**On Friday 20<sup>th</sup> March 2020** the Prime Minister announced that all pubs, bars, restaurants and other specified premises must close down in an effort to suppress the coronavirus breakout.

**At 1:30 am on Monday 15<sup>th</sup> June 2020** police officers were dispatched to reports of an ongoing party at Bob's Bar. Officers could hear loud music from the rear of the premises and because it was so loud it took some time for the occupants to answer the door. 6 people were inside the premises, one of whom identified himself as the Premises Licence Holder who said he had invited 5 friends for his birthday. However officers found 2 males hiding in the toilets and a further 10 males hiding in the cellar. In the officer's opinion the Premises Licence Holder was trying to deceive them.

**On Tuesday 16<sup>th</sup> June 2020** the Premises Licence Holder was served a Prohibition Notice by the Environmental Protection Team. The Prohibition Notice which remains in force until any changes in the Coronavirus legislation advises the responsible person must:-

- (i) close any premises, or part of the premises, in which food or drink are sold for consumption on those premises, and cease selling any food or drink for consumption on those premises.

**On the 2<sup>nd</sup> July 2020** in readiness for the hospitality sector re-opening on the 4<sup>th</sup> July 2020 the Entertainment Licensing Section sent out a Briefing Note – Frequently Asked Questions Re-opening to help operators. This briefing note was emailed to the Premises Licence Holder of Bob's Bar.

**On Tuesday 22<sup>nd</sup> September 2020** the Prime Minister announced further national measures to address rising cases of coronavirus in England. Businesses selling food or drink (including cafes, bars, pubs and restaurants), social clubs, casinos, bowling alleys, amusement arcades (and other indoor leisure centres or facilities), funfairs, theme parks, adventure parks and activities, and bingo

halls, must be closed between 10pm and 5am from the 24<sup>th</sup> September, The new measures included stricter rules on face coverings, gatherings etc and increased fines for repeated breaches of the legislation.

**On Friday 25<sup>th</sup> September 2020** the Entertainment Licensing Section emailed and posted a letter from John Mulcahy, Chief Officer for Elections & Regulatory Services, Leeds City Council to all licensed premises in Leeds detailing the new restrictions.

**On Thursday 1<sup>st</sup> October 2020** as a result of new developments over the week, a further letter from John Mulcahy was emailed and posted out with updated guidance as well as 2 attachments titled 'How to Create a QR code' and 'A4 Action Card'. Records of the mail shot confirm that Bob's Bar was number 1634 of 3048 letters sent.

On the same date the officer emailed the Premises Licence Holder with a view to updating the complaint asking if the premises were open and if so, was the cctv recording for 31 days? The Premises Licence Holder rang the officer and confirmed it was retaining 36/38 days as there is so little movement. The officer asked him to send a screenshot of 31 days ago which he agreed to do.

**On Friday 2<sup>nd</sup> October 2020** an anonymous complaint was received by a Licensing Officer from a concerned parent after visiting the restaurant with his children. The complainant alleged a number of breaches of the Coronavirus regulations in that no-one else inside the premises was wearing a mask, the tables were not socially distanced and had condiments on them, no track and trace system in place and more worryingly several groups of people were smoking shisha inside the premises.

Due to the hour on Friday afternoon and the potential for more breaches over the weekend, an email was sent to the Premises Licence Holder detailing the nature of the complaint and copied the email the Entertainment Licensing Section had sent out the previous day with all the relevant updates for licensed premises.

On receipt of the email, the Premises Licence Holder rang the officer refuting the claim that people were smoking inside. He was advised that it wasn't within the remit of Entertainment Licensing, it was a substantial fine if he were to be found guilty of allowing smoking inside and that he should comply with all the laws and regulations and that he will be visited and everything will be checked.

**On Tuesday 6<sup>th</sup> October** a Senior Environmental Health Officer advised that he had also sent an advisory email to the Premises Licence Holder who contacted the officer to confirm he had received both emails and that he was fully aware of his responsibilities and had taken the necessary measures to comply with the legislation.

**On Friday 9<sup>th</sup> October** the Premises Licence Holder emailed Entertainment Licensing a screenshot of the cctv calendar which showed recording from the 1<sup>st</sup> September which meant that the cctv was finally compliant in retaining a minimum of 31 days footage.

**At 1:14 am on Monday 19<sup>th</sup> October** police officers responded to a complaint about a gathering at the subject premises. On arrival officers could hear music and people socialising on the other side of the tall gates. When they spoke to the Premises Licence Holder he said he had friends staying over after a wedding. When the officer counted 11 people on site, the Premises Licence Holder apologised saying that he knew he shouldn't have people round at this time and in a gathering but they were his friends and he didn't realise he was causing any problem.

Due to the time elapsing between this incident and receiving the officer's statement, no enforcement action was taken by the EPT in respect of the breaches of Coronavirus legislation.

**On the 5<sup>th</sup> November 2020** the Government's 2<sup>nd</sup> national lockdown came into effect for 28 days, closing the hospitality sector and returning to more restrictions on movement in order to slow the spread of COVID-19, thus easing NHS capacity and ensuring that the health system was not overwhelmed during the winter months.

**On the 2<sup>nd</sup> December** the tiered system of local lockdown restrictions returned in England with Leeds being placed in Tier 3 which meant that hospitality venues, such as pubs, bars and social clubs must close for consumption of food and alcohol on the premises. Food, drink and alcohol sales may be provided for consumption off the premises by a walk-in service between 05:00 and 23:00.

**On 4<sup>th</sup> January 2021** The Prime Minister announced the 3<sup>rd</sup> England-wide lockdown due to Coronavirus cases rising rapidly across the country with hospitality venues such as cafes, restaurants, pubs, bars and social clubs remaining closed, except for takeaways.

**At 00:30 am on Sunday 25<sup>th</sup> January 2021** Police officers were dispatched to a report of COVID breaches at Bob's Bar. On arrival outside the premises at 00:55 am officers could hear music but could not gain entry due to the high gates being locked. Having climbed the gates the officers found 8 people inside with clear signs they had been drinking alcohol and a strong smell of shisha. The Premises Licence Holder was on site and explained to officers that the persons present were his friends who had helped him renovate the property. The Premises Licence Holder was cautioned and reported for breaches of Coronavirus legislation.

**On Monday 26<sup>th</sup> January 2021** further to the information within the attending officer's statement and the body worn footage it appeared an extension had been built on the side of the premises. At 3:35 pm that afternoon the officer attended outside the premises and took photos of a new wooden extension with a window and entrance door that had been built in the old yard of the bar.

**On Wednesday 28<sup>th</sup> January 2021** the officer emailed the Planning Enforcement Department of Leeds City Council and asked if planning permission had been applied for/granted for new extension. The email included the plans submitted with the application in 2019 and the photographs of the extension to assist. An acknowledgement email was received advising that a site visit would be undertaken within 20 working days.

**On the 28<sup>th</sup> January** an Environmental Health Officer served Prohibition Notices and Fixed Penalty Notices on both Biniam Asfaha as the Premises Licence Holder and Mr Mehari Andemariam, the Designated Premises Supervisor on the evidence supplied by West Yorkshire Police.

**On Monday 1<sup>st</sup> March 2021** the Planning Enforcement Officer wrote to the Premises Licence Holder requesting details of the side extension to the premises in order to determine whether planning permission is required.

On numerous occasions Leeds City Council has addressed the issues with the Premises Licence Holder and given multiple opportunities to comply with the mandatory licensing objectives along with the conditions attached to their Premises Licence.

The Licensing Authority believes the premises have continually and wilfully breached the permitted hours and conditions attached to the Premises Licence and further breached the restrictions brought under the The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 and as a result it has been left with no other option but to review the Premises Licence.

The Licensing Authority is applying for this review under 3 of the licensing objectives, namely:-

#### **The Prevention of Public Nuisance**

The Premises Licence Holder has allowed activities to take place which have not only caused disturbance to local residents but that are also prejudicial to the health of the wider public and not just those taking part in the activities at the premises itself. The Premises Licence has allowed people from multiple households to gather in a premises which should be closed despite clear laws preventing social interaction between different households to control the spread of the disease.

#### **Prevention of Crime & Disorder**

The premises continue to commit offences under the Licensing Act 2003 by not complying with the hours permitted on the Premises Licence and the conditions attached to it. The cctv has not been compliant from the opening of the premises at the end of November 2019 to when the Premises Licence Holder was able to prove 31 days footage on the 9<sup>th</sup> October 2020. The premises have been

found open and trading on 3 separate occasions when they should have been closed. These are clear breaches of the Coronavirus regulations which in turn impinge on the licensing objectives; in particular the prevention of crime & disorder

**Protection of Children From Harm**

The premises allowed the smoking of shisha inside the premises. A parent complained that whilst having a meal at the premises with their children, groups of adults were smoking shisha around them. Whilst the complainant was concerned for their children, this is a clear breach of the smoking legislation.

In view of the issues referred to we would respectfully ask the Licensing Committee in its determination to revoke the Premises Licence. The premises licence holder and designated premises supervisor have, despite numerous interactions by agencies continued to wilfully contravene their premises licence permitted activities as well as other legislation in particular Coronavirus and shisha smoking. Agencies do not have confidence in the premises management in upholding the licensing objectives based on their numerous actions to date. We believe that in the circumstances described this is a proportionate measure in the promotion of the mandatory licensing objectives, however the Licensing Authority is aware that all options are available to the Committee.

**Please provide as much information as possible to support the application (please read guidance note 3)**

1. Chronology of Events
2. CJA Statement from Carmel Brennan
3. Copy of Premises Licence PREM/04426/001 issued w.e.f. 26.11.2019
4. Copy of Warning Letter to the Premises Licence Holder dated 3.12.2019
5. Licensing Act Inspection sheet issued 12.12.2019
6. Section 19 Closure Order issued 15.1.2020
7. Copy of 2<sup>nd</sup> Complainant's email dated 24.1.2020 with acknowledgment email dated 29.1.2020
8. Copy of Briefing Note – Frequently Asked Questions emailed to the PLH dated 2.7.2020
9. Copy of John Mulcahy's letter to all licensed premises dated 25.9.2020
10. Copy of John Mulcahy's letter with updates to all licensed premises 1.10.2020
11. Copy of ' How to create QR code' attached to emails 1.10.2020 & 2.10.2020
12. Copy of 'A4 Action Card' attached to emails 1.10.2020 & 2.10.2020
13. Copy of 3<sup>rd</sup> Complainant's email dated 2.10.2020
14. Copy of email to the PLH re complaint with attachments dated 2.10.2020
15. Copy of email to the Planning Enforcement dated 28.01.2020
16. Copy of plan of the premises attached to email dated 28.01.2020
17. 1<sup>st</sup> Photograph of the extension taken 26.1.2020 attached to email dated 28.02.2020
18. 2<sup>nd</sup> Photograph of the extension taken 26.1.2020 attached to email dated 28.02.2020
19. Acknowledgement letter from Planning Enforcement dated 29.01.2020
20. Copy of Planning Enforcement's letter to the PLH dated 1.3.2021

Have you made an application for review relating to this premises before?

Please tick ✓ yes

If yes please state the date of that application

Day		Month		Year			

**If you have made representations before relating to this premises please state what they were and when you made them**

Please tick ✓ Yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate X
- I understand that if I do not comply with the above requirements my application will be rejected X

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent.** (See guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature .....  .....

Date ..... 2.3.21 .....

Capacity ..... Senior Liaison + Enforcement Officer .....

<b>Contact Name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>	

**Notes for guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

# Chronology of events.

Key			
PLH	Premises Licence Holder	PR	Paul Rix (Senior Liaison Enforcement Officer Licensing)
DPS	Designated Premises Supervisor	KS	Karl Sheldon (Senior Technical Officer EP Team)
WYP	West Yorkshire Police	SC	Steve Clark (Environmental Health Officer)
PL	Premises Licence	JF	Jamie Friel (Environmental Health Officer).
CCTV	Close Circuit Television		
LCC	Leeds City Council		
CB	Carmel Brennand (Senior Liaison Enforcement Officer Licensing)		
ME	Mark Everson ( Senior Environmental Health Officer)		
Date	Reason	Result	
22/10/19	Premises Licence application made to LCC by PLH.		
26/11/19	Premises Licence reference PREM04426/001 granted and issued to PLH.		
02/12/19	LCC receive complaint that the premises are operating outside of their permitted hours.	Warning letter sent by CB and advised of inspection to take place 12/12/19.	
03/12/19	Phone call between CB and ME to discuss premises.	ME to attend inspection along with CB on 12/12/19.	
10/12/19	Phone call from PLH to CB to discuss upcoming inspection and what was expected/required.		
	Further complaint received alleging that on the 8 <sup>th</sup> December the premises have been operating outside of permitted hours and gaining access through the back door.	CB advised complainant that she would be visiting the premises later that week and CCTV would be looked at.	
12/12/19	CB & ME met with PLH at site to carry out LA03 inspection and food safety inspection. Complaint regarding after hours discussed with PLH. CB continues with inspection to find no incident register and requested to view CCTV footage. However, CCTV not recording correctly and time and date wrong on the system.	CB advises of the fines/imprisonment that can arise from committing offences. Further request that PLH provides a CCTV screenshot to CB to show compliance and to implement incident register.	
14/12/19	CB telephones PLH as no email with CCTV screenshot received. CB advises PLH she will attend premises in company of WYP at 14:30 on the 15 <sup>th</sup> December to view CCTV.		
	CB telephones complainant to update but they are unavailable to talk and request a call back the following Tuesday.		

## Chronology of events.

15/01/20	CB and WYP attend premises to view CCTV footage. PLH still unable to operate the system correctly. CB advised that cameras should record for a minimum of 31 days as per condition on the licence.	CB serves PLH with Section 19 Closure Notice.
19/01/20	CB and PR drive by premises at 02:35am – premises closed and in darkness.	
24/01/20	Email received from 2 <sup>nd</sup> complainant alleging the premises are operating outside of permitted hours.	
29/01/20	CB acknowledges complainant and advises that the premises are under investigation.	
12/02/20	CB telephones PLH to request to revisit the premises on 18/02/20 to check the CCTV.	PLH advises that there is not yet 31 days of footage recorded. CB requested PLH to check footage every few days and make contact when 31 days had been reached.
19/02/20	CB makes contact with initial complainant for an update.	The complainant advises the premises have been closed for 2/3 weeks.
28/02/20	CB received telephone call from PLH stating that the CCTV cameras were only recording for 28/29 days but he had bought a new hard drive.	CB advises PLH that this is his last chance.
09/03/20	CB made contact with 1 <sup>st</sup> complainant to touch base and see if any improvements. Complainant advises of further trading outside of permitted hours on the 7 <sup>th</sup> and 8 <sup>th</sup> March.	CB thanks complainant and advises she will be checking the CCTV footage.
20/03/20	Prime minister announces that all bars, pubs, restaurants must close as a result of the Coronavirus pandemic.	As a result of lockdown CB has been unable to visit the premises to view the CCTV footage.
15/06/20	Officers from WYP attended the premises at 01:30am following reports of an ongoing party. PLH was found to be on the premises with another 5 persons who were in attendance for PLH birthday. Further searches found an additional 12 persons to be hiding in the toilet and cellar.	PLH advised by WYP that he was in breach of the Coronavirus regulations and that Licensing would be informed.
16/06/20	KS issued a Prohibition Notice to the PLH at his home address. The Prohibition notice advises:  To close any premises, or part of the premises, in which food or drink are sold for consumption on those premises, and cease selling any food or drink for consumption on those premises;	

## Chronology of events.

	and that the notice would remain in force until any changes in the Coronavirus legislation.	
02/07/20	Briefing Note – Frequently Asked Questions sent out to PLH.	
04/07/20	Lockdown restrictions eased and as such brought the Prohibition Notice to an end.	
06/08/20	CB updates complaint record and advises supervisor in light of the Prohibition Notice served to the PLH that the complaint record was to be kept open and also the CCTV footage still needed to be viewed.	
22/09/20	The Prime Minister announced further national measures to address rising cases of coronavirus in England. Hospitality business to be closed between 10 pm and 5 am from the 24 <sup>th</sup> September, The new measures included stricter rules on face coverings, gatherings etc and increased fines for repeated breaches of the legislation.	
25/09/20	Letter from John Mulcahy, Chief Officer for Elections & Regulatory Services to all licensed premises detailing the new restrictions.	
01/10/20	Further letter from John Mulcahy was emailed and posted out to all licensed premises with updated guidance as well as 2 attachments titled 'How to Create a QR code' and 'A4 Action Card'.	
01/10/20	CB emails PLH asking if CCTV recording for 31 days and if the premises are open. PLH telephones CB and advises the system is recorded for 36/38 days. CB requests screenshot of CCTV from 31 days ago.	
02/10/20	LCC Licensing receive complaint that the premises are not complying with covid measures. No masks, no social distancing, no track and trace and customers smoking shisha inside.	Complaint forwarded to EP Team.
	CB emails PLH regarding covid complaint and provides information and guidance on QR codes and early outbreak management.	
	PLH telephones CB on receipt of her email and denies all allegation of none compliance.	
06/10/20	CB telephone conversation with JF to discuss complaint. JF advises he has spoken with PLH and that measures have been put in place.	

## Chronology of events.

09/10/20	PLH emails CB with screenshot of CCTV showing 31 days recording.	
19/10/20	Officers from WYP attended the premises at 01:14am following a complaint of a gathering. PLH found on site with 11 others.	Due to the time lapse between the incident and getting the statement no enforcement action was taken.
05/11/20	Country entered 2 <sup>nd</sup> National Lockdown – all licensed premises to close.	
02/12/20	Tier System of Local Lockdown introduced. Leeds was put into Tier 3 band.	Hospitality closed for consumption of food and drink on the premises. Food, drink and alcohol sales may be provided for consumption off the premises by a walk-in service between 05:00 and 23:00.
04/01/21	PM announces 3 <sup>rd</sup> lockdown.	Hospitality to remain closed for consumption of food and alcohol on premises. Food, drink and alcohol sales may be provided for consumption off the premises by a walk-in service between 05:00 and 23:00.
25/01/21	WYP officers attended the premises at 00:30am. PLH found on site with 7 others smelling of alcohol and shisha. PLH advised that the other persons were renovating the premises.	PLH cautioned by WYP and reported for breaches of Coronavirus legislation.
26/01/21	CB attends at premises and takes photos of extension into the yard area. Enquiry to LCC Planning Enforcement if relevant permission in place.	
28/01/21	SC served Prohibition notices and Fixed Penalty Notices to both the PLH and DPS of the premises.	
1/03/21	CB sends chaser email to LCC Planning Enforcement	LCC Planning Enforcement Officer sends letter to operator requesting details of the extension in order to determine whether permission is required.

**WITNESS STATEMENT**

( CJ ACT 1967, s.9;MC Act 1980, ss.5A(3)(a) and 5b;MC Rules 1981, r.70 )

**Statement of Carmel Brennand**

**Age/Date of Birth – Over 21 Occupation – Senior Liaison & Enforcement Officer**

This statement (consisting of 12 page(s) each signed by me) is true to the best of my Knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable for prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Dated 2<sup>nd</sup> March 2021

Signature :



I am the above named person. I am employed full - time as a Senior Liaison and Enforcement Officer with Leeds City Council’s Entertainment Licensing Section. My duties include 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.

Since the 24<sup>th</sup> November 2005, the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment are licensable activities under the Licensing Act 2003. This means that a premises carrying on any of these activities require a Premises Licence authorising the activity.

In February 2019 a Premises Licence was granted to [REDACTED] for Paradise Bar at 3 Sheepscar Street South, LS7 1AD. On the 30<sup>th</sup> July 2019 West Yorkshire Police applied for a Summary Review due to a serious stabbing incident at the premises on 28<sup>th</sup> July. At the Licensing Sub Committee hearing on the 1<sup>st</sup> August, the Committee determined to suspend the licence until the full review hearing on the 27<sup>th</sup> August.

On hearing the evidence supplied by PC Arkle on the 27<sup>th</sup> August 2019 the Committee unanimously resolved to revoke the licence and that the interim steps of suspending the licence should remain during the appeal period of 21 days.

On the 5<sup>th</sup> September 2019 I received a telephone call from Mr Biniam Asfaha enquiring about obtaining a Premises Licence for 3 Sheepscar Street South. I explained that the premises had just been the subject of a review application by West Yorkshire Police due to a serious incident and that the licence had been revoked as a result. However the current operator had 21 days in which to appeal the Committee’s decision and if he did so we would

have to wait until the hearing at Magistrates Court, which could be months away.

I also advised that any application after a review would be scrutinized by the responsible authorities, especially West Yorkshire Police. Biniam was adamant that he had nothing to do with the previous occupier, he currently worked part time as 'DJ Bob' and that he wanted to run a family orientated venue for his community. Having discussed the telephone enquiry with police licensing officers I re-contacted Biniam and we agreed on the date of the meeting for the 30<sup>th</sup> September 2019.

Prior to the meeting Biniam rang me several times to see if an appeal had been lodged. As we had received no information from Leeds Magistrates Court that an appeal had been served, I confirmed the meeting could go ahead.

At 11 am on Monday 30<sup>th</sup> September Biniam attended at Enterprise House, St Paul's Street with an elder community leader. I was accompanied by PC Cath Arkle and PC Andrew Clifford. Biniam reiterated that he had nothing to do with the previous occupier and that he had come to an agreement with the landlord and would be taking over the lease. He wanted to operate as a bar and restaurant from 11 am to 11 pm Sunday to Thursday and until 2 am on Friday and Saturdays with the provision of food ending at 10pm and children being allowed in until 7 or 8 pm. He was also going to change to outside BBQ area into a safe children's play area. The elder community leader advised that he had come to support and endorse Biniam's intention for a family venue for the local Eritrean community. The hour long meeting ended with myself and the police licensing officers agreeing to treat any application by Biniam without prejudice.

During the next month I received a number of telephone calls from Biniam as well as a couple of visits to reception as he needed help in completing the application and understanding the pro forma risk assessment. On the 22<sup>nd</sup> October 2019 the Entertainment Licensing Section received an application for a new Premises Licence from Biniam for 3 Sheepscar Street South, LS7 1AD to be known as Bob's Bar & Restaurant. However it was not until the 28<sup>th</sup> October that the application was complete and deemed valid. As there were no representations from any of the responsible authorities, the new Premises Licence PREM/04426/001 was granted as applied for. The Licence effective from Tuesday the 26<sup>th</sup> November 2019 was produced and posted to Biniam at his home address on Wednesday the 27<sup>th</sup> November 2019.

PREM/04426/001 for Bob's Bar & Restaurant with Mr Biniam Kesete Asfaha as the named Premises Licence Holder and Mr Mehari Andemariam specified as the Designated Premises

Supervisor authorised the following licensable activities during the permitted hours as follows:-

*Sale by retail of alcohol*

Monday to Thursday 11:00 - 23:30

Friday to Sunday 11:00 - 01:30

*Provision of late night refreshment*

Monday to Thursday 23:00 - 00:00

Friday to Sunday 23:00 - 02:00

Location of activity: Indoors

*Performance of recorded music*

Monday to Thursday 11:30 - 23:30

Friday to Sunday 11:30 - 01:30

Location of activity: Indoors

**Opening hours of the premises**

Monday to Thursday 11:00 - 00:00

Friday To Sunday 11:00 - 02:00

At 10:59 am on Monday 2<sup>nd</sup> December 2019 I received a telephone call from a male alleging that Bob's Bar was open all weekend with parties going on until 3:30 am on Sunday 1<sup>st</sup> December and 5:30 am on this Monday morning. I explained to the complainant that a new Premises Licence had been granted the previous week but that they should have been closed at 2:00 am and that with the information he had supplied I would generate a complaint on our system and I would be the investigating officer. GE/003255 refers.

On Tuesday 3<sup>rd</sup> December 2019 I wrote to Biniam at the premises advising him that I had received a complaint alleging he was operating past the hours permitted on his Premises Licence. I reminded him of the hours as specified on the Licence and the potential offences under Section 136 of the Licensing Act 2003 and that the result of being found guilty of this offence could result in an unlimited fine and/or 6 months imprisonment. I also advised him that I would be attending the premises at 1 pm on Thursday 12<sup>th</sup> December to conduct an inspection under the Licensing Act.

Later that week I received a phone call from Mark Everson, a Senior Environmental Health Officer responsible for conducting Food Safety inspections. As these premises had recently opened as a restaurant, he needed to conduct an inspection and suggested accompanying me on the visit on the 12<sup>th</sup> December.

At 9:20 am on Tuesday 10<sup>th</sup> December I received a telephone call from Biniam. He said thank you as he had got his Licence and my warning letter. He mentioned my visit on the 12<sup>th</sup> and asked what I needed. I told him that the Premises Licence should be on site; the Part B should be displayed so that members of the public can see it and that Part A, which

had all the terms and conditions on, should be in a safe place also on site. I told him that my visit was primarily as a result of a complaint that he was open after his permitted hours so I would be checking the cctv. He denied that he had been open past his permitted hours saying that it was his next door neighbour. Sometimes there were cars outside the back playing loud music and drinking and that in the morning he found bottles at the back. I told him that a Food Safety officer was also attending to conduct an inspection.

At 11:01 am that same day I received a telephone call from the complainant. He stated that Bob's Bar had been open at 6 am on Sunday 8<sup>th</sup> December. He said that the front was shuttered so that it looked closed but that they were using the 'backside' which I presumed he meant the rear fire exit. I advised him that I was visiting later in the week and that I would look at the cctv.

At 1:00 pm on Thursday 12<sup>th</sup> December I attended at Bob's Bar to find that Mark Everson had already arrived. Mark said that I could go through the Licensing Act first as his food inspection would take some time. I explained to Biniam exactly what the complainant had alleged. He stated that the cctv system had 8 cameras but that after our telephone conversation on the 10<sup>th</sup> he had bought a new hard drive. This meant that the cctv had only been recording from the time of fitting at 4:00 pm on the 10<sup>th</sup> December so I was unable to check on any of the reported after hours drinking before that date. When I looked at the cctv I noticed that the time was an hour and 15 minutes out. I explained that this was of no use to either him or me. If I received another complaint the cctv would not help him to prove he was operating lawfully. For example if there was an incident at the premises like there had been previously and the police were called; the cctv showing the incorrect time could have an impact in their investigation and any subsequent legal proceedings. Between the two of us we managed to correct the time on the system.

Biniam went on to say that the official opening had taken place on the 7<sup>th</sup> December and that some friends had stayed afterwards to help him celebrate the new business. I advised him very strongly that 'customers' during permitted hours, do not become 'friends' after hours. If I or West Yorkshire Police or a member of the public drive past after the permitted hours and see lights on and people inside, we are going to presume he is committing offences and as I explained in my warning letter, these are very serious. Where the fine for committing offences used to be up to £20,000 and/or 6 months imprisonment, it was now an unlimited fine and/or 6 months imprisonment. I continued through my inspection. Part B of the Premises Licence was displayed in a picture frame at the side of the bar as was a proof of age poster. Biniam did not have an Incident Register which was a condition on the Premises Licence. I advised him to get a Page a Day Diary which would comply with the

condition. Prior to leaving I told him that on the 12<sup>th</sup> January 2020 he needed to send me a screenshot of the cctv from the 10<sup>th</sup> December so that I could see that it was compliant with the condition of 'retaining images for a minimum of 31 days'.

At 10:57 am on Tuesday 14<sup>th</sup> January 2020 I rang Biniam as he had not emailed me. I asked him if the cctv was recording 31 days footage. He replied that he hadn't touched it since I was last there so it should be. I told him I was out visiting premises with PC Clifford the next day so we would attend at the premises at 2:30 pm.

At 11:42 am the same day I contacted the complainant to give an update. He said he was busy so would ring me next Tuesday.

At 2:35 pm on Wednesday 15<sup>th</sup> January 2020 I attended at Bob's Bar with PC Clifford and met with Biniam. When we asked to have a look at the cctv Biniam had difficulty in operating the system, even asking us if we could operate it. We advised him that it was his system and he should be able to operate it; not us. Biniam finally worked out how to use the system and was able to show recorded footage. Unfortunately it was only recording from the 9<sup>th</sup> January. I was very frustrated that the premises had been open for nearly 2 months and the cctv had not been recording until the last 6 days. Biniam argued that he had paid an engineer to fit the cctv and telephoned him to attend to explain what he had done. When he did so, the engineer argued that he had replaced the old hard drive with a new 2 terabyte hard drive. When I asked if this was on the 10<sup>th</sup> December 2019 the engineer, who was acting very strangely, could not give a straight answer. I explained again to Biniam that it was a condition on the Premises Licence that the cctv should record for a minimum of 31 days and that every time he sold alcohol and the cctv was not compliant he was committing offences.

At 2:45 pm I issued a Closure Notice under Section 19 of the Criminal Justice and Police Act 2001. I explained to Biniam that I was not closing the premises down but informing him that he was committing offences and that if he did not rectify the matter within a period of time, I could apply to the Magistrates Court for a Closure Order which could close him down until the cctv was compliant. He agreed that he would correct the issue within a month and signed the Section 19 Closure Notice to this effect.

On Sunday 19<sup>th</sup> January 2020 I was working with my colleague Mr Paul Rix, Senior Liaison & Enforcement Officer. At 2:35 am we drove past Bob's Bar on Sheepscar Street South and noted it was closed and in darkness.

On Friday 24<sup>th</sup> January 2020 I received an email from a 2<sup>nd</sup> complainant alleging that the

subject premises were open after the permitted hours on the Premises Licence. The complainant wrote:-

*I would like to complain about Paradise Sunset Bar & Grill. Address: 3 Sheepscar Street South, LS7 1AD.*

*The above premises have alcohol and entertainment license till 2:00 am for Fridays, Saturdays, and Sundays, but don't abide by the country's licensing laws.*

*The Designated Premises Supervisor (DPS) is aware of his obligations to respect Licence Hours, but he completely takes no notice of their premises closing time.*

*The Paradise Sunset Bar and Grill serves alcoholic beverages after 2:30 am, the DBS only lock the doors of the premises pretending they are closed, while continue undertaking the license activities out of hours; the Bar is maintained operative out of hours, music continues playing and a customer can still enter the premises to buy alcoholic beverages after 2:30 am till 4 am even 5:00 am, in the earlier hours on Fridays, Saturdays, and Sundays.*

*I call upon the Leeds City Council Entertainment Licensing Authorities to investigate my allegation and if there is any wrongdoing. I hope to see the Licensing Authority to take proper measures to put a stop to the Paradise Sunset Bar and Grill breach of the regulations set by The Licensing Act 2003.*

*Hope to hear from you.*

At 9:26 am on Wednesday 29<sup>th</sup> January 2020 I sent an email acknowledging receipt of the complaint and advised that I was already investigating the matter and that the previous weekend I had driven past the premises at 2:35 am and it was closed.

At 12:50 pm on Thursday 12<sup>th</sup> February 2020 I rang Biniam and asked if I could revisit next Tuesday the 18<sup>th</sup> February to check the cctv. Biniam stated that there were not yet 31 days recorded. I asked him to check the cctv every few days to ensure the period of footage was extending and then to ring me when he got to the 31 days. He said he would do this.

At 5:54 pm on Wednesday 19<sup>th</sup> February I contacted the first complainant for an update. He said that these premises had been closed the last 2/3 weeks.

At 12:55 pm on Friday 28<sup>th</sup> February I received a telephone call from Biniam. He said that he had been checking the cctv as I had told him to do but it was only recording 28 or 29 days

so he has bought a new 4 terabyte hard drive for £210 but wanted me to know first. I told him, 'That's fine. Change the hard drive but this is your last chance'.

On Monday 9<sup>th</sup> March 2020 I worked late in the office updating all my complaints. At 5:50 pm I rang the 1<sup>st</sup> complainant for Bob's Bar and asked if he had noticed any improvement in the operation of the business. The complainant said that they were still staying open after hours, specifically 3:17 am on Saturday 7<sup>th</sup> March and 5:13 am on Sunday 8<sup>th</sup> March. I thanked him for the information and advised that I would be checking this on the cctv.

On Friday 20<sup>th</sup> March 2020 the Prime Minister announced that all pubs, bars, restaurants and other specified premises must close down in an effort to suppress the coronavirus breakout.

The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 which were made under the Public Health (Control of Disease) Act 1984 came in to force from 2pm on Saturday 21 March 2020. The following day Boris Johnson emphasised the key messages to the country; stay at home, protect the NHS and help to save thousands of lives.

Since the first national lockdown in March 2020 I have worked from home and in accordance with the Section's risk assessment have not undertaken any visits to premises unless agreed by Senior Managers as essential. Therefore I have been unable to attend at Bob's Bar to check the cctv.

At approximately 1:30 am on Monday 15<sup>th</sup> June 2020 police officers were dispatched to reports of an ongoing party at Bob's Bar. Officers could hear the loud music from the rear of the premises and because it was so loud it took some time for the occupants to answer the door. 6 people were in inside the premises, one of whom identified himself as Biniam. When he told the officers he had invited 5 friends for his birthday, he was advised that this was in breach of the Coronavirus regulations in allowing a gathering in licensed premises. Whilst Biniam apologised for the breach an officer conducted a search of the property and found 2 males hiding in the toilets and a further 10 males hiding in the cellar. In the officer's opinion Biniam was trying to deceive them and advised him that he would be reported to the Police Licensing Team.

The information provided by PC Slee was forwarded to the Environmental Protection Team (EPT) for their information as being delegated under the Coronavirus legislation.

On the 16<sup>th</sup> June 2020 Karl Sheldon, Senior Technical Officer with the EPT issued a Prohibition Notice on Biniam at his home address. The Prohibition Notice advises the responsible person must:-

- (i) close any premises, or part of the premises, in which food or drink are sold for consumption on those premises, and cease selling any food or drink for consumption on those premises;

and that the notice would remain in force until any changes in the Coronavirus legislation.

When the Government announced the following week that it was easing the lockdown restrictions and that pubs, bars and restaurants would be able to open on the 4<sup>th</sup> July 2020; effectively causing the Prohibition Notice to expire at midnight on the 3<sup>rd</sup> July.

On the 2<sup>nd</sup> July 2020 in readiness for the hospitality sector re-opening the Entertainment Licensing Section sent out a Briefing Note – Frequently Asked Questions Re-opening to help operators. This briefing note was emailed to licensees, agents and solicitors in the morning as well as posted out 1st class to all licensed premises and club premises later the same day. As Biniam's email address is recorded on our records he will have received the communication twice. The message from Leeds City Council was that operators must risk assess, must protect their staff and customers, must practise good hand hygiene and maintain social distancing as well as helpful links to government websites and contact details.

On the 6<sup>th</sup> August 2020 I updated complaint GE/003255 in respect of Bob's Bar informing my supervisor that whilst the Section 19 Closure Notice expiry date had passed on the 15<sup>th</sup> July I was keeping the 'licensing' complaint open as the operator had been served with a Prohibition Notice in June for breaching Coronavirus legislation and that I still needed to check the cctv was compliant.

On Tuesday 22<sup>nd</sup> September 2020 the Prime Minister announced further national measures to address rising cases of coronavirus in England. Businesses selling food or drink (including cafes, bars, pubs and restaurants), social clubs, casinos, bowling alleys, amusement arcades (and other indoor leisure centres or facilities), funfairs, theme parks, adventure parks and activities, and bingo halls, must be closed between 10pm and 5am from the 24<sup>th</sup> September, The new measures included stricter rules on face coverings, gatherings etc and increased fines for repeated breaches of the legislation.

On Friday 25<sup>th</sup> September 2020 the Entertainment Licensing Section emailed and posted a letter from John Mulcahy, Chief Officer for Elections & Regulatory Services to all licensed

premises detailing the new restrictions.

As a result of further developments over the week, a further letter from John Mulcahy was emailed and posted out on the 1<sup>st</sup> October with updated guidance as well as 2 attachments titled 'How to Create a QR code' and 'A4 Action Card'. I have checked our systems and can confirm that Bob's Bar was number 1634 of 3048 letters sent.

At 10:09 am on Thursday 1<sup>st</sup> October I was updating all my complaints. In respect of Bob's Bar, I emailed Biniam asking if he was open and if so the cctv should be recording for 31 days. At 10:16 am Biniam rang me back. He said he is open but it is very quiet. When he asked when the 10 pm closing was going to finish I told him at the moment the government were saying 6 months. I asked about the cctv and Biniam said it is recording for 36/38 days as there is so little movement. I asked him to send me a screenshot of 31 days ago. He said he'll do this in the next couple of days.

On Friday 2<sup>nd</sup> October 2020 an anonymous complaint was received by a Licensing Officer from a concerned parent after visiting the restaurant with his children. The complainant alleged a number of breaches of the Coronavirus regulations in that no-one else inside the premises was wearing a mask, the tables were not socially distanced and had condiments on them, no track and trace system in place and more worryingly several groups of people were smoking shisha inside the premises.

Whilst the complaint had been forwarded to the EPT to deal, due to the hour on Friday afternoon and the potential for more breaches over the weekend, I emailed Biniam at 4:32 pm on Friday 2<sup>nd</sup> October 2020 detailing the nature of the complaint and copied the email the Entertainment Licensing Section had sent out the previous day with all the relevant updates for licensed premises. For his information I attached to the email a poster on how to create a QR code and the A4 Action Card entitled COVID 19 – Early Outbreak Management for Restaurants, pubs, bars and cafes.

I finished off my email with the below in bold:-

**It is concerning that you are not complying with many of the restrictions. You must take action immediately and put the necessary measures in place to comply with the above. Failure to do so could lead to formal action.**

At 4:36 pm that same day Biniam rang me after receiving my email. He said he doesn't have that many customers and does not have people smoking inside. I advised him that the complaint had allegedly come from a customer and that we have to follow each complaint

up. Also advised him that the complainant was more concerned about the smoking of shisha inside and that although it wasn't my remit I should warn him that it was a substantial fine if he were to be found guilty. I reiterated that he should comply with all the laws and regulations and that he will be visited and everything will be checked.

At 9:20 am on Tuesday 6<sup>th</sup> October I rang Jamie Friel, Senior Environmental Health Officer as I noted the customer complaint had been allocated to him to deal. I explained I had sent an email to Biniam on Friday afternoon and apologised for any duplication. He had sent an advisory email to Biniam the previous day and Biniam had phoned him this morning saying he had received both emails. Biniam had confirmed that he had spaced the tables apart, had a signing in log, flow signage on the floor and his opening times were 1 pm to 10 pm. Biniam had also mentioned to Jamie that there aren't many customers at the moment. Jamie reiterated that Biniam should regularly review the requirements and ensure they are maintained or he risks being fined. Biniam was fully aware of his responsibilities.

At 2:33 pm on Friday 9<sup>th</sup> October Biniam emailed me a screenshot of the cctv calendar which showed recording from the 1<sup>st</sup> September which meant that the cctv was finally complaint in retaining a minimum of 31 days footage.

At 1:14 am on Monday 19<sup>th</sup> October police officers responded to complaint about a gathering at the subject premises. On arrival officers could hear music and people socialising on the other side of the tall gates. When they spoke to Biniam he said he had friends staying over after a wedding. When the officer counted 11 people on site, Biniam apologised saying that he knew he shouldn't have people round at this time and in a gathering but they were his friends and he didn't realise he was causing any problem.

Due to the time elapsing between this incident and receiving the officer's statement, no enforcement action was taken by the EPT in respect of the breaches of Coronavirus legislation.

On the 5<sup>th</sup> November 2020 the Government's 2<sup>nd</sup> national lockdown came into effect for 28 days, closing the hospitality sector and returning to more restrictions on movement in order to slow the spread of COVID-19, thus easing NHS capacity and ensuring that the health system was not overwhelmed during the winter months.

On the 2<sup>nd</sup> December the tiered system of local lockdown restrictions returned in England with Leeds being placed in Tier 3 which meant that hospitality venues, such as pubs, bars and social clubs must close for consumption of food and alcohol on the premises. Food,

drink and alcohol sales may be provided for consumption off the premises by a walk-in service between 05:00 and 23:00.

On 4<sup>th</sup> January 2021 Boris Johnson announced the 3<sup>rd</sup> England wide lockdown due to Coronavirus cases rising rapidly across the country with hospitality venues such as cafes, restaurants, pubs, bars and social clubs remaining closed, except for takeaways. The Prime Minister repeated, 'You must stay at home. The single most important action we can all take is to stay at home to protect the NHS and save lives'.

At 00:30 am on Sunday 25<sup>th</sup> January officers were dispatched to a report of COVID breaches at Bob's Bar. On arrival outside the premises at 00:55 am officers could hear music but could not gain entry due to the high gates being locked. Having climbed the gates the officers found 8 people inside with clear signs they had been drinking alcohol and a strong smell of shisha. Biniam was on site and explained to officers that the persons present were his friends who had helped him renovate the property. Biniam was cautioned and reported for breaches of Coronavirus legislation.

On Monday 26<sup>th</sup> January 2021 I had a discussion with PC Andrew Clifford from the West Yorkshire Police Licensing Department. Further to the information within the attending officer's statement and the body worn footage it appeared an extension had been built on the side of the premises. At 3:35 pm that afternoon I attended outside the premises and took photos of a new wooden extension with a window and entrance door that had been built in the old yard of the bar.

At 1:18 pm on Wednesday 28<sup>th</sup> January 2021 I emailed the Planning Enforcement Department of Leeds City Council and asked if planning permission had been applied for/granted for new extension. I attached the plans submitted with the application in 2019 and the photographs of the extension to assist. I received an acknowledgement letter from Miss Bev Hocking the following day advising that a site visit would be undertaken within 20 working days.

As a result of West Yorkshire Police Officer's findings on the 25<sup>th</sup> January, Steve Clarke, Environmental Health Officer, served Prohibition Notices and Fixed Penalty Notices on both Biniam Asfaha as the Premises Licence Holder and Mr Mehari Andemariam, the Designated Premises Supervisor.

The Prohibition Notices dated 28<sup>th</sup> January 2021 issued under the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 (SI 2020 No.1374) require

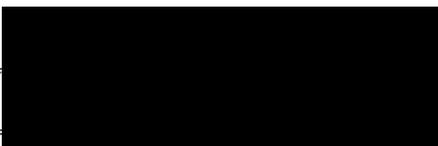
both the Premises Licence Holder and the Designated Premises Supervisor to :-

- a) cease providing shisha for people to smoke at Bob's Bar, 3 Sheepscar Street South, LS7 1AD and to
- b) cease providing alcoholic drinks, food and drink for people to consume on the premises known as Bob's Bar, 3 Sheepscar Street South, LS7 1AD.

The Fixed Penalty Notices were issued on the grounds for believing that criminal offences have been committed under the Regulations. A Fixed Penalty Notice is issued when there are reasonable grounds for believing a criminal offence has been committed under the Regulations. The Fixed Penalty Notice is issued to offer the opportunity to discharge liability to conviction for the offence by payment of a fixed penalty; in this case £1000 each.

Both the Premises Licence Holder and the Designated Premises Supervisor are informed within the notice that failure to pay the fixed penalty within 28 days may lead to criminal prosecutions being commenced against them in respect of the offences.

Further to a chaser email to Leeds City Council's Planning Enforcement Department, the officer copied me into a letter sent to The Operator at the premises address. The letter dated 1<sup>st</sup> March 2021 advises that planning permission has not been applied for so requests the details of the side extension to determine whether permission is required. *B*



## Premises Licence

### Part A Schedule 12 Licensing Act 2003

#### Part 1 – Premises Details

##### Postal address of premises, or if none, ordnance survey map reference or description

Bobs Bar And Restaurant, 3 Sheepscar Street South, Sheepscar, Leeds, LS7 1AD

##### Licensable activities authorised by this licence

Sale by retail of alcohol, Provision of late night refreshment, Performance of recorded music,

##### Times the licence authorises the carrying out of licensable activities

###### *Sale by retail of alcohol*

Monday to Thursday	11:00 - 23:30
Friday to Sunday	11:00 - 01:30

###### *Provision of late night refreshment*

Monday to Thursday	23:00 - 00:00
Friday to Sunday	23:00 - 02:00

Location of activity: Indoors

###### *Performance of recorded music*

Monday to Thursday	11:30 - 23:30
Friday to Sunday	11:30 - 01:30

Location of activity: Indoors

##### Opening hours of the premises

Monday to Thursday	11:00 - 00:00
Friday To Sunday	11:00 - 02:00

Alcohol is sold for consumption on the premises

#### Part 2

##### Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Biniam Kesete Asfaha



Current Email Address: [REDACTED]

Current Email Address: [REDACTED]

Mobile Telephone Number: [REDACTED]

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mehari Andemariam

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Personal licence number: [REDACTED] Licensing authority: [REDACTED] [REDACTED] [REDACTED]

Licence issued under the authority of Leeds City Council

[REDACTED]

Mrs Emma White  
Licensing Officer  
Entertainment Licensing  
Elections, Licensing and Registration

## Annex 1 – Mandatory Conditions

1. Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-
  - a. unauthorised access or occupation (e.g. through door supervision), or
  - b. outbreaks of disorder, or
  - c. damage
2. No supply of alcohol may be made under this licence
  - a. At a time when there is no designated premises supervisor in respect of the premises licence, or
  - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

- a. games or other activities which require or encourage, or are designed to require or encourage individuals to -
    - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
  - b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - d. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorize anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
  - e. dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
  6. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- a. a holographic mark, or
- b. an ultraviolet feature.

7. The responsible person must ensure that -

- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
  - i. beer or cider: ½ pint;
  - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - iii. still wine in a glass: 125 ml;
- b. these measures are displayed in a menu; price list or other printed material which is available to customers on the premises; and
- c. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

8. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1 of this condition -

- a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b. "permitted price" is the price found by applying the formula  $P = D + (D \times V)$  where -
  - i. P is the permitted price,
  - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
  - i. the holder of the premises licence,
  - ii. the designated premises supervisor (if any) in respect of such a licence, or
  - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e. "value added tax" mean value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 – Conditions consistent with the operating schedule**

### **The prevention of crime and disorder**

9. A suitable closed circuit television (CCTV) system will be in operation at the premises at all times when it is being used for the provision of licensable activities and/or when members of the public are permitted to be on the premises. The CCTV system will record images to cover all areas of the premises to which the public have access (save for toilets), including any external areas of the premises such as car parks and beer gardens. The CCTV system will be capable of retaining images for a minimum of 31 days, will be of good quality and will contain the correct time and date stamp information. The CCTV system and images will be kept in a secure environment to which members of the public will not be permitted access. At least one member of staff will be on duty at the premises who is capable of operating the system and downloading images recorded by it. These images will be downloaded and provided, on request, to an officer of a responsible authority.
10. The premises licence holder and/or designated premises supervisor will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti social behaviour, admissions refusals and ejections from the premises. The Incident Report Register will contain consecutively numbered pages, the date time and location of the incident, details of the nature of the incident, the names and registration numbers of any door staff involved or to whom the incident was reported, the names and personal licence numbers (if any) of any other staff involved or to whom the incident was reported, the names and numbers of any police officers attending, the police incident and/or crime number, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident. The Incident Report Register will be retained for a period of twelve months and produced for inspection immediately on the request of an authorised officer.
11. The age verification policy adopted by the premises, in respect of the sale or supply of alcohol will be Challenge 21, which means that those seeking to purchase alcohol at the premises who appear to be under the age of 21 will be required to provide acceptable evidence (as approved by West Yorkshire Police) that they are 18 years of age (or older) before any alcohol is sold or supplied to them.
12. Patrons are not permitted to remove drinks, open bottles or glasses from the premises.
13. All areas of the premises to be used for the display of alcohol are marked on the plan. The display of alcohol will not change without the consent of the licensing authority by way of a minor variation application to the licence.
14. The display of alcohol will be in a designated area of the premises which is capable of being supervised from the counter area.
15. The display of spirits shall be in an area accessible only by staff.

### **The prevention of public nuisance**

16. Licensable activities will be conducted and the facilities for licensed activities will be designed and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties.

17. Noise from a licensable activity at the premises will be inaudible at the nearest noise sensitive premises.
18. Except for access and egress, external doors shall remain closed during the performance of regulated entertainment and windows shall remain closed during the entire performance.
19. Loud speakers shall not be located in external areas of the premises or in entrance lobbies which open directly onto external areas.
20. Bottles will not be placed in any external receptacle after between 23.00 hours and 07.00 hours so as to minimise noise disturbance to neighbouring properties.
21. Noise from plant or machinery operating at the licensed premises, shall be inaudible at the nearest noise sensitive premises.
22. Clear and legible notices will be displayed at exits, car parks and other circulatory areas requesting patrons to leave the premises quietly having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos and anti-social behaviour.

### **Protection of children from harm**

23. People under 18 years of age will not be admitted to the premises.
24. Alcohol will not be displayed next to the public entrance/exit of the premises.
25. There will be no window display posters or similar advertising contained reference to alcohol displayed on the premises shop frontage or the highway abutting the premises.
26. All alcohol sale refusals will be recorded in a register which will be retained on the premises for inspection by responsible authorities on request.
27. People under 18 (including staff) will not be admitted to the premises at any time when gambling is taking place.

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

None

### **Annex 4 – Plans**

The plans for these premises are as those submitted with the application. A copy of which is held by Leeds City Council licensing authority.



**Elections and Regulatory Services**

Civic Hall  
Leeds LS1 1UR

Our Ref: A80/CB/LIC/GE/003255

Your Ref:

Contact: Carmel Brennand

Tel:

Fax:

Email:

Date 3 December 2019

**Private & Confidential**

Mr Biniam Kesete Asfaha  
Bob's Bar & Restaurant  
3 Sheepscar Street South  
Sheepscar  
LS7 1AD

Dear Sir

**LICENSING ACT 2003: INVESTIGATION INTO POSSIBLE OFFENCES  
PREMISES: BOB'S BAR & RESTAURANT, 3 SHEEPSCAR STREET SOUTH, SHEEPSCAR,  
LS7 1AD**

I am writing to you as the Premises Licence Holder of the above premises. We are in receipt of a complaint alleging that your premises are operating after the hours permitted on your newly granted Premises Licence.

May I remind you that the hours specified on your licence are:-

***Sale by retail of alcohol***

*Monday to Thursday 11:00 - 23:30*

*Friday to Sunday 11:00 - 01:30*

***Provision of late night refreshment***

*Monday to Thursday 23:00 - 00:00*

*Friday to Sunday 23:00 - 02:00*

*Location of activity: Indoors*

***Performance of recorded music***

*Monday to Thursday 11:30 - 23:30*

*Friday to Sunday 11:30 - 01:30*

*Location of activity: Indoors*

***Opening hours of the premises***

*Monday to Thursday 11:00 - 00:00*

*Friday To Sunday 11:00 - 02:00*

I must advise you that under Section 136 of the Licensing Act 2003

(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 an unlimited fine and/or imprisonment for a term not exceeding six months**

I will be visiting the premises at 1 pm on Thursday 12<sup>th</sup> December 2019 to conduct an inspection under the Licensing Act.

Should you require any further information please do not hesitate to contact the Licensing Office on the above number.

Yours faithfully

Mrs Carmel Brennand  
Senior Liaison & Enforcement Officer  
Entertainment Licensing







White – COUNCIL COPY Yellow – PREMISES COPY

### CLOSURE NOTICE

Section 19, Criminal Justice and Police Act 2001

Read accompanying notes on reverse

**This Closure Notice is served by the Local Authority Licensing Officer named below if he/she is satisfied that the premises are being, or within the last 24 hours have been used for the unauthorised sale of alcohol for consumption on or in the vicinity of the premises.**

Date of Closure Notice: 15 JAN 2020 Time Notice served: 1445 AM/PM

Licensing Authority: Leeds City Council

Name and position of the Local Authority Licensing Officer serving the Closure Notice: CARMEL BRENNAN  
 \*Senior / \*Principal Liaison & Enforcement Officer (delete as applicable)

Signature of Licensing Authority Officer: [Redacted]

Name and address of subject premises: BOBS BAR + RESTAURANT, 3 SHEEPSGAR STREET SOUTH Post Code: LS7 1AD

**Alleged unauthorised use of the premises:**

There ~~has been~~ / ~~is~~ the unauthorised sale of alcohol taking place for consumption on / in the vicinity of the premises in breach ~~\*of the licence~~ / ~~\*of no licence authorisation~~ within the last 24 hours. (\*delete whichever does not apply) (include further details below)

CCTV ONLY RECORDING FOR 7 DAYS WHICH DOES NOT COMPLY WITH CONDITION 8.

Steps which must be taken to end the alleged unauthorised use of the premises, or to prevent it from reoccurring:

I WILL CORRECT IN ONE MONTH.

**The person (if applicable) upon whom the Closure Notice has been served:**

Name: Binigum Position: [Redacted]

Signature: [Redacted] Date: 15/1/2020 Time: 15:00 AM/PM

**Notes:**

**'Closure Notice' – Section 19, Criminal Justice and Police Act 2001**

- A Local Authority Licensing Officer has issued this Closure Notice under Section 19 of the Criminal Justice and Police Act 2001 (CJ&PA2001) (Sections 126 and 127 of Schedule 6 to the Licensing Act 2003). The Notice alleges that the premises are / have been operating illegally, contrary to the provisions in the Premises' Operating Schedule and therefore in breach of its licence / no licence authorisation.
- Such a breach affects the authorisation to sell alcohol in compliance with the Licensing Act 2003, being a licensable activity within the meaning of Section 14 of the Act.
- The Notice sets out the actions which must be taken by the person in control of, or responsible for, the unlawful activities conducted on the premises.

**'Closure Order' - Section 20, Criminal Justice and Police Act 2001**

- Once a Closure Notice has been served under Section 19 of the CJ&PA2001, the Licensing Authority (or Police) may make a complaint to a Justice of the Peace at the local Magistrates' Court for a Closure Order.
- An application can be made to the Magistrates' Court if the local Licensing Authority is satisfied that the unauthorised sale of alcohol (as alleged in the Closure Notice) is continuing and if there is a reasonable likelihood that the premises will so be used in the future.
- Any such application for a Closure Order must not be made less than seven days and not more than six months after the service of this Closure Notice.
- Where a complaint has been made to the Magistrates' Court, the Justice of the Peace may issue a summons requiring the applicant and the person(s) upon whom the Closure Notice was served to attend a Court hearing. The summons will state the date, time and place where the hearing will take place.
- At the hearing, the Court will consider the complaint and decide whether a Closure Order should be made or not.
- The procedure on a complaint for a Closure Order shall (except as otherwise provided), be in accordance with the Magistrates' Court Act 1980.

**Appeals - Section 24, Criminal Justice and Police Act 2001**

- Subsections (1) – (2) provide that an appeal against a Closure Order can be made to the Crown Court by any person upon whom a Closure Notice was served, or by any other person who has an interest in the premises but on whom the Closure Notice was not served. Subsection (1) also permits appeals to the Crown Court in relation to discharge orders. All appeals are required to be lodged within 21 days of the Closure Order or relevant decision being made. There are no restrictions on the grounds for which the appeal can be made.
- Subsection (3) empowers the Crown Court, on appeal, to make any order it considers appropriate.

**Enforcement Powers and Offences – Section 25, Criminal Justice and Police Act 2001**

- It is an offence for a person, without reasonable excuse, to permit a premises to be open in contravention of a Closure Order made by the Magistrates' Court. Any person found guilty of such an offence will be liable to a fine not exceeding £20,000, or to imprisonment for a term not exceeding three months, or to both (Not exhaustive).

**THIS IS THE END OF THE CLOSURE NOTICE**

**From:**Brennand, Carmel  
**Sent:**29 Jan 2020 09:26:11 +0000  
**To:**[REDACTED]  
**Subject:**RE: Complain: Paradise Sunset Bar and Grill, 3 Sheepscar Street South, Leeds LS7 1AD

Dear [REDACTED]

Many thanks for your email. I can confirm that I am already investigating the operation of these premises and that I was outside the venue at 2:35 am on Sunday 19<sup>th</sup> January and found it closed and not trading.

I will update you with the results of further enquiries. If you require any further information, please do not hesitate in contacting me.

Yours sincerely .

Carmel Brennand  
Senior Liaison & Enforcement Officer  
Entertainment Licensing  
Leeds City Council

Tel: [REDACTED]

Fax: [REDACTED]

email: [REDACTED]

[www.leeds.gov.uk](http://www.leeds.gov.uk)

**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** 24 January 2020 05:40  
**To:** Brennand, Carmel [REDACTED] Entertainment Licensing  
<Entertainment.Licen@leeds.gov.uk>  
**Subject:** Complain: Paradise Sunset Bar and Grill, 3 Sheepscar Street South, Leeds LS7 1AD

Dear Carmel Brennand,

Dear sir/madam

I would like to complain about Paradise Sunset Bar and Grill. **Address:** 3 Sheepscar Street South, Leeds LS7 1AD

The above premises have alcohol and entertainment license till 2:00 am for Fridays, Saturdays, and Sundays, but don't abide by the country's licensing laws.

The Designated Premises Supervisor (DPS) is aware of his obligations to respect Licence Hours, but he completely takes no notice of their premises closing time.

The Paradise Sunset Bar and Grill serves alcoholic beverages after 2:30 am, the DBS only lock the doors of the premises pretending they are closed, while continue undertaking the license activities out of hours; the Bar is maintained operative out of hours, music continues playing and a customer can still enter the premises to buy alcoholic beverages after 2:30 am till 4 am even 5:00 am, in the earlier hours on Fridays, Saturdays, and Sundays.

I call upon the Leeds City Council Entertainment Licensing Authorities to investigate my allegation and if there is any wrongdoing. I hope to see the Licensing Authority to take the proper measures to put a stop to the Paradise Sunset Bar and Grill breach of the regulations set by The Licensing Act 2003,

Hope to hear from you.

Yours sincerely,



## Reopening Your Premises

### Frequently Asked Questions



From 4<sup>th</sup> July, the Coronavirus regulations will be amended to allow pubs, bars and restaurants to reopen. This includes licensed clubs. The Government has issued [very comprehensive guidance](#) about how business should operate from 4<sup>th</sup> July.

The guidelines provided are quite straightforward but have created a lot of discussion about what you can and can't do. There are measures required for maintaining hygiene and reducing contact; for example apps, contactless payments, table service, provision of hand sanitizers and reducing capacity and queues. The guidance covers safe working and operating practices; working from home; travelling to and from work; tips for social distancing within the premises, particularly toilets and high volume areas, etc. This FAQ seeks to provide quick points based on the numerous phone calls we have received over the last week. It is not a replacement for the government guidance.

#### Risk assessments

All businesses should undertake a risk assessment to ensure they are operating as a COVID-Secure business. This is to protect both staff and customers from infection, or the potential spread of infection from asymptomatic people. GOV.UK [has a webpage](#) that will help you to write your risk assessment:

The risk assessment is key to understanding how you can reopen safely while protecting yourself, your staff and your customers from coronavirus. It should be written, and then shared with your staff. It should be a fluid document you can amend, initially after each shift, so that you can reflect and adjust your working practices and update the risk assessment to suit. For example you might find that your customers ignore markings on the floor, but will follow signage instead, or rearranging furniture may be more helpful. Make sure your staff know what the risk assessment says and where a copy of it is kept. You may be asked for it by a police officer or council enforcement officer.

Part of your risk assessment should detail how you will manage the entry of customers, and the number of customers at a venue, so that all indoor customers are seated with appropriate distancing, and those outdoors have appropriately spaced seating or standing room. This is to ensure that the venue, including areas of congestion does not become overcrowded. Managing entry numbers can be done through reservation systems, social distancing markings, having customers queue at a safe distance for toilets or bringing payment machines to customers.

#### Capacities and Groups

There is no specific maximum capacity you are allowed. Instead your capacity should be based on the number of people you can host whilst maintaining the measures set out in the guidance and will vary based on the profiles of each group in your premises.

The law is a little confusing on how many people can gather in a group. You should **not** allow people to:

- Gather indoors in groups of more than two households (a support bubble counts as one household) - this includes when dining out or going to the pub.
- Gather outdoors in a group of more than six people from different households; gatherings larger than 6 should only take place if everyone is from just two households.
- Interact socially with anyone outside the group they are attending a place with, even if they see other people they know.
- Parties and celebrations where attendees are not from two households should be avoided.

It may be easiest to control this through your table booking system and by giving advice on arrival. Customers inside should remain seated and be encouraged not to move about. You should offer table service, preferably ordering through an app to avoid as much contact with staff as possible. Don't let people move furniture around and don't let separate groups of people mingle, even if they know each other.

If you have put in place table bookings, please tell your customers so they don't just turn up, on spec. Use your social media accounts and signage on the premises. If you are limiting the time people can book a table for, make this clear to them. Customers won't be able to go anywhere else easily, so be prepared for them wanting to stay beyond their allotted time slot.

Social distancing is the key message in all instances with the exception of people from within the same household. Please note that there is a distinct difference between a household and family, who collectively will be from more than 2 households.

### **Test and Trace**

Businesses are advised to retain information about their customers for 21 days should NHS Test and Trace need it. You only need to record the name and phone number of one of the party. Some premises are collating this information from their table booking system. Others have set up a phone number the main organiser can text with their name which will record when they visited the premises.

A number of businesses have asked us about if they can do this in light of the general data protection regulation (GDPR). The answer is yes you can but you must make sure you keep the data confidential and secure, not use the information for any purpose other than assisting NHS Test and Trace and not share it with anyone other than those people authorised by the government to collect the information for the purposes of preventing the spread of coronavirus. The [Information Commissioner's website](#) has more information.

### **Social Distancing – 2m or 1m**

In his announcement, the Prime Minister stated that in some cases social distancing had been relaxed to 1 metre with mitigation. To be clear, the 2 metre social distancing rules still apply. However it is recognised that in some scenarios this is not viable, and so you can reduce social distancing to 1 metre providing other mitigating measures are used such as face masks, hand sanitising, back to back or side by side rather than face to face working. There still must be social distancing between people in different households and staff and customers and where ever possible this must be 2 metres.

### **Staff**

It is really important to protect your staff from coronavirus. The best protection for your staff is regular hand washing and to maintain a 2m distance from other staff and customers where possible, and 1m with mitigation where it isn't. Staff should travel separately and to not car share, avoid public transport and have a change of clothes for the workplace. It is recommended that regular shifts are organised so people are working with the smallest number of different people as possible.

Make sure your staff are aware of the measures you've set out in your risk assessment, including the wearing of PPE. Have a staff debrief at the end of the night – what went well, what went wrong, how do we need to change it?

You are required by law to report if a member of staff tests positive for COVID-19. This is vital so Environmental Health can start contact tracing. You may need to ask all your staff to self-isolate if one becomes infected so reiterate the advice to stay at home if they feel unwell, have a temperature or cough.

You can report if a member of staff has tested positive for COVID-19 by [submitting a form](#) on the Health and Safety Executive's website.

## **Queues**

It is your responsibility to manage the queues that form outside your premises and to ensure that customers are maintaining social distancing. This is 2m, or 1m with mitigation where this is not viable. City Centre Management is providing marshals for the first few weekends to help but it's your responsibility to control and manage the queues for your premises.

## **Door staff**

You should risk assess how many door staff you think you will need for inside your premises, to manage outdoor areas, any queue that may form and prevent entry to people who have not booked or when the premises have reached full capacity. It may be the number you assess to be sufficient is less than your licence condition due to your capacity being greatly reduced.

## **Entertainment**

At present venues should not permit live performances, including drama, comedy and music to take place in front of a live audience. This includes entertainment such as acoustic music, lap dancing etc.

All venues are required to take steps to avoid people needing to unduly raise their voices to each other which includes, but is not limited to, refraining from playing music or broadcasts that may encourage shouting, including if played at a volume that makes normal conversation difficult, loud background music, communal dancing, group singing or chanting.

You should very carefully risk assess the showing of football matches, or other live sport. It will be hard to control your customers and to stop them from shouting, cheering and celebrating.

It may not be possible for you to provide your usual facilities such as snooker, pool or darts due to the requirement that all customers should remain seated and the communal nature of the activity, the need to sanitise between uses etc. At the time of writing the Government strongly recommends that indoor sports not be provided and snooker halls must remain closed.

## **Off sales**

There is a new law, due to be enacted late July, which will allow any premises with on sales only to add off sales to their licence until September 2021. Alongside this will be a streamlined process for placing table and chairs on the pavement outside your premises (pavement licence). Further information relating to pavement licences can be obtained through [City Centre Management](#) or [on our website](#).

If you already have on and off sales on your licence, you may need to check your conditions to ensure that you don't have restrictions on which make it difficult to work to your new model of operation. Contact Entertainment Licensing for advice on variations.

It is important that you continue to operate responsibly. Be mindful of the four licensing objectives, ensure you handle littering, antisocial behaviour and nuisance. When serving alcohol for consumption off the premises we ask that you use non-glass containers, and encourage the use of recyclable containers. Check if you are in a [PSPO area](#), and if so you will need to apply for a pavement licence to allow people to drink outside your premises.

## Finally

Keep your standards high, even if it looks like COVID-19 is going away. Please ensure that cleaning regimes and social distancing measures are strictly enforced. Any local outbreak could result in further closure of businesses.

Be a good neighbour. Even though the Government is encouraging the café society, this does not mean that the public nuisance objective has gone away. If anything people have become used to licensed premises being closed and their streets being quiet and so sensitivity will be heightened once customers start to return to licensed premises, and particularly if making more use of outdoor areas.

These are guidelines and not the law, however please remember that if you do not operate safely, you can be prosecuted under the Health and Safety at Work Act. You are also putting your premises licence at risk of review.

### Useful links and contacts:

- [General advice on the easing of restrictions from 4th July from GOV.UK.](#)
- [The Government has issued very comprehensive guidance about how business should operate from 4<sup>th</sup> July.](#)
- [GOV.UK has a webpage that will help you to write your risk assessment.](#)
- [UK Hospitality have provided guidance for pubs and bars.](#)
- We have [issued a survey](#) asking for information from businesses about reopening. It is not mandatory but it does help us to ensure we have enough resources in place to support you.
- [The Health and Safety Executive has produced further information and guidance on Covid-19 risk assessments.](#)
- [You can report if a member of staff has tested positive for COVID-19 by submitting a form on the Health and Safety Executive's website.](#)
- [We have collated the latest information relating to COVID-19 and businesses in Leeds.](#)
- If your premises is in a [PSPO area](#), allowing people to drink in public spaces near your premises may be problematic.

Further assistance may be obtained from:

- Street Cafes and Pavement Licences: [city\\_centre\\_managem@leeds.gov.uk](mailto:city_centre_managem@leeds.gov.uk)
- Alcohol Licensing: [entertainment.licensing@leeds.gov.uk](mailto:entertainment.licensing@leeds.gov.uk)
- Environmental Health (incl social distancing): [epteam@leeds.gov.uk](mailto:epteam@leeds.gov.uk)
- Noise Nuisance Referrals: Out of Hours Noise Nuisance Hotline: 0113 376 0337  
<https://my.leeds.gov.uk/Pages/Form%20Pages/ReportNoisePollution.aspx>

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### Produced by:

Entertainment Licensing Leeds City Council Civic Hall Leeds LS1 1UR	Phone: 0113 378 5029 Website: <a href="http://www.leeds.gov.uk/licensing"><u>www.leeds.gov.uk/licensing</u></a> Email: <a href="mailto:entertainment.licensing@leeds.gov.uk"><u>entertainment.licensing@leeds.gov.uk</u></a>
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**This document should be used as a guidance tool. Only the courts can give an authoritative opinion on statute law. Every effort has been made to ensure this document is both comprehensive and accurate but in an attempt to simplify the law omissions have been made. Please refer to the Licensing Act 2003 and associated regulations for full details of the law. You should seek your own legal advice on the matters raised in this guidance note.**

## Brennand, Carmel

---

**Subject:** New restrictions for licensed premises

Dear Licence Holder,

Over the last week, there have been a number of significant developments and new restrictions introduced related to coronavirus, which continues to spread both locally and nationally. We have prepared this communication to summarise the most relevant updates for licensed premises. I hope this is helpful.

### **Leeds' Infection Rate and Restrictions**

The Leeds coronavirus infection rate now stands at 98.5 per 100,000 people, with 8.4% of those tested being positive and cases showing a consistent upward trend for a number of weeks.

Following detailed discussions between Leeds City Council, the government, Public Health England and partners, Leeds is expected to be named as an area of intervention today meaning extra local measures will be put in place to control the spread of the virus within the community. To avoid further restrictions, we need everyone to follow the new rules and to encourage others to do the same.

As part of the new local restrictions (which do not directly impact licensed premises) being introduced, the government advises people in Leeds against socialising with those outside of their household/support bubble in any public venue. Please note that at this stage this is advice rather than a legal requirement. The new national advice about the 'rule of six' is obviously still applicable in Leeds as it is across England.

I would like to thank every venue already taking all of the right steps to protect their staff and customers from this virus—as I know many of you are working so hard to do. Together, we all need to continue to take care of ourselves, our communities and our city.

### **Face Coverings**

Customers in hospitality venues must wear face coverings, except when seated at a table to eat or drink. This means that they must put on a face mask at all other times, i.e. when entering premises, walking to their table or to the toilet. It is recommended that you ensure all customers are wearing a face mask before they enter the premises.

Staff in hospitality and retail will now also be required to wear face coverings.

People who are already exempt from the existing face covering obligations, such as because of an underlying health condition, will continue to be exempt although staff may consider wearing a transparent face shield as an alternative.

### **10pm Closure**

Businesses selling food or drink (including cafes, bars, pubs and restaurants), social clubs, casinos, bowling alleys, theatres, amusement arcades (and other indoor leisure centres or facilities), funfairs, bingo halls, and concert halls must be closed between 10pm and 5am. This includes takeaways.

In practice it is expected that all licensed premises will close their doors at 10pm. This may mean announcing drinking up time earlier and having a cut off time for food orders to ensure that all customers are off the premises at 10pm.

Supermarkets, convenience stores, corner shops, newsagents, pharmacists, chemists and petrol stations can stay open after 10pm.

Delivery services can operate after 10pm but orders must be made by electronic means (website, phone, app, text etc.), cannot be collected in person by customers unless they remain in their vehicle, and off-sales/deliveries cannot be made which would encourage on-street drinking nearby.

## **Table Service**

Where a business serves alcohol for consumption on the premises, food and drink must be ordered from, and served at, a table. In all instances customers must be encouraged to remain seated while eating and drinking.

There are certain exceptions for bowling alleys, cinemas, theatres, concert halls, amusement arcades/leisure centres, subject to a suitable COVID-Secure risk assessment.

## **Test and Trace**

Restaurants (including restaurants and dining rooms in hotels or members' clubs), cafes (including workplace canteens), bars, including bars in hotels or members' clubs and public houses must display the official NHS QR code posters so that customers can 'check-in' using this option as an alternative to providing their contact details.

An alternative system for customers who do not have a smartphone will also be required, such as a manual record. The details required are:

- the name of the individual;
- a telephone number on which the individual may be contacted, or an email address or a postal address;
- the date and time that the individual entered the relevant premises; and
- where the individual is a member of a group, the number of people in that group (including any member of the group that has scanned a QR Code).

When you have customers visiting your premises as a group, it is strongly suggested that you encourage all individual members of the group to use the QR code or to enter their details individually in the manual. Alternatively one member of the group must provide the details for all members of the group. Details should be kept secure and confidentially disposed after 21 days. Exempt from this requirement are persons under 16, or anyone who has a mental or physical disability that means they are unable to provide the details.

Businesses will need to ensure all reasonable steps are taken to prevent entry or to remove any person or group who fail to provide any contact information, or provide inaccurate or incomplete contact information, or act in a way which demonstrates they are part of a wider group.

## **Social Distancing**

Premises should only accept table bookings for up to 6 people, and no one should be admitted in a group of more than 6 people. People on one table cannot mingle with people on another table. There is an exception to this if the members of the group are all from the same household or support bubble, but it is for the business operator to satisfy themselves this is the case.

Tables must be placed at least 2 metres apart although this can be reduced to 1 metre if there are measures taken to limit the risk of transmission such as barriers or screens between the tables, or the seating is back to back.

Indoor organised sport for over 18 year olds will no longer be exempt from the rule of six. There is an exemption for indoor organised team sports for disabled people. For this reason dominoes and darts tournaments may not be possible.

Weddings and civil partnership ceremonies and receptions will be restricted to a maximum of 15 people (down from 30). Funeral services are restricted to a maximum of 30 people. Other significant standalone life events, including wakes, will be subject to the 'rule of six' limits.

The total number of staff and patrons on your premises must not exceed a level that would prevent adequate social distancing and that you and your staff can properly manage.

You must also do all you can to reduce the increased risk of virus transmission associated with raised voices, such as when speaking loudly or singing loudly, particularly in confined and poorly ventilated spaces. This includes, but is not

limited to, lowering the volume of background music, and not playing music or broadcasts that may encourage shouting, particularly if played at a volume that makes normal conversation difficult.

### **Failure to Comply**

Whereas previously the Government has issued guidance to licensed premises, the above matters are now requirements in law. The Government has issued a range of powers to the police and authorised officers of the local authority to issue Fixed Penalty Notices where the above provisions are not being complied with. A fixed penalty notice brings a fine of £1,000, increasing on subsequent offences.

### **Further information**

Government guidance on all these new requirements can be found on the Governments website:

- [Closing hospitality premises at 10pm](#)
- [Government financial support for businesses](#)
- [NHS Test and Trace guidance](#)
- [Specific guidance for restaurants, pubs, bars and takeaway services](#)
- [Social distancing rules](#)

The ICO has published its own [detailed guidance on collecting customer and visitor details for contact tracing](#).

We do recognise that these are difficult times for businesses. We thank you for your continued co-operation and operating your business COVID securely. You can still download, print and display a new poster to remind your customers of the important coronavirus safety measures from the Leeds Pubwatch website.

Remember that you can find more support and advice for businesses on our website:

<https://www.leeds.gov.uk/coronavirus/business>. You can also help to raise awareness of the key messages for everyone in Leeds by sharing [this page](#) or [this image](#).

Thank you for all you are doing to help contain the virus in Leeds. Together, we all need to continue to take care of ourselves, our communities and our city.

Kind regards,

John Mulcahy

Chief Officer Elections and Regulatory  
and Deputy Returning Officer

Elections and Regulatory Services  
Communities and Environment Directorate

**Elections and Regulatory Services**

Civic Hall  
Leeds LS1 1UR

«RECIP»  
«ADDR»

Contact: Entertainment Licensing  
Tel: 0113 378 5029  
Email: [entertainment.licensing@leeds.gov.uk](mailto:entertainment.licensing@leeds.gov.uk)

1<sup>st</sup> October 2020

Dear Sir/Madam,

«TENLINE»Over the last week, there have been a number of significant developments and new restrictions introduced related to coronavirus, which continues to spread both locally and nationally. We have prepared this communication to summarise the most relevant updates for licensed premises. I hope this is helpful.

**Leeds' Infection Rate and Restrictions**

The Leeds coronavirus infection rate now stands at 132 per 100,000 people, with cases showing a consistent upward trend for a number of weeks.

Following detailed discussions between Leeds City Council, the government, Public Health England and partners, Leeds was named as an area of intervention, and extra local measures were put in place to control the spread of the virus within the community. To avoid further restrictions, we need everyone to follow the new rules and to encourage others to do the same.

As part of the new local restrictions, the government advises people in Leeds against socialising with those outside of their household/support bubble in any public venue. Please note that at this stage this is advice rather than a legal requirement. The new national advice about the 'rule of six' is obviously still applicable in Leeds as it is across England.

I would like to thank every venue already taking all of the right steps to protect their staff and customers from this virus—as I know many of you are working so hard to do.

**Face Coverings**

**You must now** clearly display a notice that any person entering the business must wear a face covering

**Customers must wear face coverings at all times with the exception of times when eating or drinking.**

Staff in hospitality and retail must also wear face coverings by law. However the Government's guidance states "If businesses have taken steps to create a physical barrier or screen between

workers and members of the public then staff behind the barrier or screen will not be required to wear a face covering. Enforcement action can be taken if barriers and screens are in place which do not adequately mitigate risks.”

People who are already exempt from the existing face covering obligations, such as because of an underlying health condition, will continue to be exempt although staff may consider wearing a transparent face shield as an alternative.

## **10pm Closure**

Businesses selling food or drink (including cafes, bars, pubs and restaurants), social clubs, casinos, bowling alleys, theatres, amusement arcades (and other indoor leisure centres or facilities), funfairs, bingo halls, and concert halls must be closed between 10pm and 5am. This includes takeaways.

In practice it is expected that all licensed premises will close their doors at 10pm. This may mean announcing drinking up time earlier and having a cut off time for food orders to ensure that all customers are off the premises at 10pm.

Cinemas, theatres and concert halls will be able to stay open after 10pm to conclude a performance which began before 10pm, but food and drink sales must cease at 10pm

Supermarkets, convenience stores, corner shops, newsagents, pharmacists, chemists and petrol stations can stay open after 10pm.

Home deliveries may continue between 22:00 and 05:00 but customers must not be able to collect in person, unless via a drive through, or similar collection service where the customer remains in the vehicle. Off-sales/deliveries must not be made which could encourage on-street drinking nearby.

## **Table Service**

Where a business serves alcohol for consumption on the premises, food and drink must be ordered from, and served at, a table. In all instances customers must be encouraged to remain seated.

There are certain exceptions for bowling alleys, cinemas, theatres, concert halls, amusement arcades/leisure centres, subject to a suitable COVID-Secure risk assessment.

## **Test and Trace**

Restaurants (including restaurants and dining rooms in hotels or members' clubs), cafes (including workplace canteens), bars, including bars in hotels or members' clubs and public houses must display the official NHS QR code posters so that customers can 'check-in' using this option as an alternative to providing their contact details.

Enclosed with this letter is a quick guide to generating NHS QR code posters for your premises.

An alternative system for customers who do not have a smartphone will also be required, such as a manual record. The details required are:

- the name of the individual;
- a telephone number on which the individual may be contacted, or an email address or a postal address;
- the date and time that the individual entered the relevant premises; and
- where the individual is a member of a group, the number of people in that group (including any member of the group that has scanned a QR Code).

When you have customers visiting your premises as a group, it is strongly suggested that you encourage all individual members of the group to use the QR code or to enter their details individually in the manual record.

Details should be kept secure and confidentially disposed after 21 days. Exempt from this requirement are persons under 16, or anyone who has a mental or physical disability that means they are unable to provide the details.

Businesses will need to ensure all reasonable steps are taken to prevent entry or to remove any person or group who fail to provide any contact information, or provide inaccurate or incomplete contact information, or act in a way which demonstrates they are part of a wider group.

## **Social Distancing**

Regulation states that groups of more than six persons should not be admitted and no bookings for a table should be accepted for a group of more than six persons (with limited exceptions as set out in the Regulations).

An appropriate distance (see below) must be maintained between groups and persons should not mingle with persons outside their group.

Tables must be placed at least 2 metres apart although this can be reduced to 1 metre if there are measures taken to limit the risk of transmission such as barriers or screens between the tables, or the seating is back to back.

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You must do all you can to reduce the increased risk of virus transmission associated with raised voices, This includes, but is not limited to, lowering the volume of background music, and not playing music or broadcasts that may encourage shouting, particularly if played at a volume that makes normal conversation difficult.

To meet Regulations, no recorded music may be played on the premises which exceeds 85dB(A) when measured at the source of the music.

Singing (unless an organised live performance with a risk assessment) should be avoided, and finally, dancing should be prevented unless it is part of a celebration of marriage or civil ceremony.

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## **Further information**

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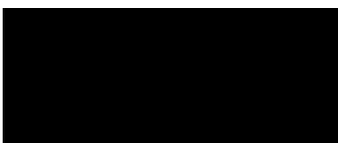
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You can also help to raise awareness of the key messages for everyone in Leeds by sharing this page: <https://www.leeds.gov.uk/coronavirus/messages-to-share> and by completing the enclosed action card and putting this in a place easily accessible by all your staff.

Again thank you for all you are doing to help contain the virus in Leeds. Together, we all need to continue to take care of ourselves, our communities and our city.

Yours faithfully



**John Mulcahy**

Chief Officer Elections and Regulatory  
and Deputy Returning Officer  
Elections and Regulatory Services  
Communities and Environment Directorate

# HOW TO CREATE A QR POSTER FOR YOUR VENUE

## Venue guide



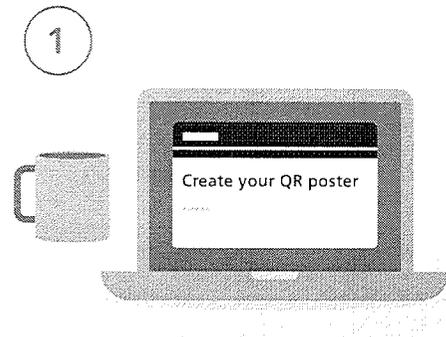
GIG  
NHS

Profi  
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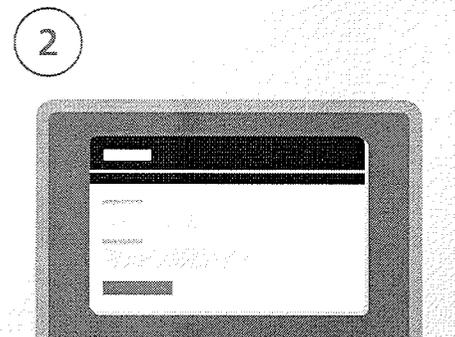
Test  
Trace  
Protect



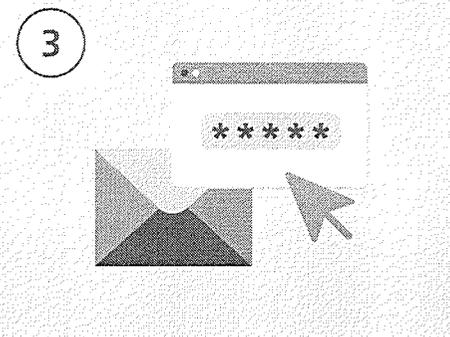
Test and Trace



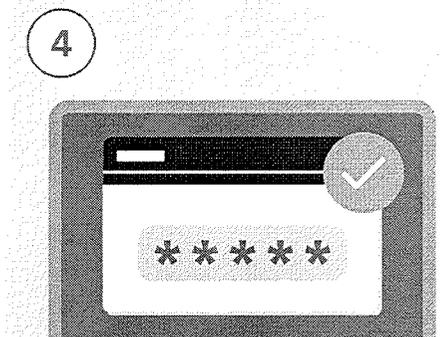
Go to:  
[gov.uk/create-coronavirus-qr-poster](https://gov.uk/create-coronavirus-qr-poster)



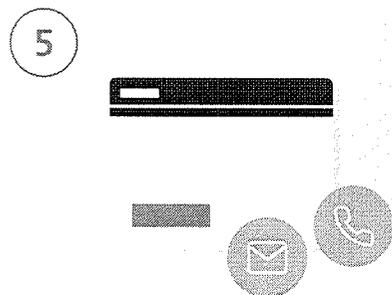
To register, enter your contact details including your name and email address.



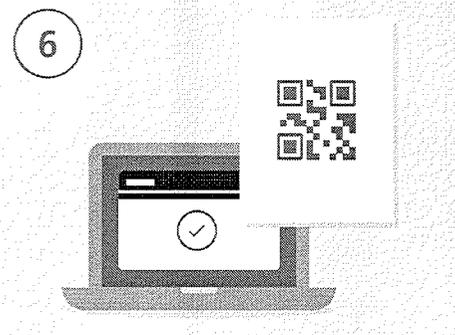
The website will send a verification code to your email address. You will need to verify that your email address is valid.



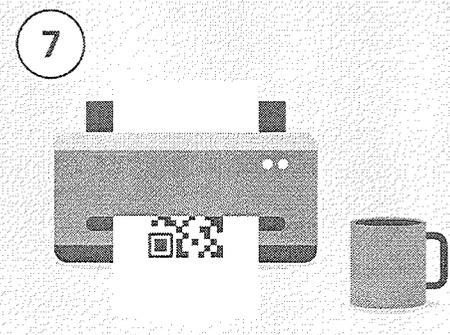
Enter the verification code that was sent to your email address into the website form. This will allow you to continue with registration.



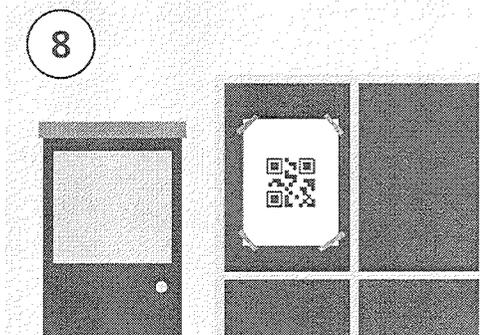
Next, enter your venue name and address and click continue. You can now add the contact details of the person responsible for the venue if that is not you. This will ensure that they can download the venue's QR poster.



You need to confirm your details are correct and then click "Accept and generate the poster". Once your details have been submitted, you will receive an email with the QR poster. This poster is unique to your venue.



Download and print a copy of the poster. You will need to print copies to display for every entrance in your venue. If you have more than one venue, you will need a different QR poster for each. Please repeat all the steps for each location.



Display your poster in a visible and safe position at the venue to make sure it cannot be easily removed. Visitors will then be able to scan the poster to check-in.



# COVID-19

## early outbreak management

### Restaurants, pubs, bars, cafes or takeaways

#### Who should use this information?

Owners and managers of restaurant, pubs, bars, cafes or takeaways. This information provides key steps to quickly identify and contain any potential COVID-19 outbreak. If you are concerned about other possible health issues then you should follow your existing processes.

For England only.

#### What you should do to manage a possible outbreak

**Step**  
**1**

#### Identify

You may be informed of a confirmed case of COVID-19 by NHS Test & Trace, staff, a customer or your local Public Health England Health Protection Team (PHE HPT).

When you are informed of more than one confirmed case with symptoms dating within 14 days of each other, go to **step 2**.

**Step**  
**2**

#### Report

Immediately contact your local PHE HPT for help and advice. Refer to [www.gov.uk/health-protection-team](http://www.gov.uk/health-protection-team) for contact details.

Every one of us plays a vital role in stopping the spread of COVID-19. Early engagement with your local PHE HPT is key to minimise any possible wider outbreak in your community. See **page 2** for information you may be asked to provide. Do not worry if you are unable to answer all the questions, your local PHE HPT will help guide you through the process.

**Step**  
**3**

#### Respond

Your local PHE HPT will work with you to assess the risks and advise you of what actions to take.

Depending on the outcome, your local PHE HPT and Local Authority may establish an Outbreak Control Team to help support you to manage the situation.

See **page 2** for types of action that could be put in place.



Check now and write the number of your local PHE HPT here: .....

## General guidelines to prevent the spread of COVID-19:

There are important actions that everyone should take at all times to help prevent the spread of COVID-19. Refer to [Working safely during coronavirus](#) guidance or search the title on GOV.UK. This has practical steps to take and explains how you must carry out a COVID-19 risk assessment for your organisation.

The information contained on this card is specifically in relation to an outbreak, and should not replace health and safety and infection steps you already take, or have implemented as a result of consulting the 'Working safely during coronavirus' guidance.

## Information your local PHE HPT may request from you:

### Details of your organisation

- name of company
- location (including postcode and Local Authority)
- are you part of a compound setting? For example part of a retail/business park
- key contact details: name, phone number, email
- number of staff

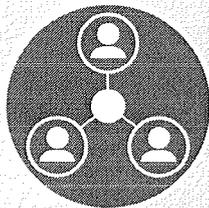
### Details of the cases

- contact details of the people affected
- when the individual(s) became unwell
- when they were last present on the premises
- nature of the roles/job undertaken by any staff affected
- known links between the individual(s) with COVID-19 (in or out of the premises)
- the average number of customers in a day/week
- number of people with which the individual(s) had close contact
- nature of the environment (for example layout and nature of the building)
- details of control measures
- has there been any contact with other agencies? for example Local Authority, Food Standards Agency (FSA), Health and Safety Executive (HSE)

### Types of actions you may need to put in place include:



Enhanced hygiene, hand washing and cleaning regimes, and use of personal protective equipment (PPE).



Enhanced testing and tracing.



Increased staff/ customers' awareness of and adherence to preventative measures.



Additional measures to limit access to the premises, and split staff into teams or shift groups (where possible), or temporary closure to the premises.

### To access more information refer to the guidance below or search the titles on GOV.UK:

- [guidance for contacts of people with confirmed coronavirus \(COVID-19\) infection who do not live with the person](#)
- [COVID-19: cleaning in non-healthcare settings](#)
- [coronavirus \(COVID-19\): safer travel guidance for passengers](#)
- [guidance for food businesses on coronavirus \(COVID-19\)](#)
- [reopening and adapting your food business during COVID-19](#)
- [working safely during coronavirus \(COVID-19\) for restaurants, pubs, bars and takeaway services](#)

**Brennand, Carmel**

---

**From:** Musson, Martyn  
**Sent:** 02 October 2020 13:52  
**To:** Rix, Paul; Brennand, Carmel  
**Cc:** Kennedy, Seamus  
**Subject:** PREM/04426/001 - Bobs Bar And Restaurant - COVID-Secure Complaint

Good Afternoon,

I've received an anonymous complaint from a customer in regards to:

**PREM/04426/001**

Bobs Bar And Restaurant  
 3 Sheepscar Street South  
 Sheepscar  
 Leeds  
 LS7 1AD

I asked the gentleman a series of question in relation to COVID

Queue management	The Customer didn't need to queue or book and walked in and sat at a table with his children
Track and test	The customer did not sign in or fill out any T&T details on any format and wasn't told to.
Sanitiser	The Customer did sanitise on entry.
Space between tables	The customer did not believe there was enough space between tables while they sat to eat
Low background music	The Customer could talk over the background music
Smoking areas	The Customer said that several groups of 5/6 people were smoking Sheesh inside the premises while customers were eating.
Single use condiments	The customer mentioned the table was busy with condiments.
appropriate face coverings	Although the customer was wearing a face covering, he said that all the staff and customers walking around and smoking was not wearing appropriate face coverings.
Main complaint	The main complaint was about his children inhaling second-hand smoking from the sheesh that was being smoked indoors.

Although I have the customers number they do not wish to give it out.

Kind Regards,

Martyn Musson

Licensing Officer  
Entertainment Licensing  
Leeds City Council  
t: [REDACTED]  
e: [REDACTED]  
e: [Entertainment.Licen@leeds.gov.uk](mailto:Entertainment.Licen@leeds.gov.uk)  
w: [www.leeds.gov.uk](http://www.leeds.gov.uk)

**Please bear with us if we take longer than usual to respond to your email, this is due to the challenges of the unprecedented coronavirus COVID-19 crisis.**

We're doing everything we can to focus our efforts on keeping our services running as normal and looking after people. Check <http://news.leeds.gov.uk> for the latest updates.

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**Please bear with us if we take longer than usual to respond to your email, this is due to the challenges of the unprecedented coronavirus COVID-19 crisis.**

To find out more about how our services are affected, what local support is available, and how we're managing coronavirus in Leeds, go to [www.leeds.gov.uk/coronavirus](http://www.leeds.gov.uk/coronavirus).

**From:**Brennand, Carmel  
**Sent:**2 Oct 2020 16:32:23 +0100  
**To:** [REDACTED]  
**Subject:**Bob's Bar, Sheepscar Street  
**Attachments:**How to create a QR code poster for your venue 10.09.20.pdf,  
25.08.2020\_A4ActionCard\_Restaurants-pubs-bars-cafes-takeaways.pdf

Dear Biniam

This afternoon we have received a complaint alleging:-

- A) Test & Trace is not being used
- B) The tables are not 2 metre apart
- C) You are allowing shisha smoking inside
- D) Staff and customers are not wearing face masks
- E) Condiments should be packets/single use.

Please see the below letter detailing the new restrictions for licensed premises which has been sent out.

You may have received an email from us last Friday providing guidance on new restrictions coming into force but due to new developments over the past week we have updated this guidance which you can see below.

Over the last week, there have been a number of significant developments and new restrictions introduced related to coronavirus, which continues to spread both locally and nationally. We have prepared this communication to summarise the most relevant updates for licensed premises. I hope this is helpful.

**Leeds' Infection Rate and Restrictions**

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When you have customers visiting your premises as a group, it is strongly suggested that you encourage all individual members of the group to use the QR code or to enter their details individually in the manual record.

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We do recognise that these are difficult times for businesses. We thank you for your continued co-operation and operating your business COVID securely. You can still download, print and display a new poster to remind your customers of the important coronavirus safety measures from the Leeds PubWatch website.

Remember that you can find more support and advice for businesses on our website: <https://www.leeds.gov.uk/coronavirus/business>.

You can also help to raise awareness of the key messages for everyone in Leeds by sharing this page: <https://www.leeds.gov.uk/coronavirus/messages-to-share> and by completing the enclosed action card and putting this in a place easily accessible by all your staff.

Again thank you for all you are doing to help contain the virus in Leeds. Together, we all need to continue to take care of ourselves, our communities and our city.

**It is concerning that you are not complying with many of the restrictions. You must take action immediately and put the necessary measures in place to comply with the above. Failure to do so could lead to formal action.**

Yours sincerely

Carmel Brennand

Senior Liaison & Enforcement Officer

Entertainment Licensing

Leeds City Council

Tel: [REDACTED]

Fax: [REDACTED]

email: [REDACTED]

[www.leeds.gov.uk](http://www.leeds.gov.uk)

**From:**Brennand, Carmel  
**Sent:**28 Jan 2021 13:18:27 +0000  
**To:**Planning Enforcement  
**Subject:**Bob's Bar, 3 Sheepscar Street South, LS7 1AD  
**Attachments:**Bob's plan.docx, 1st photo 26.1.21.jpg, 2nd photo 26.1.21.jpg

Dear colleagues

I have an ongoing complaint under the Licensing Act and continuous breaches of the COVID legislation.

Further to a police visit last weekend and the description of the premises, I have visited myself and can confirm that the operator has built an extension in the yard area. I have attached the plans which we have on file for the Premises Licence and my photos.

The operator has not applied to vary the licence to include this area. Is planning permission in place for it ?

I look forward to hearing from you.

Regards

Carmel

Carmel Brennand

Senior Liaison & Enforcement Officer

Entertainment Licensing

Leeds City Council

Tel: [REDACTED] [REDACTED]

Fax: [REDACTED] [REDACTED]

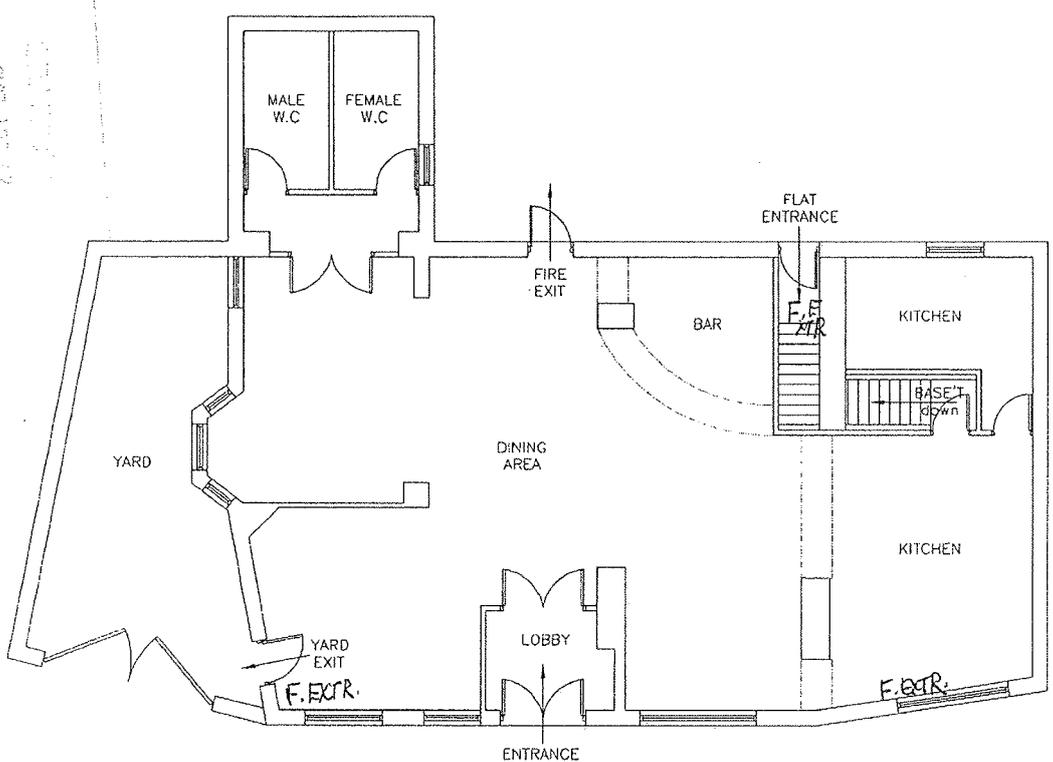
email: [REDACTED]

[www.leeds.gov.uk](http://www.leeds.gov.uk)

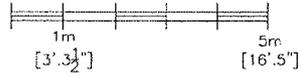
REFM/04426/001

RESTAURANT LAYOUT

20 OCT 2018



PROPOSED GROUND FLOOR PLAN









## Planning Services

Merrion House  
110 Merrion Centre  
Leeds LS2 8BB

Carmel Brennand  
Senior Liaison & Enforcement Officer  
Entertainment Licensing  
Leeds City Council

Ask for Miss Hocking  
Direct Line [REDACTED]  
Central Switchboard (0113) 2224444  
Fax [REDACTED]  
Minicom [REDACTED]  
EMail [planning.enforcement@leeds.gov.uk](mailto:planning.enforcement@leeds.gov.uk)

Case Number: 21/00112/UBAX3

Date: 29 January 2021

Dear Carmel Brennand

**Case Number:** 21/00112/UBAX3  
**About:** Unauthorised rear extension  
**Site At:** Bobs Bar And Restaurant . 3 Sheepscar Street South Sheepscar Leeds LS7 1AD

Thank you for your email which I received on 29 January 2021.

Your complaint about the possible breach of planning control has been recorded and will be investigated. I anticipate that a site visit will be made within the next 20 working day(s) to enable us to assess whether there is a breach of planning control and, if there is, to determine what further steps are appropriate.

I will contact you again within 10 working days following my initial visit to tell you about its outcome and our intended course of action.

Due to continuing measures in place under COVID- 19 we are unable to carry out some site visits as we normally would, so if you are able to take any photographs, safely and lawfully, without putting yourself or others in an unsafe situation and without divulging your identity, then these can be sent to [planning.enforcement@leeds.gov.uk](mailto:planning.enforcement@leeds.gov.uk) Any details you do provide will be kept strictly confidential.

In the meantime if you have any further information that might assist us in our investigations, please contact me on [REDACTED] or by email.

Yours faithfully

Miss Hocking  
Senior Compliance Officer



## Planning Services

Merrion House  
110 Merrion Centre  
Leeds LS2 8BB

The Operator  
Bobs Bar And Restaurant  
3 Sheepscar Street South  
Sheepscar  
Leeds  
LS7 1AD

Ask for Miss Hocking  
Direct Line [REDACTED]  
Central Switchboard (0113) 2224444  
Fax [REDACTED]  
Minicom [REDACTED]  
EMail [REDACTED]

Case Number: 21/00112/UBAX3

Date: 1 March 2021

Dear The Operator

**Case Number:** 21/00112/UBAX3  
**About:** Unauthorised rear extension  
**Site At:** Bobs Bar And Restaurant 3 Sheepscar Street South Sheepscar Leeds LS7 1AD

I am writing to you as it has been noted that a wooden extension has been erected to the above premises and the Council's records show that planning permission has not been submitted nor approved for these works.

To establish what approvals are necessary can you please confirm what the structure is used for and when it was erected. It would also assist us to know the measurements of the structure to include the height, width and length together with the type of roof and its height at its highest point.

I do think that planning permission will be required from my initial look at photographs that have been supplied to me. You have the choice of submitting a retrospective planning application for consideration by planning officers or removing the structure in its entirety. Please be advised that the submission of a planning application does not guarantee approval and the works to date have been carried out at your own risk.

I await your early response to my queries above so this matter can progress to remedy any breach of planning control.

Yours sincerely

Miss Hocking  
Senior Compliance Officer