



Elections and Regulatory Services

Civic Hall
Leeds LS1 1UR

Our Ref: A80/CB/LIC/PREM/02846/008

Your Ref:

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Date: 29 October 2021

Entertainment Licensing
Leeds City Council
Civic Hall
Leeds
LS1 1UR

Dear Sirs/Madam,

REVIEW APPLICATION UNDER THE LICENSING ACT 2003 PREMISES: MAMA MIA, 274 HAREHILLS LANE, LEEDS, LS9 7BD

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

My duties include investigating complaints for licensed/unlicensed premises contrary to the Licensing Act 2003. I have delegated authority under the said Act.

These premises have been licensed to sell alcohol as an off licence since 19th March 2010.

The current Premises Licence PREM/02846/008 effective from 20th June 2017 is held by Mama Mia Convenience Store Ltd with Sakar Khoshnaw specified as the Designated Premises Supervisor (DPS).

To give a brief history of my involvement with these premises:-

I first visited this shop on the 5th September 2018 after complaints of people drinking in the street. At the time of the visit the Premises Licence Part B was not displayed and staff could not operate the CCTV system. I wrote to both the Premises Licence Holder (PLH) and the DPS and explained that the Entertainment Licensing Section was in receipt of complaints alleging that shops in the area were allowing the consumption of alcohol in close proximity to the shop frontages which was causing nuisance and antisocial behaviour outside the premises.

I advised that there was a Public Space Protection Order (PSPO) in place for Harehills and that part of the Order was that persons within the PSPO exclusion zone will not consume alcohol, or be in possession of an open container of alcohol in a public space. These persons shall surrender the alcohol to an authorised person such as a police officer or council officer and that if there was evidence that these persons are your customers then this could lead to formal action by way of a review of your licence which could have serious implications for your business.



The letter also advised both the PLH and the DPS requirement under Section 57 of the Licensing Act 2003 to display Part B of the Licence and have Part A on the premises and more importantly that the CCTV system was not working which was a clear breach of conditions on the licence that it should be maintained and operational and that a minimum of 31 days footage should be retained. I explained that operating other than in accordance with the licence conditions is an offence under Section 136 of The Act.

I was contacted by Aram Mohammedie who said the CCTV was now working but was not sure if recording for 31 days. I advised him to check every couple of days and to ring me back when 31 days were shown on the system.

I attended the premises the following week and met with Aram on site. Part B of the Premises Licence was displayed. Aram said the CCTV engineer had been but that it had stopped working again. I explained that every time alcohol is sold and the CCTV is not compliant, offences are being committed. I showed him the relevant conditions on the licence. He phoned the engineer who said he would come that afternoon.

As a month had passed and I heard nothing, I attended at the shop on the 25th October 2018 with my colleague PC Andrew Clifford. Mr Ali Mohamad was behind the counter and I explained that I had come to recheck the CCTV. Mr Mohamad the PLH did not appear to understand what I was saying so I pointed to the CCTV and asked if he could operate it. He said no. Neither could the female staff member who was there.

Later that afternoon I received a call on behalf of the owner telling me the CCTV was working. He then went on to argue that the annual fee had been paid. I explained that my visit was not about the annual fee but initially about people drinking in the street and that on checking the CCTV it was not working. I made an appointment for the following day.

I attended the shop on my own at 11 am on the 26th October 2018 and met with Aram. He said the engineer had been on the 23rd September and he had paid him £400. Aram could not operate the system so phoned the engineer who then instructed us how to operate the system. From looking at the monitor there were no dates highlighted which led me to believe it was not recording at all. I told Aram that I would be writing to the PLH and DPS and would give them a month to get the CCTV sorted and to ask the engineer to give easy step by step instructions on how to operate it.

On 31st October 2018 I attended at the shop with PC Clifford and gave the letter addressed to the PLH to Aram. We told Aram that when the CCTV engineer came he would also have to reset the time on the system as it was an hour out. Aram was to contact me when there were 31 days recorded which he did in early December.

On the 6th December 2018 I attended the premises in company with PC Clifford. Aram was on site and able to operate the CCTV and show us footage from the 6th November. I was glad that they were finally compliant with the licence conditions and explained to Aram that it wasn't only for the prevention of crime and disorder and the safety of his customers but also for his and other staff's safety.

In April 2019 Entertainment Licensing Section started to receive complaints from local residents, businesses and Councillors about the increasing problem of street drinking in the Harehills Lane and Harehills Road area. The complaints were in relation to antisocial behaviour which included intimidation, noise nuisance and even urination by the street drinkers and the resultant rubbish, broken glass and vomit in these areas. Mama Mia Convenience Store was specifically mentioned by some of the complainants.

PC Clifford and I visited all the off licence shops on Harehills Lane and Harehills Road speaking to the operators/staff about allowing their customers to drink directly outside their shops and the impact of this activity on the local community. We gave out multi lingual posters to be displayed in the shop windows/doors advising about the PSPO in place. Many of the operators were aware of the issue and voiced their frustrations with the street drinkers and groups just congregating outside their shops and their efforts in trying to move them away. We advised them that they should keep an Incident Book and record anytime they refused someone who was already in drink especially if that person became abusive, when they spoke to anyone outside and asked them to move and that if necessary to call the police to highlight the issues.

On the 14th May 2019 I received a complaint from a local resident alleging there were 2 males drinking outside Mama Mia and that they were hiding their bottles/cans behind the fruit and veg shop next door.

On the 15th May 2019 PC Clifford and I visited Mama Mia and spoke to Mr Ali Mohamad and his nephew about the drinking in the street. They both admitted it was a problem especially when people get their alcohol from elsewhere and drink outside their shop. They told us that when they go out to the street drinkers, they are sworn at and 1 recently punched the shop window and showed us the crack in it.

PC Clifford and I regularly visited the area in the following months and noted where people were drinking and spoke to individual shop owners. We also worked closely with PS Winster and other agencies at the local tasking meetings. I took part in evening visits with the Neighbourhood Policing Team and Environmental Action Team in June and July showing high visibility to reassure local residents, visiting shops and making sure they were aware of the PSPO and their responsibilities under the Licensing Act 2003.

The situation in respect of the street drinkers did improve as a result of extra policing and attention from other agencies and then there was Covid which meant the streets in general were quiet; however like most things recently things have gone back to 'normal'.

On receipt of any Review application, the local authority must prepare a blue review notice to be displayed on or near the premises in accordance with procedures set out in the Licensing Act 2003.

At 12 noon on Wednesday 11th August 2021 I hand delivered a letter to the home address of the DPS Sakar Khoshnaw. The letter informs the DPS that a review application has been received and the process that follows.

At 1215 the same day I attached the blue review notice to the nearest lamp post which is not directly outside subject premises but 2 shops above. I then entered the shop and gave the letter addressed to the PLH, Mama Mia Convenience Store Ltd to the female member of staff working at the time, [REDACTED], and asked her to give it to her boss. I also gave her a blue review notice and asked if her boss would put it in the window. I confirmed that he didn't have to.

The blue notice advertises that the local authority is in receipt of a review application from Trading Standards and the grounds for the application. It gives the contact details for Entertainment Licensing so that local residents have the opportunity to make a representation and the date by which they have to make them.

The review notice has been checked every few days since then, namely:

12th August – the notice had been removed so it was replaced.

16th August – the notice was still in situ.

19th August – the notice was still in situ.

24th August – the notice had been removed so it was replaced.

29th August – the notice was still in situ.

1st September – the notice had been removed so it was replaced.

I went into the shop at 3.15 pm on the 1st September to conduct an inspection under the Licensing Act 2003. There were 2 females behind the counter. I introduced myself and asked if the owner was on site. The elder female sat on a stool behind the counter whom I had seen at the shop previously said he was on holiday, then sick. After some back and forth she identified herself as [REDACTED], [REDACTED] of the boss Mr Ali Mohamad. The younger female with short blond hair identified herself as [REDACTED] but that she had only worked there 2 days. I asked them both if they knew Sakar. Neither spoke very good English so I pointed at the Premises Licence displayed and said, 'Sakar Khoshnaw. He is the one who authorises you to sell alcohol. I asked them both if they knew Sakar and they both shook their heads.

The elder lady said she didn't work there so I pointed to a bottle of vodka behind her and asked, 'If I want a bottle of vodka you won't take my money?'. She said, 'No, I'm only here for some food'.

The elder lady left the shop, I think to go to Gihan Stores. [REDACTED] served customers in the meantime. Three different males came into the shop and asked for cigarettes, which she refused each time saying they don't sell cigarettes. I witnessed her taking money for alcohol from 3 different male customers, namely 1 can of Karpachi, 6 cans of Zubr and 1 can of Zubr. Then a female came in asking for Benson Superkings; again [REDACTED] told her that they don't sell cigarettes. A young male followed and was counting silver coins in his hand and he asked for a cigarette. [REDACTED] said no, but he seemed surprised and said 'Come on, just 1' to which [REDACTED] again refused.

The elder lady came back in the front door and Aram Mohammed came in through the rear with the gentleman who runs Gihan Stores. I explained that I was doing an inspection and wanted to check the cctv. Aram said it is all okay since you told me. I said I knew but that was a while ago and I wanted to check it was still recording for 31 days. He was able to operate the cctv system and show me footage from the 1st August. I told him the time on the system was 6 minutes out.

I then asked to see the Supervisors Register and the Incident Register as these were conditions on the Licence. Aram was unsure so I explained that if I came in drunk for example, staff should refuse me and make a note of the time and date. Also that they need to record who is in charge of premises when it is open. i.e. If [REDACTED] working 8 am to 2 pm then Aram 2 pm to 10 pm. I advised that the best thing would be a page a day diary. The gentleman from Gihan Stores had to translate all this to Aram.

I then went onto explain that neither lady appeared to either know or have met Sakar so how has he authorised them to sell alcohol? Aram just shrugged. I said that all the times I had been in the shop I had never met Sakar so I would be emailing him a form that I wanted Sakar to sign and for any staff who could possibly sell alcohol to be named on the form. Whilst we had been talking a male in a dark green sweatsuit came in and asked for 20 Lambert. [REDACTED] again said, 'We don't sell cigarettes' and Aram repeated the same saying sorry to the male who then left. A friend of Aram's came and he changed the time on the cctv system so that it was now correct. Aram gave me his email address and I told him I would be returning in the next couple of days to check.

At 6:21 pm that evening I emailed the DPS form and explained how it should be completed and reminded him to get diary. He has emailed me back a couple of times asking about where to get the 'box'. I have replied, 'Do you mean book' and have taken a photo of my diary and sent him that and suggestions where to buy one.

On Saturday 4th September 2021 I was working in company with my colleague Miss Jane Wood, Senior Liaison & Enforcement Officer. At 2:48 pm we attended at the subject premises and noted that the 2 review notices were still in place. We entered the shop behind a male customer who was asking for cigarettes. A young male standing to the side of the counter shook his head at the customer who then left. I asked the young male if he was working as there was no-one else in the shop. He said no, the boss is on lunch. I asked him if I wanted a bottle of vodka, would he sell it to me? He said no. He tried ringing Aram. I then asked him if he knew

Sakar ? He said, 'No, just started today'. The owner of Gihan Stores [REDACTED] came in and stood behind the counter. A couple came in and got a couple of cans of beer from the fridge and paid [REDACTED]. I asked [REDACTED] if he knew Sakar Khoshnaw ? He said 'Yes'. I said that he had just sold 2 cans of beer so needs to be authorised by Sakar, the DPS. I explained that I had emailed a DPS authorisation form previously and asked where it was ? [REDACTED] said he had seen the email. I gave him another DPS authorisation form and explained how it should be completed by the DPS with the names of all the members of staff who could possibly sell alcohol. I then explained that I had told Aram to get a page a day diary to use as the Supervisor and Incident Register and had even sent him an email of my diary so he knew what to buy. I showed [REDACTED] my diary and opened on that day and that the names of people working should be written in it. Also that any refusals, barred persons should be written here as well. I gave the example if I came into the shop and appeared drunk that I should be refused any more alcohol and that as many details as possible should be written in the diary. The time, a description of the customers, reason for refusing etc. I told [REDACTED] that I would be back in a couple of weeks to check. [REDACTED] just nodded and kept saying 'I have done the course'.

On the 16th September I received an email from Matthew Nelson, Principal Licensing Officer, advising that the review application submitted by Trading Standards had been rejected as documents listed in the application were missing and as such it was incomplete.

On the 20th September an application to vary the DPS from Sakar Khoshnaw to Mr Ali Mohamad. I believe this application was as a result of my request that the DPS authorisation form be completed by him. I was concerned that whilst Mr Sakar Khoshnaw's name was on the licence, he did not actually work at the shop so was not aware of what was going on there and that none of the staff knew who he was. The only person who admitted to knowing him was the owner of the shop next door, [REDACTED].

On the 24th September Trading Standards submitted a fresh review application and a new blue review notice was attached to the nearest lamppost to the premises on Harehills Lane.

On Tuesday 28th September I was working with colleagues from Trading Standards and West Yorkshire Police as well as other agencies taking part in an operation visiting shops in the Harehills area based on intelligence on the sales of illicit or non-duty paid tobacco and cigarettes. At 12 noon I attended at the front of Mama Mia to confirm the review notice was still in place. I then went round to the back door where officers had found boxes of cigarettes in an unlocked van at the rear of these premises. I entered the shop where 2 ladies were filling shelves. I recognised one lady from previous visits as [REDACTED]. There was 1 male present who identified himself as the owner Mohamad Ali. I introduced myself and started by asking if anyone from the office had phoned him for payment of £23 for the vary DPS application ? he said yes. I then asked him if he could show me the Supervisors and Incident Book. He appeared unsure what I was talking about. I told him I had been in previously and told Aram to get a page a day diary. Mr Ali said, ' I don't speak good English' so I showed him a photograph of my own diary which I had emailed to Aram. Mr Ali still didn't understand and called [REDACTED] over. I went through my explanation with her and showed her the photograph and explained that all people who are working need to be named in the book and that any incidents such as if they refuse to serve a customer alcohol if they don't have ID or too much alcohol already; need to be written down. I repeated that I had explained all this to Aram. [REDACTED] got a pen and paper and wrote down my instructions to pass onto Aram. I then asked Mr Ali if he had his personal licence on him. He went behind the counter and proceeded to get inspection sheets and the DPS form I had left previously. I tried to explain that he should have his personal licence on him and described it as similar to his driving licence with his photo on. He just shook his head, not understanding what I was saying. I gave him a new DPS authorisation form and explained that as he had applied to be the DPS he should complete the top of the form with his details and then list all the staff who could potentially sell alcohol. Mr Ali said he was there all the time. I disagreed with him saying, 'You have not been here on any of my last visits'. I explained to [REDACTED] how the form should be completed and left behind the counter should any officer ask which staff

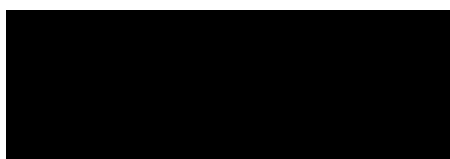
were authorised to sell alcohol. I advised Mr Ali that I would return in a couple of weeks to check the paperwork. I resumed from the premises at 12:30.

Due to inconsistencies and incorrect information on the application to vary the DPS it was returned a number of times to the applicant and was not deemed correct and valid until the 1st October.

At 3:00 pm on the 20th October I attended at the premises and noted the review notice still in place. I entered the shop to see Mr Ali behind the counter and [REDACTED] speaking to a supplier. I asked Mr Ali if he had the book and he brought an academic diary from under the counter. I checked the diary and either Mr Ali, Aram or [REDACTED] had written their working hours from the 2nd September. [REDACTED] explained that the book had been there during my last couple of visits but she hadn't known.

In view of the above and the repeated seizures of illicit tobacco at these premises, I support the review taken by Trading Standards and agree that as Mr Mohamad has failed to operate responsibly in upholding the licensing objectives; the prevention of crime and disorder and ensuring public safety; I would respectfully ask that the Committee determine to revoke the Premises Licence held by him.

Yours faithfully

A large black rectangular redaction box covering the signature area.

Mrs Carmel Brennand
Senior Liaison & Enforcement Officer
Entertainment Licensing