



Entertainment Licensing
Leeds City Council
Civic Hall
Leeds
LS1 1UR

Environmental Protection Team
Leeds City Council
Millshaw Park Way
Leeds
LS11 0LS

Contact: Steve Clarke
Tel: [REDACTED]

Our references:
21/004194/CV19LP

28 January 2021

Dear Sir/madam,

LICENCE REVIEW UNDER THE LICENSING ACT 2003

PREMISES: Bobs Bar and Restaurant. 3 Sheepscar Street South, Sheepscar, Leeds, LS7 1AD

Please accept this formal representation by an officer on behalf of Environmental Health Services, Leeds City Council. As a fully qualified Environmental Health Officer I have been seconded into Environmental Health services from the Housing Regulation team to support the councils COVID response. My duties within Environmental Health services include investigating COVID outbreaks and complaints as well as providing support for COVID safety in commercial businesses.

Environmental Health Services has responded to this business on 3 separate occasions since the COVID outbreak was realised in March 2020. Each matter was allocated to a different investigating officer, each one being suitably qualified and authorised by the service.

As the most recent officer to take formal action against this business I have been asked to present the information from these investigations.

All three actions are noted in a timeline that is submitted as additional information. Also included is the content of relevant emails. (Personal information is redacted for data protection).

Copies of the prohibition notices and fixed penalty notices (FPN's) are available as supporting information.

Yours sincerely



Steve Clarke
Environmental Health Officer





Environmental Health Team
Leeds City Council
Millshaw Park Way
Leeds
LS11 0LS

Telephone: [REDACTED]

Ref: 20/034133/EPRR02

Notice pursuant to Public Health (Control of Disease) Act 1984.

The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (Regulation 4 and 5)

PROHIBITION NOTICE (Regulation 8 (2) (a) and (b))

To: Mr Biniam Kesete Asfaha

IN RELATION TO THE PREMISES: Bobs Bar And Restaurant

AT: 3 Sheepscar Street South, Sheepscar, Leeds, LS7 1AD

WHEREAS it appears that you are a person who is responsible for carrying on a business at the above premises which is included in Part 1 or Part 2 of Schedule 2 of The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 ("the Regulations").

TAKE NOTICE that, pursuant to the powers conferred by the Regulations you were required from 1 p.m. on 26th March 2020 and until the emergency period is ended by the Secretary of State to comply with the Regulations

AND this Notice requires that you comply with the following:

1. Close premises and businesses (Regulation 4)

(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

(ii) If the business sells food or drink for consumption off the premises, cease selling food or drink for consumption on its premises.

An area adjacent to the premises of the business where seating is made available for customers for the business (whether or not by the business) is to be treated as part of the premises of that business.

(iii) Cease to carry on a business or to provide a service that is listed in Part 2 of Schedule 2 set out at the end of this Notice

2. Further restrictions and closures during the emergency period (Regulation 5)

If you are a person responsible for carrying on a business, which is not listed in Part 3 of Schedule 2 set out at the end of this Notice, or does not provide hot or cold food for consumption off the premises, offering goods for sale or for hire in a shop, or providing library services you are required to :

- (i) Stop carrying on that business or to providing that service except by making deliveries or otherwise providing services in response to orders received through a website or otherwise by on-line communication, by telephone, including orders by text message, or by post.
- (ii) Close any premises which are not required to carry out that business or provide its services as permitted at 2(i) above;
- (iii) Not admit any person to the premises who is not required to carry on that business or provide that service as permitted by 2(i) above.

THIS NOTICE has been served on you as I reasonably believe that you are contravening a requirement in Regulation 4 or 5, and it is necessary and proportionate for the purpose of preventing you from contravening the requirements of the Regulations.

Failure to comply with this Notice is an offence, which is punishable upon summary conviction to a fine.

A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.

YOU MUST CLOSE THE PREMISES NAMED ABOVE IMMEDIATELY AND/OR STOP ACTIVITY THAT IS NOT PERMITTED BY REGULATION 4 AND OR 5 AND COMPLY FULLY WITH THE REQUIREMENTS OF THE REGULATIONS AND OF THIS NOTICE.


NOTE - Any officer of a company in breach of the Regulations shall also be liable for the offence if any such offence was committed through the consent, connivance or neglect of any such officer

Dated: 16/06/20

Signed: 

Name: Karl Sheldon

Position: Senior Technical Officer

Contact number: 

Being an officer authorised by Leeds City Council to exercise the powers and functions conferred by

The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020

There is no statutory right to appeal against this Prohibition Notice.

If you consider that the Notice should not have been issued or that the actions required of you are unreasonable or unjust, you can make representations to Leeds City Council in writing outlining your reasons for challenging the Notice, within 7 days of the date on this Notice.

Your challenge will be processed in accordance with Leeds City Council Complaint Procedure www.leeds.gov.uk
Contact: epsteam@leeds.gov.uk

Alternatively, you may challenge this Notice by way of Judicial Review. Should you wish to pursue this option, you may wish to consult a lawyer to obtain independent legal advice.

This Notice remains in force even if you have raised a challenge.

Should the local authority's review of your challenge determine that the Notice should be revoked, you will be notified in writing that the Notice has been revoked

The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020

SCHEDULE 2 (Regulations 4 and 5)

Businesses subject to restrictions or closure

PART 1

1. Restaurants, including restaurants and dining rooms in hotels or members' clubs.
2. (1) Cafes, including workplace canteens (subject to sub-paragraph (2)), but not including—
 - (a) cafes or canteens at a hospital, care home or school;
 - (b) canteens at a prison or an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence;
 - (c) services providing food or drink to the homeless.(2) Workplace canteens may remain open where there is no practical alternative for staff at that workplace to obtain food.
3. Bars, including bars in hotels or members' clubs.
4. Public houses.

PART 2

5. Cinemas.
6. Theatres.
7. Nightclubs.
8. Bingo halls.
9. Concert halls.
10. Museums and galleries.
11. Casinos.
12. Betting shops.
13. Spas.
14. Nail, beauty, hair salons and barbers
15. Massage parlours.
16. Tattoo and piercing parlours.
17. Skating rinks.

18. Indoor fitness studios, gyms, swimming pools, bowling alleys, amusement arcades or soft play areas or other indoor leisure centres or facilities
19. Funfairs (whether outdoors or indoors)
20. Playgrounds, sports courts and outdoor gyms
21. Outdoor Markets (except for stalls selling food)
22. Car showrooms
23. Auction Houses

PART 3

24. Food retailers, including food markets, supermarkets, convenience stores and corner shops.
25. Off licences and licensed shops selling alcohol (including breweries)
26. Pharmacies (including non-dispensing pharmacies) and chemists
27. Newsagents
28. Homeware, building supplies and hardware stores.
29. Petrol stations
30. Car repair and MOT services
31. Bicycle shops
32. Taxi or vehicle hire businesses
33. Banks, building societies, credit unions, short term loan providers and cash points
34. Post offices
35. Funeral directors
36. Laundrettes and dry cleaners
37. Dental services, opticians, audiology services, chiropody, chiropractors, osteopaths and other medical or health services, including services relating to mental health.
38. Veterinary surgeons and pet shops
39. Agricultural supplies shop
40. Storage and distribution facilities, including drop off or collection points, where the facilities are in the premises of a business included in this part.
41. Car parks
42. Public toilets.

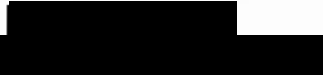
I, Karl Sheldon hereby certify that I served Biniam Kesete Asfaha with the Notice of which this is a true copy, by sending the Notice by 1st class post posted by me on the 16th day of June 2020 and addressed to Biniam Kesete Asfaha at [REDACTED]

Dated the 16th day of June 2020

Signed [REDACTED]

Mr Biniam Kesete Asfaha


Environmental Protection Team
Leeds City Council
Millshaw Park Way
Leeds
LS11 0LS

Contact: Steve Clarke
Tel: 

Our references:
21/004194/CV19LP

28 January 2021

Dear Mr. Asfaha,

The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020¹ (SI. 2020 No. 1374).

Breach of closure/restrictions.

At: Bobs Bar and Restaurant. 3 Sheepscar Street South, Sheepscar, Leeds, LS7 1AD

On the 24th January 2021 Police officers visited your premises and found you to be open with customers inside smoking shisha and consuming alcohol. As a restricted business you should not have been open.

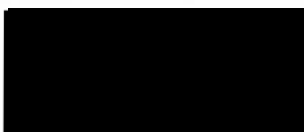
Therefore please find enclosed;

1. A Prohibition notice served under the Health Protection regulations requiring you as a restricted business to close immediately.
2. A Fixed penalty notice issued for breach of restrictions.

If you do not close your business further fixed penalty notices will be served of £2000, then £4000 and then £10000 for each additional day that you remain open.

If you require any further information or advice please do not hesitate to contact me.

Yours sincerely



Steve Clarke
Environmental Health Officer

¹ Amended most recently by SI 2020 Nos. 1611 / 1646 / 1654, and SI 2021 No. 8

LEEDS CITY COUNCIL

**The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations
2020¹ (SI. 2020 No. 1374)**

PROHIBITION NOTICE

28th January 2021

Part A

To: Mr. Biniam Kesete Asfaha

Of: [REDACTED]

Trading as: Bobs Bar and Restaurant

At: 3 Sheepscar Street South, Sheepscar, Leeds, LS7 1AD,

This Prohibition Notice is served under regulation 9(2) of The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 ("the Regulations") and has immediate effect.

The Regulations impose certain restrictions to protect against the risks to public health arising from coronavirus. Failure to comply with the requirements of the Regulations, without reasonable excuse, is a criminal offence.

I, Mr Steve Clarke, designated as a relevant person for the purposes of the Regulations by Leeds City Council, have reasonable grounds for believing that you are contravening requirements in the Regulations as set out in Part B below and that it is necessary and proportionate to issue this Prohibition Notice to prevent you from continuing to contravene those requirements.

Part B. Contravention of the restrictions

Regulation contravened: *(Regulation 8 and Part 3 of Schedule 3A to the Regulations,*

In relation to a breach of a Tier 4 restriction imposed by regulation 8 and Part 3 of Schedule 3A, paragraph 10(1) (Requirement to close premises and businesses – applies to restricted business or restricted service listed in paragraph 15(2), or is carried on from, or provided at, premises of a kind specified in paragraph 15(2):

On the 24th January 2021, Bobs Bar and Restaurant carried on a business/provided the service of shisha listed in paragraph 15(2) other than as permitted by the exceptions listed in

¹ Amended most recently by SI 2020 No. 1611 / 1646 / 1654, and SI 2021 No. 8

paragraph 12, and being in contravention of regulation 8, and Part 3 of Schedule 3A, paragraph 10(1), to The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

In relation to a breach of a Tier 4 restriction imposed by regulation 8 and Part 3 of Schedule 3A, paragraph 11(1) (Restrictions on service of food and drink for consumption on the premises - applies to business or service listed in paragraph 15(6), or is carried on from, or provided at, premises of a kind specified in paragraph 15(6)):

On the 24th January 2021, Bobs Bar and Restaurant carried on a business/provided a service other than as permitted by the exceptions listed in paragraphs 12 and 13 namely: provision for consumption of alcoholic drinks and being in contravention of regulation 8, and Part 3 of Schedule 3A, paragraph 11(1), to The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

Particulars of the offence: *On the 24th January 2021, at approximately 00.30hrs the police were dispatched to a complaint of COVID restrictions being breached at Bobs Bar and Restaurant. Officers entered these premises where several persons were observed with shisha and alcoholic beverages.*

Part C. Action required

This Prohibition Notice requires that you immediately cease the activities identified in Part B giving rise to contravention of the Regulations. The measures specified below must be taken to prevent continued contravention of the Regulations:

- 1. Cease providing shisha for people to smoke on the premises at Bobs Bar and Restaurant, 3 Sheepscar Street South, Sheepscar, Leeds, LS7 1AD*
- 2. Cease providing alcoholic drinks, food and drink for people to consume on the premises at Bobs Bar and Restaurant, 3 Sheepscar Street South, Sheepscar, Leeds, LS7 1AD*

Part D. Consequences of non-compliance with this Notice, and with the Regulations

Failure to comply with this Prohibition Notice, without reasonable excuse, is an offence under regulation 10 of the Regulations, punishable by a fine on summary conviction in a Magistrates' Court.

A fixed penalty notice may be issued in accordance with regulation 11 and 12 of the Regulations, or you may be prosecuted under regulations 10 and 13 of the Regulations.

Part E. Challenging this Prohibition Notice

If you consider that the Notice should not have been issued, you can make representations to Leeds City Council in writing outlining your reasons for challenging the Notice, within 10 days of the date on this Notice.

Your challenge will be considered by a Manager from Elections and Regulatory Services and you will receive a written response within 15 working days of receipt of your correspondence.

You can register a challenge by e-mail at EPTeam@leeds.gov.uk or in writing to Leeds City Council, Millshaw Park Way, Leeds, LS11 0LS.

This Notice remains in force even if you have raised a challenge.

Should the local authority's review of your challenge determine that the Notice should be revoked, you will be notified in writing that the Notice has been revoked.

Signed:



Date: 28th January 2021

Mr Steve Clarke

Name and Address of Local Authority: Leeds City Council, Millshaw Park Way, Leeds, LS11 0LS

Telephone:



Email:



If you are not sure of your rights or the implications of this Notice, you may want to seek independent legal advice

LEEDS CITY COUNCIL

**The Health Protection (Coronavirus, Restrictions) (All Tiers) (England)
Regulations 2020 ¹ (SI. 2020 No. 1374)**

FIXED PENALTY NOTICE

28th January 2021

Part A

To: Mr. Biniam Kesete Asfaha

Of: [REDACTED]

Trading as: Bobs Bar And Restaurant

At: 3 Sheepscar Street South, Sheepscar, Leeds, LS7 1AD,

This Fixed Penalty Notice is served under regulation 11(1) of The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, as amended (the Regulations).

The Regulations impose certain restrictions to protect against the risks to public health arising from coronavirus. Failure to comply with the requirements of the Regulations, without reasonable excuse, is a criminal offence.

I, Mr Steve Clarke, designated as an authorised person for the purposes of the Regulations by Leeds City Council, have reasonable grounds for believing that you have committed a criminal offence under the Regulations. I am issuing this Notice to offer the opportunity to discharge liability to conviction for the offence by payment of a fixed penalty.

Leeds City Council may not take criminal proceedings against you in respect of the offence during the period of 28 days following the date of this Notice. Payment of the fixed penalty within that period means that you cannot be convicted in relation to the offence set out in Part C of this Notice.

¹ Amended most recently by SI 2020 Nos. 1611 / 1646 / 1654, and SI 2021 No. 8

Part B. Amount of Penalty and period to pay

The monetary penalty you must pay is: £1,000.

Payment of the fixed penalty must be made within 28 days of the date of this notice.

The penalty must be paid to: Leeds City Council

Fixed Penalty Notice Payments Section, Leeds City Council, Millshaw Park Way, Leeds, LS11 0LS.

Payment can be made by the following means:

By credit / debit card between 08:30 and 17:00, Monday to Friday. If you wish to pay by phone please ring **PARKING SERVICES** (who administer our telephone payments), on **0113 378 5000** and choose the Fixed Penalty Notice (FPN) payments option.

You can also pay by post. Send a cheque or postal / money order made payable to "**Leeds City Council**" to:

Fixed Penalty Notice Payments Section at the address above. Please **do not** make your cheque or postal / money order payable to "LCC" as we will not be able to accept it. It must state in full "Leeds City Council".

If for any reason you cannot pay by the methods mentioned above, please ring 0113 378 5955 and quote the serial number of the fixed penalty notice and we can advise you further. Cash payments can only be accepted by prior arrangement..

Please enclose a copy of this notice if paying by post or bring it with you if you are paying in person

Part C. Grounds for imposing the Penalty

In relation to a breach of a Tier 4 restriction imposed by regulation 8 and Part 3 of Schedule 3A, paragraph 10(1) (Requirement to close premises and businesses – applies to restricted business or restricted service listed in paragraph 15(2), or is carried on from, or provided at, premises of a kind specified in paragraph 15(2))

- *Failed, without reasonable excuse, to cease carrying on the business or providing the service listed in Part 3 of Schedule 3A, paragraph 15(2).*

On the 24th January 2021 the business provided the service of shisha listed in paragraph 15(2) other than as permitted by the exceptions listed in paragraph 12, and being in contravention of regulation 8, and Part 3 of Schedule 3A, paragraph 10(1), to The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

In relation to a breach of a Tier 4 restriction imposed by regulation 8 and Part 3 of Schedule 3A, paragraph 11(1) (Restrictions on service of food and drink for consumption on the premises - applies to business or service listed in paragraph 15(6), or is carried on from, or provided at, premises of a kind specified in paragraph 15(6)):

- *Failed, without reasonable excuse, to close the premises, or part(s) of the premises, in which food or drink are provided for consumption on the premises; and/ or*
- *Failed, without reasonable excuse, to cease providing food or drink for consumption on the premises*
- *Failed, without reasonable excuse to cease carrying on a business/providing a service other than as permitted by the exceptions listed in paragraphs 12 and 13.*

On the 24th January 2021 the business provided a service other than as permitted by the exceptions listed in paragraphs 12 and 13 namely: provision for consumption of alcoholic drinks and being in contravention of regulation 8, and Part 3 of Schedule 3A, paragraph 11(1), to The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

Part D. Challenging this Fixed Penalty Notice

If you consider that the Notice should not have been issued, you can make representations to Leeds City Council in writing outlining your reasons for challenging the Notice, within 10 days of the date on this Notice.

Your challenge will be considered by a Manager from Elections and Regulatory Services and you will receive a written response within 15 working days of receipt of your correspondence.

You can register a challenge by e-mail at EPTeam@leeds.gov.uk or in writing to Leeds City Council, Millshaw Park Way, Leeds, LS11 0LS.

This Notice remains in force even if you have raised a challenge.

Should the local authority's review of your challenge determine that the Notice should not have been served, you will be notified in writing.

Part E. Consequences of non-payment/ continued non-compliance

Failure to pay fixed penalty within 28 days may lead to criminal proceedings being commenced against you in respect of the offence set out in Part C of this Notice.

Continued contravention of a requirement in the Regulations, without reasonable excuse, is an offence punishable by a fine on summary conviction in a Magistrates' Court.

Signed:



Date: 28th January 2021

Name in Capitals: MR STEVE CLARKE

Name and Address of Local Authority: Leeds City Council, Millshaw Park Way, Leeds, LS11 0LS

Telephone:



Email:



If you are not sure of your rights or the implications of this notice, you may want to seek in-dependent legal advice

**The Health Protection (Coronavirus, Restrictions) (All Tiers) (England)
Regulations 2020 (SI. 2020 No. 1374)**

FIXED PENALTY NOTICE (REVERSE)

NOTES on Part B. Amount of Penalty and period to pay

In the case of a fixed penalty notice issued in respect of a business restriction offence, the amount of the fixed penalty to be specified under regulation 11(5)(c) is—

- a. £1,000, if the fixed penalty notice is the first one issued to the person in respect of a business restriction offence
- b. £2,000, if the fixed penalty notice is the second one issued to the person in respect of a business restriction offence
- c. £4,000, if the fixed penalty notice is the third one issued to the person in respect of a business restriction offence
- d. £10,000, if the fixed penalty notice is the fourth one, or any subsequent one, issued to the person in respect of a business restriction offence.

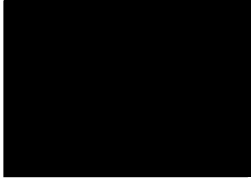
Note: Unless otherwise specified, a “business restriction offence” means—

- a. an offence under regulation 10(1)(a) of contravening—
 - i. a Tier 1 restriction imposed by Part 2 or 3 of Schedule 1;
 - ii. a Tier 2 restriction imposed by Part 2 of 3 of Schedule 2;
 - iii. a Tier 3 restriction imposed by Part 2 of Schedule 3; or
 - iv. a Tier 4 restriction imposed by Part 3 of Schedule 3A
- b. an offence under regulation 10(1)(c) of failing to comply with a prohibition notice given under regulation 9.

For purposes of determining the level of fine in relation to a business restriction offence, the other “relevant enactments” are the following:

- a. the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations
- b. the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations
- c. the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations
- d. the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, if the notice was issued to the person in respect of an offence of contravening regulation 4A or 4B of those Regulations
- e. the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 14(7D) of those Regulations, committed on or after 14th October 2020
- f. the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 21(12) of those Regulations
- g. the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020
- h. the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020

Mehari Andemariam



Environmental Protection Team
Leeds City Council
Millshaw Park Way
Leeds
LS11 0LS

Contact: Steve Clarke

Tel: 

Our references:
21/004194/CV19LP

28 January 2021

Dear Mr. Andemariam,

The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 ¹ (SI. 2020 No. 1374).

Breach of closure/restrictions.

At: Bobs Bar and Restaurant. 3 Sheepscar Street South, Sheepscar, Leeds, LS7 1AD

On the 24th January 2021 Police officers visited your premises and found you to be open with customers inside smoking shisha and consuming alcohol. As a restricted business you should not have been open.

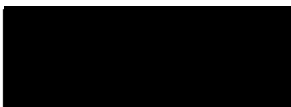
Therefore please find enclosed;

1. A Prohibition notice served under the Health Protection regulations requiring you as a restricted business to close immediately.
2. A Fixed penalty notice issued for breach of restrictions.

If you do not close your business further fixed penalty notices will be served of £2000, then £4000 and then £10000 for each additional day that you remain open.

If you require any further information or advice please do not hesitate to contact me.

Yours sincerely



Steve Clarke
Environmental Health Officer

¹ Amended most recently by SI 2020 Nos. 1611 / 1646 / 1654, and SI 2021 No. 8

LEEDS CITY COUNCIL

**The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations
2020¹ (SI. 2020 No. 1374)**

PROHIBITION NOTICE

28th January 2021

Part A

To: Mehari Andemariam

Of: [REDACTED]

Trading as: Bobs Bar And Restaurant

At: 3 Sheepscar Street South, Sheepscar, Leeds, LS7 1AD

This Prohibition Notice is served under regulation 9(2) of The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 ("the Regulations") and has immediate effect.

The Regulations impose certain restrictions to protect against the risks to public health arising from coronavirus. Failure to comply with the requirements of the Regulations, without reasonable excuse, is a criminal offence.

I, Mr Steve Clarke, designated as a relevant person for the purposes of the Regulations by Leeds City Council, have reasonable grounds for believing that you are contravening requirements in the Regulations as set out in Part B below and that it is necessary and proportionate to issue this Prohibition Notice to prevent you from continuing to contravene those requirements.

Part B. Contravention of the restrictions

Regulation contravened: *(Regulation 8 and Part 3 of Schedule 3A to the Regulations,*

In relation to a breach of a Tier 4 restriction imposed by regulation 8 and Part 3 of Schedule 3A, paragraph 10(1) (Requirement to close premises and businesses – applies to restricted business or restricted service listed in paragraph 15(2), or is carried on from, or provided at, premises of a kind specified in paragraph 15(2):

¹ Amended most recently by SI 2020 No. 1611 / 1646 / 1654, and SI 2021 No. 8

On the 24th January 2021, Bobs Bar and Restaurant carried on a business/provided the service of shisha listed in paragraph 15(2) other than as permitted by the exceptions listed in paragraph 12, and being in contravention of regulation 8, and Part 3 of Schedule 3A, paragraph 10(1), to The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

In relation to a breach of a Tier 4 restriction imposed by regulation 8 and Part 3 of Schedule 3A, paragraph 11(1) (Restrictions on service of food and drink for consumption on the premises - applies to business or service listed in paragraph 15(6), or is carried on from, or provided at, premises of a kind specified in paragraph 15(6)):

On the 24th January 2021, Bobs Bar and Restaurant carried on a business/provided a service other than as permitted by the exceptions listed in paragraphs 12 and 13 namely: provision for consumption of alcoholic drinks and being in contravention of regulation 8, and Part 3 of Schedule 3A, paragraph 11(1), to The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

Particulars of the offence: *On the 24th January 2021, at approximately 00.30hrs the police were dispatched to a complaint of COVID restrictions being breached at Bobs Bar and Restaurant. Officers entered these premises where several persons were observed with shisha and alcoholic beverages.*

Part C. Action required

This Prohibition Notice requires that you immediately cease the activities identified in Part B giving rise to contravention of the Regulations. The measures specified below must be taken to prevent continued contravention of the Regulations:

- 1. Cease providing shisha for people to smoke on the premises at Bobs Bar and Restaurant, 3 Sheepscar Street South, Sheepscar, Leeds, LS7 1AD*
- 2. Cease providing alcoholic drinks, food and drink for people to consume on the premises at Bobs Bar and Restaurant, 3 Sheepscar Street South, Sheepscar, Leeds, LS7 1AD*

Part D. Consequences of non-compliance with this Notice, and with the Regulations

Failure to comply with this Prohibition Notice, without reasonable excuse, is an offence under regulation 10 of the Regulations, punishable by a fine on summary conviction in a Magistrates' Court.

A fixed penalty notice may be issued in accordance with regulation 11 and 12 of the Regulations, or you may be prosecuted under regulations 10 and 13 of the Regulations.

Part E. Challenging this Prohibition Notice

If you consider that the Notice should not have been issued, you can make representations to Leeds City Council in writing outlining your reasons for challenging the Notice, within 10 days of the date on this Notice.

Your challenge will be considered by a Manager from Elections and Regulatory Services and you will receive a written response within 15 working days of receipt of your correspondence.

You can register a challenge by e-mail at EPTeam@leeds.gov.uk or in writing to Leeds City Council, Millshaw Park Way, Leeds, LS11 0LS.

This Notice remains in force even if you have raised a challenge.

Should the local authority's review of your challenge determine that the Notice should be revoked, you will be notified in writing that the Notice has been revoked.

Signed:



Mr Steve Clarke

Date: 28th January 2021

Name and Address of Local Authority: Leeds City Council, Millshaw Park Way, Leeds, LS11 0LS

Telephone:



Email:



If you are not sure of your rights or the implications of this Notice, you may want to seek independent legal advice

LEEDS CITY COUNCIL

**The Health Protection (Coronavirus, Restrictions) (All Tiers) (England)
Regulations 2020 ¹ (SI. 2020 No. 1374)**

FIXED PENALTY NOTICE

28th January 2021

Part A

To: Mehari Andemariam

Of: [REDACTED]

Trading as: Bobs Bar and Restaurant

At: 3 Sheepscar Street South, Sheepscar, Leeds, LS7 1AD

This Fixed Penalty Notice is served under regulation 11(1) of The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, as amended (the Regulations).

The Regulations impose certain restrictions to protect against the risks to public health arising from coronavirus. Failure to comply with the requirements of the Regulations, without reasonable excuse, is a criminal offence.

I, Mr Steve Clarke, designated as an authorised person for the purposes of the Regulations by Leeds City Council, have reasonable grounds for believing that you have committed a criminal offence under the Regulations. I am issuing this Notice to offer the opportunity to discharge liability to conviction for the offence by payment of a fixed penalty.

Leeds City Council may not take criminal proceedings against you in respect of the offence during the period of 28 days following the date of this Notice. Payment of the fixed penalty within that period means that you cannot be convicted in relation to the offence set out in Part C of this Notice.

¹ Amended most recently by SI 2020 Nos. 1611 / 1646 / 1654, and SI 2021 No. 8

Part B. Amount of Penalty and period to pay

The monetary penalty you must pay is: £1,000.

Payment of the fixed penalty must be made within 28 days of the date of this notice.

The penalty must be paid to: Leeds City Council

Fixed Penalty Notice Payments Section, Leeds City Council, Millshaw Park Way, Leeds, LS11 0LS.

Payment can be made by the following means:

By credit / debit card between 08:30 and 17:00, Monday to Friday. If you wish to pay by phone please ring **PARKING SERVICES** (who administer our telephone payments), on **0113 378 5000** and choose the Fixed Penalty Notice (FPN) payments option.

You can also pay by post. Send a cheque or postal / money order made payable to "**Leeds City Council**" to:

Fixed Penalty Notice Payments Section at the address above. Please **do not** make your cheque or postal / money order payable to "LCC" as we will not be able to accept it. It must state in full "Leeds City Council".

If for any reason you cannot pay by the methods mentioned above, please ring 0113 378 5955 and quote the serial number of the fixed penalty notice and we can advise you further. Cash payments can only be accepted by prior arrangement..

Please enclose a copy of this notice if paying by post or bring it with you if you are paying in person

Part C. Grounds for imposing the Penalty

In relation to a breach of a Tier 4 restriction imposed by regulation 8 and Part 3 of Schedule 3A, paragraph 10(1) (Requirement to close premises and businesses – applies to restricted business or restricted service listed in paragraph 15(2), or is carried on from, or provided at, premises of a kind specified in paragraph 15(2)

- *Failed, without reasonable excuse, to cease carrying on the business or providing the service listed in Part 3 of Schedule 3A, paragraph 15(2).*

On the 24th January 2021 the business provided the service of shisha listed in paragraph 15(2) other than as permitted by the exceptions listed in paragraph 12, and being in contravention of regulation 8, and Part 3 of Schedule 3A, paragraph 10(1), to The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

In relation to a breach of a Tier 4 restriction imposed by regulation 8 and Part 3 of Schedule 3A, paragraph 11(1) (Restrictions on service of food and drink for consumption on the premises - applies to business or service listed in paragraph 15(6), or is carried on from, or provided at, premises of a kind specified in paragraph 15(6)):

- *Failed, without reasonable excuse, to close the premises, or part(s) of the premises, in which food or drink are provided for consumption on the premises; and/ or*
- *Failed, without reasonable excuse, to cease providing food or drink for consumption on the premises*
- *Failed, without reasonable excuse to cease carrying on a business/providing a service other than as permitted by the exceptions listed in paragraphs 12 and 13.*

On the 24th January 2021 the business provided a service other than as permitted by the exceptions listed in paragraphs 12 and 13 namely: provision for consumption of alcoholic drinks and being in contravention of regulation 8, and Part 3 of Schedule 3A, paragraph 11(1), to The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

Part D. Challenging this Fixed Penalty Notice

If you consider that the Notice should not have been issued, you can make representations to Leeds City Council in writing outlining your reasons for challenging the Notice, within 10 days of the date on this Notice.

Your challenge will be considered by a Manager from Elections and Regulatory Services and you will receive a written response within 15 working days of receipt of your correspondence.

You can register a challenge by e-mail at EPTeam@leeds.gov.uk or in writing to Leeds City Council, Millshaw Park Way, Leeds, LS11 0LS.

This Notice remains in force even if you have raised a challenge.

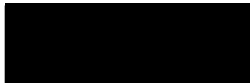
Should the local authority's review of your challenge determine that the Notice should not have been served, you will be notified in writing.

Part E. Consequences of non-payment/ continued non-compliance

Failure to pay fixed penalty within 28 days may lead to criminal proceedings being commenced against you in respect of the offence set out in Part C of this Notice.

Continued contravention of a requirement in the Regulations, without reasonable excuse, is an offence punishable by a fine on summary conviction in a Magistrates' Court.

Signed:



Date: 28th January 2021

Name in Capitals: MR STEVE CLARKE

Name and Address of Local Authority: Leeds City Council, Millshaw Park Way, Leeds, LS11 0LS

Telephone:



Email:



If you are not sure of your rights or the implications of this notice, you may want to seek independent legal advice

**The Health Protection (Coronavirus, Restrictions) (All Tiers) (England)
Regulations 2020 (SI. 2020 No. 1374)**

FIXED PENALTY NOTICE (REVERSE)

NOTES on Part B. Amount of Penalty and period to pay

In the case of a fixed penalty notice issued in respect of a business restriction offence, the amount of the fixed penalty to be specified under regulation 11(5)(c) is—

- a. £1,000, if the fixed penalty notice is the first one issued to the person in respect of a business restriction offence
- b. £2,000, if the fixed penalty notice is the second one issued to the person in respect of a business restriction offence
- c. £4,000, if the fixed penalty notice is the third one issued to the person in respect of a business restriction offence
- d. £10,000, if the fixed penalty notice is the fourth one, or any subsequent one, issued to the person in respect of a business restriction offence.

Note: Unless otherwise specified, a “business restriction offence” means—

- a. an offence under regulation 10(1)(a) of contravening—
 - i. a Tier 1 restriction imposed by Part 2 or 3 of Schedule 1;
 - ii. a Tier 2 restriction imposed by Part 2 of 3 of Schedule 2;
 - iii. a Tier 3 restriction imposed by Part 2 of Schedule 3; or
 - iv. a Tier 4 restriction imposed by Part 3 of Schedule 3A
- b. an offence under regulation 10(1)(c) of failing to comply with a prohibition notice given under regulation 9.

For purposes of determining the level of fine in relation to a business restriction offence, the other “relevant enactments” are the following:

- a. the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations
- b. the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations
- c. the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations
- d. the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, if the notice was issued to the person in respect of an offence of contravening regulation 4A or 4B of those Regulations
- e. the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 14(7D) of those Regulations, committed on or after 14th October 2020
- f. the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 21(12) of those Regulations
- g. the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020
- h. the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020

Bobs bar and Restaurant
3 Sheepscar Street South
Sheepscar
Leeds
LS7 1AD

Timeline of events relevant to Environmental Health's history of investigations and enforcement.

26.03.2020. Formal lockdown starts. Hospitality closed.

15.06.2020 – email from the police to the licensing team LCC and forwarded onto Environmental health for action.

In summary of the email;

- Officers were called to “BOBS BAR” SHEEPSCAR STREET following a report that there was a party and regular drinking during the pandemic.
- On arrival at approx. 2am there was loud music and the bar area had 6 persons in the main bar area, with searches revealing 10 hiding in the cellar, and a further 2 persons hiding in the gents toilet.
- The owner was cooperative but prior to the other persons (found hiding he had indicated that there was no one in the premises, he had a side door open which made officers initially be led to believe that persons were on premises but had made their way out).
- ASFAHA was attempting to mislead officers.
- ASFAHA was advised and the coronavirus legislation was reiterated.
- Request made for further appropriate action be considered as part of the licensing conditions in the current circumstances.

The matter was allocated to Mr. Karl Sheldon who consequently served prohibition notices.

16.06.2020 - Email sent with copy of the served notices attached.

From: Sheldon, Karl

Sent: 16 June 2020 10:24

To: [REDACTED]

Subject: Environmental Health - Notice in relation to COVID-19 regs

Importance: High

Good Morning Mr Asfaha

Following our telephone conversation, on the 15th June, regarding the incident referred to our service

by, West Yorkshire Police, in the early hours of Monday 15th June, whereby you had people inside your

business premises at, Bob's Bar & Restaurant, 3 Sheepscar Street South, LS7 1AD.

Please see the attached copy, of a prohibition notice pursuant to Public Health (Control of Disease) Act

1984. The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (Regulation 4 and 5).

Please ensure you read and adhere to the notice.

This notice has also been sent to your address at, 49 Lindsay Mount, Lindsay Road, Burmantofts, LS9 7PF, via 1st class post.

If you have any questions regarding the content of the notice, please do ask.

Kind regards

Karl Sheldon
Senior Technical Officer

04.07.2020 – Restrictions eased on hospitality. Pubs and restaurants allowed to re-open until 10pm.

02.10.2020 – Anonymous complaint received by licensing Officer – Martyn Musson. Referred to Environmental Health for further action.

Complaint information is summarised below;

- Anonymous complaint from a customer in regards to Bobs Bar and Restaurant.
- 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.
- 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.
- 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.
- The main complaint was about his children inhaling second-hand smoking from the sheesh that was being smoked indoors.

05.10.2020 – Allocated to Mr. Jamie Freil – Senior Environmental Health Officer.

06.10.2020 – Mr. Friel responded with an advisory email – no further action was taken and the matter was closed. Email unavailable at the time of preparing this information.

05.11.2020 – 2nd National Lockdown comes into force.

02.12.2020 - 2nd National lockdown ends. Tier Regs come into effect. Leeds in Tier 3. Hospitality remains restricted.

06.01.2021 – 3rd National Lockdown starts. Hospitality restricted.

24.01.2021 – Breach of lockdown witnessed by police – email from investigating officer forwarded. Is summarised below;

Subject: Bobs Bar, 3 SHEEPSCAR STREET SOUTH

- We have attended log 0037 today at 3 SHEEPSCAR STREET SOUTH, which is Bobs bar. Upon arrival we have seen someone move from the main premises into a little hut to the side of it and deliberately locked police out.
- After a period of time of banging, knocking, and shouting they would not allow us entry. I have had to climb the fence and eventually they have opened the door after blocking the door and us having to force people in.
- Gaining entry there was 8 people present, including a male called Beniam ASFAHA, 10/06/1983, 49LINDSEY MOUNT who stated he was the licence holder.
- Inside the little outbuilding they were drinking alcohol and smoking Shisha. It is very apparent the owner is using the restaurant / bar during covid and has no regard for legislation.
- All males and females issued COVID-19 Warnings except one, who had already had a warning and was reported for a fine due to the breach.

25.01.2021 – allocated to Mr. Steve Clarke (Environmental Health Officer EHS).

28.01.2021 – Witness statements received from the investigating officers provided sufficient evidence to justify serving a prohibition order under the current legislation.

Fixed penalty notices are served on the premises licence holder Mr. Biniam Kesete Asfaha and the DPO Mr Mehari Andemariam. Both posted 1st class and deemed to be legally served 30th January 2021.

Copies attached.

Emails also sent with copies of notices attached;

Good afternoon Mr. Asfaha,

Please find attached legal notices with a letter.

These attached notices are copies of those legally served today following a police visit on Sunday 24th January where a breach of COVID restrictions was evidenced.

The prohibition notice is a legal requirement with immediate effect. The premises must not be open again until further notice.

The fixed penalty notice is a fine for failing to comply with the law that requires your closure to reduce COVID infection rates.

Please read the notices carefully. You are advised to seek legal assistance should you fail to understand them. If you continue to operate and ignore COVID restrictions we will escalate enforcement as appropriate.

Regards,

Steve Clarke | Environmental Health Officer |

01.02.2021 – Investigating officer received a phone call from Biniam Kesete Asfaha. ‘Mr. Asfaha explained to me that he had been in the process of closing his premises and that the gathering was his employees who were helping him shut down and move furniture. They’d all stayed behind as a social event that he’d put on as a thank you for their help. I explained the evidence received, the notices and FPN’s. He was upset that he couldn’t afford the fine. He accepted full responsibility for the event and didn’t want his supervisor involved. He said the fine would be paid, and he didn’t want this held against him because he wants to open another business again sometime.’

A following call was received shortly after from Mehari Andemariam in which Mr. Andemariam denied any knowledge of this event.

01.04.2021 - To date. No further information has been received to indicate that the prohibition notices have been breached.