

NOT PROTECTIVELY MARKED

Leeds District Licensing Department
First Floor
Elland Road DHQ
Elland Road
Leeds
LS11 8BU

Email: [REDACTED]

18th March 2021

Entertainment Licensing
Leeds City Council
Civic Hall
Leeds
LS11UR

RE: Review application under the Licensing Act 2003
Premises: Bobs Bar and Restaurant 3 Sheepscar Street South, Sheepscar,
LS71AD

Please accept this formal representation by West Yorkshire Police in support of the review application made by Entertainment Licensing against the premises licence at Bob's Bar and Restaurant PREM/04426/002.

West Yorkshire Police make this representation based on public safety, and the prevention of crime and disorder.

Since the COVID 19 pandemic and subsequent restrictions placed on people and businesses to contain the spread of the virus, Bob's Bar have been found operating by West Yorkshire Police on three separate occasions.

On each of these occasions, the premises licence holder was present and provided his details to police as Biniam ASFAHA. I have submitted the attending officer's statements from each occasion, which shows dishonesty on the part of Mr ASFAH and an attempt to cover up the extent of these breaches of COVID regulations.

Each time Mr ASFAH allowed groups of people to socialise in large groups, drinking, listening to loud music and smoking shisha together, he was putting them at risk of contracting and spreading the virus. From reading officers statements, it does not even seem there was an attempt to mitigate these risks by Mr ASFAH.

Mr ASFAH was breaking the law each time he was open and operating. Mr ASFAH cannot plead ignorance to this, as each time; he spoke with officers he was advised that he could not open. In spite of his first warning, Mr ASFAH chose to break the law a further 2 times and completely disregard what the officers had told him.

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Mr ASFAH is the premises licence holder at this venue, and was present each time police observed it open and breaking the law.

He is unwilling to act lawfully and has zero regard for the public safety in allowing these events to happen. As a result of this, West Yorkshire Police would ask the committee to fully revoke the premises licence at Bob's Bar in order to prevent further crime and to promote public safety.

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WITNESS STATEMENT

(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B;
Criminal Procedure Rules, Rule 16.2)

NICHE Ref. No:

URN:

Statement of: Jayne SLEE

Date of birth: Over 18

Occupation: Police Officer

This statement (consisting of: 2 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 to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature: J.Slee

Date: 21/6/2020

Time and date statement taken: 2200hrs 21/6/2020

Check box if witness evidence is visually recorded (supply witness details on rear)

I am a Police Officer based at ELLAND ROAD POLICE STATION, LEEDS

On Sunday 14th June 2020 I commenced my shift in full uniform patrol 1800 x 0400 under call sign LD52. I was in company with PC 4554 Williams.

At approximately 01:30hrs on Monday 15th June 2020 we were dispatched to reports of an on-going party at a bar "BOB'S BAR" 3 SHEEPSCAR STREET SOUTH, LEEDS LS7 1AD

The log was a potential breach of the Health Protection (Coronavirus restrictions) which were placed into effect from 26th March 2020. On route to the location of the reported incident I checked police systems to establish if any previous coronavirus warnings had been issued at this licenced premise. I was advised that there were no previous warnings registered.

Upon arrival I and my colleague made our way to the rear entrance / exit of the building, where we could hear the sound of loud music. It took us approx. 5 minutes to draw attention to the occupants due to the loudness of the music but eventually we gained access.

Once inside I identified six persons a mixture of male and female attendee's. I was initially faced with aggression from one of the males in attendance. I established that this male was a guest on premises and I identified the licensee who made himself known to me as:

BINIAM ASFAHA

I spoke with him about his actions and established that it was his birthday and he advised he had invited five other guests to celebrate, I explained that this was in breach of the Coronavirus restrictions which at that given time did not allow for gatherings within a licenced premise and only gatherings of six were acceptable in an open space. I presented the example of a garden or public space.

ASFAHA accepted this immediately and apologised.

I asked him why the side entrance door was open and had there been any other attendee's at the bar to which he replied "NO"

As I continued to speak with ASFAHA my colleague PC WILLIAMS began a search of the gent's toilet and cellar; she found there to be two males hiding in the toilet cubicle and a further ten males were in the cellar. It was clear to me that ASFAHA was trying to deceive officers. I immediately instructed all parties to leave the premises and I instructed ASFAHA to lock it securely and vacate. I advised that a referral

Signature: J.Slee

Signature witnessed by:

NICHE Ref. No:		URN:		
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Continuation Statement of Jayne SLEE

would be placed with West Yorkshire Police Licencing Team to confirm a breach of the Coronavirus restrictions had taken place.

On return to ELLAND ROAD and prior to the end of my scheduled shift I emailed the Licencing team of West Yorkshire Police and informed them of my findings. I have had no further dealings with this matter.

Signature: J.Slee

Signature Witnessed by:

WITNESS STATEMENT(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B;
Criminal Procedure Rules, Rule 16.2)

NICHE Ref. No:	<input type="text"/>	URN:	<input type="text"/>
Statement of:	PC 310 D BOWYER		
Date of birth:	Over 18	Occupation:	Police Constable 310
This statement (consisting of: 2 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 to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.			
Signature:	PC 310 D BOWYER	Date:	23-12-2020
Time and date statement taken: 14:18hrs 23-12-2020			

Check box if witness evidence is visually recorded (supply witness details on rear)

I am the above named Police Constable with the West Yorkshire Police, currently stationed at Elland Road Police Station Leeds, attached to district response team 3.

I'm providing this statement on this date in relation to an incident I attended Monday the 19th October 2020. Police Log 19 refers.

On Monday the 19th October 2020 I was on duty in full police uniform in company with PC 1779 HALL CHRISTIE, mobile in a marked police vehicle under the call sign LT32.

At 01:14hrs, due to a radio message passed via the area control room, we responded to a report of a gathering at a licenced premises situated on SHEEPSCAR STREET SOUTH, LEEDS CITY CENTRE.

Whilst en route to the address, further information was passed that the owner of the premises, only described as BOB, had closed the main door to the property but was allowing people into the bar through a side door.

The caller to the Police stating that the owner of the bar and the persons present were breaching COVID regulations of gatherings and the opening and closing timescales imposed on licenced premises.

On arrival at the address, a licenced bar known as BOB'S BAR, music and people socialising could be heard coming from a side unit attached to the main bar. The main bar had no lights on, we could see inside and no persons appeared present. Access to the side unit playing music could not be gained due to a high metal closed fence.

The property was covered by CCTV and if available inside either the bar or the attached unit, the occupants were clearly able to see that 4 x (four) police officers in high visibility uniform were stood outside the unit.

A short time later, a dark skinned female walked out of the main bar area and approached the fence. This female was spoken with and opened the gate in the fence gaining us entry to the unit and the bar area from which she'd just come from.

At this point, a male I now know to be

Signature: PC 310 D BOWYER

Signature witnessed by:

NICHE Ref. No:		URN:		
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Continuation Statement of

Mr Biniaa ASFAHA

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has informed us that he was the owner of the bar and had some friends stopping over after a wedding earlier in the day.

ASFAHA allowed us into the bar area of the premises and allowed us to search for any other persons present. 2 x (two) males were found inside the toilet area inside the bar. No other persons present.

ASFAHA stated that he was sorry, he knew he shouldn't have people round at this time and in a gathering but it was friends and he didn't realise he was causing any problem.

Inside the unit next to the bar, which contained sofa's, lighting and a music system, including ASFAHA, I counted 11 people in total leave the unit when asked to do so.

This was a mix of both male and females, all dark skinned in colour.

ASFAHA was spoken with regards his roles and responsibilities as a business owner with regards the updated COVID 19 regulations prior to us leaving.

Throughout this incident I was in possession of police issue body worn video recording device 232394.

The footage obtained was copied and saved and now forms police exhibit DB-1.

I played no further part in this investigation.

Signature: PC 310 D BOWYER

MG11a

Signature Witnessed by:

OFFICIAL SENSITIVE (when complete)

(Revised 12.11.2020)

WITNESS STATEMENT(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B;
Criminal Procedure Rules, Rule 16.2)

NICHE Ref. No:	<input type="text"/>	URN:	<input type="text"/>
Statement of:	PC 3560 McDERMOTT		
Date of birth:	Over 18	Occupation:	Police Officer
This statement (consisting of: 2 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 to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.			
Signature:	P.McDERMOTT	Date:	0900 28/01/2021
Time and date statement taken: 0900 28/01/2021			

Check box if witness evidence is visually recorded (supply witness details on rear)

I am writing this statement in relation to an incident at Bob's Bar, 3 Sheepscar Street South on Sunday 24th January 2021.

On Sunday 24th January 2021 I was working in full hi-visibility uniform as part of a response team, based at Elland Road Police Station. On this date I was working in company with PC 1179 SUTCLIFFE as part of a tutor unit utilising the call sign LC76. Throughout the incident I refer to I have had my Body Worn Video Camera (BWV) active.

At around 0030 hours I was dispatched to a report of a COVID breach at Bob's Bar, Sheepscar Street South, Leeds. It was reported that there was a number of people inside the premises drinking.

At the time of this incident there was an ongoing global pandemic. In light of this, conditions were put in place, which prevented free movement and meant that bars / restaurants and non – essential businesses were to close to prevent the spread of Coronavirus. This incident was during the height of the global pandemic, when England was in Tier 4.

Due to the information received I made my way to the area where, at around 0055 hours I met PC 3478 KAZI, PC 5320 LIMB, PC 3478 LODGE and SC BOULTER outside the premises. I made my way to the rear of the premises where it all appeared locked and secure.

Speaking to PC LIMB and PC KAZI, who were at the front of the premises they made me aware they could hear music coming from within. A matter of seconds later, the control room alerted me to the fact there was a male who had been seen to come out of one of the doors to Bob's bar, sight police and dash back inside.

I tried to kick and knock on the door to the rear, but there was no answer. I could see there was a main shutter door, which I did the same to, but again this was to no avail. There was also a small outbuilding attached to the main Bob's bar, but due to locked 6-7ft high gates I was unable to gain entry. I could see the side door to Bob's was open.

Based on the call made, the fact a person was seen to hide inside the premises, and officers could hear music I was confident there would be someone inside and a gathering in breach of the licence had occurred.

Signature: P.McDERMOTT

Signature witnessed by:

NICHE Ref. No:		URN:	
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Continuation Statement of McDERMOTT

I decided I was going to force entry using section 179 Licencing Act in order to check the licence / ensure the business was complying with licence conditions.

I climbed the gate and went into the open door of Bob's where the premises was clear. I was then alerted by another officer that they had gained entry to the outbuilding attached to Bob's.

The only access to this outbuilding would be through Bob's itself and through the front or rear shutters.

Inside there was 8 people present, there was clear signs of alcohol and a very strong smell of Shisha emulating from the building. I asked for the licence holder to present himself, which he did.

He identified himself to be:

Biniam Kesete ASFAHA

ASFAHA produced his driving licence, which confirmed his identity. I was satisfied the male on the driving licence was the same male in front of me.

ASFAHA stated they were friends and they were simply present after helping renovate the property. Despite this, it was very evident that they are showing blatant disregard to a global pandemic and the conditions of their licence.

I cautioned and reported ASFAHA for breaching COVID legislation. He made NO RPELY to caution.

Looking inside the outbuilding there was a professional bar and fridge present. There was Shisa pipes and equipment along with numerous drinks. There was speakers within and it is evident they have spent considerable money to build / do the outbuilding up as part of Bob's.

I made my way out of the rear of the premises where I had no further involvement.

It is unacceptable that business are still clearly breaching COVID legislation despite the number of deaths linked to Coronavirus.

I exhibit my BWV footage as PJM/1.

Signature: P.McDERMOTT

Signature Witnessed by: