

Elections and Regulatory Services

Civic Hall
Leeds LS1 1UR

Our Ref: A80/CB/LIC/PREM/02712/008

Your Ref:

Contact: Carmel Brennand

Tel: 0113 3785029

Fax: 0113 3367124

Email: [REDACTED]

Date: 14 December 2023

Entertainment Licensing
Leeds City Council
Civic Hall
Leeds
LS1 1UR

Dear Sirs/Madam,

**REVIEW APPLICATION UNDER THE LICENSING ACT 2003
PREMISES: M&S 24/7 OFF LICENCE SHOP, 128 ROUNDHAY ROAD, LEEDS,
LS8 5NA**

Further to my representation of the 3rd December, please see attached documents referred to therein.

Exhibit CB 1 – A copy of the inspection sheet completed during the visit to the premises on the 23rd August, which was signed by Mr Yowhanshe the PLH and DPS before being given a copy of it.

Exhibit CB 2 – A copy of my email dated 31st October to Mr Yowhanshe which had a warning letter attached.

Exhibit CB 3 – A copy of my warning letter dated 31st October addressed to Mr Yowhanshe.

Yours faithfully

[REDACTED]

Mrs Carmel Brennand
Senior Liaison & Enforcement Officer
Entertainment Licensing

4401.

Licensing Act 2003 Record of Inspection

WENF/O



Leeds
CITY COUNCIL

Premises Details Licence Number: ALen/02712/006 Name: ROUNDHAY CONVENIENCE STORE Address: 128 ROUNDHAY ROAD LS8 5NA.	Inspection Details Date: 23 8 23 Time In: 1220 Time Out: Authorised Officer: CB Other officers: In company with: WYP/BTP/TS Other Agency:
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Premises Licence Holder/DPS: **MERHAWI YOUTHANSE** Present? Yes No

X	Matters arising (Advice given marked with "X" in left-hand column)	Timescale
X	UNABLE TO OPERATE CCTV SO CANT CHECK IF RECORDING	} 1 WEEK
X	CCTV 1 HOUR OUT.	
X	PART A OF PREMISES LICENCE NOT ON SITE.	
X	NO INCIDENT REGISTER	
X	NO REFUSALS REGISTER	
		} PAGE A DAY DIARY.

No action required Action required; contravention(s)/breach of condition(s) as above

Signatures
 Authorised Officer's signature: [Redacted] Date: **23.8.23**
 Time: **1240**

Appropriate person at premises

I certify that the issue(s) identified have been brought to my attention and I undertake to rectify any breaches by the agreed timescale(s) set out above. I have been advised that a revisit will be made to ensure that the breaches have been rectified. I will ensure that the Premises Licence Holder and Designated Premises Supervisor is informed of this inspection and the findings at the earliest opportunity.

Print Name: [Redacted] Date:
 Signed: [Redacted] Time:
 Position:

Enforcement Powers and Offences - Licensing Act 2003

Section 136 – Unauthorised licensable activities

- (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 imprisonment for a term not exceeding six months or to an unlimited fine, or to both.
- (5) ... "authorisation" means –
 - (a) a premises licence,
 - (b) a club premises certificate, or
 - (c) a temporary event notice in respect of which the conditions of section 92(2) to (4) are satisfied.

Summary of other offences (Licensing Act 2003) (not exhaustive):

Unauthorised licensable activities

- section 137 Exposing alcohol for unauthorised sale
- section 138 Keeping alcohol on premises for unauthorised sale etc.

Drunkenness and disorderly conduct

- section 140 Allowing disorderly conduct on licensed premises etc.
- section 141 Sale of alcohol to a person who is drunk
- section 142 Obtaining alcohol for a person who is drunk
- section 143 Failure to leave licensed premises etc.

Smuggled goods

- section 144 Keeping of smuggled goods

Children and alcohol

- section 145 Unaccompanied children prohibited from certain premises
- section 146 Sale of alcohol to children
- section 147 Allowing the sale of alcohol to children
- section 147A Persistently selling alcohol to children
- section 147B Order suspending a licence in respect of offence under section 147A
- section 149 Purchase of alcohol by or on behalf of children
- section 150 Consumption of alcohol by children
- section 151 Delivering alcohol to children
- section 152 Sending a child to obtain alcohol
- section 153 Prohibition of unsupervised sales by children
- section 154 Enforcement role for weights and measures authorities

Confiscation of alcohol

- section 155 Confiscation of sealed containers of alcohol

False statements relating to licensing etc

- section 158 False statements made for the purposes of this Act

Powers of Entry

- section 179 Rights of entry to investigate licensable activities (available to a constable or authorised person).

Brennand, Carmel

From: Brennand, Carmel
Sent: 31 October 2023 13:08
To: [REDACTED]
Subject: M & S, 128 Roundhay Road, LS8 5NA
Attachments: Warning letter to PLH & DPS 31.10.23.doc

Importance: High

Dear Sir

Please see attached letter which is self-explanatory. If you require any further information, please do not hesitate in contacting me.

Yours faithfully

Carmel Brennand
Senior Liaison & Enforcement Officer
Entertainment Licensing
Leeds City Council
Tel: 0113 3785328
Fax: 0113 3367124
email: [REDACTED]
www.leeds.gov.uk



CB3
Leeds
CITY COUNCIL

Elections and Regulatory Services

Civic Hall
Leeds LS1 1UR

Our Ref: A80/CB/LIC/GE/004067

Your Ref:

Contact: Carmel Brennand

Tel: 0113 3785029

Fax: 0113 3367124

Email: [REDACTED]

Date: 31 October 2023

Private & Confidential

Mr Merhawi Yowhanse
M & S 24/7 Off License Shop
128 Roundhay Road
LS8 5NA

Dear Sir

**INVESTIGATION OF POSSIBLE OFFENCES UNDER THE LICENSING ACT 2003
PREMISES: M & S 24/7 OFF LICENSE SHOP, 128 ROUNDHAY ROAD, LEEDS, LS8 5NA**

I am writing to you in your capacity as the Premises Licence Holder and Designated Premises Supervisor of the above mentioned premises.

As you are aware I visited your shop with my colleague from West Yorkshire Police Licensing on the 23rd August 2023 where several issues were highlighted during an inspection under the Licensing Act 2003. These issues had not been rectified despite 2 subsequent visits on the 25th September and the 12th October.

May I draw your attention to the specific conditions on your Premises Licence, namely:-

6. A suitable CCTV system will be maintained and be operational on the premises at all times when licensed activities are being carried out.

At the time of the 1st visit the cctv was an hour out on the time.

During the 3 visits, you/your staff have been unable to access the cctv system so unable to evidence that operational.

7. Security footage will be made secure and retained for a period of time to the satisfaction of WYP.

WYP standard is a minimum of 31 days footage to be recorded, however as you/your staff have been unable to access the system, this has not been evidenced.

11. The Licensee will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti social behaviour, and ejections from the premises.

No Incident register on site on the 23rd August or 25th September. My advice was to purchase a page a day diary.

12. 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, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident.

The Incident Register produced on the 12th October was an A5 'Puka' note pad which was loose leaf and the pages not numbered.

18. All refusals of sales of alcohol will be recorded in a refusals register. The register will contain the following details: - The time, day and date the refusal was made, - The name of the staff member refusing the sale - The name and address of the person attempting to buy the alcohol (where supplied), - Full description of said person, and - Full details of the alcohol they attempt to purchase.

No refusals register on site on the 23rd August or 25th September. My advice was to purchase a page a day diary.

19. The refusals register retained at the licensed premises, must be produced upon request to the Police or an authorised officer of the licensing authority.

The refusals register produced on the 12th October was an A5 'Puka' note pad which was loose leaf and the pages not numbered.

24. Whenever this premises licence has effect: -

Members of the public will be allowed to access the licensed premises for the sale of alcohol, only between the hours of 07:00 to 23:00 on any Monday to Sunday.

At all other times, the licensed premises will remain closed to members of the public for the sale of alcohol.

All sales outside these times, so between 23:00 hours and 07:00 hours each day, will be made through a professionally installed 'hatch' at the front of the premises. Between these times there will be no access to the premises and the shutters will be down.

During our visit on the 23rd August you stated that you did not use the hatch but that the shop was open until 12 midnight.

I note that you have requested a change of name for the shop and a new Premises Licence has been posted out to you on the 27th September. I would recommend that you carefully read the whole Licence to ensure you are compliant with every condition.

May I remind you that to operate whilst in breach of conditions on your Premises Licence is an offence under Section 136 of the Licensing Act, in that:-

(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 imprisonment for a term not exceeding six months or to a unlimited fine, or to both.

(5) In this Part "authorisation" means -

- (a) a premises licence,**
- (b) a club premises certificate, or**
- (c) a temporary event notice in respect of which the conditions of section 98(2) to (4) are satisfied.**

When you have read the Premises Licence please ensure that Part B is displayed and Part A is available on site.

The Part A of the Premises Licence was not available on site during any of the 3 visits.

Please be aware that this is an offence under Section 57 of the Licensing Act 2003, namely:-

(1) This section applies whenever premises in respect of which a premises licence has effect are being used for one or more licensable activities authorised by the licence.

(2) The holder of the premises licence must secure that the licence or a certified copy of it is kept at the premises in the custody or under the control of—

(a) the holder of the licence, or

(b) a person who works at the premises and whom the holder of the licence has nominated in writing for the purposes of this subsection.

(3) The holder of the premises licence must secure that—

(a) the summary of the licence or a certified copy of that summary and and

(b) a notice specifying the position held at the premises by any person nominated for the purposes of subsection (2),

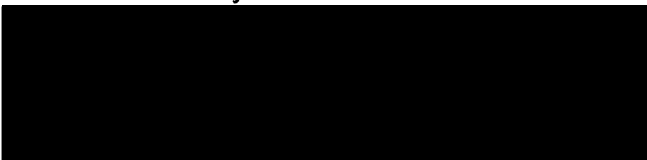
are prominently displayed at the premises.

(4) The holder of a premises licence commits an offence if he fails, without reasonable excuse, to comply with subsection (2) or (3).

(8) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Leeds City Council's Entertainment Licensing Section, in conjunction with other enforcement agencies, are taking an active role in visiting premises/events. This Department will continue to monitor the situation for compliance of the Licensing Act 2003.

Yours faithfully



Carmel Brennand
Senior Liaison & Enforcement Officer
Entertainment Licensing